

THE ROLE OF PAKISTAN BAR COUNCIL IN THE PROMOTION OF HUMAN RIGHTS

The Pakistan Bar Council is a statutory organisation responsible for safeguarding the rights, interests and privileges of practicing lawyers, regulating their conduct and helping in the administration of justice. Its composition, powers and functions are described in detail by the Legal Practitioners and Bar Councils Act, 1973. An important role assigned to the Bar Council has been the promotion of legal education and provision of free legal aid to deserving citizens. The Bar Council may also help in the promotion of knowledge about legal issues/problems through holding lectures, seminars and conferences.

Due to the high rate of illiteracy in our society and ignorance about legal rights and obligations, bulk of the citizen can neither acquire/enforce their rights nor adequately fulfil/execute their responsibilities. As per a judgment of the Supreme Court, “rights and obligations are two essential components of a just society, respect of which is a duty and disregard of which is a wrong; and knowledge of these rights and obligation is sine qua non for good governance”ⁱⁱ. Contrary to the common law notion that ignorance of law is no defence, the Islamic law lays emphasis on informing and educating the people about their rights/obligations, before any action can be contemplated against them. The Quranic injunctions on the subject are,

“nor would We Visit with Our Wrath Until We had sent An apostle (to give warning)”.ⁱⁱ Elsewhere, the Quran stress the need of informing the people and explaining things to them so that they become aware and are clear of their obligations. Says the Quran, “We sent an apostle except (to teach) in the language of his (own) people, in order to make (things) clear to them”ⁱⁱⁱ

The issues of ignorance and lack of awareness of rights and duties by the citizen came up for consideration before the Supreme Court. This Court, in the case of *Naseem vs Fayyaz Khan*^{iv} emphasised on taking necessary measures and initiating social uplift programmes for the masses in the rural areas to ameliorate the plight and conditions of illiterate masses. The Court, therefore, suggested an appropriate statutory committee for the purpose. In the case of *Ghulam Ali Vs Mst Ghulam Sarwar Naqvi*,^v the Court particularly stressed the need for providing information to women regarding their inheritance rights, as recognised by Islam and enforceable through the court of law. The Court observed, “in the rural areas where 80% of the female population resides, the inheritance rights of the female are not protected and enforced, as Islam requires. It is a pity that while an urbanised brother who is labourer in a neighbouring mill has the protection of labour laws, his unfortunate sister is deprived of her most valuable right of inheritance”

The issue of provision of legal aid and assistance to the people in general and indigent people in particular came up for consideration before the Pakistan Law Commission in its meeting held at Lahore on January 31, 1992. The Commission having thoroughly discussed the issue opined that one way of strengthening the enforcement of fundamental rights would be to oblige the Pakistan Bar Council to play a more meaningful and effective role in the enforcement of fundamental rights. It, therefore, recommended appropriate amendments to the Legal Practitioners and Bar Council Act, 1973, thereby adding a new function to the existing list, namely, to provide free specialised services for awareness, promotion and enforcement of human rights in the country". The Commission further resolved that for the effective enforcement of this function, the Bar Council should also have a Committee, namely, Human Rights Committee to ensure the full enforcement of this newly added function of the Council.

LEGAL PRACTITIONERS AND BAR COUNCILS (AMENDMENT) ACT, 1993

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

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

It is hereby enacted as follows:-

1- Short title and commencement:- (1) This Act may be called Legal Practitioners and Bar Councils (Amendment) Act, 1993.

(2) It shall come into force at once.

2- Amendment of Section 13, Act XXXV of 1973.- In the Legal Practitioners and

Bar Councils Act, 1973 (Act XXXV of 1973), hereinafter called the said Act, in Section 13, after clause (m), the following new clause shall be added, namely:-

“(mm) to provide free specialised services for awareness, promotion and enforcement of human rights in the country”

3- Amendment of Section 15, of the Act, XXXV of 1979.- In the said Act, in Section 15, in sub-section(2), after the words “education committee” the words “and human rights committees” shall be inserted.

Statement of Objects and Reasons

These recommendations of Pakistan Law Commission seek to amend the Act XXXV of 1973 to provide for free specialised services for awareness, promotion and enforcement of human rights and constitution of committees for the purpose.

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS (AMENDMENT) RULES 1993

In exercise of the powers conferred by Section 55 of the Legal Practitioners and Bar Councils Act of 1973 (XXXV of 1973) and other provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following addition to the Rules:

1. In the Pakistan Legal Practitioners and Bar Councils Rules 1976, in Chapter XII (Canon of Professional Conduct and Etiquette of Advocates), in Part D (Conduct with Regard to the public Generally), after Rule 175, a new rule i.e. Rule 175A shall be added, namely:

175A. An advocate shall provide assistance in matters of human rights awareness, promotion and enforcement when so called upon by the Pakistan Bar Council, Provincial Bar Councils, a Bar Association or any Court.

Statement of Objects and Reasons

This amendment proposed by the Pakistan Law Commission seeks to oblige an advocate to play a meaningful role in the promotion and enforcement of human rights in the society, and raising awareness on the issue, among the public.

References

- i . PLD 1962 SC 379
- ii . XVII: 15
- iii . XIV: 4
- iv . PLD 1991 SC 412
- v . PLD 1990 SC 1