



From Barroom to Courtroom, Unraveling the Nexus between Bar Strikes and Barriers in Dispensation of Justice

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Abstract: *Bar strikes, organized by legal professionals, disrupt the administration of justice in Pakistan, causing delays in justice delivery. On average, every 4th working day is lost due to strikes. These strikes aim to address grievances and improve working conditions within the legal system. However, their consequences extend beyond the legal community, impacting litigants and the broader social fabric. The Apex Court of Pakistan has directed provincial bar associations to ensure the reputation of the legal profession is not diminished by advocates striking for less significant reasons. (Ali, 2012) This research paper explores the root causes, motivations, and grievances behind bar strikes, as well as the legal, ethical, and constitutional perspectives of bar strikes.*

Key Words: Democratic Society, Justices, Social Fabric, Apex Court

Introduction

The legislature offers the lawful way to address grievances, yet people often resort to strikes when this remedy proves to be ineffective. A strike is a coordinated cessation of work, interruption, or slowdown by a group of people (Lawyer's community) to compel compliance with demands made on an Authorities. In the legal sphere, strikes typically occur in response to grievances among advocates. While the Supreme law of the land acknowledges the right to assemble, (Constitution, 1973) this freedom is not unconditional. Excessive and unjustified protests by advocates can obstruct the administration of justice. The Pakistan Bar Council has implemented the 'Canons of Professional Conduct and Etiquette of Advocates', which mandates that advocates are obligated to attend court when their case is called and to make suitable alternative arrangements if they are unable to do so. (Babar, 2019) Failure to adhere to or violate such canons and conduct by an advocate could be deemed as professional misconduct, thereby obligating them to face disciplinary action. (Pakistan Legal Practitioners and Bar Councils Rules, 1976, R-175-A) The legal fraternity in Pakistan comprising lawyers has employed strikes as a means to voice their concerns, advocate for better working conditions, and

address systemic issues within the legal system. This paper delves into the intricacies of bar strikes in Pakistan, aiming to provide a comprehensive understanding of the causes, consequences, and complexities surrounding this phenomenon.

The legal system of Pakistan, inherited from British colonial rule, serves as a cornerstone in upholding the rule of law and facilitating access to justice for its citizens. However, the system faces a myriad of challenges, including a heavy backlog of cases, delays in trial proceedings, and a need for legal reforms. Bar strikes has become one of the responses to these challenges, leading to disruptions in the judicial process and raising fundamental questions about the balance between the rights and responsibilities of legal professionals. The law suggests a specific method for protest, and advocates, being well-versed in these protocols, should adhere to them. Strikes may not be deemed as a universal solution to all problems; in fact, they exacerbate injustice and discrimination when they revolve around trivial matters or when advocates critique judicial or government policies. Such state of affairs creates an assortment of impediments for the parties approaching courts and the indeed judiciary itself, ultimately harming the esteemed profession of advocacy. Therefore, it is imperative for the Apex

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Court, Bar Associations, and the Government of Pakistan to implement crucial measures and perform necessary legislation to address this urgent matter.

Statistical Analysis of Delayed Justice due to bar Strikes in Pakistan

A pressing and deeply concerning factor contributing to delays in the dispensation of justice in Pakistan is the staggering backlog of cases across all courts. The Supreme Court is currently facing its highest backlog of cases since the inception of the country in 1947. As per a recent report, the number of pending cases in the Supreme court stood at 54,965 as of June 30th.(Hasnaat, 2023) According to data provided by the Law and Justice Commission of Pakistan, the number of pending cases in all courts saw an increase in 2018 compared to 2016, 2015, and 2014. In 2018, the Supreme Court of Pakistan had 40,871 pending cases, Lahore High Court had 165,515, Sindh High Court had 92,169, Peshawar High Court had 29,624, Balochistan High Court had 6,842, and Islamabad High Court had 17,085 pending cases. These statistics clearly indicate a continuous rise in pending cases across all courts in Pakistan, which poses a well-known challenge in expediting the delivery of justice to parties involved.(Samina,2019)

The criminal courts in particular bear an overwhelming burden. As per the report prepared in 2018 by the Law and Justice Commission of Pakistan, there are approximately 2 million pending cases, encompassing both criminal and civil matters, which poses a grave threat to the timely dispensation of justice.(Hasnaat, 2023) While the Constitution of the Islamic Republic of Pakistan, 1973, guarantees swift and inexpensive justice to citizens, the sheer volume of pending cases runs counter to the essence of justice. This number has been steadily increasing, as evidenced by the 2018 report. Out of the 2 million pending cases, approximately 40,871 are in the Supreme Court of Pakistan, 1,095,542 in the Punjab judiciary, 101,095 in Sindh, 209,985 in Khyber Pakhtunkhwa, 13,969 in Balochistan, and 38,291 in the Islamabad district judiciaries. Addressing this backlog is a formidable challenge, given that only around 4,000 judges are presiding over courts in a country with a population exceeding 207 million. This means that one judge is tasked with handling matters for approximately 48,838 individuals, which is neither equitable nor just in the pursuit of justice. The significant log jam of cases pending to be tried by the courts across the country not only erodes the core standard of expedient and inexpensive dispensation of Justice but also defies the right to a fair trial as protected in the Constitution of Pakistan, 1973. Regarding the cause, a quantitative

study conducted by Hafiz Muhammad Salman Shafiq, Dr. Muhammad Shabbir Sarwar, and Javairia Shafiq identified bar strikes as a key catalyst contributing to the delay in dispensing justice. A questionnaire was laid down before lawyers and media personnel asking Causes of delay in court decisions, Role of Bar Councils to provide timely justice, Role of CPC Amendments 2020 for speedy justice and the Role of media in dispensation of quick Justice. An overwhelming majority of the interviewees suggested the bar strikes and Relaxation provided by judges to lawyers in that regard the reason behind delayed justice. (Shafique 2022)

While Bar strikes may be a form of collective action to address genuine concerns within the legal profession, they also have significant consequences for individuals seeking justice and for the effective operation of the legal system as a whole. Hence balancing the rights and interests of legal professionals with the needs of clients and the broader justice system is a complex challenge which is the crux of this paper.

Motivation and Grievances Catalyzing Bar Strikes

Bar strikes are often driven by a range of motivations and grievances that legal professionals may have against the prevailing conditions within their profession. This section explores the twofold catalysts and concerns that lead legal professionals, such as lawyers, to engage in sufficiently discouraged collective actions like bar strikes. Basically this study has categorized a number of catalysts for bar strikes into 3 major classes i.e. the Economic Factors and Working Conditions, the Ethical and Professional Concerns and lastly and most prevailed one, the Socio-Political Influences.(Brechenmacher, 2019).

Socio-Political Influences

In the Legal sphere of Pakistan, the social political influences on bar associations and Lawyers' adherence to a certain Political party or pressure group perform a considerable job in shaping the occurrence and dynamics of bar strikes. This category encompasses a range of factors that emanate from the broader social and political context within which the legal profession operates. Same factor has stigmatized strikes on strike on Sept 14 to 'defend Constitution', demands elections within 90-day time by the All Pakistan Lawyers Convention organized by the Supreme Court Bar Association (SCBA) to "defend and uphold the Constitution, rule of law, and human rights".(Bhatti, 2023) Earlier, the Pakistan Bar Council (PBC) adopted a resolution, calling on President Arif Alvi to fulfill his constitutional duty and pronounce a date for general

elections. This action comes in response to the likelihood of the elections being postponed beyond the constitutionally prescribed deadline of November 9, should the Election Commission of Pakistan (ECP) adhere to its schedule for the re-delineation of constituencies.

When legal professionals witness an irregularity in trichotomy of powers especially the political interference in the judiciary or military interference in Parliament and judiciary, such as attempts to influence judicial decisions or appointments, it raise their concerns about the independence of the judiciary, supremacy of constitution and the rule of Law. This perceived threat to the separation of powers may put the screws on legal practitioners to take collective action and safeguard the integrity of the legal system. Instances where political actors or entities are seen as operating above or outside the law can be particularly alarming for legal professionals. An action that undermines the rule of law can lead to heightened concerns within the legal community. Bar strikes may be employed as a means to draw attention to these issues for adherence to legal principles. For instance, the lawyer community in Peshawar announced a strike against an additional assistant commissioner, Aftab Ahmad lodged a case against a senior advocate, Ghufraan Shah in Chamkani Police Station and complained that the latter misbehaved with his staff and created hurdles in discharge of their official duties.(Bureau, 2022) On Saturday, lawyers organized a protest demonstration outside the office of the Deputy Commissioner in Peshawar. They chanted slogans and demanded action against the additional assistant commissioner and his guards. Later the 12 days strike was called off after the Khyber Pakhtunkhwa government suspended additional assistant commissioner of Peshawar Aftab Ahmad, whose orders led to the arrest of a senior legal practitioner and thus, causing a standoff between the legal community and civil servants. (Bureau, 2022) Similarly Legal professionals may feel compelled to hold political institutions or actors accountable for their actions. This could involve demanding transparency in government processes, pushing for anti-corruption measures, or seeking accountability for human rights violations. If legal professionals perceive a lack of progress in these areas, it may lead to collective actions. For instance, in recent Resolution by SCBA veteran Lawyer Hamid Khan asserted that the armed forces are the creature of the Constitution and it is their duty to remain confined within the four walls of the green book. Legal professionals often respond to socio-political issues by advocating for legal and policy reforms. They may identify deficiencies in existing laws or procedures that hinder the delivery of justice or

infringe upon rights. When their calls for reform are not adequately addressed, they may resort to collective actions like bar strikes to draw attention to their concerns e.g. a recent resolution by Supreme Court Bar Association which reads “All citizens being kept in the custody of military or intelligence agencies be transferred to the custody of the relevant and concerned civil law authorities for their presentation before civilian courts.”(Iqbal, 2023) It further states “Those responsible for their illegal arrest and detention should be proceeded against in accordance with law..”(Iqbal, 2023)

Public Sentiments

Lawyers and legal professionals often serve as advocates for the public interest. They might consider it their professional and moral obligation to respond to public sentiment, especially when it relates to legal issues. This can lead to a sense of urgency to address the concerns raised by the public. When there is widespread public sentiment or advocacy movements related to a legal issue, legal practitioners may feel compelled to align their actions with these movements. The collective attitudes, beliefs, and opinions of the general public regarding specific social, political, or legal issues usually stigmatized strikes by Lawyers. A recent example of such catalyst is a general body's meeting chaired by its president Tariq Afridi, during which the Peshawar High Court Bar Association unanimously passed a resolution that called for the immediate withdrawal of recent hikes in electricity bills and petroleum prices. It also asked the government to stop providing free petrol and electricity to its officials. Mr Afridi said the “culture of free electricity” should be done away with immediately in the “larger public interest.”(Bureau, 2023)

Legal, Ethical, and Constitutional Perspectives of Bar Strikes

Lawyers, upholding honor in the halls of justice, bear both prestige and responsibility. Their duty lies not only to their client, but also to the court's seamless discharge of duty i.e. the administration of justice. Hence they are not expected to exercise strikes as a sword of coercion. A worth noting question arises that are lawyers entitled or otherwise authorized to exercise strikes thereby causing much discouraged factor of delay in Justice? Our previous experiences have provided sufficient reason for us to respond positively to the current questions e.g. Lawyers' movement for restoration of judiciary against Parvez Musharraf. Over the past several years, we have witnessed justice being thwarted in our country's legal system by its most formidable adversary: protracted

litigation. Understanding the legal framework surrounding strikes within the legal profession is essential for practitioners, policymakers, and the public alike. We will explore the rights and responsibilities of legal professionals in the context of collective action, as well as the potential implications on the justice system. Similarly, Ethical considerations play a pivotal role in evaluating the justifiability and implications of bar strikes. Hence In this section, we will delve into the critical examination of Bar strikes from legal, ethical, and constitutional standpoints.

Legal Validity and Ethical Dilemmas

The Lawyers and Legal professionals of Pakistan often turn to the potent weapon of strikes, even though the legislature offers redress for a multitude of grievances. While the Constitution acknowledges the right to gather and protest, this freedom is not absolute. When lawyers gather for protests frequently and without valid cause, they obstruct the proper functioning of the justice system. The law outlines a definite procedure for expressing dissent, insisting that protests adhere to this protocol, and advocates should be familiar about these customs. Resorting to a strike is not the solution for all grievances; in fact, it can exacerbate unfairness and bias when it occurs over minor or insignificant issues, or when advocates simply aim to critique a judicial or government policy. Such situations lead to a range of impediments for both those involved in legal proceedings and the judiciary, ultimately diminishing the importance of advocacy.

Enabling Provisions

The Legal Practitioners and Bar Councils Act of 1973 establishes regulations governing the behavior of advocates and bar councils. It also addresses associated, supplementary and incidental matters. It further covers various aspects, including the establishment and functioning of bar councils, the enrollment of advocates, their practice rights, seniority, and the regulation of their behavior. Additionally, it outlines the procedures for electing members to their respective Bar Councils. Furthermore, the Rules provide a detailed chapter of the canons of professional conduct and etiquette expected of advocates. The only provision that a lawyer could potentially invoke to justify a lawyers' strike is Rule 175-E of the Legal Practitioners and Bar Councils Rules, 1973. This regulation expressly declares that any Bar Association, group of Bar Associations, or other similar body cannot issue strike or protest calls to legal professionals nationwide without prior approval from the Pakistan Bar Council.

Additionally, the Rules place a responsibility on advocates to resist political influences in matters concerning the suitability of judges' appointments and selections. Advocates are also granted the right to protest against individuals deemed unsuitable for the Bench.

Constraining Provisions

Unlike the provisions outlined in the preceding section 4.1.1, the mentioned rules also impose a duty on advocates to maintain the dignity and respect of their profession and its members. Moreover, they emphasize that personal exchanges among advocates leading to delays and fostering disputes should be prudently avoided. Advocates are further entrusted with the responsibility of safeguarding the rights and interests of the litigants. They are also motivated to consistently strive for enhancement and expertise in all areas to achieve their maximum capabilities in alignment with the specified rules and regulations. They are not expected to shy away from fulfilling their duty out of concern about disapproval from the judiciary or dissatisfaction from the public. The law offers remedies and defenses to the citizens, and they anticipate their lawyers to utilize these options on their behalf. However, advocates are obligated to honor the expectation the litigants while operating within the boundaries of the law. In fulfilling their professional obligations to their clients, they must also listen to their conscience and refrain from favoring the client, as their primary responsibility lies with the court.

With regard to the court, advocates must ensure their presence when a case is called, or in case of their absence, they should ensure the provision of a suitable replacement. In relation to the general public, an advocate will demonstrate the highest regard for integrity, both in personal belief and public duty, as a fair-minded and actively committed citizen. Failure to observe or breach of the prescribed standards and conduct by an advocate may be deemed as professional misconduct, rendering them legally responsible for disciplinary proceedings.

Constitutional Perspective

Although the Constitution of Pakistan, 1973 upholds the right of every citizen to peacefully assemble and enjoy freedom of speech and expression, it also stipulates that these rights are subject to reasonable limits enforced by law in the interest of public order. The Constitution doesn't explicitly grant the right to protest, but it is recognized in a democratic society. If the Lawyers and Bar councils believe it to be their constitutional right to assemble and protest for their

rights, they must ensure that their exercise of such right is justifiable and does not contravene the basic rights of litigants or the constitutional duty of the courts to timely and convenient dispensation of justice. The Constitution, however, does not permit or authorize the Lawyers to call for a strike or boycott court proceedings. The Constitution further requires that no action compromising the freedom of any individual be undertaken except as prescribed by law. Thus, if the trial of a detained individual is postponed due to strikes and later the individual is acquitted, the extra period of detention experienced by them would have infringed upon their liberty. (Malik, 2023)

In *Suo Motu Case No. 7 of 2017*, authored by the Honorable Mr. Justice Qazi Faez Isa, the Apex Court has made clear that all citizens and political parties possess the right to assemble and protest, provided such activities are conducted peacefully and in accordance with laws that impose reasonable limitations necessary for the maintenance of public order. The right to assemble and protest is restricted only to the extent that it does not infringe upon the fundamental rights of others. According to the ruling, the exercise of the right of assembly, freedom of association, and freedom of speech must not violate the Constitutional rights of others. (P L D 2019 Supreme Court 318)

Furthermore, the Sindh High Court has underscored that, "It is imperative to recognize that the right to protest is not absolute and is subject to reasonable restrictions, especially the requirement that such collective action abstains from resorting to violence or any breach of the law. Any act or incitement of violence, or disturbance to law and order is vehemently condemned by the law, with severe penalties envisaged for those implicated." (2021 CLC 323 [Sindh])

Judicial Insights into the Matter

The judicial system of Pakistan, on multiple occasions, has acknowledged lawyers' empowerment to collectively advocate for the Public interests pertaining to the broader constitutional principles that underpin the functioning of the legal system. This includes considerations of access to justice and the public's right to legal representation. Yet the superior courts of Pakistan have reflected on the strikes' alignment with the ethical obligations and professional integrity expected of lawyers and the genuineness of the concerns as regards to which the action is driven for welfare of the legal profession, Public interest and the justice system. The Supreme Court has expressed strong disapproval of the practice of lawyers abstaining from court appearances during bar strikes.

The apex court has urged the superior bars to take steps to safeguard the integrity of the legal profession, particularly by discouraging advocates from going on strike for reasons less significant than safeguarding and upholding the Constitution in the public interest. In addressing a post-arrest bail application from a defendant involved in a murder case, Justice Qazi Faez Isa remarked that copies of the directive should be distributed to all provincial bar councils and the Pakistan Bar Council. He emphasized that these bodies have the responsibility to remind advocates of their professional duties and to safeguard the reputation of the legal profession. This includes discouraging advocates from going on strike for reasons that are less significant than defending the Constitution in the public interest. Observing the proceedings, the court emphasized the importance of the advocate's responsibility towards their client. According to the order, the advocate representing a detained accused undermines their professional duty and betrays their client's trust by failing to attend court hearings.

The dispensation of justice hinges on enhancing convenient access to it, a concept broadly characterized as an essential component of the rule of law in constitutional democracies and a defining characteristic of civilized society. The Bar and Bench, functioning together like crew members on the same vessel, cannot effectively navigate the formidable challenges they face if they choose to take opposing sides. A stalemate between these two pillars is not viable for the nation. Presently, the paramount challenge for both the Bar and the Bench lies in augmenting access to justice. In *The State v. Mansoor-Ur-Rehman Khan Afridi*, it was articulated that the Bar and Bench serve as integral components in the administration of justice, likening them to two wheels of a chariot, mutually reinforcing and interlinked. Similarly, in the case of *Syed Ali Zafar, Advocate Bahria Town v. Govt. of Punjab*, it was affirmed that it is advantageous for both the Bench and the Bar if advocates consistently maintain the self-esteem and ethical principles of the prestigious field of Law, adhering to the principles of professional conduct and decorum.

When the lawyers resort to strikes and the *Big wigs* i.e. Bar Presidents and General Secretaries dissuade advocates from appearing in court, it demoralizes the system, as it obstructs the gracious duty of dispensing justice. During the proceedings of the Ch. Imran Raza case, former Chief Justice Syed Mansoor Ali Shah underscored a critical point, emphasizing that the true strength of the Bar does not lie in its numbers but rather in its ability to champion justice and equity based on logic, legal principles, and fairness. He further

highlighted that a reputable lawyer is distinguished by their resolute courage and unwavering commitment to advocate for what is right. Justice Shah also remarked that the legal profession is esteemed and requires individuals of noble character, possessing profound knowledge of and respect for the law and the judiciary. He further commented on the issue of restricted access to justice, stating everyone is entitled to their day in court. Unhindered access to justice is a cornerstone of the rule of law and serves as a poignant reminder that we reside in a constitutional democracy where justice, though impartial, remains vigilant." *The Bar serves the fundamental role of guaranteeing access to and facilitating the delivery of justice. Additionally, it is tasked with keeping the rule of law. Recently, the Lahore High Court has determined that strikes by the bar cannot serve as a justification to request condonation of delay in filing an appeal against any judicial order.* In her decision to reject an application for condonation of a 97-day delay in filing an appeal against the acquittal of two individuals in a gas theft case, Justice Aalia Neelum remarked that accepting such an application solely due to a lawyers' strike would essentially legitimize the absence of lawyers from court proceedings.

Hence, in a democratic society, protests can be more effectively expressed through democratic means, without obstructing the adjudication process through court boycotts. Such boycotts weaken the independence of the judiciary and hinder its capacity to operate free from undue influence or control.

Ripples of Bar Strikes: "Unraveling the Aftermath"

Bar strikes, like any form of labor action, can have wide-ranging consequences for various stakeholders. While they may be pursued with genuine concerns for the welfare of legal professions, supremacy of constitution and voice of suppressed, it is crucial to consider the potential downsides of such actions. The ripples of Bar strikes encompass a range of impacts on various stakeholders, including clients, the justice system, and the perception of the legal profession within society.

Disruption of Legal Services

One of the most immediate and noticeable consequences of a Bar strike is the disruption of legal services. Cessation of work by lawyers results in delays in court proceedings, hindered access to legal advice, and postponed trials, affecting both the individual litigants and the justice system as a whole. According to some reports, on average, every 4th working day is

lost due to a strike. According to data provided by the Law and Justice Commission of Pakistan, approximately 15,411,119 cases are currently pending in all district courts across the provinces of Pakistan. The report indicates that the backlog of cases is substantial, with 1,184,551 pending cases in the district judiciary of Punjab, 97,673 in Sindh, 204,030 in Khyber Pakhtunkhwa, 12,826 in Balochistan, and 37,753 in Islamabad. This significant backlog in lower courts has become a major contributing factor to delays in the resolution of new cases within the courts. The strikes led by advocates result in a complete standstill of court proceedings during those particular days, putting significant strain on the functioning of the judiciary. The procedure of court must be allowed to proceed without any impediments, unaffected by any calls for boycott by the Bar or delay tactics employed by any party involved. An advocate cannot seek to defer a case on the basis that they choose not to participate in court proceedings. This ensures that justice is served efficiently and impartially.

During the discussion on the causes of justice delays, it was discovered that lawyers or legal representatives of parties often contribute significantly, as they frequently call for strikes primarily for their own interests. It became evident that legal counsels have a significant part to play in reducing these delays in the dispensation of justice.

Litigants at Large Bear the Brunt

At the forefront of these strikes, it's the litigants who bear the brunt, languishing in the prolonged wait for justice to prevail within the hallowed halls of the courts. Many innocent individuals languish behind bars, seeking their rights for extended periods. Unfortunately, their cases are frequently adjourned, perpetuating a frustrating cycle. This erodes the public's trust in the judiciary, as delays caused by these strikes result in a nationwide denial of justice. Delay in justice means that if relief to an injured party is obtainable, but injured party is not getting it in a timely manner, it will be same as not getting any justice or remedy. Individual cases may also get exaggerated by court reluctance to make a decision on time. Courts and counsels bear a heavy toll on the endurance, time, hope, and finances of litigants. It has become all too common in recent times to witness advocates boycotting court proceedings at the least aggravation, often disregarding the harm inflicted on both the litigants and themselves in the eyes of the general populace. When a counsel appears in court without adequate preparation on legal matters, it not only demonstrates a lack of respect for the values of the legal profession and a failure in their duty towards their

client, but also a breach of the teachings of Islam and a betrayal of their commitment to their client.

Impedes Judicial Performance

The gears of justice should turn unimpeded, impervious to any attempts at obstruction, whether through intimidations or harassment tactics employed by litigants or counsel. Bar strikes can bring the operations of the judiciary to a complete halt, rendering all court proceedings on that specific day inert. Consequently, such mismanagement, where advocates cease judicial work, casts doubt on the independence of the judiciary. The legal process should continue without any restraints, unaffected by any calls for a Bar boycott or delay tactics employed by any party involved. An advocate is not entitled to request a case adjournment on the grounds of their unwillingness to participate in court proceedings. The legal process should be allowed to continue without any impediments, unaffected by any calls for a Bar boycott or delay tactics employed by any party involved. It is crucial to uphold the integrity and efficiency of the judicial process. Additionally, the advocates should not be allowed to seek an adjournment of a case on the grounds of their unwillingness to participate in court proceedings. This principle ensures that justice is served in a timely and unbiased manner.

Paints a Grim Image of the Legal Profession in Society

The Lawyers, who serve as upholders of justice and saviors of constitution, are dedicated to uphold the tenets of righteousness and equity. They stand as warriors donned in black robes, armed with legal expertise. Regardless of one's social status or position, when faced with difficulties, seeking counsel from an advocate is a natural inclination. Advocates offer guidance, support, protection of rights, and representation in court, ensuring individuals receive the legal assistance they require, irrespective of their standing. Given that a lawyer's primary responsibility is to aid the court in upholding justice, the legal profession holds a significant public service aspect. Consequently, it is imperative for lawyers to adhere diligently and conscientiously to the Code of Conduct that befits this esteemed profession. Engaging in any conduct that might taint the reputation of his profession is to be strictly avoided. This is precisely why the Bar Council is tasked with the responsibility of establishing guidelines for professional behavior and decorum that advocates are obliged to uphold. These standards serve to safeguard the admiration and dignity of the legal profession.

The disruption of legal services during a Bar strike can lead to public frustration and negative perceptions of the legal profession. This may erode public confidence in the administration of justice and the ability of lawyers to serve the public interest. To some observers, Bar strikes may be viewed as a self-serving action taken by lawyers to advance their own interests. This perception can overshadow any underlying issues that prompted the strike, potentially leading to skepticism about lawyers' commitment to the broader public interest. Some may argue that bar strikes conflict with the ethical obligations of lawyers to provide the proficient and timely legal services to their clients. This perceived conflict can contribute to a negative image of lawyers.

Alleviating the Consequences of Bar Strikes (Recommendations)

Although the Constitution of Pakistan, 1973 upholds the right of every citizen to peacefully assemble and enjoy freedom of speech and expression, it also stipulates that these rights are subject to reasonable limits enforced by law in the interest of public order. The Constitution doesn't explicitly grant the right to protest, but it is recognized in a democratic society. If the Lawyers and Bar councils believe it to be their constitutional right to assemble and protest for their rights, they must ensure that their exercise of such right is justifiable and does not contravene the basic rights of litigants or the constitutional duty of the courts to timely and convenient dispensation of justice. The Constitution, however, does not permit or authorize the Lawyers to call for a strike or boycott court proceedings. The Constitution further requires that no action compromising the freedom of any individual be undertaken except as prescribed by law. Thus, if the trial of a detained individual is postponed due to strikes and later the individual is acquitted, the extra period of detention experienced by them would have infringed upon their liberty. (Malik, 2023)

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Conclusion

The Bar strikes, led by the legal practitioners, are organized demonstrations or protests aimed at addressing their grievances and advocating for improved working conditions within the legal system. While these bar strikes can be seen as an effective tool for legal professionals to assert their rights and voice public concerns, their impacts extend well beyond the legal community. This research paper has shed light on the intricate relationship between bar strikes and delayed justice, providing a comprehensive understanding of this multifaceted phenomenon. The study delved into the motivations and grievances

driving legal professionals to engage in collective actions, emphasizing the ethical and socio-political dimensions of the Bar strikes. Moreover, it examined the legal, ethical, and constitutional implications of bar strikes, highlighting the delicate balance between asserting one's rights and upholding the principles of justice. The paper also explored the socio-political influences prevalent in Pakistan, demonstrating their significant role in shaping the occurrence and dynamics of bar strikes. As a response to these challenges, a set of recommendations and potential policy interventions were proposed to mitigate the adverse effects of bar strikes on justice delivery. By strengthening the ethical guidelines and fostering a conducive environment for legal professionals, we can play our role to restore faith in the legal system and ensure the timely and equitable dispensation of justice for all members of society. In addressing the issue of bar strikes, we contribute to a broader discourse on maintaining the integrity and efficiency of the legal system, safeguarding the rights of legal professionals, and upholding the rights of citizens to access justice promptly and fairly.

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