**[Revamping Pakistan’s bar councils](https://nation.com.pk/17-Nov-2020/revamping-pakistan-s-bar-councils" \t "_new)**

Mohsin Saleem Ullah November 17, 2020

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Bar councils across the country have their affairs governed under the Pakistan Legal Practitioners and Bar Council Act 1973. It establishes a hierarchy of two tiers of bar councils that has the Pakistan Bar Council as a parent body comprising lawyer’s associations. And second in line are the four provincial bar councils that have their rules jotted down for the functioning of the district, and high court bar associations of provinces.

Flipping pages of the Act, I saw bar councils are mandated to safeguard the rights, and function in the interest of its advocates. With that said, they are bound to suggest law reforms, as well as taking measures to ensure inexpensive, speedy, and fair justice from the judiciary. Also, reminiscing from the past, we witnessed the unprecedented lawyers’ support bar had gathered to hoist the flag of rule of the law during the lawyer’s movement when a dictator attempted to withhold Pakistan’s constitution. For many reasons, this noble profession has been a choice of great leaders, and unsung heroes, but is sadly dying its death.

With time, the effectiveness and purpose of these councils have been compromised in the hands of its members and have fallen prey to a fraction of subjective lawyers’ politics, who use bar platforms for personal gains. The offices of bar associations and councils attract businesses, where lawyers-cum-investors get to spend a hefty amount on the campaign for the candidate to win bar elections. As Punjab bar councils have elections in the next couple of weeks, we get to see junior associates and senior members of the legal fraternity campaigning for their chosen candidate by throwing lavish dinners, running rallies, posting banners across the lower courts (Kacheri) and flooding social media with their posts. There is barely a day when a lawyer does not receive a political message or call from a fellow lawyer to have their vote cast for their candidate. Isn’t it distressing to know that bar politics is talk of the town, and it keeps on extending to every event of life, be it death or any other meaningful occasion? Unfortunately, religious affiliations, caste, and creed still play a significant role to win bar elections.

Many of us might see it as an objective-less campaign with no manifesto to ensure us bar’s commitment to suggest, and bring reforms for uplifting standards, and quality of the bar council. However, to the young and senior lawyers it’s an opportunity to show their loyalty and support to a candidate who has committed them his personal support in their legal matters and rewarding higher positions in the bar council. Also, candidates are often swaying lawyers by making towering claims of speaking on their behalf to illegitimately demand funds, and plots for the bar council members from the government.

The district and high court bar associations serve as an electoral college for the provincial bar council that further elects members of the Pakistan Bar Council. Therefore, bar associations have turned out to be influential bodies that can dictate terms to the office bearers, who supposedly have a role of watchdog against corruption, nepotism, and precluding attempts of malpractices, but unfortunately, that’s not the case.

For decades, the legal community has played a powerful yet meaningful role in Pakistani politics and its effort in restoring the independence of the judiciary. Yet there is a downfall to every power, who has failed to keep up with its morals, and indulged in unacceptable practices, as we have been seeing since the lawyer’s movement had reached its culmination. These councils are now accused of corruption, nepotism, and blackmailing the government, and the judiciary for their personal benefits, has made them emerge as a dominant component in the justice system. As a member of the legal fraternity, it’s awful to see our community termed with “lawyers hooliganism”, landing on the front page of the newspaper, whenever we are reported as having our hand in beating up judges, abusing police officials, and now doctors have recently been our victims as well. In the absence of an accountability process by bar councils, we continue to breach rules even though we are the upholders and protectors of law.

However, bar associations in developed countries thrive to regulate quality legal education and services. They have regular refreshing courses, and tests conducted by their councils for the attorneys to continue to maintain their legal standards and be aware of new rules, and regulations. For example, the American Bar Association (ABA) has rigorous ethical and academic standards for law schools across the United States to train students with proper professional, and ethical responsibilities towards clients and the legal system. In case a lawyer violates an ethical rule—which is definitely of no importance to us—he/she would have his/her license revoked, and permanently unqualified to practice law. Also, an effective method I get to see abroad is litigation against a lawyer by their bar councils through effective committees, and tribunals to penalise those offenders breaching rules of professional conduct.

It is not so surprising for me that we have a huge population of practicing lawyers with fake degrees, and yet no action has ever been taken. Additionally, there is an immense need to revise rules on disciplinary actions, and poor performance of committees in rendering speedy, and fair justice has been in question.

Bar councils must continue functioning as per the rules of its Act. I believe reform could be the only way out to avoid further deterioration of its members. A committee, consisting of senior members of the Pakistan Bar Council should revise the outdated laws, and have them replaced with new reforms as per the international bar association standards.

Also, office bearers of the national, and provincial bar councils should be chosen to serve the office and trained, according to the international professional legal standards. And to ensure their proper functioning there is a need for a tribunal that keeps checking disputed acts of these councils. We don’t wish to see a bar of utopia, but at least one with less corruption, free of nepotism and malpractices.