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EXTRAORDINARY

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ISLAMABAD, SATURDAY, SEPTEMBER 17, 2005

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 17th September, 2005

F. 22(17)/2005-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 15th September, 2005, and is hereby published for general information:—

Act No.XII of 2005

An Act further to amend the Legal Practitioners and Bar Councils Act, 1973

WHEREAS it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2005.

(2) It shall come into force at once.

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[3328(2005) Ex. Gaz.] Price : Rs. 10.50 \ ae

"© for clause 2 (6), the following shall be substituted, namely: —

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"e) "legal Practitioner" means an advocate,"

erat

(3) after: 'clause (k), the following new 'clause

TEN g a a é. oa io are y Fag

"(k) "roll of | group pol districts" means a 'roll 'of 'advocates of a High - Court and a roll of the Advocates practicing in the districts of the, : "group, as 'mentioned i in the Schedule, prepared and maintained dink <- by & Provincial Bar Council"; and for yeass a

(4) in clause (n), for the full stop at the end a semi-colon and the word "and" shall be substituted and thereafter the following 1 new clause shall be added, namely: —

ce jt (Q) voter means

@) 'in relation to election to a Provincial Bar Council, an

'3+ adVocate 'Whose 'haire for-the time being appears on the

'roll of soup of districts and to whom an identity card has been issued by a Provincial Bar-Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months; and"

ct opt to 5 the Provincial Bar Council, a member of Provincial Bar Council." "1

. Amendment of section 4, Act XXXY. of 1973.—In: the said Act, in section 4, for the Proviso the following shall be substituted, namely

4.

"Provided that the elections of the Provincial Council be held between the 1st October, 2009 and the

9th and the term of the next Provincial Bar 'Council the 1st January, 2010. and -

be inserted, namely:— ~

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if
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Sor

_PART. jy. THE GAZETTE OF PAKISTAN, EXTRA, Ser 17, 2005 745

5... Amendment of section 5 Act XXXV of. 1973. — In the said Act,
in section 5,—

@ for sub-section @), the following shall be substituted, namely —

“2) The number of members to be elected to the Provincial Bar

: Councils shall be as follows:— ’

(a) PunjabBarCouncil | we 75

Sindh BarCouncil. .. on 33

N.W.EP. Bar Council we, 28

Balochistan Bar Council ao, 07; and

“(b) « « the district-wise allocation of seats referred to in clause (a)
for respective Piovincial Bar Councils shall be in accordance.
with the Schedule annexed hereto.”;

(ii) for sub-section (A) the following shall be substituted, namely:—

“(2A).. For the purpose of election of members of a Provincial Bar Council
from a district or districts under sub-section (2) the advocates
entered on the roll of group of districts as 1aentioned in the
Schédule annexed heréto, shall constitute the electoral college.”;

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‘ (ii) sub-section (3) shall be omitted; and

(iv) in sub-section (4), for the word “Division” the words and commas

“district, or as the case may be, the group of districts” shall be

substituted.

6. Amendment of section 5A, Act XXXV of 1973.—In, the said Act,
in section SA,—

(i) for clause (a) the following s shall be substituted, namely:— ©

“(a) ‘is on the roll of advocates of High Court maintained by the
Provincial Bar Council;”; ai ind

. di). in clause.(b), f for the word “seven” the word “ten” shall be substituted.

endment of section 9, Act XXXV of: 1973.0

section (1), in clause (a), for the word 'Division' the word: district

8. Amendment of section 11, Act XXXV of 1973,—In the said Act,
in section 11,

(a). in sub-section (1), for the figure egypt appearing against the North West
:_ Frontier Province, the figure "4" shall be substituted; ,

(b) after sub-section.(1), the following new sub-section shall be inserted,
. Namely:—

"(I A) The members of Pakistan Bar Council shall be elected by single
transférable vote from each province: by. the members of their
respective Provincial Bar Council."

9. Amendment of section 11A, Act XXXV of 1973.—In the said
Act, in section 1A, in clause (b), fe for the word "ten" the word "fifteen" shall be
substituted.

"Ji. Ainendment of section 16 of Act XXXV of 1973.—In the said
Act, in section 16, for clause (a); the following shall be substituted, namely:—

"(a) Incase of the Pakistan Bar Council, the vacancy shail be filled by the
person who received in the. last elections from the same province the
highest number of single transferable votes next after the member, the
vacancy in whose seat is to be filled or if there be no such person then .
the vacancy shall be filled by a person elected in accordance with the
provisions of section 11;"

11. Amendment of section 21, Act XXXV of 1973.—In the said Act, in
section 21, in clause (b), after the words "Supreme Court" the words "including
advocates-on-record" shal} be 'added. ;

12. Amendment of section 22, Act XXXV of 1973.—In the said. Act,
in section 22, for sub-section (2), the following shall be substituted, namely:— :

"(2) Subject to the provisions of this Actand the Rules made thereunder,—
(a) an advocate of the Supreme Court shall be entitled as of right to

practice throughout Pakistan and to appear, act and plead before
any Court or Tribunal or any Judicial authority in Pakistan;

QO?

(b). an advocate of a High Court shall be entitled as of right to practice -

throughout Pakistan and to appear, act and: plead before any Court, Tribunal or any: Judicial authority i in Pakistan except the Supreme Court; and

(c) any other advocate shall be entitled as..of right to practice

throughout the Province where he is enrolled to appear, act.and

' : plead before any Court, Tribunal:-or any. Judicial authority i in ud ' .such Province other.than the High Court." -

13. Substitution of section 23, Act XXXV of 1973.—In: the said Act, for section 23,1 the following shall be substituted, namely:—

"23, Roll of advocates 'of the Supreme Court.—The Pakistan Bar Council shall prepare and maintain a roll of advocates of the Supreme Court in which shall be entered the.names of all persons who are, senior advocates or advocates: including advocates-on-record, entitled to practice:in the Supreme Court." : :

- 14. Amendment of section 24, Act XXXV of 1973.—In the said Act, ,

in section 24,—

(a) ' the brackets and figure “) shall be omitted; and

_ (b) for the word “ Division” the word “District” shall be substituted.

15. Amendment of section' 26, Act XXXV of 1973.—In the said Act, in section 26, —

(a) the brackets and figure “(1)”, in-the beginning, shall-be omitted; and

(b) 'in clause (c), for sub-clause (iii), the following shall! be substituted, namely:— :

“(Gii) a degree in law from a university in Pakistan or abroad recognized by the Pakistan Bar Council;”; and

(c) - sub-sections (2) and (3) shall be omitted.

16... Substitution of section 28, Act XXXV of 1973. —In the said Act, for section 28, the following shall be substituted, namely:—

“28, Persons qualified for admission as advocates of the Supreme Court.— Subject to the provisions of this Act and the Rules made

17.

after section 28, substituted as aforesaid, the following new section shall be added, namely: — :

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thereunder, a person shall be qualified to be admitted as a senior advocate and an advocate of the Supreme Court including an advocate-on-record if he fulfils such conditions as may be laid down in this behalf from time to time by the Rules of Pakistan Bar Council

and has paid such enrolment fee or other dues as may be prescribed ~

by that Council.”

‘Addition of section 28A, Act XXXV of 1973.—In the said Act,

“8A. Persons disqualified to be enrolled as advocate. A person shall

18.

if—

(a). he was dismissed or removed from service of Government or of a public statutory corporation on a charge involving misconduct or moral turpitude; or.

be disqualified from being admitted as an advocate of any court ;

“(b) “he has been convicted for an offence involving moral turpitude

by a court; or |

(c) he has been declared a tout and such declaration has not been withdrawn.”.

Amendment of section 36, Act XXXV of 1973.—In the said Act,

in Section 36, for figure “35” the figure “31” shall be substituted.

19.

Addition of new sections, Act XXXV of 1973.—In the said Act,

after section 39, the following new sections shall be added, namely:—

» “39A,

“39B.

Cessation to practice as an advocate.—Any advocate who incurs

any of the disqualifications enumerated in section 28A shall cease
'to be an advocate and his name shall be removed from the
'concerned roll of the advocates.

Powers of disciplinary committee. —If any person referred to in
section 39A, practices in contravention of, this Act or the Rules
made thereunder then—

(a) "in case of a senior advocate of the Supreme Court or
advocate'of the Supreme Court including an 'advocate-on-
record, the disciplinary ø committee of the Pakistan Bar
Council;and:

XN

| “(by in case’ of any’ other advocate, the disciplinary committee of
! at 4 Provincial Bar Council,

May on its own motion or otherwise take cognizance thereof and
* proceed against him under this Chapter for such disciplinary action as
. is: provided by law, in.addition to- toeriminal Prosecution, of such person
under section 58 of this Act.

; __.39C. __. Provisions of section 39A and 39B to apply. —The provisions of
section 39A and 39B shall apply mutatis mutandis to an advocate
who contravenes any ‘provision of this’ Act or the Rules made
thereunder.”.

20. Amendment of section 40, Act XXXV of 1973,—in the said Act,
: insection 40,—

, (a). sub-section (2A) shall be omitted: arid, ae
()__ sub-section (4) shall bé omitted.

21. Amendment of section 41, Act XXXV of 1973.—In the said | Act,
in section 41,—

‘5 aa)

(a) for sub-section (D, the following shall be substituted, namely:—

. “(@) An advocate may, in the manner hereinafter provided, be
5 reprimanded, suspended, removed from practice or be made to

pay such amount of: compensation, fine or penalty as may be

ordered, ifhe is found guilty of professional or other misconduct.”

(b) in sub-section. (3), for the words “a fee of ten rupees” the words
“--> “sueh-fée as may be prescribed by the Pakistan Bar Council from
time to time” shall be substituted;:and

(c). after sub- section (4), the .following new. sub-section | shall be
inserted, namely:—— .

“@A).. Ifa Bar Council has reasons to believe that an advocate has
~ been guilty of professional or other misconduct, it may of its own
motion refer the case'to-its disciplinary committee.”

- 22.- Amendment of section 43, Act XXXV of 1973.—In the said Act, |
in section 43, in'sub-section (8), fpr the words and comma “reprimanded or suspended
+» from practice under this Act,.a record of the.punishment” the-words comima and
figure “punished under section 41, the same”shall be substituted.

2. “Amendment. of section 44, Act XXXV of 1973.—In the said Act,
in section 4, in sub-section (a), for the words’ “compensatory ¢ costs not exceeding a

750 - | 'THE GAZETTE OF PAKISTAN, EXTRA., SEP. 17, 2005. [Par J
'sum of five hundred rupees" the words "such compensatory costs as may be deemed reasonable" shall be substituted and in the proviso after the word "court" occurring ~
at the end, the words "or a Bar Council" shall be added.

24. Amendment of s section 46, Act XXXV of 1973.---In the said Act,
in section 46; in sub-section (3), for the full stop at the end, a colon shall be substituted
and thereafter the following new proviso shall be added, namely:—

"Provided that every order passed hereinabove shall be subject to
the approval of the Pakistan Bar Council. "

25. 'Amendment of section 47, Act XXXV of 1973.—In the said Act,
in section 47, in sub-section (1), after the word "a", the word "Provincial" shall be
inserted.

26. "Amendment of section 48, Act XXXV of 1973.—In the said Act,
in section 48, after the figure "46" the words; brackets and figures "or sub-section
(2) of section 47 or a final order of a Tribunal of the. Pakistan Bar Council" shall be
inserted. : s

27. Substitution of section 52, Act XXXV of 1973.—In the' said Act,
for section 52, the following shall be substituted, namely:— .

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"52. Execution of an order of & Bar Council, a Committée or a
Tribunal.— Subject to thé provisions of this Act and the Rules made
thereunder every order of a Bar Council, a Committee or a Tribunal
shall be executable,— :

(a) _ incase of Pakistan.Bar Council, its Committee or Tribunal as if
it were an order of the Supreme. Court; and

(b) ° incase of a Provincial Bar Council, its Committee or Tribunal as
if it were-an order of a High Court."

28. 'Amendment of section 58, Act XXXV of 1973.—In the said Act,
in section 58, for sub-section (1), the following shall be substituted, namely:—

"(1) Any person who is not an advocate and practices the profession of

'Jaw or any person who is not entitled under this Act to practice in the

Supreme Court, a High Court or any other Court or Tribunal subordinate

thereto practices before the said Court or Tribunal-shall be punished

_ with, imprisonment for a term which may extend to three years, or
with fine 'upto fifty thousahd rupeés, Or with both. a"

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29. Amendment of section 62, Act XXXV of 1973.—In the said Act, in section 62, after sub-section 4 the following new sub-section shall be added, namely:—

‘A An advocate shall not exercise the rights and privileges under this Act without making payment of the dues to the Pakistan Bar Council or a Provincial Bar Council as may be prescribed by the Rules or Bye-laws of such Bar Council. :

‘(5) Every advocate shall be liable to pay contributions to the Benevolent Fund under this section and the Rules made thereunder to the Provincial Bar Council concerned notwithstanding his enrolment as an advocate or advocate-on-record of the Supreme Court of Pakistan:”.

30. Amendment of section 68, Act XXXV of 1973.—In the said Act, ‘ in section 68, sub-section (2) shall be omitted.

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. SCHEDULE

[See section 5(2) (b)]

J ‘ PUNJAB BAR COUNCIL.

Group of Districts-I : . ‘ ‘ ; a ;

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(6) Sialkot

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_ Name of District

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> . Kohistan ,

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"MUHAMMAD RAFIQ,”

. Acting Secretary.

[to the Gazette of Pakistan, 2005, Ext., Part- I, dated the 14th, 23rd, huly 2005,
and 6th, 10th, 18th, 23rd, 26th; 27th, 29th August, 2005, containing
Ordinance, No. VHI to XVII 2005.]

cn In line 2 from the bottom for "subjec" read "subject"

653. 'In line 10 for "being" read "bring"

654. 'In line I for "he" read "be"

658. In line 8 for "Offocer" read "Officer"

661. Inline 19 for "(10)", read "(1)"

677. _ In line 18 for "Establishment." I "Interior" read "Establishment/
Interior" .

'689. In line 24 for "and" read "an'

694. Inline 11 for "sub-sections" read "sub-section"

697. Inline 5 for "profession" read "professional"

698. ° In line 4 for "member" read "members"

700. 'In line 3 for "reading" read "heading". -

700. Inline 10 for "qualification of" ' read "qualifcation or"

-700. In line 19 for "substitued" read "substituted"

701. In line 2 for "Operators" read "operator"

704, Inline 4 for "substitued" read "substituted"

723. -Intine I from the bottom for (XLVI of 196) "read (XLVI of 1960)

———— TT 060 OOO

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