

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D-1984 of 2025

Advocate Ashfaque Ali Panhwar v. Fed. Of Pakistan

Date	Order with signature(s) of Judge(s)
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1. For orders on office objections.
2. For hearing of main case.

18.09.2025.

Mr. Tariq Mehmood, Advocate alongwith Petitioner.

Mr. Amir Nawaz Warraich, President of KBA.

Mr. Imran Aziz, Advocate for respondent No.9.

Ms. Wajiha M. Mehdi, Assistant Attorney General.

Mr. Ali Safdar Deepar, Advocate General Sindh.

Muhammad Karim Khan Agha, J. The petitioner requests this court to:

Declare the Karachi Bar Association's resolution dated 12-03-2024 and the complaint date: 03-05-2025 vide Ref No. KBA/CDC/0962/2025/KARACH I against him as null and void.

Order legal action against the Karachi Bar Association for violating constitutional rights.

Seek comments from the Pakistan and Sindh Bar Councils regarding the matter.

2. The petitioner, a lawyer, claims that he was forced to withdraw from a bail application for his client, Muhammad Vasim, due to pressure from the Karachi Bar Association and other lawyers, including Respondent No. 11. He alleges that these individuals are using their positions to extort money from people by lodging false FIRs.

3. The petitioner, who is present in person, submits that the actions of the Karachi Bar Association and its members violate his client's fundamental rights to a fair trial, due process, and legal representation of his choice, as enshrined in the Constitution of Pakistan. He contends that a resolution passed by the Karachi Bar Association is unconstitutional because it discriminates against litigants who are up against an advocate.

4. The President of the Karachi Bar Association (KBA), Mr. Amir Nawaz Warraich, appeared before this court and acknowledged that a resolution passed by the KBA on March 12, 2024, appears to violate fundamental rights outlined in the Constitution, particularly Articles 10-A, 17, and 18. On the previous date of hearing, he undertook to convene a cabinet meeting to withdraw the resolution, stating that the KBA was/is committed to upholding the Constitution.

5. We have heard the parties present in court and perused the record with their assistance.

6. This court noted that a March 12, 2024, resolution by the Karachi Bar Association (KBA) appeared to violate constitutional rights, specifically Articles 10-A, 17, and 18, by restricting members from representing clients in cases involving other KBA lawyers. The KBA President acknowledged the resolution's unconstitutionality and confirmed that members cannot be prevented from taking such cases. He submitted minutes from a September 17, 2025, meeting where a decision was unanimously reached on the matter. An excerpt of the resolution is reproduced as under:-

“It was unanimously decided and agreed, as per the Resolution dated 12.03.2024, the support of the Bar through Vakalatnama is to be confirmed strictly to heinous offences, such as the murder of an advocate or rape committed against a family member of an advocate.”

7. When confronted with this written resolution as discussed supra, the President of the Karachi Bar Association candidly conceded that this aspect of the resolution violates Article 10-A of the Constitution. He further emphasized that members of the Karachi Bar Association cannot be prohibited from appearing in such cases. If a member of the Bar chooses to act in a case involving other members of the Bar, they cannot be restricted or prevented from doing so and shall remain free to act according to their own discretion and the mandates of the Constitution under Article 10-A, which specifically provides that an accused has the right to appoint counsel of their own choice. We place our faith and trust in the words of the President, KBA.

8. If any lawyer of the Karachi Bar Association is harassed or prevented from handling such cases by another member of the Bar, they may file a complaint before this Court, which will review whether such restrictions violate Article 10-A of the Constitution. We pass this order in an effort to maintain a balance between the parties. Any member of the Karachi Bar Association who wishes to act in cases involving the murder or rape of a family member of an advocate shall not be prevented from doing so, as under the law they have every right to represent such cases.

9. It is hereby clarified that, in the future, the Karachi Bar Association will not pass any further resolutions restricting any member of the Karachi Bar Association from acting in a case where other members of the Karachi Bar Association are involved. It is also made clear that no coercion or threats shall be made against any member who chooses to act for such accused.

10. The President of the Karachi Bar Association stated in court that if any KBA member tries to pressure or intimidate a lawyer who acts against the March 12, 2024 resolution, the association will take disciplinary action against them.

11. In view of the above facts and circumstances of the case, and based on the statement of the President of KBA, it is ruled that the Karachi Bar Association (KBA) cannot prohibit its members from taking on cases that involve other KBA members. Such a ban violates the Constitution of Pakistan, specifically the fundamental rights to a fair trial (Article 10-A), freedom of association (Article 17), and freedom to practice one's profession (Article 18). The KBA President admitted the unconstitutionality of the previous resolution and committed to ensuring lawyers can act freely. He also promised to take disciplinary action against any member who harasses or pressures a lawyer for handling such a case.

12. Petition stands disposed of in the above terms alongwith pending applications, if any.

HEAD OF CONST. BENCHES

JUDGE