



WOMEN IN LAW
INITIATIVE PAKISTAN



FAIR REPRESENTATION IN JUSTICE SECTOR PROPOSED AMENDMENTS

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The legal, policy, structural and/or other amendments proposed in this volume are based on the study on ‘Fair Representation in Justice Sector’ conducted and authored by Nida Usman Chaudhary and Anoshay Fazal in 2022 with support from United States Institute of Peace (USIP). These amendments are based on the gaps, findings and representation of the aforementioned study and take into account primary and secondary sources of data and information on which the study was based.

In accordance with the study, this volume also focuses on four select sectors within the justice system, namely, (i) the judiciary, (ii) bar councils, (iii) prosecution and (iv) legal practice. It aims to propose legal and policy amendments required to make the recruitment and appointments in the justice sector more gender inclusive, transparent and rooted in principles of equality and non-discrimination.

This volume is intended to serve as a draft set of bills and amendments to assist and facilitate policy makers, legislators and other stakeholders in their endeavor to reform the recruitments and appointments or other processes in the justice sector. Students of law, members of academia and lawyers may also find this useful as a baseline consultative document for further debate and/or for building consensus towards reform of the justice sector.

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SECTOR 1 - JUDICIARY

Includes:

- a. Constitution (Amendment) Bill, 2022
- b. Judicial Appointments Procedure Bill, 2022
- c. Judicial Commission of Pakistan Rules 2010 (as amended)

Sector 1 - Judiciary

A Bill Further to Amend The Constitution Of Islamic Republic Of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short Title and Commencement:

- (i) This Act may be called the Constitution (Twenty-Sixth Amendment) Act, 2022.
- (ii) It shall come into force at once.

2. Amendment of Article 175-A of The Constitution:

In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 175-A - Appointment of Judges to the Supreme Court, High Courts and the Federal Shariat Court:-

- (i) Clause 4: Omitted
- (ii) For Clause 8, the following shall be substituted, namely:-
 - (8) The Commission by majority of its total membership shall, after having complied with the procedure for judicial appointments as is laid down by the Parliament, refer to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court of the Federal Shariat Court, as the case may be.
 - 8 (i) The Commission, in performing its functions of making such a reference, must have regard to the need to encourage diversity in the range of persons available for selection for appointments.
 - 8 (ii) Selections must be on merit provided that, where two persons are of equal merit, the commission shall prefer the one who will bring diversity within the group of persons who are the judges of the Court.
 - 8 (iii) In making the referral to the Parliamentary Committee, the Chief Justice and the Commission must in addition to 8 (i) and (ii) have regard to the following factors amongst others;
 - a. Qualifications and standing required under Articles 177 and/or 193 of the Constitution, as the case may be;
 - b. Articles 25 and 34 of the Constitution;
 - c. Recognised scholarship, legal acumen and known competence in field of law [and fiqh (for Federal Shariat Court)] evidenced through their work, legal decisions, publications or other contributions to legal jurisprudence;

- d. Extent of compliance with canons of professional ethics as contained in Legal Practitioners and Bar Council Rules 1976 or with code of conduct for judges of the Supreme Court and High Court as contained in Notification No. F.SECRETARY-01/2009/SJC, where applicable;
- e. Past criminal record, criminal convictions or other delinquent behaviour or professional misconduct;
- f. Annual filing of tax returns and compliance with other financial laws, rules and/or regulations;
- g. That no single gender shall constitute more than half of those referred by the Commission for judicial appointments.

3. Amendment in Article 177 of the Constitution:

- (i) In Article 177 (1) Appointment of Supreme Court Judges, after the word Article 175-A, the words “and any other law for the time being in force.” Shall be added.
- (ii) In Article 177 (2) (b) after the words, before the commencing day), the words, “or a legal consultant with expertise in specialised field.” Shall be added.
- (iii) In Article 177 (2) a new sub-clause (c) shall be inserted as follows:-
 - (c) holds at least a Masters in Law and has for a period of, or periods aggregating not less than fifteen years been a published academic in law who has made original scholarly contributions to law.

4. Amendment in Article 193 of the Constitution:

- (i) In Article 193 (1) Appointment of High Court Judges, after the word Article 175-A, the words, “and any other law for the time being in force.” Shall be added.
- (ii) In Article 193 (2) after the word age, the proviso “Provided where the person is a woman, the age may be reduced by five years, and –”
- (iii) In Article 193 (2) (a) after the words before the commencing day) the words, “or a legal consultant with expertise in specialised field” shall be added
- (iv) In Article 193 (2) a new sub-clause (d) shall be inserted as follows:-
 - (c) holds at least a Masters in Law and has for a period of, or periods aggregating not less than ten years been a published academic in law who has made original scholarly contributions to law.

Judicial Appointments (Procedure) Bill, 2022

A Bill to provide for the Procedure for Judicial Appointments in Pakistan under Article 175-A of the Constitution of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short Title and Commencement: -

- (i) This Act may be called the Judicial Appointments (Procedure) Act 2022.
- (ii) It shall apply to the whole of Pakistan.
- (iii) It shall come into force at once.

2. Definitions: -

- (i) “Candidate” means the person who has applied to fill an actual or forthcoming vacancy in the higher judiciary
- (ii) “Commission” means the Judicial Commission of Pakistan established under Article 175-A of the Constitution of Pakistan 1973;
- (iii) “Committee” means the Standing Committee on Diversity and Inclusion established under Section 7 of this Act;
- (iv) “Constitution” means the Constitution of Pakistan 1973
- (iv) “Constitution” means the Constitution of Pakistan 1973
- (v) “Complaint” means a complaint against a member of the Standing Committee made to the Parliamentary Committee;
- (vi) “Designated staff member” means a duly authorized person by the Judicial Commission of Pakistan to carry out the tasks assigned to him/her under this Act;
- (vii) “Rules” means the Judicial Appointments (Procedure) Rules made under this Act;
- (viii) “Professional qualifications” means the qualifications under Articles 177 and 193 of the Constitution of Pakistan 1973
- (ix) “Parliamentary Committee” means the Parliamentary Committee established under Article 175-A of the Constitution of Pakistan 1973
- (x) “Provincial lead” means the member of the Standing Committee on Diversity and Inclusion elected by provincial members to represent the provincial position for decision-making with consensus in the Committee;

- (xi) “Standing Committee” has the same meaning as the Committee in Section 2(iii) of this Act;

3. Judicial Appointments Process: -

- (1) Against any actual or forthcoming vacancies for appointment of judges under Article 175-A of the Constitution the process and principles as laid down in Schedule 1, 2 and 3 of this Act shall be followed.

4. Standing Committee on Diversity and Inclusion

- (i) There shall be a Standing Committee on diversity and inclusion;
- (ii) The Standing Committee members shall be appointed by the Parliamentary Committee.
- (iii) It shall be composed of a total of twelve members from the legal and academic community and/or development sector;
- (iv) It shall have a provincially balanced composition with three members each per province;
- (v) No single gender shall comprise more than half of the composition of the committee;
- (vi) There shall be at least two seats for representation of diverse religious communities and other marginalized or differently-abled persons;
- (vii) The Committee may co-opt additional staff and volunteers, where required;
- (viii) The Committee shall take decisions with consensus unless agreed in writing otherwise by the Committee;
- (ix) The meetings of the Committee shall be recorded in minutes and issued publicly;
- (x) Members from each province and Islamabad shall elect their leading representative in the Committee by an internal vote recorded in the minutes of the Committee meeting;
- (xi) The provincial and Islamabad representative leads in the Committee shall assist in representing the provincial/Islamabad Capital Territory position for decisions which in turn must also be developed after consultation and consensus with other respective members of the Committee from their province;
- (xii) The Chair of the Committee will be elected annually from amongst the members of the Committee, once from each province/territory during the tenure of the Committee.

5. Functions of the Standing Committee

- (i) The committee is to work alongside the Judicial Commission of Pakistan with the mandate to improve the disparity, design, develop or undertake, monitor and evaluate initiatives to improve the pipeline of eligible candidates for appointment in the higher judiciary;
- (ii) The Committee shall be tasked with the following:
 - a. To engage with the wider community through outreach work (schools, universities, business, community groups, faith groups, wider civil society) to dispel the myths that surround the judiciary giving people a more accurate understanding of the role of the judge and the justice system
 - b. To make links with the legal professions and law students particularly from under-represented groups and to make those individuals aware that a judicial career is available to people of all backgrounds provided they have the qualities and abilities needed by the judiciary and thus to encourage greater diversity among applicants on merit;
 - c. Assisting other members of the judiciary with diversity and community relations issues and to act as diversity role models in their respective courts and tribunals;
 - d. To initiate support, outreach, networking, training, awareness, capacity building, data compilation, process of application or other skills-based workshops to encourage, support and guide lawyers from under-represented groups to apply for a judicial appointment;
 - e. To promote full and equal participation of members of legal community across the spectrum of race, gender, religious affiliations and disability status;
 - f. To support the Commission, bar councils and other stakeholders in the profession for achieving progressive standards of gender diversity and inclusion in the profession;
 - g. To support the judicial training academies for trainings on diversity and inclusion;
 - h. To prepare progress reports, guidelines or other material for promoting, training or documenting the state of diversity and inclusion;
 - i. To assess which initiatives are successful and which ones are not working and incorporate new ideas and resources;
 - j. To do any other tasks required for the fulfillment of the above objectives.
- (iii) The members of the Committee must be independent and known for their commitment to diversity and inclusion; they must not be ex-officio members or serving in any current official role in the bar councils, Commission, or other official posts in the justice sector;

- (iv) The members of the Committee shall have a tenure for a period of five years; Provided however that, a member of the Committee may, be removed for misconduct after a free and fair inquiry if the misconduct is established against them;
- (vi) A written application against a member of the Committee for alleged misconduct should be submitted to the Parliamentary Committee;
- (vii) The Parliamentary Committee should notify in writing the member against whom an application for alleged misconduct has been submitted within five days of receiving such complaint;
- (viii) The member of the Committee against whom an application for misconduct has been submitted should be given reasonable time to respond;
- (ix) All principles of natural justice should be observed by the Parliamentary Committee when handling and addressing such complaints;
- (xiii) The Parliamentary Committee may adopt additional procedures to address complaints received against members of the Committee.

6. Funds of the Committee

- (i) The budget for the Committee shall be allocated in addition to the budget of the Judiciary.
- (ii) It shall be administered by [relevant office]

7. Repeal and Savings [Judicial Commission of Pakistan (JCP) Rules 2010]

- (i) Rule 3 of Judicial Commission of Pakistan (JCP) Rules, 2010 stands repealed however, other provisions of the JCP Rules 2010 (as amended) are deemed as additional and cumulative provisions and continue to remain in force.

OBJECTIVES AND PURPOSE

The [Parliament], desirous of making the legal profession more transparent, inclusive, equitable and accessible, recognizing the need for reforms in the existing process of judicial nominations and appointments which is arbitrary and lacks transparency, acknowledging the need for restoring confidence in the judiciary and its appointments process among the members of the Bar and public at large, recognizing the need for affirmative actions for representation as a step towards restoration of such confidence, considering Article 25 read together with Articles 34 and 38 of the Constitution of Pakistan 1973 call for affirmative actions for representation, mindful of Pakistan's international and regional obligations to eliminate discrimination on basis of gender under various human rights instruments such as CEDAW, ICCPR, Beijing Declaration and Platform for Action, noting that women are seriously under-represented in the legal profession and face systemic challenges as regards their advancement in law such as harassment, discriminatory practices, inherent biases and other non-conductive

working arrangements, concerned that in the 73 years of its independence, there was no female judge of the Supreme Court of Pakistan and no representation of women in the Pakistan Bar Council, highlighting further that women make up only about 5% of the senior judiciary at High Court level while only 2% women are represented in the provincial bar councils, noting further that the Legal Practitioner's and Bar Council Act 1973 ensures no discrimination of 'admission' of women on basis of their gender but lacks in providing any express provisions on ensuring a gender balanced composition of the regulatory body of the profession that currently does not adequately reflect nor represent the women and their voices in the legal profession, has therefore, proposed the aforementioned procedure for judicial appointments and process.

Signed

[Add name of Parliamentarian
introducing this Bill]

Schedule 1 - Judicial Appointments Procedure

1. Judicial Appointments Procedure

- (i) Applications shall be invited by the Judicial Commission of Pakistan from candidates meeting the eligibility requirements contained in Article 177 and 193 of the Constitution, as the case may be, via advertisements, against actual or forthcoming vacancies;
- (ii) The vacancies to be filled shall be advertised at least three months prior to the seat becoming vacant so that the process for inviting applications and other related formalities can be handled in a timely and reasonable manner;
- (iii) For unforeseen vacancies such as in event of death of an incumbent, the applications should be advertised within five working days of the seat becoming vacant. The applications should be invited within a period of fifteen working days from the date of the publishing of the advertisement and the successful candidate be referred to Parliamentary Committee within ten working days from the closing date of receiving the applications.
- (iv) Such invitations for applications should be widely advertised and published for maximum outreach in the district in which the vacancy is expected to be filled and/or throughout the country if the vacancy is to be filled in the Supreme Court or Federal Shariat Court;
- (v) The advertisement shall clearly indicate the qualifications, skills, traits, expertise and other supporting documents required to be filed by applicants against the vacancy;
- (vi) The qualifications, skills, traits, expertise and other supporting documents required to be filled by the applicants shall be as prescribed in the Rules made under this Act;
- (vii) All applications shall first be checked for completeness by a Designated Staff member of the Commission;
- (viii) It shall be the responsibility of the applicant to ensure their application is complete and is submitted within the stated deadline;
- (ix) All complete applications received within the stated deadline shall then be considered by the members of the Commission;
- (x) Each and every application so received shall be individually scored by members of the Commission against a pre-set points-based system to allot points vis a vis the application received;

(xi) The name(s) of the applicant obtaining the highest cumulative points along with their application as received shall be referred to the Parliamentary Committee;

(xii) In case of a tie, the applicant bringing gender diversity to the Bench shall be preferred.

2. Application and Candidature

(i) Applications shall be invited out of a wider pool of candidates including sitting judges, lawyers or those in academia. In particular, women, minorities, differently-abled and those who may be under-represented must be actively and expressly encouraged to apply;

(ii) Minimum age should not be a limiting factor for the application and there should be a relaxation by at least five years against each vacancy to encourage those applicants that otherwise have the requisite merit, legal acumen and skill.

3. Preliminary Checklist

(i) The following preliminary checklist shall be adopted by Designated staff member for each application received against a vacancy before it can be considered by the members of the Commission:

- a. Whether the candidate meets basic professional qualifications for the position?
- b. Whether the application and the documents required is complete or not?
- c. Whether the application has been received within the stated deadline or not?

4. Points System

(i) Each application should be given points individually by each member of the Commission out of a total of 50 points as contained in Schedule 1 of this Act;

(ii) The applicant securing the highest points out of a cumulative total of 450 should be recommended for appointment as a judge against the vacancy to the Parliamentary Committee.

(iii) In case of a tie, the applicant bringing gender diversity to the Bench shall be preferred.

Schedule 2 - Points Based System

| Description | Yes/No | Max Points |
|--|--------|------------|
| Does the applicant meet professional qualifications? | | 5 |
| Does the applicant bring gender diversity to the Bench? | | 5 |
| Can the applicant show recognized legal scholarship, legal acumen and known competence in field of law [and Fiqh (for Federal Shariat Court)] evidenced through their work? | | 10 |
| What is the applicant's extent of compliance with canons of professional ethics as contained in Legal Practitioners and Bar Council Rules 1976 or with code of conduct for judges of the Supreme Court and High Court as contained in Notification No.F.SECRETARY-01/2009/SJC, where applicable, | | 10 |
| Is there any past criminal record, criminal convictions or other delinquent behavior on record of Applicant? | | 10 |
| Is the Applicant consistent in filing tax returns and complying with other financial laws, rules and/or regulations? | | 10 |
| Total Points | | 50 |
| Total Cumulative Points | | 450 |

Schedule 3 - Basic Principles And Best Practices

1. Basic Principles

a. Transparency

- A publicly declared and transparent process of applications for judicial appointments shall be adopted, published and prominently displayed;
- A proper monitoring and evaluation system shall be developed to track progress and report on state of diversity and inclusion;
- The annual reports shall include a section on diversity and inclusion showing the comparative data as regards applications, appointments, diversity and inclusion;
- Such reports shall be available, open and easily accessible to the public under the Right to Information via the official websites or other publications of the Commission;
- A proper system of communication and handling public inquiries for information related to vacancies, applications or process etc shall be developed by designating an officer for handling all inquiries or a helpline should be set up to handle and address such queries;
- FAQs shall be published on the JCP website

b. Commitment to Diversity and Inclusion

- There shall be a public statement demonstrating commitment to inclusion and gender diversity by the JCP and this commitment should inform their process, decision-making and other activities carried out as part of the entire recruitments process, including outreach, training, or other capacity building or awareness initiatives;
- Such a statement shall be prominently displayed and feature in all official correspondence, letterheads, websites and other communication tools, resources and materials of the Bench and Bar;
- No single gender shall comprise more than half of any body concerned with judicial appointments;

- Efforts for progressive attainment of gender diversity and inclusion shall be made;
- Applications for recruitment should be invited from a diverse pool of candidates as opposed to a nomination being moved by the Chief Justice;
- The applicants bringing gender diversity shall be preferred;
- An applicant's lack of serving in a prior judicial role or active legal practice should not be a basis for any discrimination towards them as regards their application to serve in a subsequent judicial role.

2. Merit

- Judicial appointments shall be based on merit, high professional standing, legal acumen, known competence to legal jurisprudence or scholarship, compliance with ethics and code of conduct, financial integrity, good reputation and character;
- Diversity shall be viewed as a component of merit;
- No two candidates should be pitched against each other and their age, experience and/or seniority should not be equated with entitlement, honour or morale as a basis for any automatic right to recruitment; each application should be taken on its own individual merits and basis.

3. Structured Process for Recruitment

- There shall be a publicly declared structured process for inviting applications as opposed to vesting arbitrary powers to move nominations for greater objectivity in the process;
- Each vacancy shall be advertised well in time for applications to be reasonably submitted and processed;
- Each application shall be assessed via a points-based system;
- If required, requisite judicial training shall be arranged for the successful applicant if they have not served in a prior judicial capacity.

JUDICIAL COMMISSION OF PAKISTAN RULES, 2010 (AS AMENDED)

NOTIFICATION

In exercise of powers conferred by clause (4) of Article 175-A of the Constitution of the Islamic Republic of Pakistan, the Judicial Commission of Pakistan is pleased to amend the Judicial Commission of Pakistan Rules, 2010

1. Amendment of Definitions

(a) The word ‘chairman’ shall be replaced by the word ‘chairperson’.

2. Amendment of Rule 3 Nominations for Appointments

Rule 3 (1): Omitted

Rule 3 (2): Omitted

3. Amendment of Rule 5 Proceedings of the Commission

(1) The word a ‘nomination’ shall be replaced by the word an application and the words Rule 3 shall be replaced by the words ‘Section 3 of the Judicial Appointments (Procedure) Act, 2022.’

(3) The words ‘The Secretary shall forward the nominations made by the Commission to the Secretary of the Parliamentary Committee constituted under clause (9) of Article 175A of the Constitution.’ shall be replaced by ‘The Secretary shall forward the names of the successful candidate(s) in accordance with schedule 2 of the Judicial Appointments (Procedure) Act, 2022 to the Parliamentary Committee constituted under clause (9) of Article 175-A of the Constitution.’

(4) The words ‘The proceedings of the Commission shall be held in camera.’ shall be omitted.

4. Amendment of Rule 6

The word ‘Chairman’ shall be replaced with the word ‘Chairperson’.

By Order of the Commission
(add name)
Secretary,
Judicial Commission of Pakistan.

SECTOR 2 – BAR COUNCILS

Includes:

- a. Legal Profession (Representation & Regulation) Bill, 2022
- b. Legal Practitioners and Bar Councils (Amendment) Bill, 2022
- c. Legal Practitioners and Bar Councils Rules, 1976 (as amended)

Legal Profession (Representation & Regulation) (Bill, 2022)

A Bill to provide for the representation in and regulation of Legal Profession in Pakistan

WHEREAS it is expedient to provide for the representation in and regulation of legal profession in Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short Title and Commencement: -

- (i) This Act may be called the Legal Profession (Representation & Regulation) Act, 2022.
- (ii) It shall come into force at once.

2. Definitions: -

- (i) Board means the Legal Profession Regulation Board as established under Section 7 of this Act
- (ii) Bar Council means the Regulators as established under Section 22 of this Act
- (iii) Bar Association means the representative body of lawyers as recognized in accordance with rules under Section 8 (vi) or as recognized and formed in accordance with [relevant provisions of] Legal Practitioners and Bar Councils Act 1973 and Legal Practitioners and Bar Councils Rules 1976 till the time the relevant provisions of 1973 Act and 1976 are not repealed or amended in accordance with rules under Section 8 (vi) of this Act.
- (iv) Legal Practitioners mean professionals with a degree in law from a recognized university working in any legal capacity, as consultants, in-house counsels, transactional lawyers, researchers, academics, trainers, teachers, interns or trainees, and includes the duly enrolled advocates in accordance with provisions of Legal Practitioners and Bar Councils Act 1973.
- (v) Advocates has the same meaning as Legal Practitioners
- (vi) Lawyers has the same meaning as Legal Practitioners
- (vii) Regulators means the Provincial Bar Councils and the Capital [Islamabad] Bar Council as recognized under Section 22 of this Act.

- (viii) Representative Body means Bar Associations.
- (ix) Regulatory role means the regulatory functions to be discharged by the Regulators where the public interest, regulatory objectives and professional principles have primacy.
- (x) Representative role means the representative functions to be discharged by the Bar Associations as the representative bodies where the interests of the members have primacy.
- (xi) Recognized University means the universities recognized by the Legal Profession Regulation Board established under Section 7 of this Act.
- (xii) Legal education providers includes all academies, law colleges, tuition centers, digital legal academic forums, portals, websites, podcasts and other training and capacity building platforms, groups, organizations and businesses that offer training on rule of law, jurisprudence, laws, skills or the legal academic or practical courses, modules or sessions related to law.
- (xiii) Parliamentary Committee means the committee established under Article 175-A (9) of the Constitution of Pakistan 1973.
- (xiv) Lay Persons means a person who does not actively practice law or serve in any official capacity in a representative role in the bar but who may have other professional qualifications and/or experience and may include academics, trainers, development sector professionals whether with or without a degree in law.
- (xv) HEC means the Higher Education Commission.
- (xvi) Panel means the panel of members appointed to the Office of Ombudsperson under Section 27 (3) (a-e).
- (xvii) Court staff means Reader, Stenographer, Computer Operator, Ahlmad, Qasid/Naib Qasid, staff/peon, Registrars, Law Clerks, guards, or such other personnel as may be employed whether regular or on contractual basis by the court for administration and operations.
- (xviii) Constitution of Pakistan means the Constitution of the Islamic Republic of Pakistan 1973.
- (xix) Law firms has the same meaning as definition of partnership under Section 4 of the Partnership Act 1932
- (xx) Chambers has the same meaning as Law firms.
- (xxi) Partnerships has the same meaning as definition of Partnership under section 4 of the Partnership Act 1932
- (xxii) LLP has the same meaning as under Limited Liability Partnership Act 2017

- (xxiii) Sole Legal Service Proprietorship is an office with more than two associates headed by a single advocate.
- (xxiv) Office of the Ombudsperson for Legal Profession is the Office established under Section 27 of this Act.
- (xxv) Concerned bodies means the Board, Regulators or any other concerned regulatory body under any other law for the time being in force that relates to regulatory, representative or dispute resolution roles in the legal profession including legal education providers.
- (xxvi) Secretary means the Secretary of the Office of the Ombudsperson for Legal Profession appointed under Section 27 (5) of this Act.
- (xxvii) Appointing body means the bodies appointing the members to the office of the ombudsperson for legal profession and its panel under Section 27 (3) (a-e)
- (xxviii) Concerned Governments mean the Federal or the Provincial Government as the case may be.
- (xxix) Ombudsperson means Ombudsperson as defined in Section 27 (3) (a) of this Act.
- (xxx) Sexual Harassment means: -
 - a. any unwelcome sexual advance, request for sexual favours, or other verbal, visual, written or digital communication, or physical conduct of a sexual nature or, or sexually demeaning attitudes, including any gestures or expressions conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such a request, or is made a condition for employment; or
 - b. discrimination on basis of gender which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion resulting in discriminatory behavior on basis of gender against the complainant.

In the premises of the courts, or in the course of discharging legal services or in any dealings, or proceedings arising out of professional legal engagement with co-counsels, colleagues, advocates, court staff or other personnel in the justice sector and legal profession.

- 3. Abuse of power or of professional affiliation means misuse of or threat of position and stature as a lawyer in relation to any dealings or disputes with law enforcement agencies, officials of other institutions, colleagues, or any other person for any gains or other benefits, concessions, undue advantages or other liberties, whether personal or professional, or for avoidance of any penalties, obligations or other dues, or to cast any undue influence, duress or other pressures.

4. Separation of Representative and Regulatory Roles of the Bar

- (i) There shall be a separation of representative and regulatory roles of the Bar.
- (ii) The regulatory role shall be discharged by the Board and the Bar Councils including Provincial Bar Councils and Islamabad Bar Council as prescribed in this Act whereas, the Representative Role, shall be discharged by the Bar Associations.

5. Regulatory Objectives

- (1) In this Act a reference to “the regulatory objectives” is a reference to the objectives of:-
 - a. Protecting and promoting the public interest;
 - b. Supporting the constitutional principle of the rule of law;
 - c. Improving access to justice;
 - d. Encouraging an independent, transparent, inclusive, diverse and effective legal profession;
 - e. Increasing public understanding of legal rights and duties;
 - f. Promoting high standards of work environment, well-being, safety and transparency;
 - g. Promoting and maintaining adherence to the professional principles and canons of professional ethics as expounded under Section 5 of this Act and under Chapter XII of Legal Practitioners and Bar Council Rules 1976 respectively.

6. Professional Principles

- (i) The “professional principles” are that:
 - a. Legal Practitioners should act with independence and integrity,
 - b. Legal Practitioners should maintain proper standards of work for their clients,
 - c. Legal Practitioners should maintain professional working environment, humane working conditions and hours, decent and fair remuneration and/or honorarium for their role, ensure inclusive and safe work environment and an open and transparent entry and progression policy for their associates, interns, trainees or other staff whether engaged on contractual, freelance, regular, full time, part time or on any other understanding,
 - d. Legal Practitioners should act in the best interests of their clients and avoid a conflict of interest with them,
 - e. Legal Practitioners should also comply with their duty to the court to act in the interests of justice,
 - f. the affairs of clients should be kept confidential,
 - g. Legal Practitioners must act in accordance with any rules, regulations or guidelines developed by the regulators to ensure compliance with professional standards and regulatory objectives,
 - h. Any other principles as may be prescribed by the Board in accordance with its rules of procedure.

7. The Legal Profession Regulation Board

- (i) There shall be established a body corporate called the “Legal Profession Regulation Board”.
- (ii) The Board is to consist of the following members:
 - a. A Chairperson appointed by the [Parliamentary Committee] for a term of three years who shall be a Lay Person
 - b. The Chief Executive of the Board elected by the members of the Board in their Annual Meeting
 - c. At least seven, but not more than ten, other persons appointed by the [Parliamentary Committee] for a term of three years of which majority shall be Lay Persons
- (iii) In order to make the appointments under sub-paragraphs a and c above, the [Parliamentary Committee] may call for applications by publishing the vacancies along with the application process and eligibility requirements and an equal opportunity statement in nationwide press, digital or other platforms including official websites or portals.
- (iv) For appointing the members under sub-section, a and c above, the Parliamentary Committee must have regard to the desirability of securing that the Board includes members who (between them) have experience in or knowledge of—
 - a. The provision of legal services;
 - b. Legal education and legal training;
 - c. Evidenced based research and capacity building;
 - d. Civil or criminal proceedings and the working of the courts;
 - e. The maintenance of the professional standards of persons who provide legal services;
 - f. The maintenance of standards in professions other than the legal profession;
 - g. Diversity and inclusion;
 - h. The handling of complaints;
 - i. Commercial, economic, accounting and/or other financial or taxation affairs, including compliance with regulatory bodies or other laws;
 - j. Human resource management and the differing needs of litigants and other stakeholders including employees, staff, associates, trainees, interns, or other workers.
- (v) In order to make the appointments under sub-paragraphs a and c above, the [Parliamentary Committee] must also ensure that there is at least one member from each province of Pakistan appointed as a member and that there is representation of youth, minorities, differently abled and transgender persons.
- (vi) No single gender shall comprise more than half the composition of the Board.

- (vii) A member may be re-appointed, once only, for a further period (whether consecutive or not) not exceeding three years.
- (viii) A Lay Person ceases to be a member of the Board if they actively start practicing law or become elected in any representative role in the justice sector including in bar associations.
- (ix) A member may at any time:
 - a. resign from office by giving reasonable notice to the Chief Executive
 - b. be removed from office by the Chairperson on application of the Chief Executive.
- (x) The Chairperson may not under sub-paragraph (b) above remove any member from office unless the Chairperson is satisfied that the member has failed without reasonable excuse to discharge the functions of the office for a continuous period of at least four months, or has been convicted of an offence, or is otherwise unfit to hold the office or unable to discharge its functions for reasons recorded in writing.

Provided that maternity related absence from discharging functions of the Board shall not be treated as a continuous period sufficient for the purposes of removal under this sub-section.

- (xi) A member removed by Chairperson under sub-paragraph (b) above has the right to appeal against his dismissal or removal before the [appropriate forum(s)].
- (xii) Where a member of the Board ceases to be a member, resigns or is removed for any reason, the Chief Executive of the Board is to notify the [Parliamentary Committee] through the Chairperson to initiate process for filling the vacant seat in accordance with the provisions of appointment of members of the Board as laid down in section 7 (iii-vi).
- (xiii) The Chairperson and other members are to be paid by the Board in accordance with provision made by or under their terms of appointment as agreed with the [Parliamentary Committee].
- (xiv) The Board may appoint such other staff as it considers appropriate to assist in the performance of its functions.
- (xv) The Chief Executive and other staff are to be—
 - a. appointed on terms and conditions determined by the Board, and
 - b. paid by the Board in accordance with provision made by or under the terms of appointment.

8. Functions of the Board

- (i) The Board must develop and maintain standards in relation to:
 - a. the regulation by Bar Councils of Legal Practitioners by them to carry on their activities and work as Legal Practitioners, and
 - b. the education and training of Legal Practitioners in particular and public in general.

- (ii) The Board must ensure that:
 - a. In the discharge of their operations, functions and decisions, the separation of regulatory and representative roles is duly maintained and exercised by the Bar Councils and Bar Associations in accordance with the provisions of this Act;
 - b. The regulatory objectives, professional principles and best practices are adopted by the Bar Councils and Associations in the discharge of their functions, roles and duties and that the Bar Council in turn makes the Legal Practitioners comply with the same.

- (iii) The Board shall develop a mechanism and rules to recognize universities offering degrees in law and publish a list of the same.

Provided nothing in this Act shall adversely affect the status of the universities previously recognized by the then Pakistan Bar Council in so far as it is compatible with the regulatory objectives of this Act and in compliance with the rules and for the duration of the NOC they have already acquired. However, all renewals of NOC and new applications for recognition by the Board shall take place in accordance with the rules and mechanism as developed by the Board under this Act.

Provided further that the Board in developing the mechanism and rules for recognition must have regard to the regulatory objectives, professional principles and other standards of accessibility, inclusivity, holistic and equal participation, transparency and world-class pedagogy.

- (iv) The Board shall develop curriculum for legal education in consultation with all stakeholders including legal education providers, degree awarding or examination bodies, Regulators, advocates and law students.
- (v) The Board also has the power to make rules (internal governance rules) or issue guidelines for the regulators and legal education providers in order to ensure compliance with the regulatory objectives and other principles or regulations as may be prescribed by the Board.
- (vi) The Board shall make rules for the recognition, functioning and derecognition of Bar Associations as the representative bodies of the Lawyers in consultation with the Regulators.
- (vii) The Board shall issue guidelines for legal service providers, including law firms, chambers, sole legal service providers, partnerships or LLPs and may make rules or code of conducts to ensure their compliance with regulatory objectives, professional principles, applicable code of conduct and best practices, policies or guidelines as may be prescribed.
- (viii) Nothing in this Act authorizes the Board or the Bar Councils to exercise its functions for any representative role in relation to the Legal Practitioners.

Provided, they may represent their own body corporate, Board, or the Council as the case may be, in relation to any matters arising out of the performance or discharge of their functions, accounts or other operations before the appropriate forums through their Chairperson, Vice Chairperson or other authorized person.

- (ix) If the Board is satisfied that:

- a. An act or omission of the regulator (or a series of such acts or omissions) has had, or is likely to have, an adverse impact on one or more of the regulatory objectives,
- b. It is appropriate to take the action in all the circumstances of the case (including in particular the impact of taking the action on the other regulatory objectives)

The Board may:

- (i) Set one or more performance targets relating to the performance by a regulator of any of its regulatory functions, or
- (ii) Direct a regulator to set one or more performance targets relating to the performance by the regulator of any of its regulatory functions.
- (x) A direction under subsection ix (ii) above may impose conditions with which the performance targets must conform.
- (xi) If the Board proposes to take action under this section in respect of a regulator it must give notice in writing to the regulator:
 - a. Describing the action, it proposes to take,
 - b. Specifying the acts or omissions to which the proposed action relates and any other facts which, in the opinion of the Board, justify the taking of that action, and
 - c. Specifying the time (not being earlier than the end of the period of 28 days beginning with the day on which the notice is given) before which representations with respect to that action may be made.
- (xii) Before taking action under this section, the Board must consider any representations which are duly made.
- (xiii) In exercising its regulatory functions, a regulator must seek to meet any performance target set for or by it under this section.
- (xiv) The Board must publish any target set or direction given by it under this section.
- (xv) A regulator must publish any target set by it pursuant to a direction under subsection (ix) (ii).
- (xvi) The Board may take such steps as it regards as appropriate to monitor the extent to which any performance target set under this section is being, or has been, met.

9. Directions

(1) This section applies if the Board is satisfied:

- (a) That an act or omission of a regulator (or a series of such acts or omissions) has had, or is likely to have, an adverse impact on one or more of the regulatory objectives,
- (b) That a regulator has failed to comply with any requirement imposed on it by or under this Act (including this section) or any other enactment,

- (2) If, in all the circumstances of the case, the Board is satisfied that it is appropriate to do so, it may direct the approved regulator to take:
 - a. In a case within subsection 1 (a) such steps as the Board considers will counter the adverse impact, mitigate its effect or prevent its occurrence or recurrence;
 - b. In a case within subsection (1) (b) such steps as the Board considers will remedy the failure, mitigate its effect or prevent its recurrence.
- (3) In a case within subsection 1 (a) Before giving a direction under subsection 2, the Board must in particular consider the impact of giving the direction on the other regulatory objectives.
- (4) A direction under subsection 2 above:
 - (a) may only require an approved regulator to take steps which it has power to take;
 - (b) may require an approved regulator to take steps with a view to the modification of any part of its regulatory arrangements.
- (5) The Board may not exercise its powers under this section so as to give a direction requiring a regulator to take steps in respect of a specific disciplinary case or other specific regulatory proceedings (as opposed to all, or a specified class of, such cases or proceedings).
- (6) For the purposes of this section a direction to take steps includes a direction which requires a regulator to refrain from taking a particular course of action.
- (7) The power to give a direction under this section is subject to any provision made by or under any other enactment.
- (8) The Board may take such steps as it regards as appropriate to monitor the extent to which a direction under this section is being, or has been, complied with.
- (9) Where the Board revokes a direction under this section, it must:
 - (a) Give the regulator to whom the direction was given notice of the revocation, and
 - (b) Publish that notice.

10. Directions: Procedure

- (1) The Board must give the Regulator a notice accompanied by a copy of the proposed direction.
- (2) The warning notice must:

- (a) State that the Board proposes to give the regulator a direction
 - (b) Specify why the Board is satisfied as mentioned in Section 8 (ix) (i) and (ii), and
 - (c) Specify a period within which the Regulator may make representations with respect to the proposal.
- (3) The period specified under sub-paragraph (2) (c)—
- (a) Must begin with the date on which the warning notice is given to the Regulator, and
 - (b) Must not be less than 14 days.
- (4) The Regulator may make to the Board:
- (a) Written representations, and
 - (b) If the Board authorizes it to do so, oral representations about the proposed direction.
- (5) The Board must make rules governing the making of oral and written representations.
- (6) The Board must consider any representations duly made by the Regulator.
- (7) Where oral representations are duly made, the Board must prepare a report of those representations.
- (8) Before preparing that report, the Board must:
- (a) Give the Regulator a reasonable opportunity to comment on a draft of the report, and
 - (b) Have regard to any comments duly made.
- (9) The Board must give the Regulator a copy of any advice duly given under paragraphs 4 to 8.
- (10) The Regulator may make to the Board:
- (a) Written representations, and
 - (b) If the Board authorizes it to do so, oral representations about the advice.
- (11) The Board must make rules governing the making of oral and written representations.
- (12) Representations under this paragraph must be made within:
- (a) The period of 28 days beginning with the day on which the copy of the advice is given to the Regulator, or
 - (b) Such longer period as the Board may specify in a particular case.
- (13) Where oral representations are made, the Board must prepare a report of those representations.

- (14) Before preparing that report, the Board must:
- (a) Give the Regulator a reasonable opportunity to comment on a draft of the report, and
 - (b) Have regard to any comments duly made.
- (15) The Board must, as soon as practicable after the end of the period within which representations under paragraph 10 may be made, publish:
- (a) Any advice duly given under paragraphs 4 to 8, and
 - (b) Any written representations duly made under paragraph 10 and the report (if any) prepared under that paragraph.
- (16) Nothing in sub-paragraph (1) operates:
- (a) To prevent a person who gives advice under paragraphs 4 to 8 from publishing that advice, or
 - (b) To prevent a person who makes representations under paragraph 10 from publishing those representations.
- (17) A person (“the publisher”) publishing any such material (whether under sub-paragraph (1) or otherwise) must, so far as practicable, exclude any matter which relates to the private affairs of a particular individual the publication of which, in the opinion of the publisher, would or might seriously and prejudicially affect the interests of that individual.
- (18) After considering:
- (a) Any advice duly given under paragraphs 4 to 8,
 - (b) Any representations duly made under paragraph 10, and
 - (c) Any other information which the Board considers relevant, the Board must decide whether to give the Regulator the proposed direction.
- (19) The Board must give notice of its decision (“the decision notice”) to the Regulator.
- (20) Where the Board decides to give the proposed direction, the decision notice must:
- (a) Contain the direction,
 - (b) State the time at which the direction is to take effect, and
 - (c) Specify the Board's reasons for the decision to give the direction.
- (21) The Board must publish the decision notice.

10. Enforcement of Directions

- (1) If at any time it appears to the Board that a regulator has failed to comply with a direction given under Section 8 (ix) (a-b) (ii), the Board may make an application to the High Court under this section.
- (2) If, on an application under this section, the High Court decides that the regulator has failed to comply with the direction in question, it may order the regulator to take such steps as the High Court directs for securing that the direction is complied with.
- (3) This section is without prejudice to any other powers conferred on the Board by this Part.

11. Financial Penalties

- (1) This section applies if the Board is satisfied:
 - (a) That an approved regulator has failed to comply with a requirement to which this section applies, and
 - (b) That, in all the circumstances of the case, it is appropriate to impose a financial penalty on the regulator.
- (2) This section applies to any requirement imposed on the regulator:
 - (a) By rules under Section 8 (v) (internal governance rules),
 - (b) By a direction given under Section 8 (Board directions), or
- (3) The Board may impose a penalty, in respect of the failure, of such an amount as it considers appropriate, but not exceeding the maximum amount prescribed under subsection (4).
- (4) The Board must make rules prescribing the maximum amount of a penalty which may be imposed under this section.
- (5) Rules may be made only under subsection (4) with the consultation of the Federal Ministry of Law and Justice.
- (6) A penalty under this section is payable to the Board.

12. Financial Penalties: Procedure

- (1) If the Board proposes to impose a penalty on a regulator, it must give notice to the regulator:
 - (a) Stating that the Board proposes to impose a penalty and the amount of the penalty proposed to be imposed,
 - (b) Specifying the failure to which the proposed penalty relates,
 - (c) Specifying the other facts which, in the Board's opinion, justify the imposition of a penalty and the amount of the penalty, and

- (d) Specifying the time (not being earlier than the end of the period of 21 days beginning with the day on which the notice is published under subsection (8)) before which representations with respect to the proposed penalty may be made.
- (2) Before imposing a penalty on the regulator, the Board must consider any representations which are duly made.
- (3) Where the Board proposes to vary the amount of a proposed penalty stated in a notice under subsection (1) (a), the Board must give notice to the regulator:
 - (a) Setting out the proposed variation and the reasons for it, and
 - (b) Specifying the time (not being earlier than the end of the period of 21 days beginning with the day on which the notice is published under subsection (8)) before which representations with respect to the proposed variation may be made.
- (4) Before varying the proposal, the Board must consider any representations which are duly made.
- (5) As soon as practicable after imposing a penalty, the Board must give notice to the regulator:
 - (a) Stating that it has imposed a penalty on the regulator and its amount,
 - (b) Specifying the failure to which the penalty relates,
 - (c) Specifying the other facts which, in the Board's opinion, justify the imposition of the penalty and its amount, and
 - (d) Specifying a time (not being earlier than the end of the period of 3 months beginning with the day on which the notice is given to the regulator), before which the penalty is required to be paid.
- (6) The regulator may, within the period of 21 days beginning with the day on which it is given the notice under subsection (5), make an application to the Board for it to specify different times by which different portions of the penalty are to be paid.
- (7) If an application is made under subsection (6) in relation to a penalty, the penalty is not required to be paid until the application has been determined.
- (8) The Board must publish any notice given under this section.

13. Appeals Against Financial Penalties

- (1) A regulator on whom a penalty is imposed may appeal to the court on one or more of the appeal grounds.
- (2) The appeal grounds are:
 - (a) That the imposition of the penalty was not within the power of the Board under Section 11;
 - (b) That any of the requirements of Section 12 have not been complied with in relation to the imposition of the penalty and the interests of the regulator have been substantially prejudiced by the non-compliance;

- (c) That the amount of the penalty is unreasonable;
 - (d) That it was unreasonable of the Board to require the penalty imposed or any portion of it to be paid by the time or times by which it was required to be paid.
- (3) An appeal under subsection (1) must be made:
- (a) Within the period of 3 months beginning with the day on which the notice under section 12 (5) is given to the approved regulator in respect of the penalty, or
 - (b) Where the appeal relates to a decision of the Board on an application by the regulator under section 12 (6), within the period of 3 months beginning with the day on which the approved regulator is notified of the decision.
- (4) On any such appeal, where the court considers it appropriate to do so in all the circumstances of the case and is satisfied of one or more of the appeal grounds, the court may:
- (a) Quash the penalty,
 - (b) Substitute a penalty of such lesser amount as the court considers appropriate, or
 - (c) In the case of the appeal ground in subsection (2) (d), substitute for any time imposed by the Board a different time or times.
- (5) Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such time, as it considers just and equitable.
- (6) Where the court specifies as a time by which the penalty, or a portion of the penalty, is to be paid a time before the determination of the appeal under this section, it may require the payment of interest on the penalty, or portion, from that time at such rate as it considers just and equitable.
- (7) Except as provided by this section, the validity of a penalty is not to be questioned by any legal proceedings whatever.
- (8) In this section “the court” means the High Court.

14. Recovery of Financial Penalties and other Dues

- (1) If the Board grants an application under subsection (6) of Section 12 in relation to a penalty but any portion of the penalty is not paid by the time specified in relation to it by the Board under that subsection, the Board may where it considers it appropriate require so much of the penalty as has not already been paid to be paid immediately.
- (2) Where a penalty, or any portion of it, has not been paid by the time when it is required to be paid and:
- (a) No appeal relating to the penalty has been made under Section 13 during the period within which such an appeal can be made, or
 - (b) An appeal has been made under that Section and determined or withdrawn, the Board may recover from the regulator, as a debt due to the Board, any of the penalty.

- (3) The Board may also recover any other dues owed to it by the regulator.
- 15.** In managing its affairs, the Board must have regard to such generally accepted principles of good corporate governance as it is reasonable to regard as applicable to it.
- 16. The Board must prepare a report (“the annual report”) for each financial year.**
- a. The annual report must deal with:
- i. The discharge of the Board's functions,
 - ii. The extent to which, in the Board's opinion, the Board has met the regulatory objectives, and
 - iii. Such other matters as the Chief Executive may from time to time direct.
- b. Within thirty days after the end of each financial year, the Board must give the Chairperson a copy of the annual report prepared for that year.
- c. The Chairperson must lay a copy of the annual report of the past year before [Parliamentary Committee] before the close of the next financial year.
- d. In this section “financial year” means:
- i. The period beginning with the day on which the Board is established and ending with the next following 30 June, and
 - ii. Each successive period of 12 months.
- e. The Board may do any other thing to facilitate, or incidental or conducive to, the carrying out of any of its functions.

17. Duties of the Board

- (1) The Board must, so far as is reasonably practicable, act in a way:
- a. Which is compatible with the regulatory objectives, and
 - b. Which the Board considers most appropriate for the purpose of meeting those objectives.
- (2) The Board must have regard to:
- a. The principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and
 - b. Any other principle appearing to it to represent the best regulatory practice.

18. Policy Statements

- i. The Board must prepare and issue a statement of policy with respect to the exercise of its functions under:
 - (a) Section 8 (ix) (i) (performance targets and monitoring);
 - (b) Section 8 (ix) (ii) (directions);
 - (d) Section 11 (financial penalties);
- ii. The Board may prepare and issue a statement of policy with respect to any other matter.
- iii. In preparing a statement of policy, the Board must have regard to the principle that its principal role is the oversight of the regulators.
- iv. The statement of policy prepared under subsection (1) must:
 - (a) Take account of the desirability of resolving informally matters which arise between the Board and a regulator, and
 - (b) Specify how, in exercising the functions mentioned in that subsection, the Board will comply with the requirements of Section 17(2) (regulatory activities to be proportionate, consistent and targeted only at cases in which action is needed, etc), and, in preparing that statement, the Board must have regard to the principle that the Board should not exercise any of those functions by reason of an act or omission of a regulator unless the act or omission was unreasonable.
- v. The Board's policy in determining what the amount of a penalty under Section 11 should be must include having regard to:
 - (a) The seriousness of the failure in question, and
 - (b) The extent to which it was deliberate or reckless.
- vi. The Board may at any time alter or replace any statement issued under this section.
- vii. If a statement is altered or replaced, the Board must issue the altered or replacement statement.
- viii. In exercising or deciding whether to exercise any of its functions, the Board must have regard to any relevant policy statement published under this section.
- ix. The Board must publish a statement issued under this Section.

19. Policy Statements: Procedure

- (1) Before issuing a statement under section 18, the Board must publish a draft of the proposed statement.

- (2) The draft must be accompanied by a notice which states that representations about the proposals may be made to the Board within a specified period.
- (3) Before issuing the statement, the Board must have regard to any representations duly made.
- (4) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the Board, material, the Board must publish details of the differences.

20. Provision of information to the Board

- (1) The Board may, by notice, require a regulator—
 - (a) To provide any information, or information of a description, specified in the notice, or
 - (b) To produce documents, or documents of a description, specified in the notice.
- (2) A notice under subsection (1):
 - (a) May specify the manner and form in which any information is to be provided;
 - (b) Must specify the period within which any information is to be provided or document is to be produced;
 - (c) May require any information to be provided, or document to be produced, to the Board or to a person specified in the notice.
- (3) The Board may, by notice, require a person representing the regulator to attend at a time and place specified in the notice to provide an explanation of any information provided or document produced under this section.
- (4) The Board, or a person specified under subsection (2)(c), may take copies of or extracts from a document produced pursuant to a notice under subsection (1).

21. Funds of the Board

- (1) The funds for the Board shall come from:
 - (a) An initial registration fee payable to the Board by the Regulators
 - (b) An annual renewal fee payable to the Board by the Regulators corresponding to the total percentage of Legal Practitioners registered with a given Regulator
 - (c) One-third of the enrolment fee that advocates pay to the Regulators
 - (d) Any sum received by the Board under Sections 11 to 14 (financial penalties and other dues)
 - (e) Any charges or fees as determined by the Board for its services, knowledge products and/or activities to promote regulatory objectives
 - (f) An amount or percentage as may be prescribed in the Annual Federal Budget

- (2) Any amount which is owed to the Board may be recovered as a debt due to the Board.
- (3) Save as otherwise provided, the Board must make rules for the imposition and determination and calculation of the fee and charges under this Section in consultation with the Federal Law Minister.

22. Capital and Provincial Regulators

- (i) A body corporate for the Capital [Islamabad Bar Council] and for each of the provinces of Pakistan [Provincial Bar Councils] who shall be the Regulators can be set up by an initial application submitted by the Attorney General [for Islamabad Bar Council] and by Advocate General [for Provincial Bar Councils] to the Board in accordance with the rules as laid down by the Board along with payment of applicable fee and charges.
- (ii) This application must be submitted no later than one year of the coming into force of this Act.
- (iii) The Regulator status shall be subject to renewal annually after a review by the Board in accordance with its rules and upon payment of applicable fee, charges, penalties or other dues owed by the Regulators to the Board.
- (iv) The Regulators shall not perform any representative role on behalf of or at behest of Legal Practitioners whether or not the Legal Practitioner is enrolled with them or with another provincial Regulator in Pakistan or abroad.

Provided however, they may represent their own body corporate in disputes, cases or proceedings related to their functioning, operations or other matters related to their body vis a vis their staff, employees, members or other stakeholders where a cause of action or defense may lie.

- (v) The Regulators are to consist of the following members:
 - (a) Chairperson to be the Attorney General for Pakistan in case of Islamabad Bar Council and Advocate General of the province in case of Provincial Bar Councils as the ex officio members.
 - (b) Vice Chairperson to be elected from among the members who are appointed as follows:
 - i. One member from each district in the province appointed by the Board in consultation with the Chairperson
 - ii. Two youth members, one male and one female, representing young lawyers between the age of 21- 30 years appointed by the Board in consultation with the Chairperson
 - iii. One member representing differently abled persons appointed by the Board in consultation with the Chairperson
 - iv. Two members from diverse religious communities appointed by the Board in consultation with the Chairperson
 - v. Six members with experience in diverse specializations and/or careers including:

- a. Academia
- b. In-House Counsel/Company Secretary
- c. International Law
- d. Gender, Diversity and Inclusion
- e. Climate Change and Human Rights
- f. Legal Technology and Cyber Safety

(vi) In making these appointments the Board and the Chairperson shall ensure that no single gender shall comprise more than half of the composition of the Regulator.

(vii) The Board shall make rules to make appointments under this Section.

Provided that in doing so, it must ensure that it widely advertises the calls for applications for vacancies and appointments under this Section and makes efforts to reach out to diverse stakeholders.

(viii) The Board must publish an equal opportunity statement in all advertisements calling for applications against vacancies for appointments under this Section.

(ix) The Board must develop an open, transparent, inclusive, equal and accessible process for seeking applications as well as for assessing and processing the applications.

(x) All members shall be appointed by the Board for a term of three years extendable only once whether consecutive or not.

(xi) A member may at any time:

- (a) resign from office by giving reasonable notice to the Vice Chairperson
- (b) be removed from office by the Chairperson on application of the Vice Chairperson

(xii) The Chairperson may not under sub-paragraph (b) above remove any member from office unless the Chairperson is satisfied that the member has failed without reasonable excuse to discharge the functions of the office for a continuous period of at least four months, or has been convicted of an offence, or is otherwise unfit to hold the office or unable to discharge its functions for reasons recorded in writing.

Provided that maternity related absence from discharging functions of the Board shall not be treated as a continuous period sufficient for the purposes of removal under this sub-section.

(xiii) A member removed by Chairperson under sub-paragraph (b) above has the right to appeal against his dismissal or removal before the [appropriate/relevant forums].

(xiv) The Vice Chairperson and other members are to be paid in accordance with the Schedule [add number] of this Act.

(xv) The Regulators may appoint such other staff as they consider appropriate to assist in the performance of its functions in accordance with the rules they frame collectively and notify in writing.

23. Functions of the Regulators

- (1) The functions of the Regulators shall be:
- a. To promote regulatory objectives and professional principles under this Act;
 - b. To admit persons as advocates on its roll;
 - c. To support the HEC and the Board with the development of the curriculum of examinations for purposes of admission and enrollment to the Bar;
 - d. To prepare and maintain a roll of such advocates and to remove advocates from such roll;
 - e. To promote and suggest regulatory reforms to the Board;
 - f. To manage and administer the property and funds of the Bar Council and to invest any of its funds;
 - g. To support the making of the rules in consultation with the Board for the recognition, derecognition and functioning of Bar Associations;
 - h. To perform all other functions conferred on it by or under this Act and to comply with directions given to it by the Board from time to time; and
 - i. To do all other things necessary for discharging the aforesaid functions.

24. The Regulators may make their own rules of procedure to carry out their functions in accordance with any guidelines, rules, policies, actions or directions issued by the Board.

25. Funds of the Regulators

- (1) The funds of the Regulator shall come from:
- a. Enrollment fee of advocates
 - b. Grants
 - c. Donations
 - d. Subscriptions
 - e. Any other charges or fees as determined by the Regulator for its services, knowledge products and/or activities to promote regulatory objectives
- (2) The Minister in charge of the Federal Government or a Provincial Government may make grant in aid to a Bar Council in the manner and on conditions as may be determined by the Federal Government or the Provincial Government.
- (3) All sums received by a Regulator as enrolment fees or as grants, donations or subscriptions shall form part of the fund of that Council and that fund, subject to the provisions of sub-section (4), shall be managed, administered and utilized in such manner as may be prescribed.
- (4) Every person applying for enrolment as an advocate shall pay one-third of the prescribed fee to the Board and the balance to the Provincial Bar Council concerned, or Islamabad Bar Council as the case may be.

26. Accounts and Audit of Regulator

- (1) Every Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

- (2) The accounts of a Bar Council shall be audited by an auditor who is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), at such times and in such manner as may be prescribed.
- (3) As soon as the accounts of a Provincial Bar Council and Islamabad Bar Council have been audited, that Bar Council shall send a copy of such accounts, together with a copy of the report of the auditor thereon, to the Board.

27. Office of the Ombudsperson for Legal Profession

- (1) The respective Governments shall establish an independent Office of the Ombudsperson for Legal Profession at the Federal and Provincial levels to hear disputes, address complaints and preside over any disciplinary proceedings as may be prescribed under any law for the time being in force against the Board, Regulators, Representative Bodies, legal education providers, legal practitioners, court staff, law firms, chambers, partnerships, sole legal service proprietorships or their staff, trainees, associates, employees and/or contractual workers.
- (2) The concerned Government shall prescribe the rules for operations, functioning, procedure and other matters of the Office of the Ombudsperson for Legal Profession.
- (3) The Office of the Ombudsperson shall consist of the following members who shall hear the cases, complaints, disputes, applications or proceedings brought to them as a panel:
 - a. Ombudspersons who shall be persons who have been or is qualified to be appointed as a judge of the high court appointed by the concerned government.
 - b. A representative of the Regulator as may be appointed by the Regulator.
 - c. A representative of the Bar Association as may be appointed by the relevant Bar Association.
 - d. Representative(s) from the relevant and concerned vulnerable group as the case may be, appointed by the Board from among:
 1. A legal practitioner from religiously diverse community, or
 2. A female legal practitioner, or
 3. A young lawyer below the age of 30 years, or
 4. A differently abled legal professional, or
 5. A representative from ethnic, linguistic, provincial, gender or another minority, or
 6. A representative from the foreign or local law degree as the case may be.
 - e. A member from among civil society who shall be a Lay Person with background in development sector, human rights or other related field preferably with experience in handling disputes appointed by the concerned Government.
- (4) The term of appointment of each member including the Ombudsperson shall be three years which may be extended by an additional term once only.
- (5) There shall be appointed by the respective Governments a Secretary for the secretarial work of the Office of the Ombudsperson for Legal Profession.
- (6) Any member other than the Ombudsperson may resign by giving four weeks' notice in writing to the Office of the Ombudsperson for Legal Profession via the Secretary as well as their appointing body and the appointing body must endeavor to appoint another in their place before the end of the notice period.

Provided however that no proceedings, cases, complaints, disputes or applications shall be halted by reason only of lack of quorum of members of the panel in event of a resignation, health factors, parental leave or other justifiable reasons for absence of any of the members as long as at least three members are present on the panel.

(7) Complaint means a complaint which:

- a. relates to acts or omissions of persons or bodies mentioned in sub-section 10 below in relation to their professional services, functions, operations or other dealings in the course of their business and/or professional engagement;
- b. relates to a breach of code of conduct, professional principles or regulatory objectives or other applicable rules and regulations as may be in force under any law or as may be duly prescribed by concerned bodies from time to time;
- c. relates to disputes arising out of financial obligations, penalties or dues under this Act or their implementation and enforcement thereof;
- d. relates to any disciplinary actions against persons and bodies mentioned under sub-section 10 for gross misconduct, abuse of power or of professional affiliation, sexual harassment, threats, intimidation or other violence towards any person.

(8) Complaints against the Secretary, employees, staff or any member of the Office of the Ombudsperson for Legal Profession including the Ombudsperson may be brought before their appointing authorities in writing as may be prescribed.

(9) The complainants may include clients, litigants, Legal Practitioners, Board, Regulators, concerned government, legal education providers, Bar Associations, law firms, chambers general public, consumers, employees or workers whether contractual or regular, interns, associates, trainees and staff of the Regulators, Representative Bodies, Office of Ombudsperson for Legal Profession and/or the Board or other stakeholders.

(10) The complaints, cases, applications, disputes or proceedings may be brought against any of the following Respondents:

- a. The Board of their members and staff
- b. The Regulator or their members and staff
- c. The Representative Bodies or their members and staff
- d. The Legal Practitioners
- e. The Law Firms, Chambers, Partnerships, LLPs or Sole Legal Service Proprietors or their employees, trainees, staff and employees or contractual workers
- f. Legal Education Providers or their faculty, administration and/or staff
- g. The Court Staff
- h. The Ombudsperson and/or the staff, Secretary or employees of the office of the Ombudsperson for Legal Profession.

(11) Disciplinary Action means imposition of sanctions, fines, suspension, removal from service, dismissal, cancellation of license, affiliation, compensation, direction or referral to other bodies, institutions, authorities for appropriate inquiry or action, or other penalties as may be prescribed by the Government.

(12) A person shall be qualified to be appointed as an Ombudsperson who has been a judge of high courtⁱ or qualified to be appointed as a judge of high court.

(13) The Office of the Ombudsperson for Legal Profession may recruit such staff as required to achieve the purposes of this Act within the available funds for each financial year and may prescribe rules or develop policy in this regard in accordance with regulatory objectives, professional principles, fundamental rights and principles of policy of the Constitution of Pakistan and other general principles of access, inclusion, diversity and non-discrimination.

(14) Ombudsperson to enquire into complaint: -

- (1) Pursuant to sub-section 7, a Complainant aggrieved by actions, omission, conduct or other gesture of persons or entities mentioned in sub-section 10 may bring a complaint to the Office of the Ombudsperson in accordance with the procedure as may be prescribed.
- (2) The Office of the Ombudsperson shall within 3 days of receiving a complaint issue a written show cause notice to the Respondent.
- (3) The Respondent after the receipt of written notice shall submit written reply to the Office of the Ombudsperson within seven days.
- (4) In case where the Respondent fails to submit a reply within seven days without reasonable cause the office of the Ombudsperson may proceed ex parte.
- (5) All parties can represent themselves before the Ombudsperson.
- (6) The Ombudsperson along with the Panel shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as they deem proper.
- (7) For the purposes of an investigation under this Act, the Ombudsperson may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsperson is relevant and helpful in the conduct of the investigation.
- (8) The Ombudsperson along with the panel shall record their decision and inform all the parties concerned and the management of the concerned organization for implementation of the orders or disciplinary actions as may be advised under this Act.

15. Powers of the Ombudsperson and the Panel

- (1) The Ombudsperson shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:
 - a. Summoning and enforcing the attendance of any person and examining him on oath;
 - b. Compelling the production of evidence;
 - c. Receiving evidence on affidavits and issuing commission for the examination of witnesses;
 - d. Authorizing another member or members of the Panel for entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsperson has a reason to believe that any information relevant to the case may be found; and
 - e. The Ombudsperson shall have the same powers as the High Court has to punish any person for its contempt;
 - f. Ombudsperson along with the Panel may, while making the decision on the Complaint may order any Disciplinary Action(s) under Section 27 (11) if they deem appropriate.

16. Right of Appeal of Respondents

- (1) The Respondent(s) against whom an adverse action has been ordered have the right to appeal in the high court or before another competent forum as may be applicable or prescribed.

17. Repeal and Savings

The Legal Practitioners and Bar Councils Act, 1973 and Legal Practitioners and Bar Councils Rules, 1976 in so far as they are incompatible with the provisions of this Act are hereby repealed. The provisions of the 1973 Act and 1976 rules that remain in unaffected by this Act, continue to remain in force unless expressly amended.

OBJECTIVES AND PURPOSE

The [Parliament], desirous of making the legal profession more transparent, inclusive, equitable and accessible, recognizing that regulatory and representative roles need to be separated for effective regulation of the legal profession. Recognizing further that the complaints procedure needs to be independent and accessible forum that contributes and promotes trust and confidence in the justice sector; acknowledging the need for restoring confidence in the Bar, the Parliament further recognizes the need for affirmative actions for representation as a step towards restoration of such confidence, considering Article 25 read together with Articles 34 and 38 of the Constitution of Pakistan 1973 call for affirmative actions for representation, mindful of Pakistan's international and regional obligations to eliminate discrimination on basis of gender under various human rights instruments such as CEDAW, ICCPR, Beijing Declaration and Platform for Action, noting that women are seriously under-represented in the legal profession and face systemic challenges as regards their advancement in law such as harassment, discriminatory practices, inherent biases and other non-conducive working arrangements, has therefore, proposed the aforementioned amendments to ensure increased representation of women, lay persons and other diverse stakeholders for effective regulation of the Bar.

Signed

[Add name of Parliamentarian
introducing this Bill]

Legal Practitioners And Bar Councils Act, 1973 And Legal Practitioners And Bar Council, Rules 1976

It is hereby proposed that in light of the draft Bill titled, ‘Legal Profession (Representation & Regulation) Bill, 2022’ the corresponding and relevant amendments to the Legal Practitioners and Bar Councils Act and Rules be made.

In this regard, Sections that are no longer compatible with the provisions of the draft Bill should be repealed or amended as the case may be while the Sections that remain unaffected by the new scheme of the draft Bill should remain in force and continue to be valid law.

In short, the 1973 Act and 1976 Rules shall not be repealed in total. Only in so far as it is incompatible with the proposed new law, shall it be repealed or amended.

In addition to that, further amendments to the 1973 Act and 1976 Rules should be made in the Sections that remain applicable through the savings to ensure compliance and compatibility with the regulatory objectives and professional principles of the new draft Bill and other general principles of access, inclusion, equality, non-discrimination and transparency, particularly for making elections of Bar Associations more accessible, inclusive and gender balanced.

Very briefly, the major impact of the draft Bill would be on following segments of the 1973 Act and 1976 Rules:

1. It repeals Pakistan Bar Council and replaces it with the Legal Profession Regulation Board.
2. It separates the regulatory and representative roles of the Bar Councils and Bar Associations with an oversight of the Legal Profession Regulation Board.
3. It replaces the disciplinary committee and Tribunal under 1973 Act and 1976 Rules with an independent Office of the Ombudsperson for Legal Profession for all complaints, disputes and regulatory or disciplinary proceedings related to stakeholders in law.
4. It adopts a balanced approach to dividing power between different stakeholders.
5. It adopts an inclusive, accessible, transparency and participatory lens for reforms.
6. It broadens the scope of legal profession to include and enhance role of non-traditional legal practitioners, including members from academia, in-house counsels and even lay persons for promoting credibility, trust and confidence over the institutions among general public and to ensure the legal profession has holistic opportunities to benefit from.

SECTOR 3 - PROSECUTION

Includes:

- a. The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Amendment Act, 2022

The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Amendment Act, 2022

**An Act further to amend the Punjab Criminal Prosecution Service
(Constitution, Functions and Powers) Act 2006**

WHEREAS it is expedient to amend the Punjab Criminal Prosecution Service
(Constitution, Functions and Powers) Act 2006 for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Amendment in Section 7 Qualifications for the appointment of Prosecutor General:-

(i) In Section 7, the word ‘forty five’ shall be replaced by the word ‘forty’.

2. Amendment in Section 8 Appointments:-

In Section 8 (4) the following proviso shall be added: -

Provided that all appointments via initial recruitment must include reserved seats for women, minorities and differently abled persons as may be prescribed under the rules.

OBJECTIVES AND PURPOSE

The [Parliament], desirous of making the legal profession more transparent, inclusive, equitable and accessible, recognizing that currently, only 12% of Prosecutors are female in Pakistan whereas there is a growing number of cases of gender-based violence and other crimes. Likewise, many female prisoners are in need of accessible legal support and representation that contributes and promotes trust and confidence in the justice sector; acknowledging the need for restoring confidence in the prosecution service, the Parliament further recognizes the need for affirmative actions for representation as a step towards restoration of such confidence, considering Article 25 read together with Articles 34 and 38 of the Constitution of Pakistan 1973 call for affirmative actions for representation, mindful of Pakistan’s international and regional obligations to eliminate discrimination on basis of gender under various human rights instruments such as CEDAW, ICCPR, Beijing Declaration and Platform for Action, noting that women are seriously under-represented in the legal profession and face systemic challenges as regards their advancement in law such as harassment, discriminatory practices, inherent biases and other non-conducive working arrangements, has therefore, proposed the aforementioned amendments to ensure increased representation of women in the prosecution sector.

Signed

[Add name of Parliamentarian
introducing this Bill]

Notes:

Alternatively, executive notification could be issued under Section 15 (1) by the Government to introduce special quota of 33% for females, 10 % for special persons and 15% for minorities.

Further Recommendation:

In addition to that, the role of Centre for Professional Development of Public Prosecutors as an attached department of the Office of Prosecutor General must be enhanced to include early outreach and public information campaigns with a view to engage, inspire and create more awareness about the prosecution department, its role and opportunities as a career path among students, graduates and young professionals

SECTOR 4 – LAW FIRMS

Includes:

- a. Guidelines for Best Practices for Law Firms, 2022

Guidelines for Best Practices for Law Firms, 2022

WHEREAS it is expedient to provide guidelines for law firms and chambers for best practices towards their staff, interns, trainees, associates, partners, and clients.

It is hereby provided as follows:-

Law Firms must:-

- (1) Deliver their services in a way that upholds rule of law, fundamental rights, professional principles and proper administration of justice.
- (2) Act in a way that upholds public trust and confidence in the legal profession and in legal services.
- (3) Act in a way that encourages equality, diversity and inclusion.
- (4) Allocate work and growth opportunities equitably.
- (5) Track associate availability and utilization.
- (6) Attract, develop and retain talent with the right work, i.e. quality work that they are interested in.
- (7) Define and promote the firm's culture and values.
- (8) Keep interview questions relevant to match the skills with the role and avoid asking personal questions from the candidate pertaining to their marriage, children etc
- (9) Develop and publish an equal opportunity statement.
- (10) Develop and implement a parental leave policy.
- (11) Develop a policy to address harassment at workplace.
- (12) Develop a communications policy for the firm and its associates and staff for media, social media and/or other public engagements in line with the professional and other applicable laws, rules, codes and/or principles.
- (13) Ensure accessibility and safe working environment.
- (14) Work on retention and long-term employment relationship with your associates by creating a conducive and respectful work environment that they would like to continue to be a part of and grow with.
- (15) Invest in training and development.
- (16) Build linkages with academia for reflection, research and development of best practices in the firm

- (17) Establish workplace policies and publish a handbook for all associates, staff and employees providing them with all relevant information for their on-boarding and growth in the firm, targets, principles, rights and policies as well as all important contact information of relevant regulatory bodies, complaints procedures etc. It could also include the firm's mission, values, various procedures and codes of conduct or other policies that verify the firm's commitment to complying with various applicable laws.
- (18) Prioritize effective communication which helps workers feel more empowered and fuels workplace camaraderie, for instance, use team communication tools to promote collaboration, encourage feedback and ask for it regularly as a way to improve processes or have an open-door policy by letting your law firm staff know they can come to you anytime with questions. Meet regularly as a team to just check in and let employees bring up any questions, concerns, or opinions and be forthcoming and truthful with communications.
- (19) Regulate working hours and work to promote healthier work ethic and culture.
- (20) Develop child friendly, accessible and gender sensitive infrastructure.
- (21) Ensure equal pay and make it a transparent process



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