

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-1434 of 2023

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Order with signature of Judge

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*Before:       **Aqeel Ahmed Abbasi, J.**  
                      **Mahmood A. Khan, J.***

1. *For orders on CMA No.7086 of 2023*
2. *For hearing of main case*

30.03.2023.

Petitioners M/s Gazain Zafar Magsi & Syed Daanish Ghazi Advocates in person.

Mr. Amir Saleem, President KBA, Mr. Mumtaz Ali Mehdi, Vice President KBA, Mr. Waqar Alam Abbasi, General Secretary, KBA and Mr. Faheem Ali Mangi, MMC, KBA alongwith M/s Tariq Mansoor, Ishtiaq Memon, Matiullah Gondal, Bahzad Akbar Gabol and Tahir Hussain Meo, Advocates.

M/s Iqbal Inayat Jatoy & Ihsan Ali Siyal, Members, Sindh Bar Council and Zulfiqar Ali Khan Jalbani, Advocate on behalf of Respondent No. 2.

**ORDER**

Instant petition was filed by the petitioners expressing their grievance against non-entertainment of Vakalatnamas by respondent No.5 to 8, without verification of Karachi Bar Association Digitalized Vakalatnama Verification pursuant to Notification dated 10<sup>th</sup> March, 2023 issued by the Karachi Bar Association, whereas while recording the contention of the petitioners, Notices were issued to the respondents on 17.03.2023 in the following terms:

“Through instant petition, the petitioner No.1, who is an enrolled advocate of Balochistan Bar Council, Member of Quetta Bar Association, as well as Sindh High Court Bar Association and the Supreme Court Bar Association, whereas, petitioner No.2, is an enrolled advocate of Sindh Bar Council, Member of Karachi Bar Association, Sindh High Court Bar Association and Karachi Bar Association, have expressed their grievance against non entertainment of vakalatnama(s) by respondents No.5 to 8, without verification by Karachi Bar Association Digitalized vakalatnama(s) verification, pursuant to impugned Notice dated 10.03.2023 issued by the Karachi Bar Association. According to the petitioners, the appearance of a lawyer in Court(s) is regulated under Section 22 of the Legal Practitioner and Bar Council Act, 1973, Rule 40 and 41 of the Sindh Civil Court Rules as well as Rule 4 of the Order III CPC, and cannot be regulated by resolution or decision of any Bar Associations, therefore, putting condition of obtaining digitalized vakalatnama verification from Karachi Bar Association, and not entertaining the vakalatnama of petitioner, who is an enrolled advocate of Balochistan Bar Council and

otherwise entitled to appear in any Court in Pakistan, is contrary to law. Petitioners have also filed a statement dated 17.03.2023 along with copy of resolution dated 15.03.2023 passed by the Karachi Bar Association suggesting action to suspend membership of all such members and or even cancel their memberships who support fake lawyers or touts, however, submit that in the garb of such resolution, there is apprehension that adverse action may be taken against the petitioners, who are prevented from practicing law and appearing in Courts at District Courts at Karachi.

Let pre-admission notice be issued to the respondents as well as Advocate General Sindh to be served through first three modes for 27.03.2023 to be taken up at 11.00 a.m., when reply/comments, if any, shall be filed with advance copy to the petitioners. It is expected that on the next date of hearing President/General Secretary of Karachi Bar Association as well as Secretary, Sindh Bar Council or the nominee of Sindh Bar Council, as well Registrar of the District Court(s) Karachi or any other authorized person on behalf of respondents No.5 to 8 shall be in attendance.”

2. Pursuant to such Notices, President, Secretary and other Members of Karachi Bar Association and Sindh Bar Council shown appearance on 27.03.2023 when their contention was recorded in the following terms:

“Pursuant to Court’s Notice, Mr. Amir Saleem, President KBA, Mr. Mumtaz Ali Mehdi, Vice President KBA, Mr. Waqar Alam Abbasi, General Secretary, KBA and Mr. Faheem Ali Mangi, MMC, KBA, have shown appearance and filed Vakalatnama along with Resolution on behalf of respondent No.1 / Karachi Bar Association and request for time to file reply / comments, whereas, Mr. Iqbal Inayat Jatoi and Mr. Ihsan Ali Siyal, Members, Sindh Bar Council have also shown appearance and request for time to file reply / comments. However, the Advocates present in Court have candidly submitted that respondents had no intention whatsoever to impose any conditions for appearance of Advocates, who are not registered in Sindh Bar Council, however, have their Registration with any of the Provincial Bar Councils, however, in order to eliminate the appearance of fake advocates / touts, procedure for identification of Advocate and verification of Vakalatnama of an Advocate has been proposed through impugned Resolution. It has been further contended that the respondents have already evolved a mechanism for online verification from all the Bar Councils in Pakistan, where-after, Vakalatnama filed by such counsel will be verified within shortest possible time, and such process will not either hinder or violate the terms of Legal Practitioners & Bar Councils Act, 1973, relevant provisions of Civil Court Rules and the provisions of CPC in any manner.

Keeping in view such candid statement of Representatives of Karachi Bar Association and Sindh Bar Council, petitioners submit that if the respondent No.1 may file a statement to this effect giving the detail of the proposed condition, they will consider the same and would cooperate in this regard if it does not violate law or impose any additional condition as to their disadvantage, as they also support the elimination of appearance of fake lawyers / touts in Courts, who are not registered with Bar Councils as per law. Representatives of KBA

request for two days' time to file a statement showing the detailed process of proposed digitalized Vakalatnama verification as referred to hereinabove for consideration of the Court. Let the same be filed before next date of hearing with advance copy to the petitioners."

3. The matter was adjourned for today i.e. 30.03.2023, when a joint statement duly signed by the President Karachi Bar Association and Members of the Executive Committee of Sindh Bar Council with the approval of the Vice Chairman Sindh Bar Council and Chairman Executive Committee of the Sindh Bar Council has been filed which reads as follows:

"In terms of order dated 27.03.2023, passed by this Honourable Court to the effect of consent that the respondent No.1 (KBA) "may file a statement to this effect giving the details of proposed condition, ----- as they (petitioner) also support the elimination of fake lawyers/touts in Courts who are not registered with Bar Councils as per law".

In view of the above, the respondent No.1 submits as under:-

- a. The Advocates who are registered with any other Provincial Bar council are linked with online verification system of other Provincial Bar councils and their verification shall not have any issue/restriction from the respondents, as already practiced, provided they are advocates of High Courts from their respective provinces in accordance with Section 22 of Legal Practitioners and Bar Councils Act, 1973. The online system is linked with all the Bar Councils in Pakistan and the dedicated computers are only for Lawyers/advocates who are not Members of the respondent No.1, but are members of some other Bar Associations or are enrolled with any other Provincial Bar Council. The Sindh Bar Council has rectified such facility of KBA and its online verification system is linked with the KBA. The process of digitalized verification is as under:-
  - i. The learned Lawyer present the I.D. Car or any acceptable identification at vakalatnama verification facility along with his own Vakalatnama (Separate three computers are allotted to non-members of KBA and similarly three computers are allotted to Members of KBA).
  - ii. The Bar Council member/name are entered in the system and run to check positive matching with record of any Bar Councils of country. The name is matched with the picture in the record and in case of missing picture the representative of the Bar approves the same manually. Similarly, in case of mismatch or electronic search failure the advocate is asked to get the record updated.
  - iii. The subsidized fee is paid and a printout is handed over to the genuine lawyer to be attached with his own Vakalatnama.

- b. The Advocates whose membership is with any Bar Association in terms of Rule 108-L of the Pakistan Legal Practitioners and Bar councils rules, 1976 shall face no restriction in the verification of the Vakalatnama.
- c. The Advocates who have not applied after being admitted as to become member of Bar Association within six months cannot be verified as Advocates. Similarly, la students, touts and any other non-Advocates cannot be issued with verifications.
- d. The Vakalatnama verification is to stop the curb/menace of fake lawyers/touts and to promote genuine lawyers in conjunction with the law and no genuine lawyers shall bet affected with the introduction of Vakalatnama verification.
- e. The KBA is charging negligible amount of Rs.50.00 in comparison to other Bar Associations in the country where Rs.300/- to 500/- are being charged. The rate of Rs.50/- is already subsidized.”

4. Copy of such statement has been supplied to the petitioners who have submitted that since the respondents have not disputed the legal position as recorded in Court’s order dated 27.03.2023, relating to authority to regulate the conduct and appearance of an enrolled Advocate with any of the Provincial Bar Councils in District Courts of different provinces whereas, petitioners, otherwise, have no reservations or doubt upon the intention and efforts of the Karachi Bar Association, to curb the menace of appearance of fake lawyers/touts and malpractice(s) by unscrupulous imposters in the District Courts at Karachi or Province of Sindh, however, submit that the subject resolution by the KBA may be treated as a facilitation to achieve the said objective, and may not operate as a legal bar or an additional condition for appearance in District Courts in Karachi. Petitioners further submit that they are willing to cooperate with Karachi Bar Association to eradicate the tourism and appearance of fake lawyers in district Courts, therefore, submit that instant petition may be disposed of in the above terms. Respondents do not oppose disposal of instant petition in the above terms.

5. Accordingly, keeping in view the candid statement by the respondents, wherein they have acknowledged the legal position relating to filing of Vakalatnama and its verification is governed by the legal provisions as noted in the orders dated 17.03.2023 and 27.03.2023, instant petition is disposed of in the above terms along with listed applications. It is, however, expected that the subject resolution of the Karachi Bar Association shall have the effect of facilitating the process of verification of Vakalatnamas, whereas all the enrolled Advocates from other provinces shall be facilitated towards appearance in different District Courts at Karachi, as per Bar Council Act and the Bye-Laws of the Karachi Bar Association, which is the largest Bar Association of Asia and has the history of accommodating the Advocates from all over the country, who are registered with Sindh Bar Council and even remained office bearers of the Karachi Bar Association from time to time. Petition stands disposed of in the above terms.

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