



Council/ Sindh Bar Council has taken any pains to look into the same though the alleged activities of the Respondent Advocates fall within the ambit of professional misconduct.

Heard the Petitioner and perused the material available on record. It appears that multiple litigations between the Petitioner and Respondents No.5 and 6 are pending adjudication before different fora. It is settled principle of law that the Petitions against Bar Councils are not amenable to the Constitutional Jurisdiction of this Court unless some fundamental rights guaranteed under the Constitution are being violated. In this regard, the Honourable Supreme Court of Pakistan in its Order dated 28.01.2020 delivered in the case of *Mirza Muhammad Nazakat Baig v. Federation of Pakistan and others* (Civil Appeal No.1729 of 2019) has observed that:-

7. *A bare reading of the provisions of the Legal Practitioners and Bar Councils Act shows that the Act provides for establishment of Bar Councils in the Provinces as well as the Islamabad Capital Territory. It deals with all matters relating to elections of office bearers, disciplinary and other professional matters, constitution of committees, their powers and other related and incidental matters. However, it is clear that other than the Attorney General for Pakistan being the ex-officio, Chairman Pakistan Bar Council and Advocates Generals of the Provinces and Islamabad Capital Territory being ex-officio, Chairman of the Provincial Bar Councils and Islamabad Capital Territory neither the Provincial nor the Federal Government exercise any administrative control over the affairs of the Pakistan Bar Council or the Provincial Bar Councils. Pakistan Bar Council is a statutory body which is autonomous and generates its own funds independently. The Government does not have any control over it. Likewise, the Islamabad Bar Council acts as a regulator for affairs of the Advocates in Islamabad Capital Territory, admits Advocates to practice before the said High Court and maintains rolls of such Advocates. The functions of the Council also inter-alia include initiating proceedings for misconduct against Advocates on its rolls and award punishment in such cases. That being so, neither the Respondent nor any of its constituents or committees can be regarded as persons performing functions in connection with the affairs of the Federation, Provinces or Local Authority within the contemplation of the Article 199 of the Constitution of Islamic Republic of Pakistan. As such we are in no manner of doubt that Respondent No.2 is not amenable to the jurisdiction of the High Court in terms of Article 199 of the Constitution.*

Besides, the Bar Councils cannot act or react on the whims and wishes of the Petitioner/party as they have to adopt the procedure provided in the relevant rules. Yet there is another aspect of the matter. There is nothing on record that the Petitioner has ever approached the concerned Police Station or Justice of Peace seeking registration of FIRs against the said Respondents or even otherwise instituted a direct complaint as provided under the law.

In the wake of above, we do not find any merit in the Petition in hand, which is accordingly dismissed in limine leaving the Petitioner at liberty to agitate his grievance before the relevant fora, if so advised.

Chief Justice

Judge