

ORDER SHEET

**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P. No.D-1766 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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16.12.2025

Petitioner No.1 advocate Masood Illahi Sahito present in person

Mr. Bashir Ahmed Almani, Assistant Attorney General

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Through this petition, the petitioner has prayed as under:

- a. That, this Honourable Court may be pleased to direct the official respondents No. 1 to 3 to implement the Lawyers Welfare and Protection Act 2023 at once with transparency and its true spirit and manner and ensure that no violation and favouritism is to be made from any corner of the Bar.
- b. That, this Honourable Court may be further pleased to direct the respondents No. 4 to 7 to submit the report regarding the advocates who possess more than 03 legal advisories in violation of the Section 10 of the said Act.
- c. That, this Honourable Court may be pleased to direct the respondent No.4 to 6 to inquire into the matter of Health Card and submit a comprehensive report before this Honourable court regarding use and benefits of such amount of Rs.12,00,00,000/- (Rupees Twelve Crore only) over the petitioners/advocates and to ensure the proper audit of funds of Bar Associations through the proper auditor.
- d. Any other relief which this Honourable Court deem fit and proper that also be awarded to the petitioners.

2. At the very outset, the petitioner, who is present in person, submits that the Parliament has enacted legislation for the welfare of advocates, and published in the Gazette vide Notification dated 06.04.2023; that the said Act has been partially implemented by the Government of Pakistan through issuance of Gazette Notification No. F.40(85)/2024-A.VIII dated 13.12.2024, whereby Special Courts have been established to provide protection to lawyers and their families. However, Chapter-III of the Act, which pertains to the welfare of advocates, has yet to be implemented. The relevant provisions enacted by the Parliament are reproduced as under:

“11. Provision of Health Facilities. The Government shall notify, in respect of all Government and Semi-Government hospitals, the right of every advocate, along with his spouse and dependent children, to receive medical treatment at par with gazetted Government officers, subject to

production of official identity cards and verification by the respective Bar Councils:

Provided that for the purposes of this section, the parents, minor children, and spouse of the advocate shall also be entitled to the same facilities.

12. Financial Facilities. All financial institutions shall extend financial facilities to advocates without any discrimination whatsoever, and in the event of any violation, upon a complaint by an aggrieved advocate, the concerned authority shall initiate appropriate action.”

3. Petitioner has also submitted that The Lawyers Welfare and Protection Act, 2023 (Act No. XII of 2023) is a Federal statute enacted to provide a comprehensive legal framework for the welfare and protection of advocates throughout Pakistan. The Act extends to the whole country and came into force on 31st March 2023. He further submitted that the Act defines and criminalizes acts of violence against advocates, including harassment, threats, coercion, assault, interference with professional duties, damage to the property or documents, coercion to withdraw representation, and violation of privileged communication. Such acts are declared cognizable and non-bailable offences, punishable with imprisonment, fine, or both, with enhanced punishment for repeat offenders. He emphasized that to ensure effective enforcement, the Act provides for speedy investigation and trial, mandating investigation by a police officer not below the rank of Inspector, completion of investigation within fourteen days, and trial before designated Special Courts presided over by Additional Sessions Judges. These courts are required to decide cases expeditiously, preferably within six months. He submitted that the Act further grants statutory protection to privileged communication between advocates and their clients, prohibiting arrest, detention, or investigation of an advocate for purpose of extracting confidential professional information, and treating any such violation as an act of violence. In addition to protection, the Act introduces welfare measures for advocates. It mandates engagement of practicing advocates as legal advisors by large corporations and statutory bodies, provides for medical treatment for advocates and their families at par with gazetted government officers in government and semi-government hospitals, ensures non-discriminatory access to financial facilities, and extends Shuhada package benefits to the families of advocates who lose their lives due to terrorism or aggression while performing professional duties. He added that the Act empowers the Federal Government to frame rules for its implementation and gives it overriding effect over other laws to the extent of inconsistency.

4. Today learned Assistant Attorney General and learned Assistant Advocate General, Sindh, have stated that the aforesaid enactment shall be implemented in its letter and spirit. The petitioner has expressed satisfaction with the statement made on behalf of the respondents and has sought the disposal of the petition in terms of the provisions of the enactment.

5. Before parting with this order, it is observed that the respective Bar Councils are the statutory and regulatory bodies entrusted with regulating the affairs of advocates, including matters relating to enrollment, Benevolent Funds, and implementation of laws enacted from time to time for their welfare and regulation. As the Bar Associations are elected representative bodies of advocates, mandated to safeguard and protect the legal and constitutional rights of lawyers in accordance with the Constitution of Islamic Republic of Pakistan, 1973 and law.

6. In view of the statements made by learned Assistant Attorney General and the learned Assistant Advocate General, Sindh, and with the consent of the parties present in Court, the instant petition is disposed of in terms of the said statements.

JUDGE

JUDGE

Karar Hussain/PS*