

**BEFORE THE DISCIPLINARY COMMITTEE**  
**(Pakistan Bar Council)**

**Present**

Justice Muhammad Ali Mazhar,	Chairman
Mr. Muhammad Ahsan Bhoon,	Member
Ch. Tahir Nasrullah Warraich,	Member
Mr. Naveed Akhtar,	Member

**Disciplinary Appeal No.76 of 2016**

Hayat Ullah Khan Niazi r/o Mianwali ...Appellant

**Versus**

Mr. Abdul Hameed Shahzad, Advocate, Mianwali ...Respondent

For the Appellant: In-person.

For the Respondent: In-person.  
a/w Mr. Shaid Awan, Advocate.

Advocate General Punjab: Mr. Muhammad Amjad Pervez, AG Pb.

Mr. Gulzar Ahmed, Secretary PBC

For Pakistan Bar Council: Mr. Muhammad Rafi, Addl. Secretary  
Punjab Bar Council.

For Punjab Bar Council:

Date of Hearing: 14.02.2026

**Order**

**Muhammad Ali Mazhar, Chairman:** This appeal has been brought to challenge the order dated 28.04.2016, passed by Punjab Bar Council Tribunal, Lahore, on a Reference No.361/2013, whereby the appellant was found guilty of professional misconduct and accordingly his name was removed from the Roll of Advocates maintained by the Punjab Bar Council (**PBC**) *vide* Notification dated 11.07.2016.

2. The concise facts of the case are that Mr. Abdul Hameed Shahzad, Advocate/Ex-General Secretary of District Bar Association, Mianwali, filed a complaint on 23.05.2013 against the appellant with the allegations that the Divisional Coordination Committee of Advocates of Sargodha Division took a decision to strike and not to appear before the Courts against the establishment of High Court Bench at Sargodha Division. On 23.05.2013 at 9.00 a.m., it was informed to Mr. Nasrullah Khan, the then President, D.B.A. Mianwali, that some Advocates including the appellant are violating the decision of strike and are appearing before the Courts. The President requested the appellant advocate not to appear in the court of Civil Judge Mianwali, but the appellant advocate grappled with him. Hearing the noise, respondent Advocates, came over there and they saw the appellant had caught hold of the President from his collar. The respondent Advocates tried to rescue the President but he insulted all of them. Furthermore, an application was also filed by Mr. Abdul Hameed Shehzad, Advocate/Ex-Secretary, D.B.A. Mianwali that the appellant was practicing as an Advocate on the basis of bogus B.A and LL.B. degrees. The appellant submitted his written reply denying the allegations levelled against him in the complaint contending therein that due to personal grudge the respondents filed the false complaint against him. The Disciplinary Committee of PBC vide its order dated 21.01.2014 suspended the license of the appellant and referred the matter to PBC Tribunal for further proceedings. The appellant was found guilty of professional misconduct and accordingly his name was removed from the Roll of Advocates maintained by the PBC. It was alleged that despite suspension of license, the appellant was appearing before the Court as an Advocate.

3. We have heard the appellant, appearing in-person, as well as the respondent and learned Advocate General Punjab, who was assisted by the representatives of the respective Bar Councils. Perusal of the record reflects that Disciplinary Committee, PBC sent the matter to verify the said degrees from the concerned

Universities *vide* order dated 20.06.2013. In compliance, the Assistant Controller (Certificate) Punjab University *vide* letter dated 05.07.2014 certified that the particulars of the candidate have been checked with the relevant record and were found to be correct and accordingly, verified B.A. degree in First Annual examination held in July 1971. At the same time, Prof. Dr. M. Arshad Azmi, Controller of Examinations, University of Karachi, *vide* letter dated 18.06.2015, also verified educational documents of the appellant by stating that he passed LLB Second Year Annual Examination-1976, held in August 1977, in Second Division under Seat No. 788, as a regular candidate, from Govt. Urdu Law College, which was affiliated with the University of Karachi and also sent verified photocopy of the Marks Certificate, Second Year LL.B Annual Examination 1976, which was found genuine as per their record.

4. So far as the allegation of forged/fake educational testimonials is concerned, it is clear beyond any shadow of doubt that it was misconceived. At this juncture, we are reminiscent of a renowned Latin legal maxim "*Subla Fundamento Cadit Opus*" or "*Sublato Fundamento Cadit Opus*", which decrypts that "If the foundation is removed, the superstructure falls." This maxim encapsulates a principle of law that if the initial order is found to be void or illegal or without jurisdiction, then every subsequent action or structure built upon becomes illegal/void. After proving the educational antecedent true and correct, the allegations levelled against the appellant in this regard were erroneous and blemished from its inception, therefore on this allegation the suspension of license and striking of the name from the Roll of Advocates maintained by the PBC was not justified.

5. So far as the question of appearance in the Courts despite strike call is concerned, the judicial precedents vis-à-vis compendiums of professional ethics as a rule lay down that a lawyer is not duty-bound to adhere to strike calls given by a Bar associations/councils. A lawyer's fundamental duty is to

safeguard the interest of client and the court, which takes precedence over any strike call or boycott announced by a bar association. The strikes obstruct the free flow of administration of justice and encroach upon the fundamental rights of litigants. The Bar Associations/Councils do not possess any lawful authority to suspend a license of a lawyer for appearing in court during a strike call. No force or strong-arming can be used against a lawyer who disagrees with a strike call and wishes to discharge his professional duties. Physically stopping lawyers and litigants from entering into Court premises is against the right to access to justice and unhindered right to justice is the rock layer of rule of law, barring few exceptions, such as strike call for protection of legal community; the independence of lawyers/judiciary; protection of constitutional rights and upholding the Constitution and violence against lawyers in the line of duty. Even in this scenario, request not to attend the Courts may be made by the Bars to their members and they may honour the call by their own will and volition but they cannot be stopped by force or compulsion. In case of not accepting or not obeying strike call, the license on this cause cannot be suspended, therefore on this count too, the impugned order was neither justifiable nor sustainable.

6. In the case of Muhammad Mansha v. The State (**PLD 1996 SC 229**), the Supreme Court held that the rule of law depends upon public confidence and public acceptance of the judicial system; therefore, anything which tends to undermine that confidence in the judicial system must be strongly discountenanced. Whereas in the case of Shahbaz Akmal versus State (**2023 SCMR 421**), it was held that strikes by lawyers for personal reasons injure the fundamental rights of the accused, including the right to due process and a fair trial. The court stated that an advocate representing a detained person must not make their client suffer because they elect to strike. In the case of Ex-Capt. Harish Uppal v. Union of India (**2003 2 SCC 45**), it was held that that lawyers have no right to strike or boycott courts. The court held that

every advocate has a duty to attend court once they accept a brief and should "boldly ignore" any strike call. Whereas in the case of Common Cause v. Union of India (2006 9 SCC 295), it was held that no lawyer can be visited with "adverse or penal consequences" by any Bar Association for appearing in court during a strike. It also authorized courts to impose costs on advocates who fail to appear due to a strike. While in the case of Roman Services Pvt. Ltd. v. Subhash Kapoor (2001 1 SCC 118), the Court ruled that if a client suffers a loss (such as an ex-parte order) because their lawyer was on strike, the lawyer may be held personally liable for half the costs.

7. As a result of above discussion, this appeal is allowed and the Order dated 28.04.2016, passed by PBC Tribunal, Lahore and Notification dated 11.07.2016 issued by PBC are set aside.

Chairman

Member

Member

Member

LAHORE  
14<sup>th</sup> February, 2026  
/fludassar/\*