

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-1611 of 2020

Date	Order with signature of Judge
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Yousuf Ali Sayeed.**

Election Committee, Sindh High Court  
Bar Association, Hyderabad-2020,  
& others. ....Petitioners

Versus

Federation of Pakistan & others .....Respondents

**Date of hearing 13.03.2020**

Mr. Arshad Hussain Pathan advocate/petitioner No.1.

Mr. Sarfaraz Ali Metlo advocate for the petitioner No. 2, 4 & 5  
a/w Mr. Hassan Wasim Ursani advocate and Mr. Samil Malik  
Khan advocate and Mr. Ghulam Rasool Korai advocate.

Mr. Akhtar Hussain, Member, Pakistan Bar Council

Mr. Muhammad Azam Khan advocate, Chairman Executive  
Committee, Sindh Bar Council a/w Mr. Muhammad Rizwan  
Khan advocate.

Syed Haider Imam Rizvi, Member Sindh Bar Council.

Mr. Zia ul Haq Makhdoom, President Sindh High Court Bar  
Association, Karachi.

Mr. Bhagwandas Bheel advocate/Intervener (CMA No. 7975 of  
2020 a/w Ms. Qirah Motiwala advocate.

Mr. Ayaz Hussain Tunio advocate/Intervener (CMA N.o.  
8960/2020) a/w Mr. Asadullah Soomro advocate.

Mr. Salahuddin Ahmed advocate for the Intervener Mr. Ayaz  
Hussain Tunio and Mr. Saifullah Abbasi, Advocate.

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**Muhammad Ali Mazhar, J:** Mr. Arshad Pathan advocate,  
chairman of petitioner No.1. Mr. Sarfaraz Ali Metlo advocate  
has filed vakalatnama for petitioner No. 2, 4 and 5. The  
petitioner No.2 is represented by Mr. Arshad Hussain Pathan  
advocate. Mr. Akhtar Hussain, Member, Pakistan Bar Council  
is present and is representing Pakistan Bar Council. Mr.

Muhammad Azam Khan advocate, Chairman Executive Committee, Sindh Bar Council. Mr. Bhagwandas Bheel advocate/Intervener has filed CMA No. 7975 of 2020. Mr. Ayaz Hussain Tunio advocate/Intervener has filed CMA No. 8960/2020 who is present with his counsel Mr. Salahuddin Ahmed advocate.

2. Mr. Arshad Pathan advocate argued that he is Chairman of Election Committee constituted to hold election of Sindh High Court Bar Association Hyderabad 2020. He further argued that the Election Committee was constituted by the present Executive Committee of the Sindh High Court Bar Association Hyderabad. The election of the aforesaid association was to be held on 07.03.2020 but due to appeal No. 49/2020 filed by Mr. Mumtaz Alam Leghari advocate and eight other against the order passed by the Sindh Bar Council dated 08.02.2020 on the complaint of Mr. Fahad Ali Abro, Vice President, Sindh High Court Bar Association Hyderabad the election was withheld and subsequently Sindh Bar Council nominated two members to hold election which letter is also under challenge through this constitution petition. The main issue which cropped up between the members of the Bar is voters' list which was not properly verified and raised some cause of concerns by the members and candidates intend to contest the elections.

3. Mr. Arshad Pathan advocate further submits that list of the voters/members was sent to the Sindh Bar Council which was not verified which fact is admitted by Mr. Muhammad Azam Khan, Chairman Executive Committee, Sindh Bar Council. We also feel it necessary that the list is properly verified by the Sindh Bar Council with regard to dual membership which needs to be threshed out by the Sindh Bar Council before the date of election so also the eligibility of the candidates and voters whether they are entitled to contest and cast their votes in the Sindh High Court Bar Association Hyderabad Election.

4. Since all advocates present in court including representative of Pakistan Bar Council, Sindh Bar Council stated that elections should be conducted to an early date without any further delay and after arguing at some length, they have agreed to some modalities for conducting elections which are as follows:-

- i. By consent Mr. Kamaluddin advocate is nominated as Chairman of the Election Committee, whereas, Mr. Hakim Ali Siddiqui advocate and Mr. Anwar H. Ansari advocates are nominated as members of the Election Committee. This Election Committee shall conduct elections of the Sindh High Court Bar Association Hyderabad-2020 on 11<sup>th</sup> April, 2020. After elections, this Election Committee after counting votes of the elections will announce the results and hand over the charge to the returned candidates/managing committee. The notification of the returned candidates shall be issued by Sindh Bar Council within next three days after receiving the results from the Election Committee.
- ii. We expect that all three senior advocates nominated by consent for the purpose of conducting election will ensure their participation as senior members of the Bar so that the dispute raised for the elections will be settled and the elections shall be conducted in transparent and peaceful manner without hindrance, bias or favoritism to anyone. If they have some reservation, any member from the nominated Election Committee does not want to act, we leave it to the wisdom of the learned Chairman of the Committee to cope up any senior member of the

Bar in order to comply with the order and to avoid further delay in the elections.

- iii. Mr. Arshad Hussain Pathan advocate submits that list of voters/members have already been submitted to the Sindh Bar Council which was not verified but at the same time Mr. Ayaz Hussain Tunio advocate submits that he will also submit the list of members as he apprehends that some members of the association were dropped from the list submitted by the present managing committee. Let him submit his list of members also and the learned Vice Chairman of Sindh Bar Council will constitute Scrutiny Committee. By consent agreed that Mr. Ayaz Hussain Tunio advocate and Mr. Noor ul Amin Sipyo advocate shall be the members of Scrutiny Committee and chairman shall be nominated by the Vice Chairman, Sindh Bar Council.
- iv. The Scrutiny Committee shall verify both voter lists and they will also consider the issue of dual membership of any member which is otherwise barred under Bar Association Recognition Rules, 2017. The Scrutiny Committee shall finalize the list of voters within five working days. The voter list shall be submitted to the Sindh Bar Council by Mr. Ayaz Hussain Tunio advocate on 16.03.2020 during working hours. The Scrutiny Committee shall finalize the list and hand over the verified list to the Chairman of the Election Committee Mr. Kamaluddin advocate on 24.03.2020. It is reiterated that the Election Committee shall conduct election on 11.04.2020 according to same schedule as circulated earlier except the date of elections.

- v. The material with regard to election 2020 in possession of Mr. Arshad Hussain Pathan advocate shall be handed over to Mr. Waseem, Office Superintendent, Sindh High Court Bar Association Hyderabad. Mr. Sarfaraz Ali Metlo advocate submits that in view of this order, his clients are not interested to pursue their pending appeal No. 49/2020 which will be deemed to have been withdrawn, however, formal application shall be sent to the Pakistan Bar Council at Islamabad for consigning the appeal to record.
- vi. At this juncture, Mr. Ayaz Hussain Tunior advocate submits that some nominations were accepted by the previous managing committee of the candidates who were not eligible as per Law. Mr. Arshad Hussain Pathan advocate submits that he scrutinized all the forms and accepted the nomination papers. Any person having any objection on the nomination he could have filed the appeal but no appeal has been filed. Mr. Tunio submits that appeal has already been filed to Sindh Bar Council. Mr. Muhammad Azam Khan advocate admits that appeal is pending. He undertakes that Executive Committee of Sindh Bar Council will decide the pending appeal within seven days after providing ample opportunity of hearing to the appellant and the person whose nomination has been accepted by the Committee.
- vii. Mr. Arshad Hussain Pathan advocate submits that he has received some amount on account of nomination fee from different members of the Bar who filled their nomination papers for contesting the elections. He submits that this amount shall be deposited by him in the account of Sindh High Court Bar Association Hyderabad. Let him deposit

this amount and submit the receipt to the Chairman of the Election Committee and one copy shall also be given to the Superintendent, Sindh High Court Bar Association Hyderabad.

The petition is disposed of along with pending applications.

Copy of this order be transmitted to the Advocate General, Sindh, Vice Chairman, Sindh Bar Council, Vice Chairman, Pakistan Bar Council and the learned members of the Election Committee nominated by consent in this order.

JUDGE

JUDGE

Aadil Arab