



Ministry of Law & Justice



Group Development Pakistan



WOMEN IN LAW
INITIATIVE PAKISTAN

The State of Women's Representation in Law 2020-21

Nida Usman Chaudhary

Baseline Report



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ABBREVIATIONS

AJK	Azad Jammu and Kashmir
ASC	Advocate Supreme Court
DAP	Direct Aid Programme
DPP	Director Public Prosecution
GB	Gilgit-Baltistan
ICT	Islamabad Capital Territory
KP	Khyber Pakhtunkhwa
PA	Personal Assistant
FSC	Federal Shariat Court





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INTRODUCTION

'Increasing Women's Representation in Law' is a landmark and flagship project by the Federal Ministry of Law and Justice in collaboration with Group Development Pakistan and Women in Law Initiative Pakistan. It has been supported by the Australian High Commission under its Direct Aid Programme (DAP) and co-sponsored by the British High Commission. The project was launched on 3rd September 2020 in Islamabad.

The legal profession in Pakistan is predominantly male with women making up less than 5.5% of the members of the senior judiciary with no woman ever having been appointed as a judge of the Supreme Court of Pakistan or as an Attorney-General for Pakistan in the 73 years of its existence. Women also lack any real representation in the bar councils with only 4 members being women out of a total of 205 members from the eight bar councils, including the Pakistan Bar Council. The number of female advocates in senior level positions or as heads of law firms also remains negligible.

Women in Pakistan constitute 49% of the population and yet their representation in decision-making, policy and leadership roles is inconsequential. In the context of the justice sector and broader goals of gender equality, this means that few women are able to advance in the profession to a point where they are able to have both, a seat as well as a voice at the table to make an impact.

One of the most significant implications of this glaring disparity in representation is that women's lived experiences, peculiar circumstances and differing needs and approaches often do not get reflected in the ensuing policies, judgments and operations of these institutions which have the capacity to impact not just the women in law, but also those litigants who approach the courts, especially women and children. As a result, the missing gender lens leads to the creation of an environment, laws and policies that are likely not based on holistic, participatory, enabling and inclusive measures and which perpetuate the existing disparities by reproducing the inequities in the system.

One of the biggest challenges in this respect was the lack of availability of gender segregated data in key positions in the legal profession. This baseline study is therefore, an attempt to compile such data segregated by gender to highlight and address the gender parity gap in the legal profession covering judiciary, bar council leadership, advocates and prosecutors.

It is hoped that this study can serve as a consolidated and initial reference for future work documenting diversity and inclusion in the legal profession.

For comments, queries and feedback please feel free to write to us at admin@lawyher.pk.

Nida Usman Chaudhary

Lead Consultant and Curator
Increasing Women's Representation in Law
Women in Law Initiative Pakistan

OVERVIEW

This baseline study is designed to highlight the status of representation of women in the legal profession. It is one of the first studies of its kind in which province and tier-wise gender segregated data under four different categories - judiciary, bar councils, advocates and prosecutors, has been compiled in form of tables and charts to illustrate the current gender disparity prevalent in the different streams of the legal profession. It is not within the scope of this study to underpin the factors that may be the cause of the disparity. Its objective is to provide a quantitative representation of the disparity both in numbers as well as in percentages to highlight how much the gap actually is between men and women in the legal profession and its leadership roles. Accordingly, this study has been divided into five parts.

Part 1 underscores the status of women's representation in the judiciary. It includes province wise breakdown. It also provides insights as to the difference in numbers and percentages between men and women within the hierarchy of the court structure so as to cover the position in all tiers. In doing so, it includes data of number of male and female civil judges, senior civil judges, district and session judges and additional district and session judges under the tier of subordinate judiciary, whereas it covers data for High Courts, Federal Shariat Court (FSC) and Supreme Court under the tier of superior judiciary. Cumulative results are also illustrated to show the disparity between the two tiers inter se as well as between the genders.

Part 2 covers the status of representation of women in the Bar Councils as elected representatives. It includes data from all Bar Councils across Pakistan including the Pakistan Bar Council. In addition to providing the province-wise breakdown of the numbers, it also sums up the cumulative result and illustrates it with the use of a chart to determine the overall position in percentage of the gender disparity in the representation of women in the Bar Councils.

Part 3 takes a gender segregated look at the number of advocates in Pakistan. In addition to providing a province-wise breakdown of the numbers, it draws a gender segregated comparison in the lower and superior courts. A detailed breakdown of the numbers of advocate supreme court depending upon the seat have also been enlisted. A separate chart showing province-wise percentage of women's representation is also included before illustrating the overall position of disparity in percentage among male and female advocates in Pakistan.

Part 4 explores the status of gender disparity among public prosecutors. The data is broken down province wise and it includes separate tables and charts for drawing different comparisons including a chart illustrating the province wise representation of female prosecutors in percentages. It ends with a chart showing total percentage of male and female prosecutors in Pakistan.

Part 5 collates and compares the data for the four categories that this baseline study focuses upon as an indicator of the status of women's representation in law.

A brief commentary on the data is provided in the concluding note that follows and constitutes part 5. The main legal provisions as regards to the nominations and appointments for the four categories are included for reference.

All the data has been compiled officially and the sources as well as the dates as at which it was acquired have been indicated in the relevant sections of the report.

PART 1 | JUDICIARY

In Part 1, we have compiled the gender-segregated data of the judiciary in Pakistan. The data is broken down province and tier-wise and it includes separate tables and charts for drawing different comparisons including a table focusing only on the subordinate judiciary, a chart showing the province-wise percentage of female judges only, a province-wise breakdown of women's representation in the different High Courts as well as a comparative chart of representation between superior and subordinate courts. It ends with a chart showing the total percentage of male and female judges in Pakistan based on data from all subordinate and superior courts in Pakistan.

All the data used describes the situation as of January 8, 2021. All the data has been officially compiled with reference to information available from the official websites of the provincial high courts. The data for the subordinate judiciary of Balochistan was provided by the Registrar of the Balochistan High Court as of January 8, 2021.

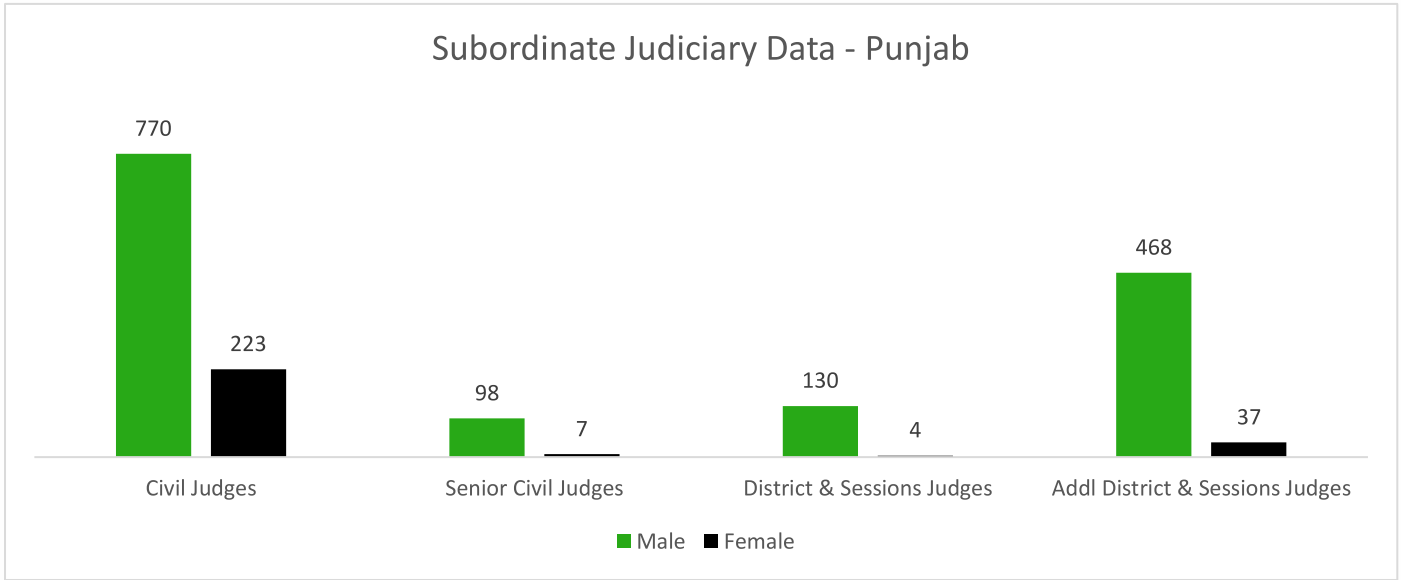
The charts do not include the data of special courts, tribunals and Qazis however, they are mentioned in separate tables within the document. For the purposes of determining the total number of judges only the values for Civil Judges, Senior Civil Judges, District and Sessions Judges, Additional District and Sessions Judges, High Court Judges, Federal Shariat Court and Supreme Court Judges have been used. The provisions on judicial nominations and appointments process have been included as Annexure A.

A. Province and Tier-Wise Gender Segregated Data of the Judiciary in Pakistan

(i) Punjab

Level of Court	Male Judges	Female Judges
Civil Judges (993)	770	223
Senior Civil Judges (105)	98	7
District & Sessions Judges (134)	130	4
Additional District & Session Judges (505)	468	37
Total (1737)	1466	271
Total %	84%	16%

This table shows tier-wise gender segregated data of the subordinate judiciary in Punjab.



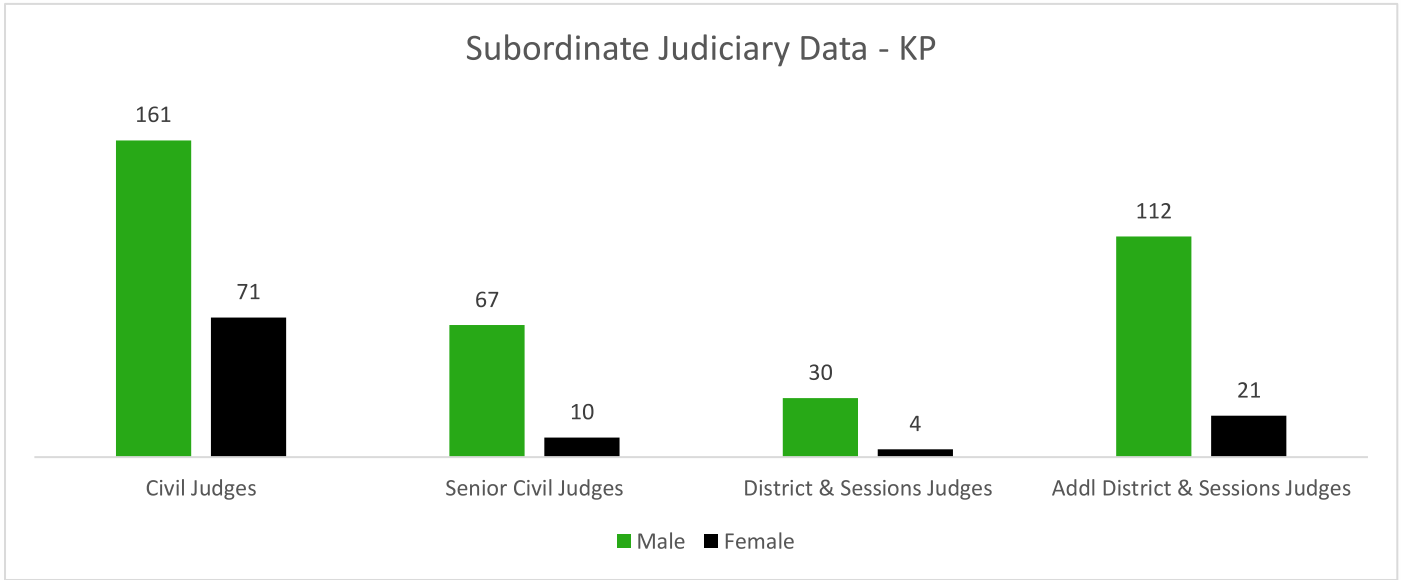
This graph represents the tier-wise gender segregated data of the subordinate judiciary in Punjab. The extent of gender disparity is highlighted with reference to the bars on the chart.

(ii) Khyber Pakhtunkhwa

Level of Court	Male Judges	Female Judges
Civil Judges (232)	161	71
Senior Civil Judges (77)	67	10
District & Session Judge (34)	30	4
Additional District & Sessions Judges (133)	112	21
Total (476)	370	106
Total %	78%	22%

Court	Male	Female
Special Courts (77)	64	13

This table shows tier-wise gender segregated data of the subordinate judiciary in Khyber Pakhtunkhwa.

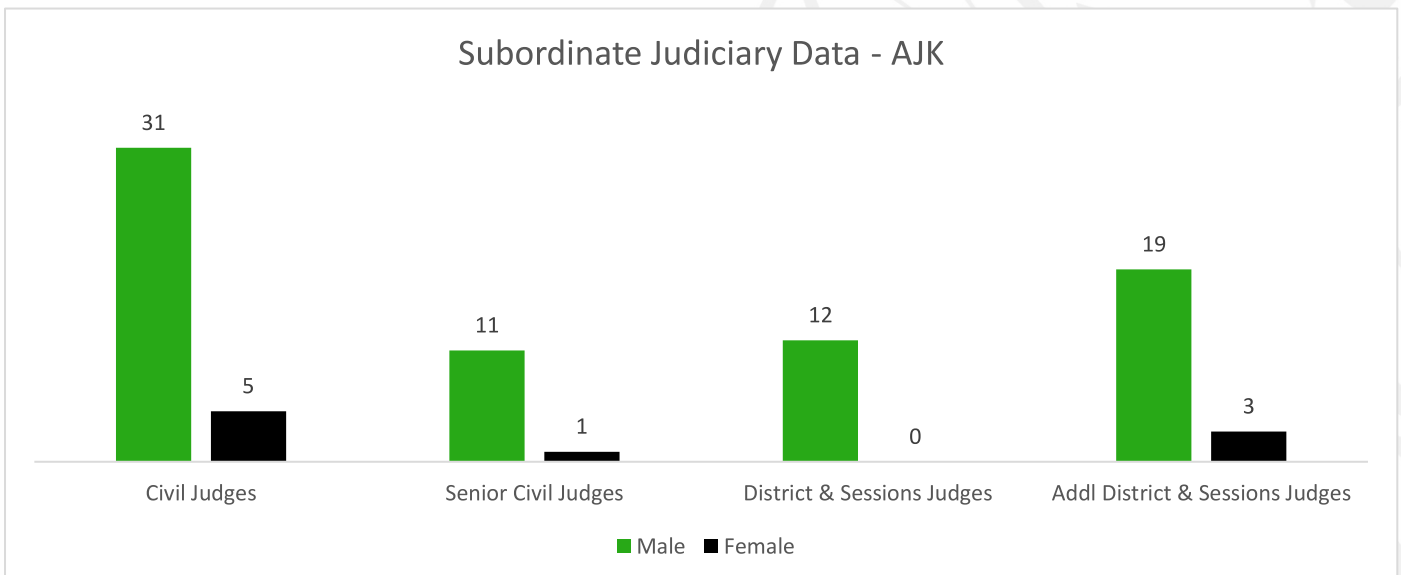


This graph represents the tier-wise gender segregated data of the subordinate judiciary in Khyber Pakhtunkhwa. The extent of gender disparity is highlighted with reference to the bars on the chart.

(iii) Azad Jammu & Kashmir

Level of Court	Male Judges	Female Judges
Civil Judges (36)	31	5
Senior Civil Judges (12)	11	1
District & Sessions Judges (12)	12	0
Additional District & Sessions Judges (22)	19	3
Total (82)	73	9
Total %	89%	11%

This table shows tier-wise gender segregated data of the subordinate judiciary in Azad Jammu and Kashmir.



This graph represents the tier-wise gender segregated data of the subordinate judiciary in Azad Jammu and Kashmir. The extent of gender disparity is highlighted with reference to the bars on the chart. It is observed that the AJK has no presence of women as District and Session Judges.



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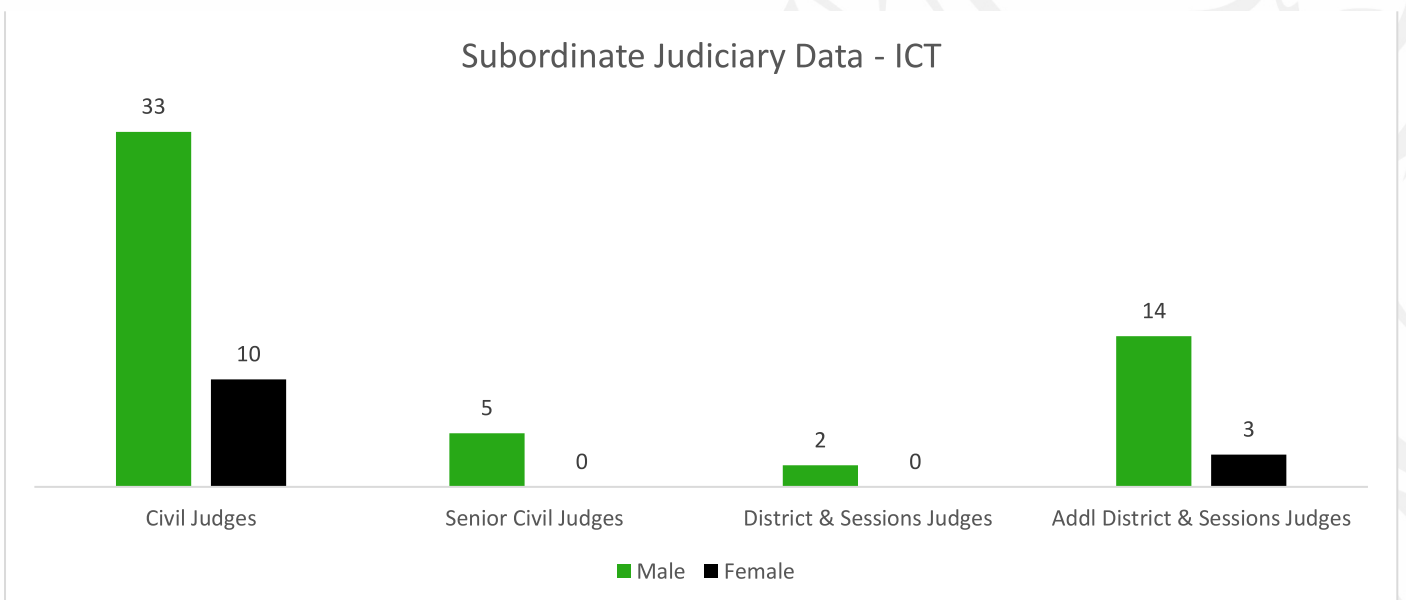
QAZI - AJK	Male
Tehsil Qazi	38
Senior Tehsil Qazi	12
District Qazi	10
Additional District Qazi	9
Total	69

(iv) ICT

Level of Court	Male Judges	Female Judges
Civil Judges (43)	33	10
Senior Civil Judges (5)	5	0
District & Session Judge (2)	2	0
Additional District & Sessions Judges (17)	14	3
Total (67)	54	13
Total %	81%	19%

Court	Male	Female
Special Courts & Tribunals (8)	7	1

This table shows tier-wise gender segregated data of the subordinate judiciary in Islamabad Capital Territory.



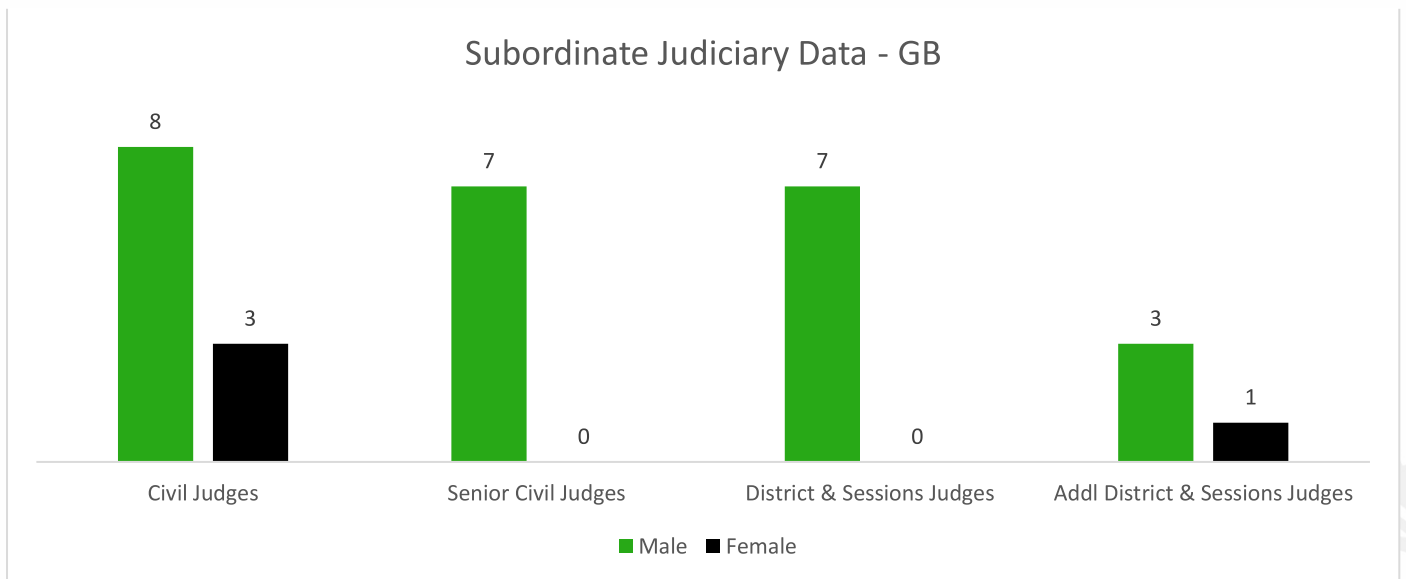
This graph represents the tier-wise gender segregated data of the subordinate judiciary in Islamabad Capital Territory. The extent of gender disparity is highlighted with reference to the bars on the chart. It is observed that the Territory has no presence of women as Senior Civil Judges and as District and Session Judges.



(v) Gilgit-Baltistan

Level of Court	Male Judges	Female Judges
Civil Judges (11)	8	3
Senior Civil Judges (7)	7	0
District & Sessions Judges (7)	7	0
Additional & Sessions Judges (4)	3	1
Total (29)	25	4
Total %	86%	14%

This table shows tier-wise gender segregated data of the subordinate judiciary in Gilgit-Baltistan.

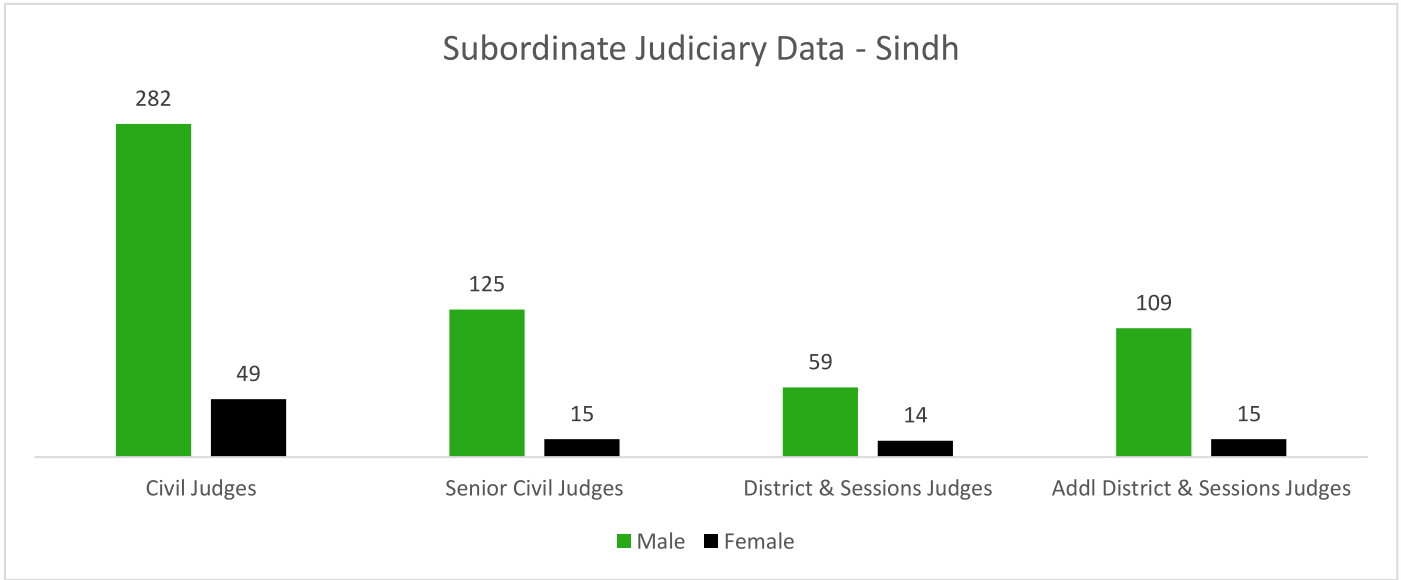


This graph represents the tier-wise gender segregated data of the subordinate judiciary in Gilgit-Baltistan. The extent of gender disparity is highlighted with reference to the bars on the chart. It is observed that GB has no presence of women as Senior Civil Judges and as District and Session Judges.

(vi) Sindh

Level of Court	Male Judges	Female Judges
Civil Judges (331)	282	49
Senior Civil Judges (140)	125	15
District & Sessions Judges (73)	59	14
Additional District & Session Judges (124)	109	15
Total (668)	575	93
Total %	86%	14%

This table shows tier-wise gender segregated data of the subordinate judiciary in Sindh.

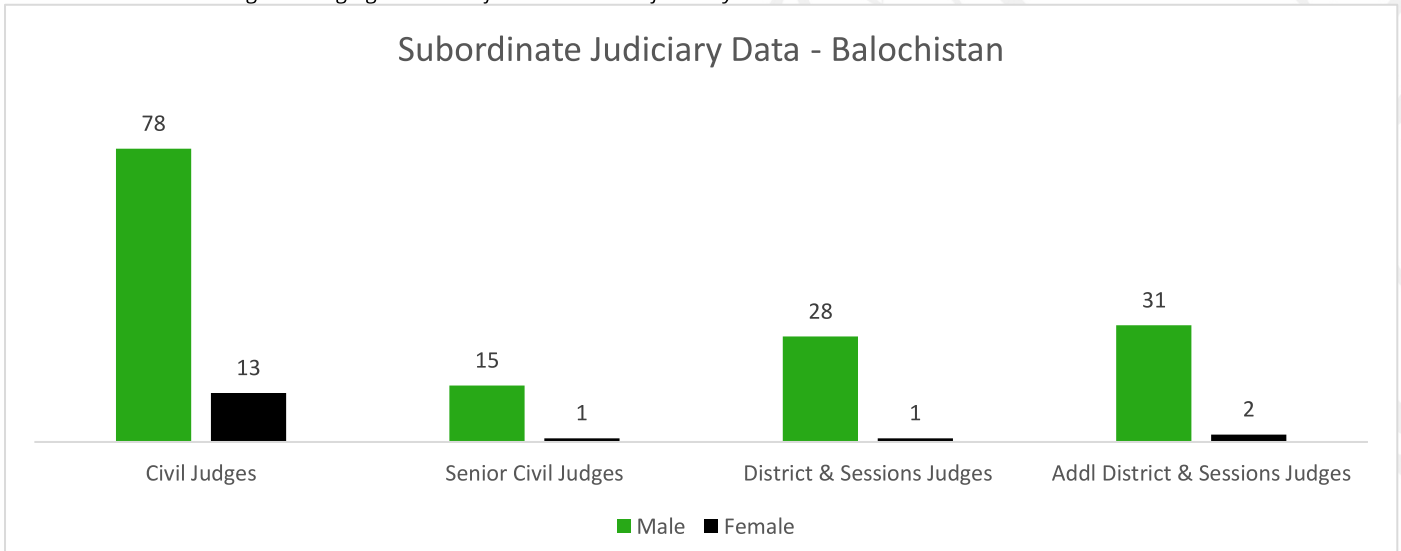


This graph represents the tier-wise gender segregated data of the subordinate judiciary in Sindh. The extent of gender disparity is highlighted with reference to the bars on the chart.

(vii) Balochistan

Level of Court	Male Judges	Female Judges
Civil Judges (91)	78	13
Senior Civil Judges (16)	15	1
District & Sessions Judges (29)	28	1
Additional District & Session Judges (33)	31	2
Total (169)	152	17
Total %	90%	10%

This table shows tier-wise gender segregated data of the subordinate judiciary in Balochistan.



This graph represents the tier-wise gender segregated data of the subordinate judiciary in Balochistan. The extent of gender disparity is highlighted with reference to the bars on the chart.



B. Subordinate Judiciary Data – Compiled

Province	Male	Female
KP	370	106
ICT	54	13
Punjab	1466	271
Sindh	575	93
GB	25	4
AJK	73	9
Baluchistan	152	17
Total	2715	513

This table shows the province-wise gender segregated data in numbers of the subordinated judiciary in Pakistan.

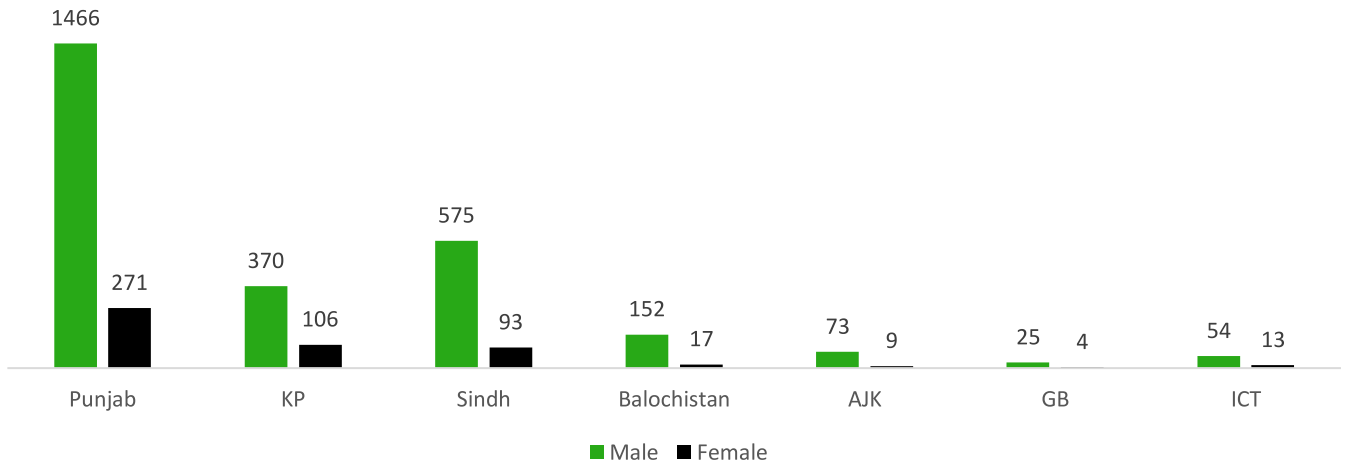
Subordinate Judiciary Data – Provincial Comparison in Percentages

Province	Male	Female
KP	78%	22%
ICT	81%	19%
Punjab	84%	16%
Sindh	86%	14%
GB	86%	14%
AJK	89%	11%
Balochistan	90%	10%

This table shows the province-wise gender segregated data in percentages of the subordinated judiciary in Pakistan. It is observed that percentage wise Khyber Pakhtunkhwa is the most progressive province in terms of representation of women in the subordinate judiciary.



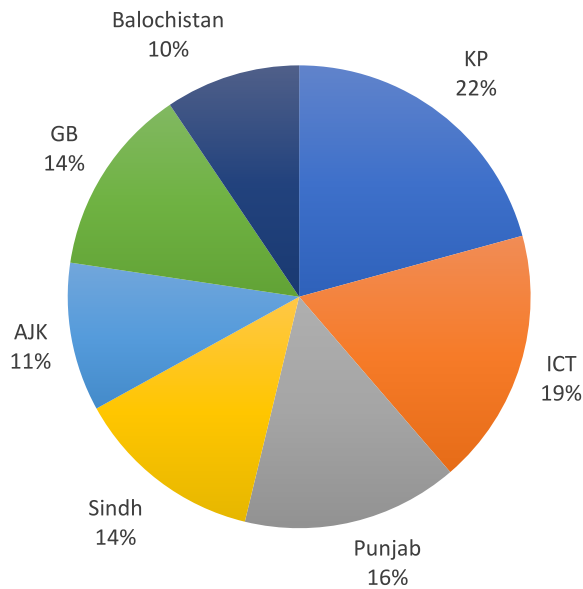
Subordinate Judiciary Data - Provincial Comparison



This graph illustrates a province-wise comparative graph segregated by gender of the subordinate judiciary in Pakistan.

Subordinate Judiciary – Provincial Breakdown (Female)

Subordinate Judiciary (Female) - Provincial Breakdown



This chart represents the province-wise percentage of females represented in the subordinate judiciary in Pakistan.



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C. High Court Judges Data as at 29th Dec 2020

Principal Seat	Male	Female
Lahore High Court (40)	38	2
Sindh High Court (36)	34	2
Peshawar High Court (16)	15	1
Balochistan High Court (10)	10	0
Islamabad High Court (9)	8	1
High Court of AJK (3)	3	0
GB Chief Court (2)	2	0
Total (116)	110	6
Total %	95%	5%

This table illustrates the province-wise gender segregated data of the judiciary in High Courts of Pakistan. It is observed that there was no representation of women in the High Courts of Balochistan, AJK and GB as of 29th December 2020.

D. Comparative Table between Superior and Subordinate Courts

Court Tier	Male	Female
Supreme Court of Pakistan (18)*	18	0
Federal Shariat Court (3)**	3	0
High Courts (116)	110	6
Subordinate Courts (3228)	2715	513
Total (3365)	2846	519
Total %	85%	15%

As at January 8, 2021

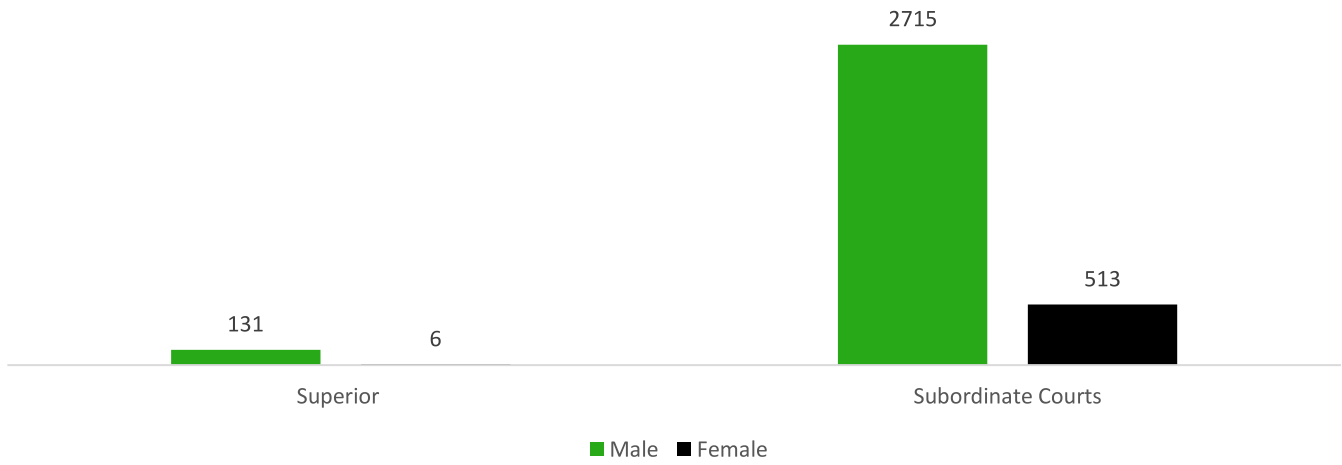
*includes Ad-Hoc members – Shariat Appellate Bench.

** 5 seats of FSC were vacant as at January 8, 2021.

This table shows a gender-segregated comparison between the representation of women at subordinate and high court level as of 8th January 2021. The Supreme Court and Federal Shariat Court have no presence of women, the High Courts have 6 women while 513 women are represented in the subordinate courts of Pakistan.

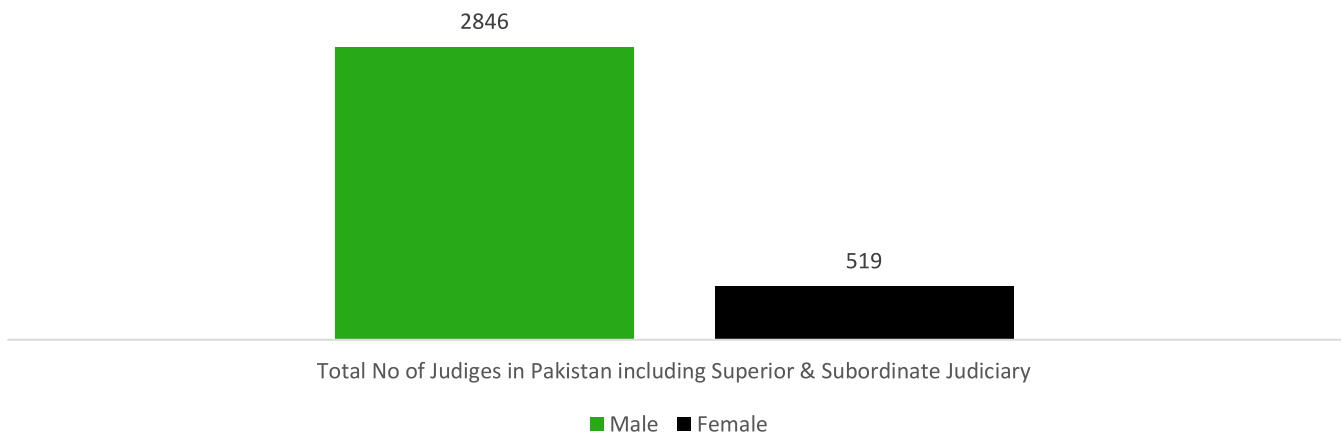


Comparison between Superior and Subordinate Courts



The difference in the representation of women between the subordinate and superior judiciary is highlighted in this chart. It must be noted that the nominations and appointments process is different for subordinate and for superior courts. The appointments in the subordinate judiciary are based on a competitive examination whereas for the superior courts, the nominated are moved by the Chief Justice of the respective High Courts and confirmed by the Judicial Commission of Pakistan and parliamentary Committee in accordance with Art 175-A of the Constitution of Pakistan and the Rule 3 of the Judicial Commission of Pakistan Rules 2010.

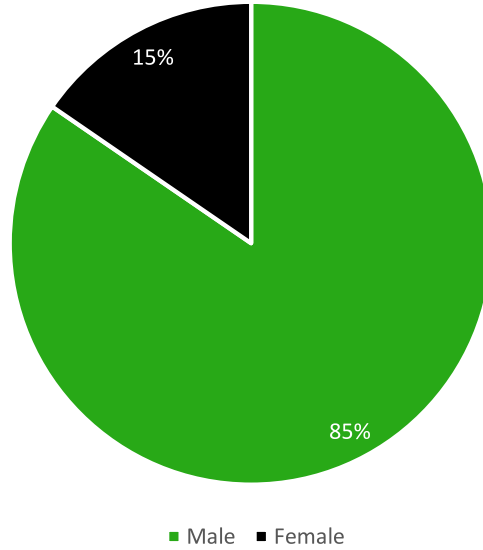
Total Gender Segregated Data of Judiciary in Pakistan as at January 8, 2021



The chart shows the gender disparity between the male and female judges in numbers in Pakistan. It includes data of both subordinate and superior courts.



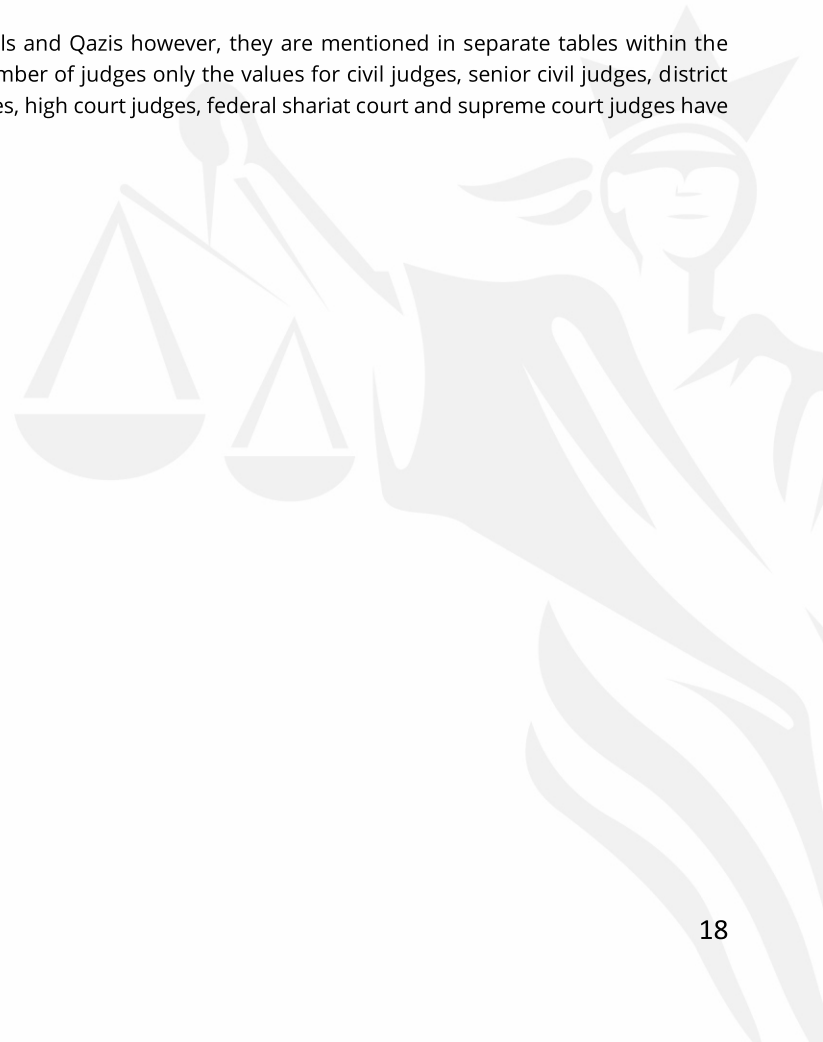
Total No of Judges in Percentage in Pakistan



This chart shows the gender disparity between male and female judges in percentages in Pakistan. It includes data of both subordinate and superior courts.

Notes:

- All data used is as of January 8, 2021 unless indicated otherwise.
- All data has been officially compiled with reference to information available from the official websites of provincial high courts.
- The data for the subordinate judiciary of Balochistan was provided by the Registrar of the Balochistan High Court as of January 8, 2021.
- The charts do not include data of special courts, tribunals and Qazis however, they are mentioned in separate tables within the document. For the purposes of determining the total number of judges only the values for civil judges, senior civil judges, district and sessions judges, additional district and sessions judges, high court judges, federal shariat court and supreme court judges have been used.



PART 2 | BAR COUNCILS

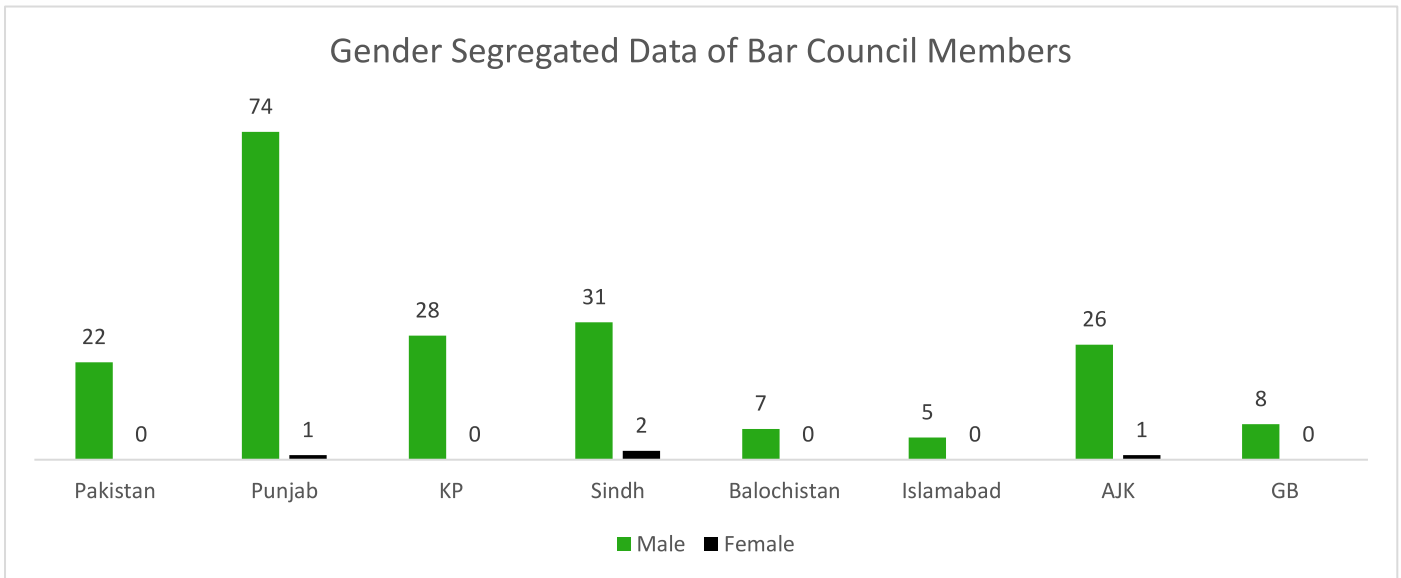
In Part 2, we have compiled gender-segregated data of members of the Bar Councils in Pakistan. Different charts and tables are used to illustrate the status of women's representation in the Bar Councils of Pakistan. It ends with a chart showing the total percentage of male and female members in the Bar Councils in Pakistan, based on data from the respective websites of the Bar Councils.

All the data used is as of January 8, 2021. All the data has been officially compiled with reference to information available from the websites of the Bar Councils. The provisions on eligibility for candidacy to stand for bar elections have been included as Annexure B.

A. Gender-Segregated Data of the Bar Council Members in Pakistan

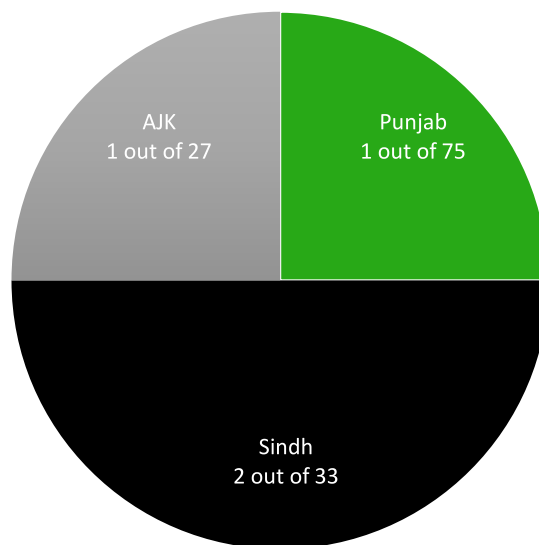
Bar Council	Male	Female
Pakistan (22)	22	0
Punjab (75)	74	1
KP (28)	28	0
Sindh (33)	31	2
Balochistan (7)	7	0
Islamabad (5)	5	0
AJK (27)	26	1
GB (8)	8	0
Total (205)	201	4
% age	98%	2%

This table shows the province-wise gender segregated data of the status of women's representation in the Bar Councils across Pakistan. It is observed that no woman is represented in Pakistan, Khyber Pakhtunkhwa, Balochistan, Islamabad and Gilgit-Baltistan Bar Councils. Punjab and AJK have representation of 1 woman each whereas Sindh leads by having 2 women in the Sindh Bar Council. Overall, women make up only 2% of the members of the Bar Councils in Pakistan which indicates that they neither have fair representation nor any real voice in the Councils.



This graph illustrates the province-wise gender disparity in the Bar Councils across Pakistan. It is observed that no woman is represented in Pakistan, Khyber Pakhtunkhwa, Balochistan, Islamabad and Gilgit-Baltistan Bar Councils. Punjab and AJK have representation of 1 woman each whereas Sindh leads by having 2 women in the Sindh Bar Council. The representation of women is neither encouraging nor proportionate to their numbers in the profession and in terms of percentage of the population of Pakistan, 49% (approximately) of whom are women.

Bar Council Representation (Females) - Provincial Breakdown



This chart shows the breakdown of the representation of women in the three provincial bar councils which have women as elected members.



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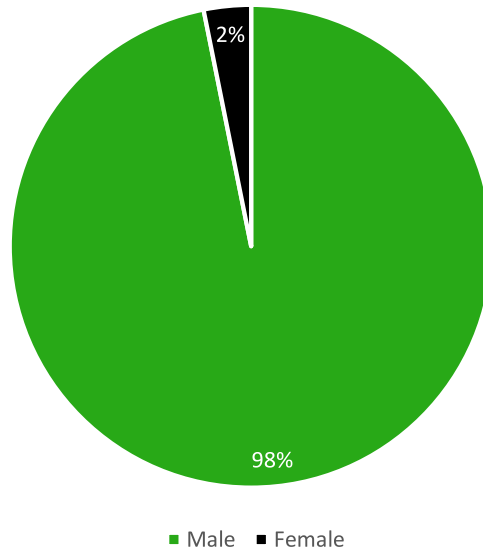


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% Total Representation in Bar Councils



This chart represents the total percentage of men and women in the Bar Councils in Pakistan.

Notes:

- All data used is as at January 8, 2021.
- All data has been officially compiled with reference to information available from the official websites of the bar councils.



PART 3 | ADVOCATES

In Part 3, we have compiled the gender-segregated data of advocates in Pakistan. Different charts and tables are used to illustrate the disparity in the number of advocates enrolled in Pakistan. The data is broken down province and tier-wise and it includes separate tables and charts for drawing different comparisons including a chart illustrating the province-wise representation of female advocates in percentages. It ends with a chart showing the total percentage of male and female advocates in Pakistan.

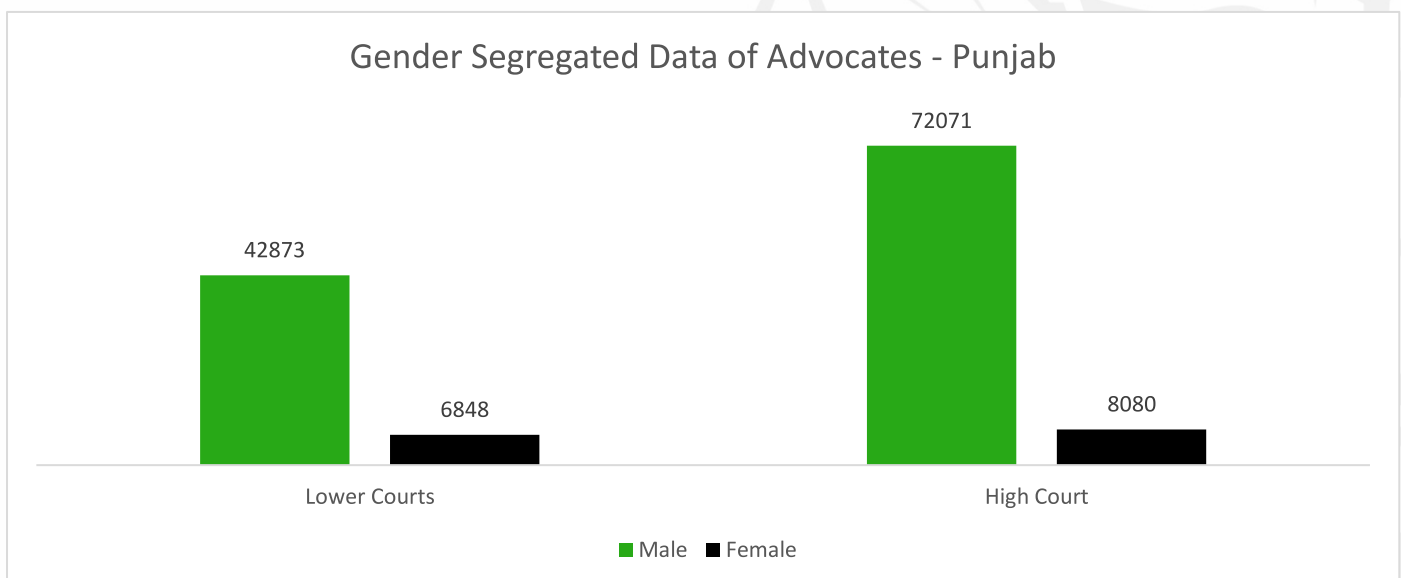
All the data has been officially compiled and has been provided by the concerned officials in the Bar Councils or via the official directories and other correspondence as indicated below. The provisions on enrolling as an advocate have been included as Annexure C.

A. Province and Tier-Wise Gender-Segregated Data of Advocates in Pakistan

(i) Punjab

Tier	Male Advocates	Female Advocates
Lower Courts (49719)	42873 86%	6846 14%
High Court (80,151)	72071 90%	8080 10%
Total (129,870)	114,944	14926
Total %	89%	11%

This data is based on information provided by the Punjab Bar Council via letter No 3110 dated 20 February 2021. This table shows the tier-wise gender-segregated data of advocates in Punjab. It does not include the details of advocates in the Supreme Court as those have been listed in a separate table below.



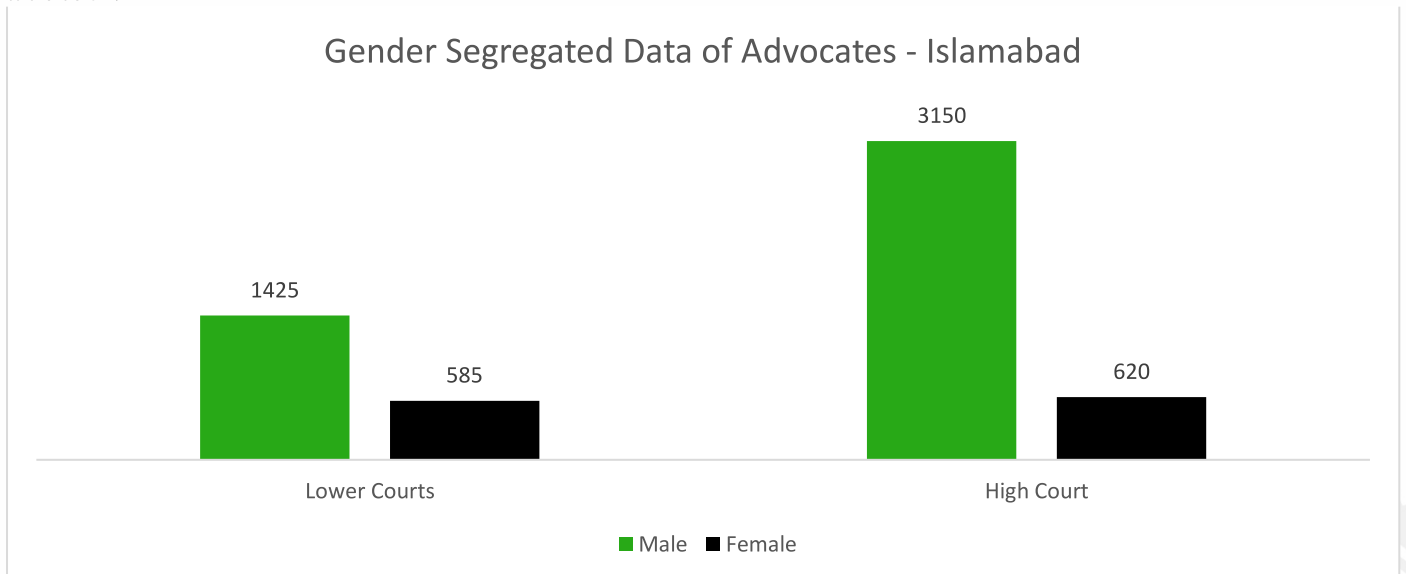
This chart shows the tier-wise gender disparity among male and female advocates in Punjab.



(ii) Islamabad

Tier	Male Advocates	Female Advocates
Lower Courts (2010)	1425 71%	585 29%
High Court (3770)	3150 84%	620 16%
Total (5780)	4575	1205
Total %	79%	21%

This data is based on information provided by the Islamabad Bar Council via Letter on 18th January 2021. This table shows the tier-wise gender-segregated data of advocates in Islamabad. It does not include details of advocates in the Supreme Court as those have been listed in a separate table below.



This chart shows the tier-wise gender disparity among male and female advocates in Islamabad.

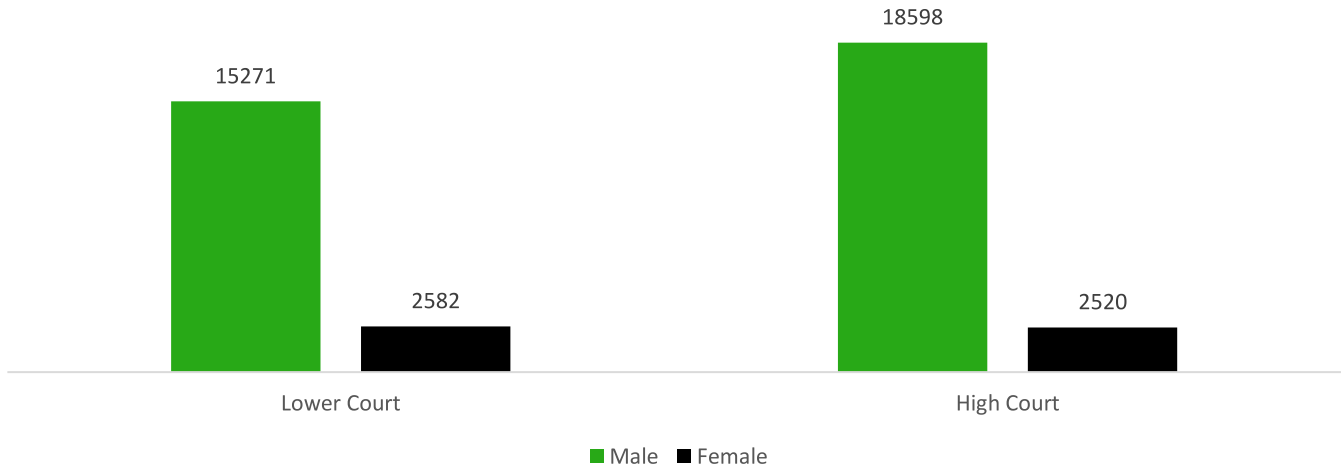
(iii) Sindh

Tier	Male Advocates	Female Advocates
Lower Courts (17853)	15271 86%	2582 14%
High Court (21118)	18598 88%	2520 12%
Total (38971)	33869	5102
Total %	87%	13%

This data is based on information provided by the Sindh Bar Council via email dated 15 April 2021. This table shows the tier-wise gender-segregated data of advocates in Sindh. It does not include details of advocates in the Supreme Court as those have been listed in a separate table below.



Gender Segregated Data of Advocates - Sindh



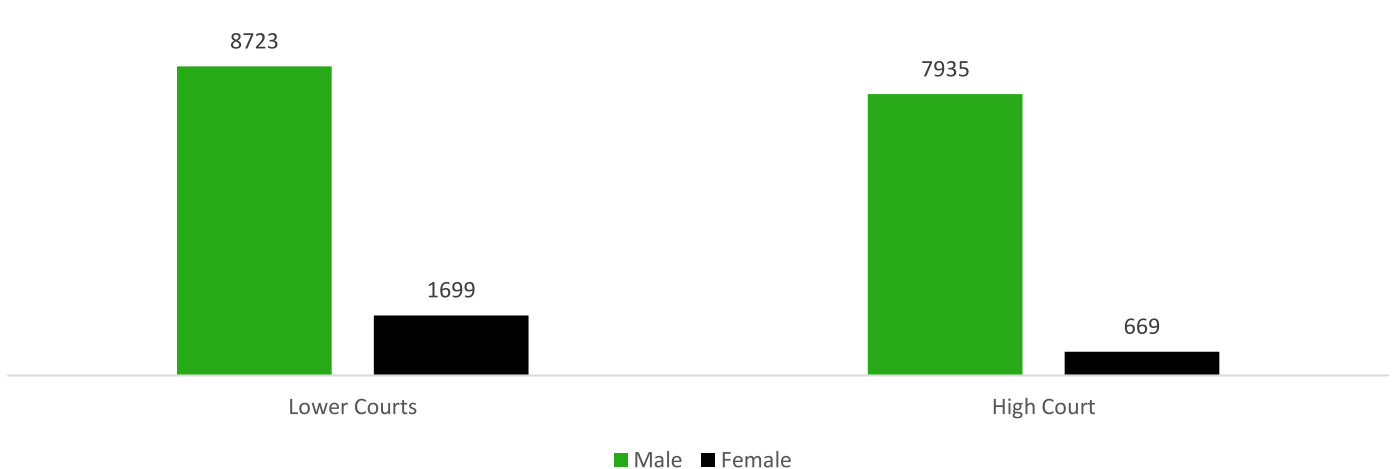
This graph illustrates the tier-wise gender disparity among male and female advocates in Sindh.

(iv) Khyber Pakhtunkhwa

Tier	Male Advocates	Female Advocates
Lower Courts (10,422)	8723 84%	1699 16%
High Court (8604)	7935 92%	669 8%
Total (19,026)	16,658	2368
Total %	88%	12%

This data is based on the information provided by the KP Bar Council via letter Ref No 28/KP.BC dated 27th January 2021. This table shows the tier-wise gender-segregated data of advocates in KP. It does not include details of advocates in the Supreme Court as those have been listed in a separate table below.

Gender Segregated Data of Advocates - KP



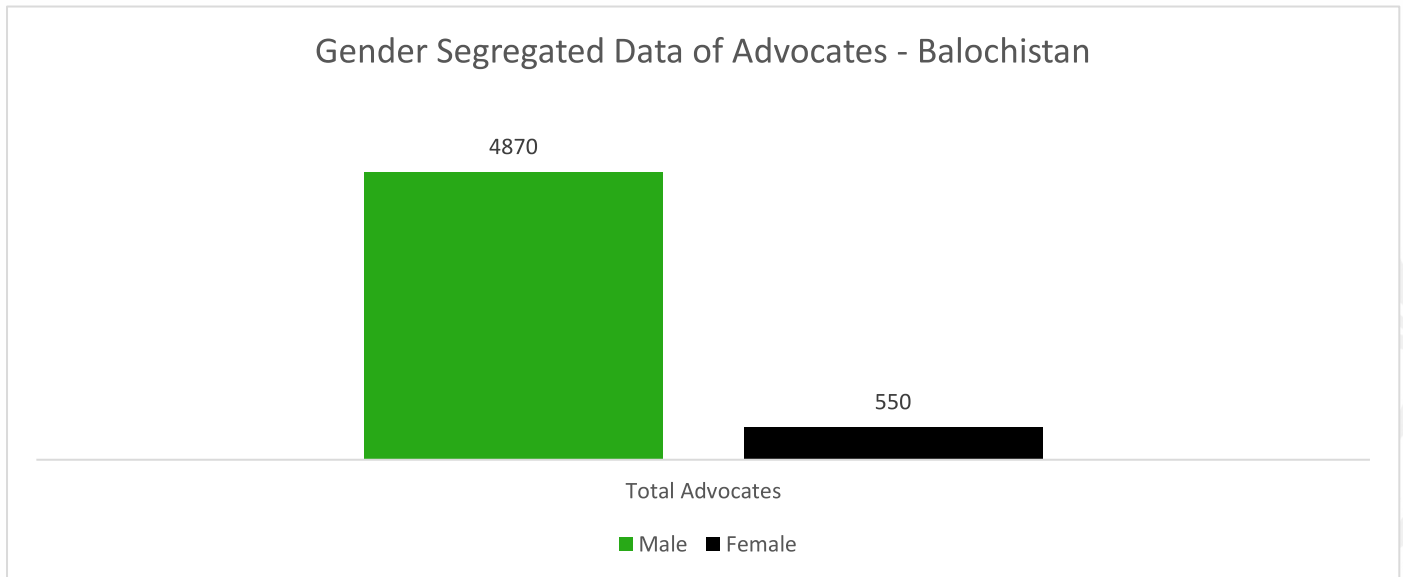
This graph illustrates the tier-wise gender disparity among male and female advocates in Khyber Pakhtunkhwa.

(v) Balochistan

1. Total Strength of Advocates - 5420
2. Advocates of High Court - 3750
3. Advocates of Lower court - 1670
4. Female Advocates - 550

Tier	Male Advocates	Female Advocates
Lower Courts (1670)	-	-
High Court (3750)	-	-
Total (5420)	4870	550
Total %	90%	10%

This data is based on information received from the Balochistan Bar Council via email on 6th March 2021. They did not share gendered data segregated by tier, so we have entered the data based on the total number of male and female advocates they have shared with us. It therefore, does not include how many male and female advocates are enrolled in lower and in high court but gives the representation based on aggregate number of male and female advocates enrolled in the Balochistan Bar Council.



This chart illustrates the gender disparity among male and female advocates in Balochistan.



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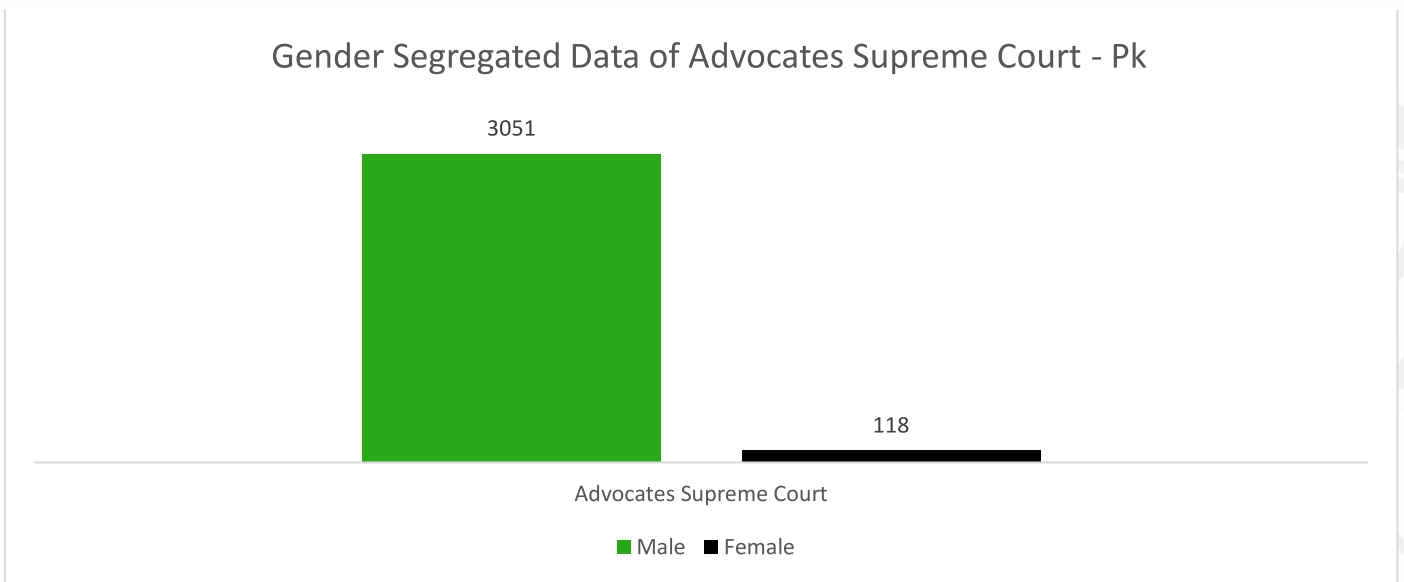


WOMEN IN LAW INITIATIVE PAKISTAN

B. Advocates Supreme Court

Seat	Male	Female
Bahawalpur (93)	90 97%	3 3%
Karachi (533)	503 94%	30 6%
Multan (205)	201 98%	4 2%
ICT/Rawalpindi (522)	497 95%	25 5%
Lahore (1331)	1284 96%	47 4%
Peshawar (287)	283 99%	4 1%
Quetta (199)	193 97%	6 3%
Total (3170)	3051	118
Total %	96%	4%

This data is obtained from the Supreme Court Bar Association's Directory of year 2020. This table shows seat-wise gender-segregated data of advocates enrolled as Advocate Supreme Court in Pakistan.



This Chart illustrates the gender disparity among male and female advocates enrolled as Advocate Supreme Court of Pakistan.



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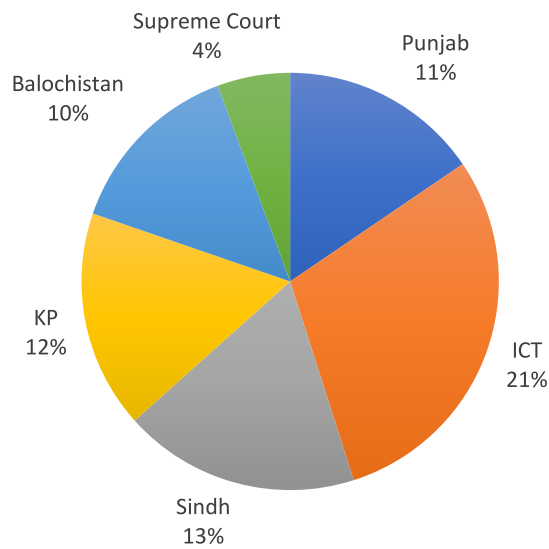
WOMEN IN LAW INITIATIVE PAKISTAN

C. Total No. of Advocates in Percentages in Pakistan Segregated by Gender

Tier	Male	Female
Punjab	89%	11%
ICT	79%	21%
Sindh	87%	13%
KP	88%	12%
Balochistan	90%	10%
Supreme Court	96%	4%
Total %	88%	12%

This table shows the province-wise gender-segregated data in percentages of advocates in Pakistan.

Province Wise Percentage of Representation - Female Advocates



This Chart shows the province-wise representation of female advocates in Pakistan. It is observed that ICT has the greatest representation of women at 21% whereas only 4% of females are enrolled as Advocate Supreme Court in Pakistan.



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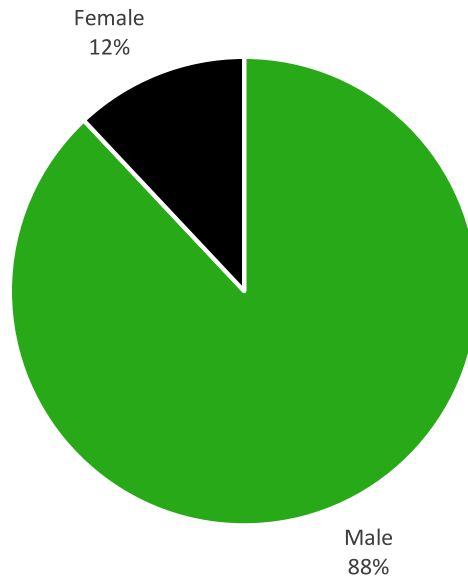
WOMEN IN LAW INITIATIVE PAKISTAN

D. Total No. of Advocates in Pakistan Segregated by Gender

Tier	Male	Female
Punjab (129,870)	114,944	14926
ICT (5780)	4575	1205
Sindh (38971)	33869	5102
KP (19,026)	16,658	2368
Balochistan (5420)	4870	550
Supreme Court (3170)	3051	118
Total (202,236)	177,967	24,269
Total %	88%	12%

This table shows the province-wise gender-segregated data of advocates in Pakistan.

Total No. of advocates in percentages in Pakistan



This Chart shows the gender disparity in percentages between male and female advocates in Pakistan. It also represents the total percentage of male and female advocates in Pakistan.

PART 4 | PROSECUTORS

In Part 4, we have compiled the gender-segregated data of prosecutors in Pakistan. Different charts and tables are used to illustrate the gender disparity in the number of prosecutors in Pakistan. The data is broken down province-wise and it includes separate tables and charts for drawing different comparisons including a chart illustrating the province-wise representation of female prosecutors in percentages. It ends with a chart showing total percentage of male and female prosecutors in Pakistan.

All data has been officially compiled and has been provided by the concerned officials from the Prosecutor General and the Directorate of Prosecution and via the official directories and other correspondence as indicated below. The provisions on appointment as prosecutors have been included as Annexure D.

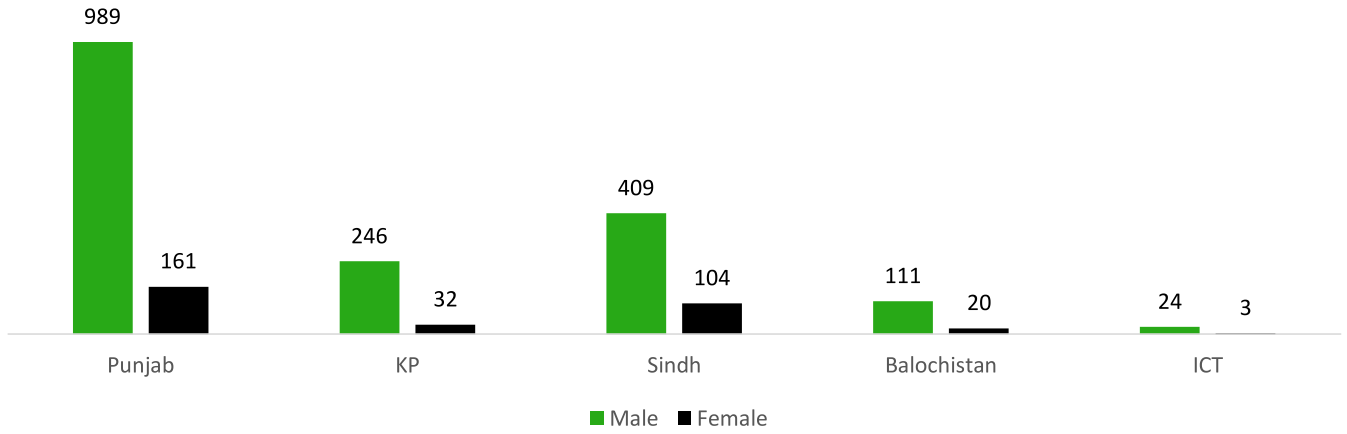
A. Province-Wise Gender-Segregated Data of Prosecutors

Province	Male	Female
Punjab	989	161
Total (1150)	86%	14%
KP	246	32
Total (278)	88%	12%
Sindh	409	104
Total (513)	80%	20%
Balochistan	111	20
Total (131)	85%	15%
ICT	24	3
Total (27)	89%	11%
Total (2099)	1779	320
% age	85%	15%

The data for Punjab was sent by the Prosecutor General Punjab via email dated 13 January 2021. The data for KP was sent by the Directorate of Prosecution KP via letter dated 25 January 2021. The data for Sindh was sent by the Prosecutor General Sindh via email dated 6th May, 2021. The Data for Balochistan was sent by the Prosecutor General Balochistan via email to Eshm Suhaib (project coordinator) dated 4th May 2021 and the data for ICT was communicated by Mr. Haji Tariq (PA to District Attorney) via telephonic conversation on 6th May at 3:14 pm, referenced in email received from Nida Usman Chaudhary (Lead Consultant and Curator – Increasing Women's Representation in Law Project).

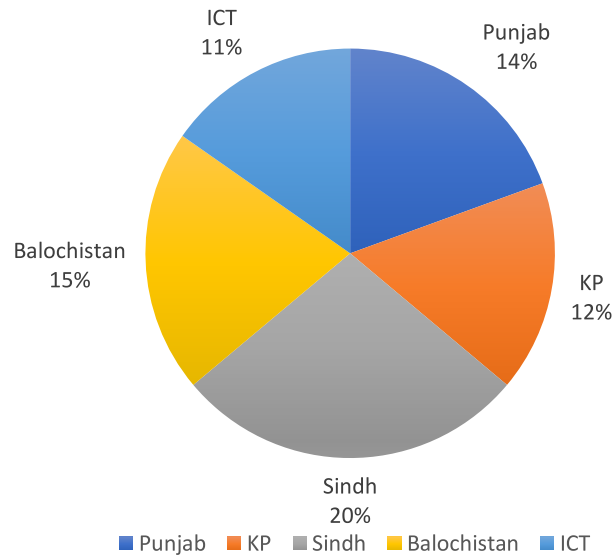


Province-Wise Gender Segregated Data of Prosecutors



This graph illustrates the province-wise gender disparity among Prosecutors in Pakistan. It is observed that in terms of status of representation of women, Sindh has the highest number of women as prosecutors at 20% whereas, ICT has the lowest at 11%.

Prosecutors (Female) - Provincial Breakdown



This Chart gives a province-wise breakdown of representation of women in percentages as Prosecutors in Pakistan.



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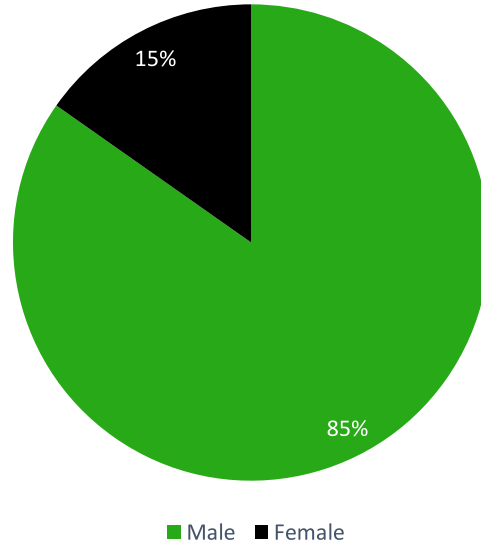


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% Total of Male and Female Prosecutors in Pakistan



This Chart shows the gender disparity in percentages between male and female prosecutors in Pakistan. It also represents the total percentage of male and female prosecutors in Pakistan.



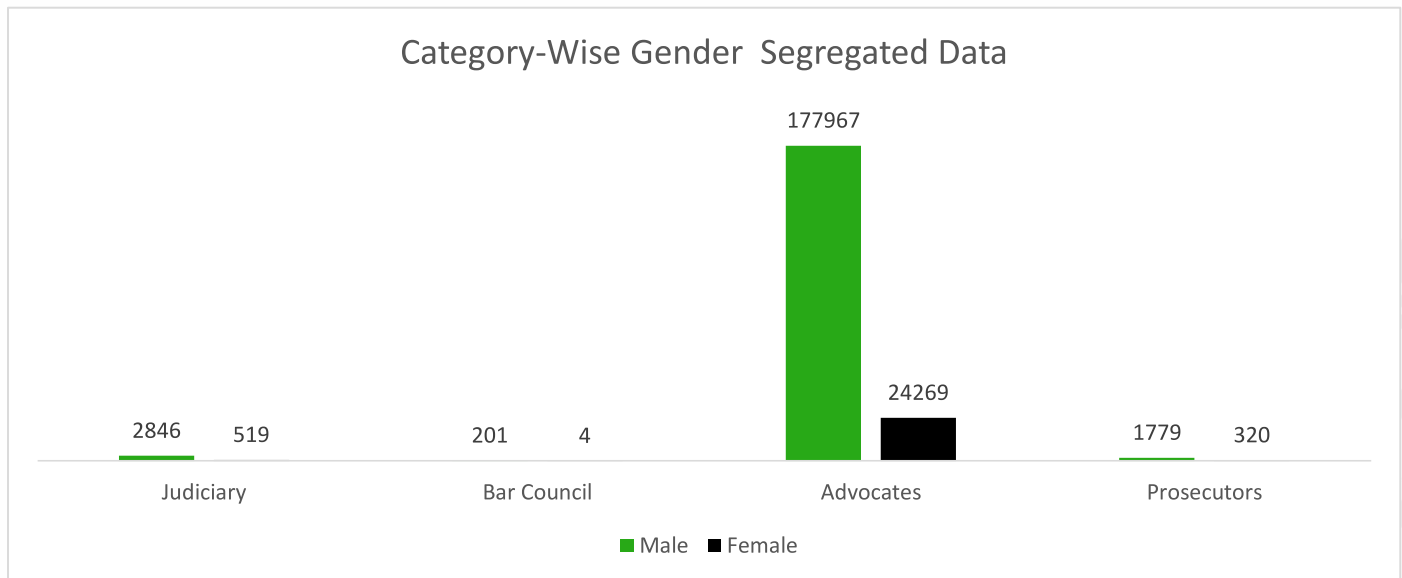
PART 5 | CUMMULATIVE DATA

In Part 5, we present the cumulative data as a summary of the status of representation of women in the legal profession in the four categories of this baseline study, namely, Judiciary, Bar Councils, Advocates and Prosecutors. Different tables and charts will be used to illustrate the gender disparity in these categories within the legal profession.

A. Category-Wise Comparison in Numbers

Category	Male	Female
Judges	2846	519
Bar Council	201	4
Advocates	177967	24269
Prosecutors	1779	320

This table shows the summary of the gender-segregated data of the four categories of this baseline study. It is observed that the greatest gender disparity exists in the representation in the Bar Councils.



This chart illustrates the state of representation of women and gender disparity in the legal profession in the four categories of this baseline study.

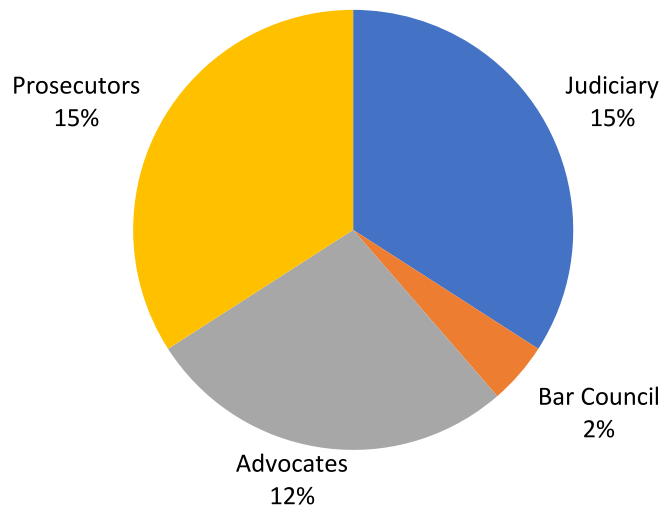


B. Category-Wise Comparison in Percentages

Category	Male	Female
Judges	85%	15%
Bar Council	98%	2%
Advocates	88%	12%
Prosecutors	85%	15%

This table shows the summary of the gender-segregated data of the four categories of this baseline study in percentages. It is observed that the greatest gender disparity exists in the representation in the Bar Councils.

CATEGORY-WISE BREAKDOWN OF REPRESENTATION OF WOMEN IN LEGAL PROFESSION



This Chart provides a category-wise breakdown of representation of women in the legal profession. Women are represented least in the Bar Councils.

CONCLUDING NOTE

Women account for almost half of Pakistan's population and yet their representation in the legal profession is negligible. This baseline study has highlighted that women constitute only 15% of the total judiciary in Pakistan. This is of concern particularly in the context of access to justice for women and children (girls in particular) because lack of representation in key fora through which rights are to be accessed and enforced currently do not appear to include diverse voices in Pakistan. As a result, legal profession and jurisprudence fails to benefit from the lived experience and unique perspectives of half of the population which could lead to increased alienation among women who may already be at risk and lack any real agency in a patriarchal society.

Additionally, local research suggests that children and women complainants would often prefer interacting with women during the justice process. This invisibility of women in the legal profession hence, contributes to discouraging complainants from seeking formal justice, and thereby, directly negatively impacts the dispensation of gender and child justice and the Rule of Law in Pakistan.

Given the disparity among men and women in terms of access to education, health, economic opportunities, financial autonomy and participation in labour force and politics and the prevalence of gender-based violence, family disputes, harassment at workplace, succession, inheritance and other legal matters, the lack of diverse representation in justice sector becomes an even bigger concern. In such cases, legal recourse often becomes an inevitable route to settle disputes and access fundamental rights which is why, it is important to continue to work towards building an inclusive, equitable and accessible justice sector for all.

In seventy-three years of its existence, Pakistan has never had a woman as a justice in the Supreme Court leaving Pakistan as the only country in the region with this record. All other countries in the region, including Afghanistan, Nepal, Bangladesh and India have had female Justices in their highest courts.

At the High Court level as well, the numbers are not very encouraging as only six women out of a hundred and sixteen judges sit as Honourable Justices of the High Court. This indicates that only 5% of the judges at the superior courts are women. Among these seats, Sindh and Punjab lead with two female judges each on their benches, followed by one in Peshawar and one female in Islamabad High Court.

The state of women's representation in the subordinate judiciary is comparatively much better than at the superior tier. At the subordinate level, women make up 15% of the judiciary with Khyber Pakhtunkhwa leading by ensuring 22% representation of female judges in its subordinate courts. It is important to highlight that the process of recruiting judges in the subordinate courts is significantly different than the nominations and appointments process of the higher courts, in that, at the subordinate level, it is based on a competitive examination and recruitments are made in accordance with Judicial Service Rules of the province as shown in "Annexure A, ii Subordinate Judiciary" below, whereas, for superior courts, the nominations and appointments take place in accordance with Article 175-A of the Constitution of Pakistan 1973 read with Rule 3 of the Judicial Commission of Pakistan Rules, 2010, as shown in "Annexure A i. Superior judiciary" below.

Women constitute only 12% of the total number of advocates in Pakistan. Out of these, Islamabad Capital Territory has the highest percentage of representation of female advocates at 21% followed by Sindh at 13%, KP at 12 % and Punjab at 11%. The lowest representation of women appears to be at the



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apex tier where women make up only 4% of ASC. This is concerning because advancement in legal profession is rooted in seniority and fixed tiers of progression. Until more women are interviewed for their Licenses to practice as Advocates Supreme Court and unless they are able to complete the process of advancement, it is likely to hold them and many others back from being eligible for other leadership and decision-making roles in the profession as well, given that all apex and superior positions are inter-linked and inter-dependent. For instance, Section 11 (A) a of the Legal Practitioners and Bar Council Act 1973 states *inter alia*, that:

'A person shall be qualified to be elected as a member of the Pakistan Bar Council if he-- (a) is on the roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council;'

The process for recruiting prosecutors is more streamlined in terms of percentage of initial recruitments and those that are based on transfer or promotions. This study highlights that women make up 15% of the total prosecutors in Pakistan. In terms of provincial breakdown, Sindh leads at 20%, followed by Balochistan at 15% and then Punjab at 14%.

In cases of gender-based violence the law usually also provides for involvement of female court and trial officers, including female prosecutors, independent support advisors and other officers so these numbers will have to be improved for an effective and efficient implementation of such laws, particularly in areas where female court staff has not been appointed or where prosecution departments may also be understaffed.

The most harrowing state of women's representation is however, found in the one institution where access to leadership positions is based on election as opposed to an appointment, interview or a competitive examination. The Bar Councils, which are the constitutional bodies for regulating the legal profession and for redressing complaints and issues among the fraternity including disciplinary actions, legal aid and other matters of concern and relevance to advocates, barely have only 2% of representation of women. This is akin to having no real voice in the main decision-making regulatory body for advocates in Pakistan.

This disparity, although distressing, is not entirely surprising because for now there are no affirmative actions in place to provide a degree of operative equality between men and women, for instance, there are no reserved seats for women and/or minorities and no weighted voting rights etc. in the Bar Councils.

The difference in number of male and female advocates is not the only factor that accounts for success or failure in a bar election, several other visible and invisible barriers such as hostile environment, kinship, lack of resources etc. may also have contributed to stagnating the diversity of representation in the Bar Councils over time. There however, needs to be more research and evidence-based studies to determine with greater certainty and clarity, the barriers that hold women back from advancement in law.

Until then, it is hoped that regulators and concerned bodies recognise the ground disparities and structural barriers that have led to a hegemonic playing field and play a leading role in introducing the necessary reforms for ensuring and enabling a diverse and inclusive system that can improve the stature of the profession on the diversity and inclusion index.

ANNEXURE A

Judicial Nominations and Appointments Process and Provisions

i. Superior Judiciary

Constitution of Pakistan 1973

Art 175A - Appointment of Judges to the Supreme Court, High Courts and the Federal Shariat Court-

(1) There shall be a Judicial Commission of Pakistan, hereinafter in this Article referred to as the Commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.

(2) For appointment of Judges of the Supreme Court, the Commission shall consist of--

(i) Chairman - Chief Justice of Pakistan;

(ii) Members - [four] most senior Judges of the Supreme Court;

(iii) Member - a former Chief Justice or a former Judge of the Supreme Court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the [four] member Judges, for a period of two years;

(iv) Member - Federal Minister for Law and Justice;

(v) Member - Attorney-General for Pakistan; and

(vi) Member - a Senior Advocate of the Supreme Court of Pakistan nominated by the Pakistan Bar Council for a term of two years.

(3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.

(4) The Commission may make rules regulating its procedure.

(5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following, namely:-

(i) Member - Chief Justice of the High Court to which the appointment is being made;

(ii) Member - the most senior Judge of that High Court;



(iii) Member - Provincial Minister for Law; and

(iv) Member as advocate having not less than fifteen years practice in the High Court to be nominated by the concerned Bar Council for a term of two years:

[Provided that for appointment of the Chief Justice of a High Court the most Senior Judge mentioned in paragraph (ii) shall not be member of the Commission:

Provided further that if for any reason the Chief Justice of a High Court is not available, he shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the four member Judges of the Commission mentioned in paragraph (ii) of clause (2).

(6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely:-

- (i) Member - Chief Justice of the Islamabad High Court; and
- (ii) Member - the most senior Judge of that High Court

Provided that for initial appointment of the [Chief Justice and the] Judges of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:

Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, mutatis mutandis, apply.

(7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that Court as its members:

Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos to clause (5) shall, mutatis mutandis, apply.

(8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court or the Federal Shariat Court, as the case may be.

(9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely:-

- (i) four members from the Senate; and
- (ii) four members from the National Assembly

[Provided that when the National Assembly is dissolved, the total membership of the Parliamentary Committee shall consist of the members of the Senate only mentioned in paragraph (i) and the provisions of this Article shall, mutatis mutandis apply.]



(10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.

(11) Secretary, Senate shall act as the Secretary of the Committee.

(12) The Committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within fourteen days, failing which the nomination shall be deemed to have been confirmed:

[Provided that the Committee, for reasons to be recorded, may not confirm the nomination by three-fourth majority of its total membership within the said period:]

[Provided further that if a nomination is not confirmed by the Committee it shall forward its decision with reasons so recorded to the Commission through the Prime Minister:

Provided further that if a nomination is not confirmed, the Commission shall send another nomination.]

(13) The Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment.

(14) No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

(15) The meetings of the Committee shall be held in camera and the record of its proceedings shall be maintained.

(16) The provisions of Article 68 shall not apply to the proceedings of the Committee.

(17) The Committee may make rules for regulating its procedure.

Art 177 - Appointment of Supreme Court Judges.

(1) The Chief Justice of Pakistan and each of the other Judges of the Supreme Court shall be appointed by the President in accordance with Article 175A.

(2) A person shall not be appointed a Judge of the Supreme Court unless he is a citizen of Pakistan and –

Art 193 - Appointment of High Court Judges.

(1) The Chief Justice and each of the other Judges of a High Court shall be appointed by the President in accordance with Article 175A.



(2) A person shall not be appointed a Judge of a High Court unless he is a citizen of Pakistan, is not less than [forty-five] years of age, and-

(a) he has for a period of, or for periods aggregating, not less than ten years been an advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day); or

(b) he is, and has for a period of not less than ten years been, a member of a civil service prescribed by law for the purposes of this paragraph, and has, for a period of not less than three years, served as or exercised the functions of a District Judge in Pakistan; or

(c) he has, for a period of not less than ten years, held a judicial office in Pakistan.

[Explanation-In computing the period during which a person has been an advocate of a High Court or held judicial office, there shall be included any period during which he has held judicial office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.]

(3) In this Article, "District Judge" means Judge of a principal civil court of original jurisdiction.

(a) has for a period of, or for periods aggregating, not less than five years been a judge of a High Court (including a High Court which existed in Pakistan at any time before the commencing day); or

(b) has for a period of, or for periods aggregating not less than fifteen years been an advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day).

Judicial Commission of Pakistan Rules 2010

3: Nominations for Appointments

(1) For each anticipated or actual vacancy of a Judge in the Supreme Court or the Chief Justice of Federal Shariat Court or the Chief Justice of a High Court, the Chief Justice of Pakistan shall initiate nominations in the Commission for appointment against such vacancy.

(2) For each anticipated or actual vacancy of a Judge in the Federal Shariat Court or Judge in the High Court, the Chief Justice of the respective Court shall initiate and send nomination for appointment against such vacancy to the Chairman for convening meeting of the Commission.



ii. Subordinate Judiciary

Punjab Judicial Service Rules 1994

4 Appointing Authority: Appointments to the service shall be made by the High Court.

5 Method of Recruitment:

- i. Appointment to a post of Civil Judge-cum- Magistrates shall be made by initial recruitment on the recommendation on the Commission based on the result of competitive examination conducted by it in the subjects specified in the Appendix-A to these rules.
- ii. Omitted.
- iii. Appointment to the post of Additional District & Sessions Judge shall be made to the extent of forty percent of the available vacancies through initial recruitment from amongst members of the Bar and;
- iv. Appointment to the post of Additional District & Sessions Judge under sub-rule (3) shall be made on the recommendations of the Examination Committee and the Examination Committee shall conduct competitive examination for the said purpose in the subjects specified in Appendix-B to these rules.

Explanation.

----For purpose of this rule, 'Examination Committee' means of three Judges of the High Court nominated by the Chief Justice.

6 Age:

(1) No person shall be appointed to the service: in case of initial recruitment as Civil Judge-cum- Magistrates if he is less than twenty-two years and more than thirty years of age.

Provided that-----

- (a) in the case of a Government Servant who has served in connection the affairs of the Federation or the Province of Punjab for a period of not less than three years, the upper age limit shall be thirty-five years;
- (b) in the case of a Barrister or an Advocate of the High Court and the Courts subordinate thereto or a Pleader, the period during which he practiced at the Bar, subject to a maximum period of three years, shall, for the purpose of upper age limit under this rule, be excluded from his age;
- (c) in the case of a person whose service under Government has been terminated for want of vacancy, the period of service already rendered by him shall for the purpose of upper age limit under this rule, be excluded from his age.

(2) For the purposes of this rule, age shall be reckoned as on the last date fixed for submission of applications for appointment.



7 Qualification.

(1) No person shall be appointed to a post in the service by initial recruitment unless:-

(a) in case of appointment to a post of Civil Judge-cum-Magistrate, he possesses a degree in law from a recognized University entitling him to practice the profession of Law or is a Member of the Faculty of Advocates of Scotland.

- (i) he possesses a degree in Law from a recognized University entitling him to practice the profession of law or is a Member of the Faculty of Advocate of Scotland;
- (ii) he has actively practiced the profession of law for not less than two years after having been enrolled as an Advocate; and
- (iii) he is domiciled in the Punjab.

Explanation:-

For the purposes of this clause-

(i) the expression "practiced the profession of law" shall include any period of Government service by a person as-

- a) District Attorney, a Deputy District Attorney or an Assistant District Attorney; or
 - b) full time prosecutor authorized to conduct prosecution on behalf of the Government;
- and

(ii) to prove active practice the candidate shall declare by an affidavit that-

- (a) he had been actively practicing the profession of law during the two years preceding the date of advertisement; and
- (b) during this period he had not engaged himself in any other whole-time service, business or, as the case may be, occupation for gain.

(b) In case of appointment to the post of Additional District & Sessions Judge, he, apart from possessing the qualification prescribed in sub- clause(i) of clause (a), is:

- (i) a practicing Advocate of High Court and the court subordinate to the High court with minimum practice of ten years; and
- (ii) not less than thirty-five years and not more than forty-five years of age; and
- (iii) a Senior Civil Judge or Civil Judge-cum-Magistrate with ten years' service experience.

(d) A person shall not be appointed to the service through initial recruitment unless he:

- (i) produces a certificate of character from the principal academic officer of the academic institution last attended and also such certificates from two other respectable persons, not being his relatives, who are well acquainted with his character and antecedents;
- (ii) is declared to be medically fit by a Board of Medical Officers, appointed by the High Court; and
- (iii) he is domiciled in Punjab.



7A. Confirmation of Civil Judge-cum-Magistrate.

A Civil Judge-cum- Magistrate shall not be confirmed in service unless:

- (a) he completes initial or extended period of probation satisfactorily on the basis of performance evaluation made by the Departmental Confirmation Committee;
- (b) he undergoes, attends and successfully qualifies such course and training as may be determined by the High Court; and
- (c) he has passed the departmental examination under the Punjab Civil Judges Departmental Examination Rules, 1991.

7B. Confirmation of Additional District and Sessions Judge.

An Additional District and Sessions Judge appointed through initial recruitment shall not be confirmed in service unless:

- (a) he completes initial or extended period of probation satisfactorily on the basis of performance evaluation made by the Departmental Confirmation Committee;
- (b) he undergoes, attends and successfully qualifies such course and training as may be determined by the High Court from time to time; and
- (c) he has passed the departmental examination as may be specified by the High Court.

Explanation.---

For purposes of these rules, 'Departmental Confirmation Committee' means a committee of two Judges of the High Court nominated by the Chief Justice.

7C. Promotion.

The following shall be the method of promotion of judicial officers;

- (a) all posts of the Senior Civil Judges-cum-Magistrates shall be filled through promotion on seniority-cum-fitness basis from amongst the Civil Judges-cum-Magistrates;
- (b) Sixty percent of the available posts of Additional District & Sessions Judges shall be filled through promotion on seniority-cum-fitness basis from amongst the Senior Civil Judges-cum-Magistrates; and
- (c) all posts of the District & Sessions Judges shall be filled through promotion on seniority-cum-fitness from amongst the Additional District and Sessions Judges.

7D. Pre-Requisite for Promotion.

(1) A Civil Judge-cum-Magistrate, a Senior Civil Judge-cum-Magistrate or an Additional District and Sessions Judge shall not be eligible to be considered for promotion unless he attends, undergoes and successfully qualifies such course and training at Federal Judicial Academy, Punjab Judicial Academy or such other institution as may be determined by the High Court; and, is recommended for promotion by the performance Evaluation Committee.

(2) The Chief Justice shall constitute a Performance Evaluation Committee which shall make recommendations for promotions on the basis of performance evaluation of Civil Judge-cum-Magistrate, a Senior Civil Judge-cum-Magistrate or an Additional District and Sessions Judge.

(3) Notwithstanding anything contained in this rule, the High Court may itself conduct a course or training for purposes of sub-rule (1)

ANNEXURE B

Bar Council Elections – Eligibility Provisions

Legal Practitioners and Bar Councils Act 1973

5A. Qualifications for membership of a Provincial Bar Council [and Islamabad Bar Council] —

A person shall be qualified to be elected as a member of a Provincial Bar Council [and Islamabad Bar Council] if he:-

- (a) is on the roll of advocates of High Court maintained by the Provincial Bar Council [and Islamabad Bar Council] for not less than 5 years, and]
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than [fifteen] years; and
- (c) has cleared all the dues payable by him to the Provincial Bar Council [and Islamabad Bar Council]

[Provided that for the first election of Islamabad Bar Council, the qualification required for a candidate for Punjab Bar Council shall apply to the candidate to be elected for Islamabad Bar Council.]

11. Composition of Pakistan Bar Council —

(1) The Pakistan Bar Council shall consist of the Attorney General for Pakistan, ex-officio, and [twenty-three] members, who shall be elected on the basis of a single transferable vote by the members of the Provincial Bar Councils [and Islamabad Bar Council] as hereinafter specified:-

Balochistan	1
The North-West Frontier Province (KP)	4
The Punjab	11
Sindh	6
[Islamabad Capital Territory.....]	1; and]

[(1A) The members of Pakistan Bar Council shall be elected by single transferable vote from each province [and Islamabad Capital Territory] by the members of their respective Provincial Bar Council.] [and Islamabad Bar Council]

(2) A member of a Provincial Bar Council [and Islamabad Bar Council] who is elected to be a member of the Pakistan Bar Council shall cease to be a member of the Provincial Bar Council [and Islamabad Bar Council].

(3) No election of a member to the Pakistan Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if the notice of the date has, not less than thirty days before that date, been published in the official Gazette.

(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

(5) Omitted.



11A. Qualifications for membership of Pakistan Bar Council —

A person shall be qualified to be elected as a member of the Pakistan Bar Council if he—

- (a) is on the roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council for not less than 5 years;
- (b) has, on the day of the filling of the nomination paper, been an Advocate for not less than [twenty] years; and
- (c) has cleared all the dues payable by him to the Pakistan Bar Council.

Legal Practitioners and Bar Council Rules 1976

3. In this Chapter unless there is anything repugnant in the subject or context:

[(a)"candidate" means:--

- (i) in relation to election of the Pakistan Bar Council, an advocate whose name appears in the Roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council and practising generally in a Province from which he seeks election and is qualified to be elected as Member of the Pakistan Bar Council under Section 11A of the Act and does not suffer from any disqualifications under Section 11B of the Act; and
- (ii) in relation to election of the Provincial Bar Council, an Advocate whose name appears in the Roll of group of districts] maintained by a Provincial Bar Council from the District wherein he is practicing generally and is qualified to be a Member of a Provincial Bar Council under Section 5A of the Act and does not suffer from any disqualifications under Section 5B of the Act.

Explanation.--If any question arises whether an Advocate is or is not, for the purpose of this sub-rule, practicing generally in a Province or District, for the purpose of election of Pakistan Bar Council it shall be referred to the Attorney General for Pakistan and for the purpose of election of the Provincial Bar Council it shall be referred to the Advocate-General concerned, whose decision thereon shall be final].

[(aa) "continuing candidate" means any candidate who is neither elected nor excluded from the poll at any given time].



ANNEXURE C

Enrolment as Advocate – Eligibility and other Requirements

Legal Practitioners and Bar Councils Act 1973

26. Persons Qualified for Admission as Advocates —

Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate if he fulfils the following conditions, namely:-

(a) he is a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir:

Provided that, subject to the other provisions of this Act, a national of any other country [who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission] may be admitted as an advocate if citizens of Pakistan duly qualified are permitted to practise law in that other country;

(b) he has completed the age of twenty-one years;

(c) he is a Barrister or is or was enrolled as an advocate of a High Court in any area which before the fourteenth day of August, 1947, was comprised within India as defined by the Government of India Act, 1935 (26 Geo. 5, c 2), or has obtained—

(i) before the 7th day of February, 1966, a degree in law from any university in Pakistan; or

(ii) before the fourteenth day of August, 1947, a degree in law from any university in any area which was comprised before that date within India as defined by the Government of India Act, 1935 (26 Geo 5, c 2); or

(iii) a degree in law from a university in Pakistan or abroad recognized by the Pakistan Bar Council; and]

(d) he has undergone such course of training and passed such examination after the training as may be prescribed by the Pakistan Bar council: Provided that this clause shall not apply to any class of persons who, by reason of their legal training or experience, are declared by the Pakistan Bar Council to be exempt from the provisions of this clause; and

(e) he has paid such enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council.

(2) Omitted.

(3) Omitted]



27. Persons Qualified for Admission as Advocates of a High Court—

Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate of a High Court if he fulfils the following conditions, namely:-

- (a) he has practised as an advocate, vakil or pleader before subordinate Courts in Pakistan for a period of not less than two years; or
- (b) he has practiced outside Pakistan as an advocate before any High Court specified in this behalf by the Pakistan Bar Council; or
- (c) he has, for reason of his legal training or experience, been exempted by the Provincial Bar Council [and Islamabad Bar Council], with the previous approval of the High Court, from the requirements of clause (a) and clause (b); and (d) he has paid such enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council.

[28. Persons Qualified for Admission as Advocates of the Supreme Court—

Subject to the provisions of this Act and the rules made 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.]

29. Eligibility of Women for Admission—

No woman shall be disqualified for admission as an advocate for reason only of her sex.

Legal Practitioners and Bar Council Rules 1976

Advocate Supreme Court

106. No person shall be entitled to appear, plead or act before the Supreme Court unless:-

- (1) he satisfies all the conditions laid down by Rules framed by the Supreme Court in respect of persons entitled to appear and plead before the Supreme Court.
- (2) he has paid to the Bar Council, in case he is an Advocate of the Supreme Court, a fee of Rs. 85[16,000/-] and in case he is a senior Advocate of the Supreme Court a fee of Rs. 2000

107. (1) (a) The application for enrolment as an Advocate of the Supreme Court shall be addressed to the Chairman of the Pakistan Bar Council.

(b) It shall be made in form 'A' attached to these Rules.

(c) It shall be accompanied by:--

- (i) a receipt of the enrolment fee;
- (ii) a certificate from a Provincial Bar Council to the effect that the applicant is an enrolled Advocate of the High Court concerned and his name is still borne on the Roll of Advocates maintained by that Bar Council; he is not in arrears of dues of that Council; and that he was not convicted for an offence of professional and other misconduct together with details of any case of professional or other misconduct if pending before such Provincial Bar Council.
- (iii) a certificate from the High Court concerned that he is a fit and proper person to appear and plead as an Advocate before the Supreme Court of Pakistan:



[Provided that in case the applicant submits his application after six months of grant of the fitness Certificate he will have to explain reasons of delay to the satisfaction of Enrolment Committee of the Pakistan Bar Council. If the Enrolment Committee is not satisfied with the explanation it may impose penalty ranging from Rs. 2000/- to Rs. 8000/- which the applicant shall pay in account of the Pakistan Bar Council. If the delay exceeds one year the applicant will be required to get the fitness Certificate revalidated from the concerned High Court and also explain through an affidavit the reasons of delay stating also that during that period he did not join any other service, business or vocation and if so he shall submit details thereof with documentary evidence. The Enrolment Committee will grant enrolment if it is satisfied with the explanation so offered subject to payment of penalty by the applicant].

- (iv) an affidavit by the applicant that he is eligible and not disqualified to practise as an Advocate of the Supreme Court s7[and that he was not convicted for an offence of professional or other misconduct and no such case is pending before any Bar Council].
- (v) a certificate from the Bar Association of which he is a Member to the effect that he is not in arrears of subscription or any other dues of the Bar Association.
- (vi) A list of-selected cases conducted by the applicant in the High Court.
- (vii) Two passport size photographs of the applicant duly attested by the President/Secretary of the Bar Association of which he is a Member or by any Member of a Bar Council].

(2) An application for admission as a Senior Advocate of the Supreme Court shall be addressed to the Chairman in form 'B' appended to these Rules. It shall be accompanied by a receipt of Rs [2000/-] as enrolment fee and a certificate from the Pakistan Bar Council that he is enrolled as an Advocate of the Supreme Court of Pakistan.

108. (a) An application for enrolment shall be forwarded by the Chairman to the Enrolment Committee for decision.

(b) The Enrolment Committee shall consider the application and may call the applicant for interview.

(c) If the Enrolment Committee grants the application the applicant shall be enrolled as an Advocate of the Supreme Court and a certificate in form 'C' shall be issued to him. If he is enrolled as a Senior Advocate of Supreme Court the certificate in form 'D' shall be issued to him.

(d) If the enrolment committee rejects the application it will record its reasons for not granting the application and shall inform the applicant accordingly.

(e) Where the application is rejected by the Enrolment Committee an appeal shall lie to the Pakistan Bar Council and its decision shall be final.

108-N. (1) No person shall practice as an Advocate of the Supreme Court unless he is a member of the Supreme Court Bar Association.

(2) It shall be sufficient compliance with requirement of sub-rule (1) if within six months of having admitted as an Advocate of the Supreme Court he applies for being enrolled as a member of the



Supreme Court Bar Association and in the case of a person who is already enrolled an Advocate of the Supreme Court he applies for being admitted as a member of the Supreme Court Bar Association within six months of coming into force of this Rule.

(3) The Certificate of enrolment as an Advocate of Supreme Court of an Advocate who has not applied for being enrolled as member of the Supreme Court Bar Association within the period prescribed under sub-rule (2) shall stand automatically suspended]

Other Advocates

108-A. Any person qualified under Section 26 [of the 1973 Act] to be admitted as an Advocate may make an application in Form 'A' prescribed by the Provincial Bar Council, for admission as an advocate to the Provincial Bar Council within whose jurisdiction he proposes to practise generally.

108-B. The application shall be accompanied by:--

- (a) satisfactory evidence of the applicant's date of birth;
- (b) satisfactory evidence of qualifications under Section 26;
- (c) two testimonials from Advocates of 10 years standing as to the character and conduct of the applicant;
- (d) an affidavit stating fully, truly and accurately if any criminal proceedings or proceedings for professional or other misconduct were instituted against in any country and if so with what result;
- (e) receipts of payment of prescribed enrolment fees to the Pakistan and Provincial Bar Council;
- (f) an undertaking that he would become a member of a Bar Association within six months after his enrolment;
- (g) list of at least 10 cases in which he has assisted his senior, duly signed by the senior giving the nature of each case;
- (h) six attested copies of his passport size photograph;
- (i) an affidavit stating as to what the applicant was doing during the period of gap, if there was a considerable gap, in between his academic examinations and the application for enrolment;
- (j) a character and good conduct certificate from the employer if he had been in service anywhere;
- (k) a certificate of training from the senior in form 'B' prescribed by the Provincial Bar Council.

Explanation--The date of birth recorded in the University or Board of Secondary Education from which the applicant secured his Matriculation Certificate shall be presumed to be correct but the Bar Council may for the reasons to be recorded determine otherwise.

108-C. (1) Every apprentice (except a person mentioned in Rule 108-I infra) shall, before being admitted as an Advocate, have to undergo a comprehensive training regularly for a continuous period of six months as a pupil in the chamber of an advocate, who has been entitled to practice as an Advocate for a period of not less than ten years:

Provided that a pupil may commence his apprenticeship with such advocate after having passed his LLB. Parts I & II and having appeared in all the subjects of his LLB. Part I II examination:

Provided further that such an apprentice shall furnish copies of the result of his LLB. Parts I & II examinations and an affidavit to the effect that he has appeared in all the papers of his LLB Part-III examination.



(2) A pupil may take training with more than one advocate for a total period of six months which are substantially continuous. Intimation of joining each advocate shall be sent to the Secretary, Provincial Bar Council in accordance with this rule:

[Provided that no advocate shall take more than three pupils at a time, that the advocate taking pupils was practicing at the Bar during the whole period of pupillage and that a written intimation of a person joining an advocate as pupil, signed by both of them, has been sent to the Secretary of Provincial Bar Council within one month after the commencement of pupillage. In case an advocate has more than three pupils at any particular time, only the first three in the order in which they were taken, shall be regarded as under training].

[(3)] An advocate with whom a person received training in accordance with sub-rule (1) of Rule 108-C shall give a Certificate in Form 'B' prescribed by the Provincial Bar Council and shall specify in the certificate or as a separate annexure thereto at least ten cases in which he had the assistance of the pupil.

[(4)] An advocate who gives a false certificate in this behalf shall be guilty of professional misconduct.

[(5)] Every applicant applying for admission as an advocate shall have to pass a written examination in addition to a viva-voce examination, held quarterly under the directions and supervision of the Enrolment Committee of the Provincial Bar Council in the following subjects:

- (i) Civil Procedure Code;
- (ii) Criminal Procedure Code;
- (iii) Qanoon-e-Shahadat;
- (iv) Constitution of the Islamic Republic of Pakistan;
- (v) Legal Practitioners and Bar Councils Act, 1973 and the rules framed thereunder; and
- (vi) Canons of Professional Conduct and Etiquettes. The written examination shall be of 3 hours duration carrying 100 marks each paper with a pass percentage of 50%. Copies of the Constitution, bare Acts and Rules shall be made available to the applicant at the examination.

108-D. The Enrolment Committee may, before it passes an order granting the application or returning it to the Bar Council, make such summary enquiry as it thinks fit.

108-E. Where an Enrolment Committee or the Bar Council grants the application, a certificate for enrolment shall be issued to the applicant in Form "E" appended to these rules.

108-F. If the Bar Council rejects the application, the decision shall forthwith be communicated to the applicant.

108-I. The following persons shall be exempt from training and examination provided in Rule 108-C supra:-

- (1) applicant who have received an LL.M. degree from any university in Pakistan or a university recognized under Section 26(1)(c)(iii) of the Act, or a degree or diploma which is declared by the Pakistan Bar Council to be equivalent to that degree;



- (2) applicants who have for at least five years held a judicial office in Pakistan or who have for a like period held a post in the service of Pakistan the duties whereof entail interpretation or drafting of laws;
- (3) applicants who after having been called to the Bar in England have completed a full one-year training with a senior counsel in England which training thereafter entitled them to appear independently in Courts in England.
- (4) applicants who after having been enrolled as practicing lawyers in any place not within Pakistan, have to the satisfaction of the Enrolment Committee of the Bar Council concerned, practiced there for full one year.

108-K. All cases in which the degree on the basis of which application for enrolment has been submitted is a degree recognized under Section 26(1)(c)(iii) of the Act and all cases wherein proceedings have been taken against the applicant for enrolment in any country whether criminal proceedings or proceedings for professional misconduct, shall be placed before the Provincial Bar Council for appropriate action before they are sent to the Enrolment Committee. The Provincial Bar Council may inter alia, allow the enrolment of the applicant subject to the passing of such examination as it may think proper to provide.

108-L. (1) No person shall practise as an Advocate unless he is a member of a bar association of the place at which he ordinarily practises, which association has been recognized under the rule next following.

(2) It will be sufficient compliance with the requirement of the preceding clause if within six months of being enrolled as an advocate a person applies for being admitted as a Member of a Bar Association in the district in which he intends to practise ordinarily, and his application has not been dismissed.

(3) The certificate of enrolment of a person who has not applied for being admitted as member of a Bar Association within six months of his enrolment as provided above shall stand automatically suspended.

ANNEXURE D

Prosecutors – Appointments Process and Eligibility

Code of Criminal Procedure 1988

4 (t) "Public Prosecutor": "Public Prosecutor" means any person appointed under Section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of the State in any High Court in the exercise of its original criminal jurisdiction.

492. Power to appoint Public Prosecutors:

(1) The Provincial Government, may appoint, generally, or in any case, or for; any. specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(2) [Officer-in-charge of prosecution in the district] may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below such rank as the Provincial Government may prescribe in this behalf to be Public Prosecutor for the purpose of any case.

The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006

2 (l) "Prosecutor" means the Prosecutor General, Additional Prosecutor General, Deputy Prosecutor General, District Public Prosecutor, Deputy District Public Prosecutor, Assistant District Public Prosecutor and a Public Prosecutor appointed under this Act and shall be deemed to be the public prosecutor under the Code;

(m) "Prosecutor General" means the Prosecutor General appointed under section 6;

6. Prosecutor General—

(1) The Government shall appoint a Prosecutor General, who shall be the head of the Service, on such terms and conditions as may be determined by the Government.

(2) The terms and conditions of service of the Prosecutor General shall not be varied during the term of his office.

(3) The Prosecutor General shall hold office for a non-extendable period of three years.

(1) The Prosecutor General may resign from his post during the tenure of his office by submitting his resignation in writing to the Government.



(5) The Government may, for reasons to be recorded in writing and after providing him an opportunity of being heard, remove the Prosecutor General prior to the completion of his tenure, on the ground of misconduct or physical infirmity.

(6) The Prosecutor General shall have a right of representation and audience on behalf of the Government in all courts including the High Court, the Federal Shariat Court and the Supreme Court.

(7) The Prosecutor General may delegate any of his functions to an Additional Prosecutor General or to a Deputy Prosecutor General.

7. Qualifications for the appointment of Prosecutor General— A person shall not be appointed as Prosecutor General unless he is a citizen of Pakistan, and is not less than forty five years of age, and—

- (a) he has, for a period of, or for the periods aggregating, not less than ten years, been an advocate of the High Court; or
- (b) he is a law graduate and has, for a period of not less than seventeen years, been a member of the prescribed civil service; or
- (c) he has, for a period of not less than ten years, held a judicial office in the Punjab; or
- (d) he has, for a period of not less than five years, performed functions of an Additional Prosecutor General; or
- (e) he has, for a period of not less than seven years, performed the functions of a District Public Prosecutor or has performed functions of a Prosecutor in the Punjab, under any law, for a period of not less than fifteen years.

Explanation— In computing the period during which a person has been an advocate of the High Court or held judicial office, there shall be included any period during which he has held judicial office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.

8. Appointments—

- (1) The Government may appoint Additional Prosecutors General and Deputy Prosecutors General to conduct criminal cases in the Supreme Court, the High Court, the Federal Shariat Court or any other Special Court.
- (2) The Government shall appoint a District Public Prosecutor in each district who shall be the officer in-charge of the prosecution in the district within the meanings of the Code.
- (3) Appointments to the Service, except appointment of the Prosecutor General under section 6, shall be either by initial recruitment or by promotion or by transfer as prescribed.
- (4) All appointments by initial recruitment shall be made on the recommendation of Punjab Public Service Commission.

Provided that the Government shall, by a special order, invite one time options from the persons already performing functions of Prosecutors on regular basis in the Province and may induct them in the Service upon such terms and conditions which are not detrimental to their existing terms and conditions of service.



Punjab Criminal Prosecution Service (conditions of service) Service Rules, 2007

4. Manner of Appointment-

- (1) Appointment to a post in the service may be made through initial recruitment, promotion or transfer.
- (2) The Government may require a person appointed to a post in the Service or a candidate for a post in the Service to take such examination(s) in such manner as it may specify.
- (3) No person shall be appointed through initial recruitment on regular basis except on the recommendation of the Punjab Public Service Commission.

5. Appointment through Initial Recruitment-

- (1) The appointing authority shall make appointments on the posts in accordance with the provisions of the Schedule.
- (2) A person appointed through initial recruitment on regular basis shall remain on probation for a period of two years and shall not be confirmed in the service unless he successfully completes such training and such examinations as may be specified by the Government.
- (3) If a person appointed in the Service through initial recruitment fails to complete the training or fails in the specified examination, within a specified time in three attempts, the appointing authority shall terminate his services.

6. Appointment through Promotion-

- (1) A person appointed to the Service on regular basis and fulfils the conditions mentioned in column 6 of the schedule, shall be eligible to be considered for appointment through promotion to a post reserved for promotion in the Schedule.
- (2) Promotion shall be granted with immediate effect and shall, in no case, be granted from the date of availability of a post reserved for promotion.
- (3) A promotion shall be stand actualized on the date when the promotee assumes the charge of the higher post.
- (4) No person shall be considered for promotion unless he has completed the training and passed the examination, as may be specified by the Government;

Provided that the person who were inducted into service in terms of section 8(4) the Act, shall be exempted from training for purposes of promotion.

7. Appointment through Transfer – Appointment through transfer may be made from amongst the eligible officers in accordance with the provisions of the Schedule.

Schedule - Punjab Criminal Prosecution Service (conditions of service) Service Rules, 2007

1. Prosecutor General (BS-20) – Minimum Qualification for Appointment

- (i) At least 10 years practice as an advocate of the Lahore High Court.
- (ii) Seventeen (17) years of service in the prescribed civil service and a Bachelor's Degree in Law; or
- (iii) Has held judicial office for a period of not less than ten (10) years: Or



- (iv) has performed functions of an Additional Prosecutor less than five years: or
- (v) has performed the functions of a District Public Prosecutor for a period of not less than seven years, Or
- (vi) has performed functions of a Prosecutor in the Punjab, under any law, for a period of not less than fifteen years.

Method of Recruitment - By initial recruitment or by transfer. If no one is available for initial recruitment or by transfer then by promotion on the basis of selection on merit from amongst Additional Prosecutors General having not less than five (5) years experience.

Age for Initial Recruitment – Min 45, Max 57.

2. Additional Prosecutor General (BS-19) – Minimum Qualification for Appointment

- (i) Ten (10) years practice as an advocate of the Lahore High Court, or Eight (8) years Practice as an advocate of the Lahore High Court if holding a post Graduate Degree in Law; or
- (ii) Fifteen (15) years experience in the prescribed civil service and a Bachelor's Degree in Law; or Twelve (12) years experience in the prescribed civil service and a Post Graduate Degree in Law or Barrister-at-Law; or
- (iii) Seven (7) years experience as a Deputy Prosecutor General and Bachelor's Degree in Law; or
- (iv) Five (5) years experience as District Public Prosecutor, or
- (v) Twelve (12) years service as Public Prosecutor; or
- (vi) Five (5) years service as member of judicial service.

Method of Recruitment - (i) Fifty percent (50%) by initial recruitment. (ii) Fifty percent (50%) by promotion from amongst the Deputy Prosecutors General with seven (7) years experience on the basis of selection on merit.

Age for Initial Recruitment – Min 40, Max 55.

3. Deputy Prosecutor General (BS-18) – Minimum Qualification for Appointment

- (i) Eight (8) years practice as an advocate of the Lahore High Court, or Six (6) years practice as an advocate of the Lahore High Court if holding a post-Graduate Degree in Law; or
- (ii) Ten (10) years experience in the prescribed civil service and a Bachelor's Degree in Law; or Seven (7) years experience in the prescribed civil service and a Post - Graduate Degree in Law or Barrister - at -Law; or
- (iii) Seven (7) years experience as Assistant Prosecutor General; or Ten (10) years experience as a Public Prosecutor and a Bachelor's Degree in Law.

Method of Recruitment - (i) 50% by initial recruitment; (ii) 50% by Promotion (feeding cadre to be prescribed). 50% from amongst the eligible Assistant District Public Prosecutors having five years experience as such on the basis of selection on merit.

Age for Initial Recruitment – Min 35, Max 50

5. District Public Prosecutor (BS -19) – Minimum Qualification for Appointment



- (i) Bachelor's Degree in Law with twelve (12) years practice as an advocate, Or
- (ii) Ten (10) years Practice as an advocate if holding a post -Graduate Degree in Law; Or (iii) Ten (10) years experience in the prescribed civil service and a Graduate Degree in Law.

Method of Recruitment - (i) 25% by initial recruitment. (ii) 75% on the basis of selection on merit from amongst Deputy District Public Prosecutors (BS - 18) having seven years service as such; iii*Provided that the persons, inducted in service in terms of section 8(4) of the Act, may be considered for promotion if they have twelve (12) years service in BS -17 and above of which at least four (4) years service shall be in BS -18.

Age for Initial Recruitment - Min 40, Max 55

6. Deputy District Public Prosecutor (BS -18) – Minimum Qualification for Appointment

- (i) Seven (7) years Practice as an advocate in case of Bachelor's degree in law; or
- (ii) Five (5) years practice as an advocate in case of post graduate degree/PhD in law; or
- (iii) Five (5) years experience as Public Prosecutor.

Method of Recruitment - (i) 25% by initial recruitment. (ii) 75% on the basis of selection on merit from amongst Assistant District Public Prosecutors having five years service as such.

Age for Initial Recruitment – Min 30, Max 45.

7. Assistant District Public Prosecutor (BS -17) – Minimum Qualification for Appointment

Bachelor's Degree in Law with two (2) years Practice as an advocate.

Method of Recruitment - 100% through initial recruitment

Age for Initial Recruitment - Min 25, Max 35



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