

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-170 of 2026

[Muhammad Bux @ Waheed v. Chairman Sindh Bar Council Karachi and others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Muhammad Bux @ Waheed in person.

Respondents : Nil

Date of Hearing **03.02.2026.**

Date of Judgment : **03.02.2026.**

ORDER

RIAZAT ALI SAHAR. J., - Through this Constitutional Petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks following reliefs:-

- a) That this Honourable Court may be pleased to stay and suspend the forthcoming elections of the High Court Bar Association, Hyderabad scheduled on 14th February 2026, and the District Bar Association, Hyderabad scheduled on 28th March 2026, including all proceedings, notifications, and related processes, until the eligibility of voters is verified and the voter list is corrected in accordance with law;
- b) That this Honourable Court may be pleased to direct as per the order dated 06-12-2018 passed by the Honourable Supreme Court of Pakistan respondents No.2 to 5 to scrutinize, verify, and update the voters' list for both High Court Bar Association Hyderabad and District Bar Association Hyderabad, including verification of academic degrees, CNIC numbers, active legal practice, and removal of ineligible,

inactive, dual, or government-employed advocates from the electoral roll;

- c) That this Honourable Court may be pleased to direct the respondents to incorporate safeguards to ensure that only duly qualified and eligible Advocates are allowed to vote and contest in the elections, in accordance with the Constitution, Legal Practitioners & Bar Councils Act, 1973, and directives of the Honourable Supreme Court of Pakistan;
- d) Grant any other relief deemed just, proper, and equitable in the circumstances of the case, in favour of the Petitioner.

2. The Petitioner is an Advocate of this Court, duly enrolled with the Sindh Bar Council has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution. The present petition arises out of alleged grave illegalities, maladministration and failure of statutory duty on the part of the Respondents in connection with the preparation of voter lists for the forthcoming elections of the High Court Bar Association, Hyderabad (scheduled for 14.02.2026) and the District Bar Association, Hyderabad (scheduled for 28.03.2026). Despite clear constitutional mandates, statutory provisions under the Legal Practitioners and Bar Councils Act, 1973, the Sindh Bar Council Election Rules and binding directions of the Honourable Supreme Court of Pakistan in Suo Motu Case No.22 of 2018, the Respondents have failed to ensure a free, fair and transparent electoral process by maintaining an authentic and verified electoral roll of eligible Advocates. The voter lists prepared by Respondents No.2 to 5 allegedly suffer from serious defects, including absence of CNIC numbers, lack of scrutiny of eligibility, inclusion of suspended, inactive and non-practicing advocates, unlawful dual memberships in multiple Bar Associations and enlistment of government servants and full-time employees of public sector organizations, all in clear violation of law. The petitioner has further stated that the High Court Bar Association, Hyderabad itself has acknowledged the illegality of dual

memberships and issued a circular dated 21.01.2026 recommending suspension of such members. Moreover, the Petitioner's own vote has been unlawfully deleted from the Hyderabad seat voters' list without justification. These irregularities, coupled with previously pleaded instances of criminal infiltration, misuse of Bar platforms and non-cooperation of Bar authorities (already subject matter of pending C.P. No. D-255 of 2024), demonstrate a continuing pattern of illegality that directly challenges the integrity of the Bar elections. According to petitioner, unless immediate judicial intervention is made to verify voter rolls through NADRA, authenticate credentials and enforce statutory compliance, the impending elections for the tenure 2026–2027 shall stand vitiated, unlawful and violative of the Petitioner's fundamental rights under Articles 4, 9, 14, 17, 25, and 26 of the Constitution.

3. Petitioner is in person, who is an advocate, contends that the Respondents are legally bound under the Constitution of the Islamic Republic of Pakistan, 1973, the Legal Practitioners and Bar Councils Act, 1973, the Sindh Bar Council Election Rules, 1976 ensure preparation of a lawful, verified and transparent electoral roll; however, the impugned voter lists suffer from grave illegalities, including absence of CNIC verification, lack of scrutiny of eligibility, inclusion of inactive advocates, government servants and persons holding dual bar memberships and unlawful deletion of the Petitioner's vote, rendering the entire electoral process arbitrary, discriminatory and vulnerable to fraud. He contends that elections of statutory bodies must meet the constitutional standards of fairness and transparency and failure to do so warrants judicial intervention. Petitioner further contends that the impugned acts and omissions of the Respondents violate his fundamental rights guaranteed under Articles 4, 9, 14, 17, and 25 of the Constitution, thereby necessitating immediate interference of this Court in the interest of justice.

4. We have heard the petitioner, appearing in person, and have carefully examined the material available on record.

5. At the very outset, this Court had raised a specific query regarding the maintainability of the present Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, particularly in view of the nature of the respondents, the reliefs claimed and the settled law governing judicial interference in matters relating to elections of Bar Associations and internal regulatory affairs of professional bodies. The petitioner was afforded adequate opportunity to satisfy this Court on the said preliminary objection. Upon due consideration, **we find that the instant petition fundamentally suffers from lack of maintainability.** The gravamen of the petitioner's grievance relates to alleged defects in the preparation of voter lists, eligibility of advocates and the conduct of forthcoming elections of the High Court Bar Association, Hyderabad and District Bar Association, Hyderabad. These matters fall squarely within the internal administration, regulation and self-governance of Bar Associations and the Sindh Bar Council, which are statutory yet autonomous professional bodies constituted under the Legal Practitioners and Bar Councils Act, 1973. It is by now a settled proposition of law that not every statutory body is amenable to constitutional jurisdiction; rather, the determinative test is whether such body performs sovereign, governmental or public functions in connection with the affairs of the Federation or the Province, as envisaged under Article 199 of the Constitution.

6. The Honourable Supreme Court, in a long line of judgments including **Pakistan Olympic Association v. Nadeem Aftab Sindhu (2019 SCMR 221)** and **Syed Iqbal Hussain Shah Gillani v. Pakistan Bar Council (2021 SCMR 425)**, has unequivocally laid down the "function test," holding that **autonomous, self-regulatory professional bodies, notwithstanding their statutory origin, do not fall within the ambit of writ jurisdiction unless they perform**

functions of a sovereign or governmental character or are subject to pervasive State control. The Pakistan Bar Council and Provincial Bar Councils have repeatedly been held to be independent professional regulators, operating without governmental control, funding or supervision and therefore not amenable to writ jurisdiction. The ratio decidendi of these judgments is binding upon this Court under Article 189 of the Constitution and leaves no room for departure. Applying the above principles, we find that the reliefs sought by the petitioner i.e. suspension of elections, correction of voter lists, verification through NADRA and enforcement of eligibility criteria, essentially seek this Court's direct supervision and control over the electoral process of Bar Associations. Such reliefs would require this Court to step into the domain of internal regulatory functions of a professional body, which is impermissible in constitutional jurisdiction. The mere assertion of violation of fundamental rights, without establishing that the respondents are amenable to writ jurisdiction or that a sovereign/public function is involved, is insufficient to invoke Article 199 of the Constitution.

7. Nevertheless, the petition is liable to be dismissed on the well-settled principle of availability of adequate alternate statutory remedies. **The Legal Practitioners and Bar Councils Act, 1973, read with the relevant Rules, provides a complete mechanism for redressal of grievances relating to enrollment, voter lists, eligibility, election disputes and disciplinary matters through the Sindh Bar Council, its Executive Committee and other statutory forums.** It is settled law that constitutional jurisdiction is not to be exercised as a substitute for statutory remedies, particularly in matters involving disputed questions of fact requiring evidence. Furthermore, the reliefs sought by the petitioner are pre-emptive in nature and relate to an electoral process relating to an Association operating under a statutory body but non-government entity is typically a non-profit organizational association that has

yet to culminate. Courts have consistently exercised restraint in interfering with ongoing or forthcoming elections of statutory or professional bodies, unless a clear case of lack of jurisdiction, patent illegality or violation of mandatory law is demonstrated at the threshold. Allegations relating to inclusion or exclusion of voters, dual memberships, inactive advocates or verification of credentials are factual controversies which cannot be adjudicated under constitutional jurisdiction and are more appropriately examined by the forums created under the statute itself.

8. We may also observe that the petitioner has attempted to rely upon broader allegations of criminal influence and past incidents, some of which are stated to be subject matter of a previously filed constitutional petition. Such allegations, even if assumed at face value, do not confer maintainability upon the present petition nor do they justify invoking Article 199 of Islamic Republic of Pakistan, 1973 to stall elections of Bar Associations. The constitutional jurisdiction of this Court is meant to correct jurisdictional errors and enforce public law obligations, not to supervise the internal affairs of professional bodies or to act as an election tribunal.

9. In view of the above discussion and in light of the binding dicta laid down by the Honourable Supreme Court, we are of the considered opinion that the present Constitutional Petition is not maintainable under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. The petitioner has failed to establish that the respondents are amenable to writ jurisdiction that any sovereign or public function is involved or that no adequate alternate remedy exists. Consequently, this Court is barred from examining the merits of the allegations raised in the petition and any observation on such merits would be beyond jurisdiction and may prejudice the parties before the appropriate forums.

10. For what has been discussed above, instant petition is **dismissed** in ***limine*** on the ground of maintainability alone along with all pending applications, with no order as to costs. The petitioner, however, shall be at liberty to avail such statutory remedies as may be available to him under the law, if so advised.

JUDGE

JUDGE

Abdullah Channa/PS