

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge in
Chamber.**

SMC No. 12/2017
SHOW CAUSE NOTICE OF ADVOCATES.

PRESENT:-

1. Mr. Muhammad Hussain Shehzad advocate, Mr. Asadullah Khan advocate, Mr. Amjad Hussain Advocate, Mr. Manzoor Ahmed Advocate and Mr. Muhammad Iqbal Advocate respondents are present in person.

DATE OF HEARING: - 23.04.2018.

DATE OF ANNOUNCEMENT OF ORDER:- 25.04.2018.

ORDER.

Dr. Rana Muhammad Shamim, CJ.... It has been observed that the lawyers of this Court went on strike on 10.10.2017 on provocation and instigation of the respondents by boycotting the Court's proceedings which is violative to the Code of Conduct of the lawyers and against the ethics of legal practitioners. On 25.11.2017, Show Cause Notices to the respondents i.e. the then Bar leaders and the former Bar leaders were issued which are reproduced as under:-

"Quote

**SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017**

To

Mr. Manzoor Ahmed Advocate,
Supreme Appellate Court,
R/o Konodass Gilgit.

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you

are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **30.11.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice must be submitted in this office on or before 29.11.2017.

Dated this the 25th day of November, 2017.

-Sd-
Deputy Registrar
For Registrar
Supreme Appellate Court
Gilgit-Baltistan, Gilgit.

SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017

To

Mr. Ehsan Ali Advocate,
Supreme Appellate Court,
R/o Noor Colony Jutial Gilgit

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **05.12.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice has not been received so far.

Dated this the 4th day of December, 2017.

-Sd-
Deputy Registrar
For Registrar
 Supreme Appellate Court
 Gilgit-Baltistan, Gilgit

SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017

To

Mr. Asadullah Khan Advocate,
 Supreme Appellate Court,
 r/o Khomar Gilgit.

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **30.11.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice must be submitted in this office on or before 29.11.2017.

Dated this the 25th day of November, 2017.

-Sd-
Deputy Registrar
For Registrar
 Supreme Appellate Court
 Gilgit-Baltistan, Gilgit.

SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017

To

Mr. Muhammad Hussain Shehzad Advocate,
Supreme Appellate Court,
r/o Mujahid Colony Konodass Gilgit.

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **30.11.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice must be submitted in this office on or before 29.11.2017.

Dated this the 25th day of November, 2017.

-Sd-
Deputy Registrar
For Registrar
Supreme Appellate Court
Gilgit-Baltistan, Gilgit.

SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017

To ,

Mr. Muhammad Iqbal Advocate,
Supreme Appellate Court,
r/o Astore.

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **30.11.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice must be submitted in this office on or before 29.11.2017.

Dated this the 25th day of November, 2017.

-Sd-
Deputy Registrar
For Registrar
 Supreme Appellate Court
 Gilgit-Baltistan, Gilgit.

SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT
Original Jurisdiction
SMC. No. 12/2017

To

Mr. Amjad Hussain Advocate,
 Supreme Appellate Court,
 R/o Amphary Gilgit

Subject:- **SHOW CAUSE NOTICE**

It has been observed that you are on strike since 10th October, 2017 for the reasons best known to you. As a result whereof, poor litigants are suffering a lot who have agitated against Counsels for their non-appearance before this Court without any cause and reason. In the opinion of this court you are misleading, provoking and instigating the lawyers of this court for unlawful strike.

Take notice that you have prima facie not only violated/violating the code of conduct of a lawyer of this court but your conduct is against the ethics of a legal practitioner. Take notice that as to why your name may not be removed from the "Roll of advocate" of this court as provided under Rules (6) of Order IV of The Supreme Appellate Court (Amended) Rules, 2008.

Take notice that SMC. No. 12/2017 is fixed for hearing before this Court on **30.11.2017** at **09:30 AM**, and ensure your presence on the prescribed date and time. Your reply of Show Cause notice must be submitted in this office on or before 29.11.2017.

Dated this the 25th day of November, 2017.

-Sd-
Deputy Registrar
For Registrar
 Supreme Appellate Court
 Gilgit-Baltistan, Gilgit

"Unquote"

2. In above show cause notices they were directed to reply on or before 29.11.2017 but no reply was received from the said

lawyers within the stipulated period of time. Consequently, the case was fixed in the Court on 10.04.2018, after hearing the respondents this Court passed the following order:-

Since, the reply of Show Cause notices has not been filed by the respondents in respect of the Show Cause Notice issued on 25.11.2017 issued to them, this court refer the matter to the Chief Judge, of this Court to decide the same under order IV Rule (6) of The Supreme Appellate Court Rules, 2008 which is reproduced as under:-

“Where, on the complaint of, any person or otherwise, the Chief Judge or the Court is of the opinion that an Advocate has been guilty of misconduct or conduct of unbecoming of an Advocate, with regard to any matter concerning the Court, the Chief Judge or the Court may after affording him an opportunity of oral hearing, take such disciplinary action, including suspension and removal from practice of the Court, against him as it may deem fit.”

Unquote.

3. In view of the above this matter is referred to the Chief Judge to decide as per Rule 6 under Order IV of the Supreme Appellate Court Rules, 2008. The respondents may file reply of Show Cause notice within one (01) week as a last chance.

4. In pursuance of the above order a joint reply of the Show Cause Notices was submitted by the respondents on 17.04.2018. Mr. Muhammad Hussain Shehzad advocate (respondent) also filed a separated reply on 14.04.2018. Both the replies of the Show Cause Notices are hereby reproduced as below:-

“Quote

**BEFORE THE SUPREME APPELLATE COURT GILGIT-
ALTISTAN,
GILGIT.
SMC. No. 12/2017.**

Subject:- SHOW CAUSE NOTICE.

REPLY TO SHOW CAUSE NOTICE.

Respectfully Sheweth,

The undersigned submits as under:-

1. That on 05/10/2017 the Supreme Appellate Court Bar Association conveyed General Body meeting on the agenda, **“INCOMPLETE SUPREME APPELLATE COURT AND ITS FUNCTIONING”** and the general body was attended by overwhelming majority of its members.
2. That, the Majority members of the General Body of Supreme Appellate Court Bar Association after detailed deliberation opined to call for complete strike of the proceedings of Supreme Appellate Court till completion of Supreme Appellate Court in accordance with the demands of the Lawyers community (All Bar Associations of GB) , as communicated through Resolution dated 02nd June, 2017.
3. That, it was decided that the Supreme Appellate Court Bar Association will announce strike of the proceedings of Supreme Appellate Court in condemnation of conduct of Gilgit-Baltistan Government as well as the Federal Government.
4. That, as members of the Bar Association the undersigned have acted in accordance with the collective decision of the Bar Association which is not at all misleading, provoking and instigating the lawyers.
5. That, it has been alleged in the subject matter that the undersigned are observing unlawful strike which fact is misconceived as the strike announced by the Bar Association is lawful and for the cause of rule of law and dispensation of justice in accordance with Article 60(3) of Gilgit-Baltistan (Empowerment & Self Governance) Order, 2009, wherein it is provided that “The Supreme Appellate Court shall consist of a Chief Judge to be known as Chief Judge of Gilgit-Baltistan and two other judges”.
6. That, in the above view of the matter, it is seriously felt that the Court is incomplete for the last about one year and despite repeated Resolutions passed by the Bar Association of Gilgit-Baltistan the Government of Gilgit-Baltistan as well as the Federal Government is paying a

deaf ear and administration of justice is not possible with an incomplete court.

7. That the majority members of the Bar Association are of the firmed view that in the existing circumstances we are not in a position to get justice our valuable clients and we deem it improper to plead the cases before a Court which is incomplete as per mandate of Gilgit-Baltistan (Empowerment & Self Governance), Order, 2009.

8. That, it is the primary duty of being an advocate as well as of the Bar to strive for the rule of law and dispensation of justice in its true letter and spirit as is said that, "Justice should not only be done but is should also seem to have been done".

9. That, the strike in question was against the Government of Gilgit-Baltistan as well as the Federal Government.

10. That, the situation as of today has altogether changed and the strike has been recalled and has been limited to one day (Monday) in a week.

11. That the lawyers community has announced strike against the lethargic and adamant attitude of the Government of Gilgit-Baltistan as well as the Federal Government.

In view of the above, it is, respectfully prayed that the instant show cause notice be disposed off in view of the changed scenario to meet the ends of justice and equity.

Dated; 17th April, 2018.

-Sd-

MUHAMMAD HUSSAIN SHEHZAD
ADVOCATE,
Supreme Appellate Court GB

-Sd-

EHSAN ALI ADVOCATE
Supreme Appellate Court GB

-Sd-

ASAD ULLAH KHAN ADVOCATE
Supreme Appellate Court GB

-Sd-

AMJAD HUSSAIN ADVOCATE
Supreme Appellate Court GB

-Sd-
MANZOOR AHMED ADVOCATE
Supreme Appellate Court GB

-Sd-
MUHAMMAD IQBAL
ADVOCATE
Supreme Appellate Court GB.

To

Registrar
 Supreme Appellate Court
 Gilgit-Baltistan, Gilgit.

Subject: - Reply to show cause Notice.

- i. With reference to your notice dated 25/11/2017 reply is as under:-

That the Supreme Appellate Court GB announced the strike with the reason that the Government of GB has moved a summary for appointment of judge of Supreme Appellate Court against the rights of lawyer of GB. As per decision of General Body and Cabinet of Supreme Appellate Court Bar Association GB, all the lawyers of Supreme Appellate Court Bar Association protest against the GB Government and went to strike, as member of Supreme Appellate Court Bar Association GB bonafidely for solidarity of lawyer community as per decision of legal fraternity of Supreme Appellate Court Bar Association Gilgit-Baltistan, I become part of strike as 50 lawyers of Supreme Appellate Court Bar Association GB. The strike was neither against the Supreme Appellate Court nor against the Hon'ble Chief Judge of Supreme Appellate Court or judge of Supreme Appellate Court GB.

I am appearing before this Hon'ble Court to plead the cases in this time.

I never mislead, provoke or instigate any lawyer of Supreme Appellate Court Bar Association GB even any lawyers of Gilgit-Baltistan, this allegation is against the facts.

It is requested that the show cause notice 25/11/2017 may kindly be withdrawn.

Dated 14/4/18.

-Sd-
Muhammad Hussain Shehzad
Advocate,

Supreme Appellate Court GB

“Unquote”

5. The case was taken up on 23.04.2018 in Chamber for hearing. The respondents stated that they do not want to add more as a comprehensive reply of the Show Cause Notices have already been submitted. Consequently, upon hearing the respondents, the order was reserved.

6. In their joint reply the respondents contended that they have called a lawful strike and decided to boycott the proceedings of this Court as such the advocates of this Court did not appear w.e.f. 05.10.2017 to 28.02.2018 in the Court’s proceedings. According to them, the Court was incomplete and in such circumstances their clients could not get justice. They felt it proper not to appear and plead their clients cases in this Court accordingly. They also stated in their reply that the strike in question was legal & against the attitude of the Government of Gilgit-Baltistan and the Federal Government for not appointing the 3rd judge of this Court and the judges of the learned Chief Court. They further stated in the said reply that the collective decision of the Bar was neither instigating nor provoking the lawyers of this Court.

7. I have heard the respondents, gone through their reply of the Show Cause Notices submitted by the respondents jointly and the reply of Mr. Muhammad Hussain Shehzad Advocate (respondent) filed individually. I have also perused Rule (06) & (07) of Order IV of The Supreme Appellate Court Rules, 2008.

8. The lawyers have the right(s) to protest against their genuine demands, violation of any of their fundamental rights or a matter of public importance but they cannot boycott the Court's proceedings. The respondents have admitted that they had decided not to appear in this Court as they were not expecting to get justice for their valuable clients. They deemed it improper to plead them before a Court which is incomplete as per The Gilgit-Baltistan (Empowerment & Self Governance) Order, 2009. Admittedly, they did not appear in this Court to proceed with the case(s) of their Clients for a couple of months i.e. with effect from 5th October 2017 to 28th February, 2018. The respondents willfully attempted to make this Court non-functional for ulterior motives. The respondents provoked and instigated the other lawyers of this Court for their non-appearance in the Court. Prima facie, the respondent's conduct was of unbecoming of advocates. The respondents have attempted to interfere in the internal affairs of this Court as well who created hurdles and tried to frustrate the proceedings of this Court due to their non-appearance to conduct cases fixed in Court. The poor litigants were constrained either to plead their cases themselves and/or to engage other lawyers in circumstances. Muhammad Abbas Khan Advocate, Mr. Shakoor Khan Advocate and Malik Kafayat-ur-Rehman Advocate and others lawyers were, however, appearing in this Court without fail. It is also to be noted that all the lawyers of this Court including the respondents were appearing after the sudden death of Mr. Justice Shahbaz Khan

(late) on 20.09.2016 till 05.10.2017. They also resumed appearing with effect from 1st March 2018 till to date in this Court.

9. In view of the above discussions & in pursuance of Rule 06 & 07 Order IV of The Supreme Appellate Court Rules, 2008, on proven guilty of misconduct and a conduct of unbecoming of an advocate, by instigating and provoking the lawyers of this Court for their non-appearance in this Court, Mr. Manzoor Ahmed Advocate, the then Vice Chairman Gilgit-Baltistan Bar Council, Mr. Ehsan Ali Advocate, the then President, Supreme Appellate Court Bar Association and Mr. Asad Ullah Khan Advocate, the then President, Chief Court Bar Association are removed from the Roll of this Court, whereas Mr. Muhammad Hussain Shehzad Advocate/former Vice Chairman, Gilgit-Baltistan Bar Council and Mr. Muhammad Iqbal Advocate, former President, Supreme Appellate Court Bar Association on prove guilty of misconduct and a conduct of unbecoming of an advocate, their licenses are hereby suspended for five (05) years by debarring them to appear in this Court for the said period. Whereas Mr. Amjad Hussain Advocate who held no office of Bar either in past or present, is warned to be careful in future. The office of this Court is directed to notify and implement this order.

Chief Judge.