

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

Mr. Justice Muhammad Ali Mazhar
Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed

Constitution Petition No.13 of 2023

(Setting Aside Show Cause Notices Dated
12.4.2023 issued by Pakistan Bar Council to
Muqtedir Akhtar Shabbir, Secretary and Malik
Shakeel-ur-Rehman, Additional Secretary,
Supreme Court Bar Association)

Supreme Court Bar Association, through
its Vice-President, Islamabad and
others

...Petitioners

Versus

Pakistan Bar Council, through its
Secretary, Islamabad and another

...Respondents

For the Petitioners:

Mr. Hamid Khan, Sr. ASC
Mr. Abid S. Zuberi, ASC
Mr. Muqtedir Akhtar Shabbir, ASC
Malik Shakeel ur Rehman, ASC
Mr. Shoaib Shaheen ASC
Malik Ghulam Mustafa Kandwal, ASC
Sh. Ahsan-ud-Din, ASC
Mr. M. Ikram Chaudhry, ASC
Mr. Niaz ullah Khan Niazi, ASC
Mr. M. Saim Chaudhry, ASC
Mr. Javed Ahmad Chattari, ASC
Mr. Shafqat Mehmood Chauhan, ASC
Mr. M. Maqsood Buttar, ASC
Mr. Muhammad Aslam Zar, ASC
Mr. Arshad Hussain Yousafzai, ASC
Mr. Munawar Iqbal Gondal, ASC
Ch. Hafeez Ullah Yaqub, ASC
Mr. Tahir Faraz Abbasi, ASC
Rana Zia Abdul Rehman, ASC
Mian Muhammad Ismail Thaheem, ASC
Mr. Shamim ur Rehman Malik, ASC
Mr. Ali Hassan Bugti, ASC
Mr. Taufiq Asif, ASC
Ms. Shazia Bilal, ASC
Ms. Bushra Qamar, ASC
Syed Rifaqat Hussain Shah, AOR
Ms. Amna Khalili, Advocate
Mr. Arif Ansari, Advocate
Agha Ali Durrani, Advocate

For the Respondents:

Mr. M. Ahsan Bhoon, ASC
(via video link from Lahore)
Mr. Hassan Raza Pasha, ASC
(for Executive Committee PBC)
Ms. Hifza Bokhari, ASC
Ms. Shireen Imran, ASC
Mr. Anis M. Shahzad, AOR

On Court notice: Mr. Mansoor Awan, AGP

Date of Hearing: 09.05.2023

ORDER

Muhammad Ali Mazhar, J. This constitution petition has been brought by the Supreme Court Bar Association ("**SCBA**") and others under Article 184(3) of the Constitution of the Islamic Republic of Pakistan, 1973 ("**Constitution**") for challenging the show cause notices dated 12.4.2023, issued by Pakistan Bar Council ("**PBC**") to Muqtedir Akhtar Shabbir, Secretary, SCBA (petitioner No.2) and Malik Shakeel-ur-Rehman, Additional Secretary, SCBA (petitioner No.3). The petition was fixed for preliminary hearing on 05.05.2023 when Mr. Abid S. Zuberi, learned ASC, referred to Rule 118 and 125 of the Pakistan Legal Practitioners & Bar Council Rules, 1976 and argued that, after filing this petition, the notification of de-seating was also issued which is illegal and without due process of law. The learned counsel was also directed to satisfy this Court on the maintainability of this petition under Article 184(3) of the Constitution, which predominantly relates to the question of public importance with reference to the enforcement of any of the fundamental rights conferred by Chapter 1 of Part-II of the Constitution.

2. In response to the notices issued to the respondents, as well as the learned Attorney General for Pakistan ("**AGP**"), Mr. Mansoor Awan, learned AGP is present, whereas Mr. Ahsan Bhoon, learned ASC representing the PBC, appeared via video link from Lahore.

3. The learned representatives of PBC argued that the petition under Article 184(3) of the Constitution is not maintainable. It was further averred that the action of de-seating was taken in accordance with the law. They have also expressed discomfort due to some derogatory remarks and language allegedly used by the SCBA against the PBC in some letters or correspondence. The Court then asked all the learned representatives of the PBC and the SCBA whether there is any possibility to find a middle way for the amicable resolution of the disputes cropped up between the two eminent and distinguished Bars of this country. In response, Mr. Hassan Raza Pasha, learned Chairman of the Executive Committee, PBC, informed us that a meeting was convened with Mr. Abid S. Zuberi, learned President of SCBA, with the proficient endeavors and mediation of Mr. Shamim-ur-Rehman, Ex-President SCBA and Syed

Qalb-e-Hassan, learned ASC and all the participants of the meeting made their best possible efforts in good faith for the settlement of the disputes between the two representative bodies of the legal fraternity. Mr. Hamid Khan, learned Sr. ASC, and Mr. Abid S. Zuberi, learned ASC also confirmed the statement made by Mr. Hasan Raza Pasha, learned ASC, Syed Qalb-e-Hassan, learned ASC and Mr. Haroon-ur-Rashid, learned ASC/Vice Chairman PBC. The learned AGP is also of the view that it would be in the interest of both the representative bodies of lawyers to resolve the disputes in a friendly way rather than litigating in the Courts.

4. The elected representatives of PBC and SCBA have conveyed their proposals in Court for agreement/settlement and, after due deliberation and thoughtful consideration, they consensually reached to an amicable settlement with certain decisions in the following terms:

- i. The show cause notices dated 12.04.2023 issued by PBC to Muqtedir Akhtar Shabbir, Secretary, SCBA (petitioner No.2) and Malik Shakeel-ur-Rehman, Additional Secretary, SCBA (petitioner No.3) are withdrawn with immediate effect. As a consequence thereof, the de-seating notifications of aforesaid two petitioners dated 04.05.2023 are also withdrawn forthwith.
- ii. As a reciprocal gesture, Mr. Abid S. Zuberi, the President SCBA, undertakes that, within one week, an application under Order XXIII, Rule 1, Code of Civil Procedure, 1908 shall be moved with an urgent motion for the withdrawal of Suit No.346/2023, -872/2023 and -873/2023 filed by the SCBA against the PBC and its members in the Sindh High Court and certified true copies of the orders of withdrawal of the above suits shall be provided with covering letter to the PBC Secretariat for information and record.
- iii. The minutes of both meetings dated 24.02.2023, convened at 11:30 a.m. and 7:00 p.m, are hereby cancelled. However, both the elected bodies of SCBA and PBC are at liberty to convene their meetings in accordance with the relevant Rules/byelaws.
- iv. The President of SCBA also informed us that Ms. Hifza Bukhari, Finance Secretary, SCBA made a request in writing to Habib Bank limited, Supreme Court Branch, Islamabad, for freezing the bank accounts of SBICA. She undertakes that she will withdraw the letter by 10.5.2023 and a copy of withdrawal letter with the acknowledgment of Bank shall be provided in the SCBA Secretariat for information and record.
- v. Our attention was also invited to a Resolution dated 04.05.2023, circulated by Ms. Hifza Bukhari, Acting Secretary/Finance Secretary SCBA, whereby the memberships of seven Members of the SCBA was

suspended. Since the matter has been resolved, therefore the representatives of both the parties, as well as all the Members of SCBA who passed the resolution and are present in Court have agreed to withdraw the aforesaid resolution with immediate effect.

- vi. The letter dated 05.05.2023, issued by the Office Secretary of PBC to Mr. Ashfaq Ahmed Raja, Admin Officer, Mr. Husnain, Assistant Admin Officer, and Mr. Ghalib Hussain, Accountant (all employees of SCBA) is also withdrawn.
- vii. The letter dated 04.05.2023, issued by the Secretary SCBA, whereby the membership of ten Members of the Executive Committee was suspended is also withdrawn forthwith.
- viii. The elected representatives of PBC and SCBA all have assured each other that they will follow this settlement and the mutually agreed decisions contained in paragraphs (i) to (vii) in letter and in spirit, without committing any breach thereof.

5. The Constitution Petition is disposed of in the above terms.

6. In the end, we must appreciate the elected representatives of PBC and SCBA, along with their well-wishers from both sides, who made sincere efforts in good faith with sanity to find out the ways and means for proper resolution of the disputes and finally resolved it prudently. We expect that in future also, both renowned associations will maintain a cordial relationship and perform their duties and responsibilities in accordance with the law and the applicable rules/byelaws for safeguarding and advocating the interests of their members and the betterment of the legal fraternity as a whole, in a congenial environment, during the pleasure of their offices and elected mandate.

Judge

Judge

Judge

ISLAMABAD
9th May, 2023
Approved for reporting
Mudassar/*