

**IN THE HIGH COURT OF SINDH BENCH AT
SUKKUR**

Const. Petition No.D-1605 of 2025
(*Zulfiqar Ali Channa v. P.O. Sindh and others*)

FRESH CASE

- 1.For order son CMA 6288/25(U/A)
- 2.For order son CMA 6289/25(E/A)
- 3.For hearing of main case.

Before:

**Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Riazat Ali Sahar**

Mr. Zulfiqar Ali Channa, Advocate (petitioner) present in person.

Date of Hearing: 18-09-2025

Date of Decision: 18-09-2025

O R D E R

RIAZAT ALI SAHAR J.,- By means of instant petition, the petitioner has prayed for the following relief(s):

- (a) To declare that the act of the respondents for fixation of Rs.500,000/- fee of the nomination for contesting candidates in Sindh Bar Council's Election 2026-2030 as malafide, ab-initio, null and void, and as sort of misuse of official powers only to deprive the advocates from participating in Sindh Bar Council's Elections 2026-2030.
- (b) To direct the respondent/Sindh Bar council to fix a reasonable and uniform fee for election 2026-2030 likewise to the other provinces (Punjab and KPK)".

2. The case of the petitioner is that he is a practicing Advocate of this Court, duly enrolled under a valid license, and is regularly paying the prescribed dues of the Sindh Bar Council in accordance with the applicable policy and rules. The petitioner intended to contest the forthcoming elections of the Sindh Bar Council for the term 2026–2030. It is averred that for the previous elections of the Sindh Bar Council (2021–2025), the nomination fee was fixed at Rs.50,000/-,

which was reasonable and affordable. However, the respondent No.2/Additional Advocate General) has, all of a sudden, enhanced the nomination fee for the upcoming elections (2026–2030) to Rs.500,000/-, representing an exorbitant and unprecedented increase of about 900%. The petitioner contends that such fixation of nomination fee is arbitrary, discriminatory, unjust, and unlawful, particularly when compared to other provinces of Pakistan, where the nomination fee for participation in respective Bar Council elections is between Rs.75,000/- to Rs.80,000/-. In support of his contention, the petitioner has annexed a copy of a letter issued by the Vice Chairman, Sindh Bar Council, addressed to respondent No.2, wherein a request was made for reduction of the nomination fee for the Sindh Bar Council Elections.

3. At the very outset, the petitioner was confronted with the question of maintainability of the instant writ petition, in view of the fact that both this Court as well as the Hon'ble Supreme Court of Pakistan have consistently held that a petition under Article 199 of the Constitution is not maintainable against the Bar Councils or Bar Associations. The petitioner, however, could not satisfactorily respond to the query of this Court and merely submitted that the fee fixed by the respondents is exorbitant and discriminatory when compared with the nomination fee prescribed in other provinces of Pakistan.

4. Heard the petitioner in person and perused the material available on record. The grievance of the petitioner, as noted hereinabove, relates to the fixation of nomination fee for contesting the forthcoming Sindh Bar Council Election for the term 2026–2030. The Hon'ble Supreme Court of Pakistan in the cases of Mirza Muhammad Nazakat Baig v. Federation of Pakistan through Ministry Law and Justice, Islamabad (2020 SCMR 631) and Sayed Iqbal Hussain Shah Gillani v. Pakistan Bar Council through Secretary Supreme Court Bar Building, Islamabad (2021 SCMR 425), has consistently held that a petition under Article 199 of the Constitution is not maintainable against a Bar Council or a Bar

Association. In the case of the Sayed Iqbal Hussain Shah Gillani (supra), the Hon'ble Supreme Court has been pleased to hold as under:

“14. In addition, it must be noted that it is settled law that fundamental rights are by and large (very exceptional circumstances apart) are enforceable against the State and not against private individuals. The Petitioner however seeks relief against the Executive Committee of Pakistan Bar Council, which is an autonomous private body and not a State institution. Therefore, an argument regarding the enforceability of fundamental rights against such a body is flawed at the outset. Accordingly, we hold that a constitutional petition against Pakistan Bar Council or its Executive Committee is not maintainable under Article 199(1)(c) of the Constitution”.

5. In view of the above facts and circumstances, the instant petition is not maintainable and is accordingly **dismissed** in *limine* along with listed application(s). Let copy of this order be communicated to the respondents for information.

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