

The image shows the interior of the Supreme Court of Pakistan. The ceiling is a large, ornate dome with a complex geometric pattern of white and gold tiles. A large, multi-tiered chandelier hangs from the center of the dome. The walls are made of light-colored stone or marble, with a central entrance door and several side doorways. The floor is polished and reflects the light from the chandelier and wall sconces. The overall atmosphere is grand and formal.

Supreme Court of Pakistan

ANNUAL REPORT

Jun 2016 - May 2017



Supreme Court of Pakistan

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June 2016 to May 2017

Supreme Court of Pakistan Annual Report



Supreme Court of Pakistan

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Court Room 1



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Justice for All

Judicial Anthem

*The toil, the sweat, the tears and the blood,
Make up the labor for the land begot.
The freedom is won, but the chains are clung,
There are miles to cover, The voyage is tough and the
weather is rough, The odyssey begins; The Founder declares his vision Of
Democracy, Faith, Tolerance and Compassion.
Discriminate the State shall not
Thou may belong to any religion, creed or caste.
Oh! The vision is distorted, the march is thwarted,
Castles in the sand, babes in the woods,
Recipes of fall abound in the books.
The nation is cut, the land is bled
When the message is lost, a die is cast,
The wages are loud, Beware of the clouds.
Long live the message, the Lamp and the rays
That glow The Temple, which holds the scales,
Pinning the dreams, the hopes and the oath
Of Justice for All*

By
Hon'ble Mr. Justice Tassaduq Hussain Jilani,
Former Chief Justice of Pakistan



Mr. Justice Mian Saqib Nisar
Chief Justice of Pakistan

Foreword by the Chief Justice of Pakistan

(In the name of Allah, the Most Beneficent, the Most Merciful)

It is a matter of immense pleasure for me that the Annual Report of the Supreme Court of Pakistan for the year 2016-17 is going to be published. It goes without saying that the publication of such Report reflects upon the milestones achieved by that Institution, and also aids in listing down the goals that need to be met in the coming years to iron out the wrinkles that presently cause inconvenience to litigants in their pursuit of justice. The rate of disposal of cases at all times remains a basic yardstick to measure progress and achievement, but other factors in the process of administration of justice, development, evolutionary advancement at the jurisprudential level, contribution in the governance system of the country and the consequential balance in the society and the system are equally important issues and considerations which cannot be lost sight of in the march to attain the goal of expeditious justice as enshrined in the Constitution.

During the period under report, Mr. Justice Anwar Zaheer Jamali, former Chief Justice of Pakistan, laid down the robes of office and the responsibility to lead the Institution came to rest upon me. Mr. Justice Iqbal Hameedur Rahman and Mr. Justice Amir Hani Muslim also laid down the robes, whereas, two ad hoc Judges, namely, Mr. Justice Tariq Parvez and Mr. Justice Khilji Arif Hussain completed their tenure; while three Hon'ble Judges, namely, Mr. Justice Ijaz ul Ahsan, Mr. Justice Mazhar Alam Khan Miankhel and Hon'ble Mr. Justice Sajjad Ali Shah were elevated to this Court.

From the day I entered upon the office of Chief Justice of Pakistan, it has been my consistent endeavour to work towards the vision of an efficient judicial system. A brief outline of some of the efforts include the measures taken to trim down the backlog of cases; bringing the Bench and Bar together to realize the hopes associated with this Institution; speeding up the process of notice to both litigants and lawyers and making it more efficient in order to minimize adjournments and ultimately eliminate unnecessary delays to a litigant's days in Court.

Soon after I became Chief Justice of Pakistan, proposed cause lists for 2 to 3 weeks were issued for the facility of the lawyers and the litigant public and to avoid unnecessary delays. Adjournments are highly discouraged and the legal fraternity must help the judiciary in this formidable task. Though the rate of disposal of cases has substantially increased, yet the number of pending cases presents a daunting figure.

I appreciate the hard work and dedication of my brother Judges in the disposal of a large number of cases. Each one of us is equally and deeply concerned with the gravest issue of delay in dispensation of justice and are committed to strive harder to eliminate it completely by taking to task all practices that contribute to it. However, the goal of reduction of

backlog could not be satisfactorily achieved as the Court remained busy in hearing many important cases requiring interpretation of constitutional provisions, which continued over months.

The Constitution of Pakistan envisages a system of governance to be run by the three organs of the State, namely, Executive, Legislature and Judiciary. The most vital aspect of a true democracy is the rule of law for which the independence of judiciary is a sine qua non. While this independence of judiciary is enshrined in the Constitution, I am proud that our present judiciary is a living example of the level of independence envisioned by the founding father of this nation and framers of the Constitution. To achieve this end, strenuous efforts are being made to induct "the best of the best persons" at all levels of the judiciary.

The Court initiated suo motu proceedings in matters of great public importance involving violation of fundamental rights. Besides, about 30 thousand complaints were received in the Human Rights Cell, established in the Supreme Court under the public interest litigation jurisdiction and were disposed of for ensuring inexpensive and expeditious justice. This exercise, in some measure, brought relief to the aggrieved persons.

The National Judicial Automation Committee, which is mandated to formulate a systemic roadmap for the automation of the entire justice sector, has been re-constituted and reactivated. It is planned to integrate the Federal Shariat Court and all High Courts with the Supreme Court through Handshake Software to avoid conflicting cause lists. In the Supreme Court, the Case Flow Management System has been upgraded. Resultantly, all cases are registered in the system and pendency and disposal of cases from filing to disposal stage are efficiently monitored. The entire case data is available not only at the Principal Seat but also at the Branch Registries. Advocates as well as parties-in-person are informed about fixation of cases through SMS alerts. SMS alerts about preparation of certified copies of judgments/orders are also sent to the applicants. Besides, to have a more effective retrieval of citations and research data, for the assistance of the Court in pending cases, a software, namely, 'Research Cell and Query Manager' has been created, wherein thousands of decided cases with the party names, citation, statutes involved and legal propositions as well as the completed research papers have been entered. It will make legal research easier and more efficient and will facilitate qualitative adjudication. May ALMIGHTY ALLAH help and guide us in discharging our duties. Ameen!

Justice Mian Saqib Nisar
Chief Justice of Pakistan

Registrar's Report

The Supreme Court of Pakistan is to uphold the Constitution and the law; preserve, protect and strengthen its independence through fair and impartial dispensation of Justice; exercise effective oversight on the actions of the executive in order to ensure that fundamental rights of the citizens, as enshrined in Constitution, are not violated; and, last but not the least, to ensure inexpensive and expeditious justice to all the citizens without fear or favour. It is indeed a tall order and requires strenuous effort, unflinching commitment and selfless dedication. Only observance of these norms can instill citizens' confidence in the judicial system of the country.

This report aims to share information about the functioning and achievements of the Supreme Court and the goals achieved during the year 2016-17. It gives a detailed account of the efforts made by the Hon'ble Judges and the Court staff to improve its working, prompt processing and disposal of matters that come before it.

In order to provide inexpensive and expeditious justice to the litigant's appropriate benches were constituted by the Hon'ble Chief Justice of Pakistan at principal seat as well as at branch registries and the Hon'ble Judges volunteered to work in the summer and winter vacations to clear the backlog of cases. With the help of Categorization Cell cases were categorized and Special benches were constituted to decide the different categories of cases i.e. civil, criminal, service and banking cases etc. Unnecessary adjournments were avoided and discouraged. In order to facilitate advocates, proposed cause lists were issued in advance. The Bar Council and Bar Associations expressed great satisfaction over the measures adopted for court administration and fixation of cases.

On 1st June, 2016 pendency of the cases in the Court stood at 29,665. From 1st June, 2016 to 31st May, 2017, 20,237 new cases were filed, which raised the pendency figures to 49,902. However, during this period some 14,999 cases were decided, thereby reducing the overall pendency to 34,903.

During the period, Human Rights Cell received applications/ complaints from the poor, downtrodden and vulnerable segments of society. On 1st June 2016 pendency of cases in Human Right Cell stood at 9,903 and during the reported period 29,432 new applications/ complaints were received, which raised the pendency figures to 39,335 out of which 28,781 were disposed of and overall pendency stood at 10,554.

During this period, many important events took place including the retirement of Mr. Justice Anwar

Zaheer Jamali, former Chief Justice of Pakistan who laid down his robes on 30.12.2016. Mr. Justice Iqbal Hameedur Rahman, former Judge of this Court laid down the robes of his office on 23.10.2016. Mr. Justice Amir Hani Muslim, former Judge of this Court also laid down robes of his office on 31.03.2017. Adhoc Judges namely Mr. Justice Tariq Parvez and Mr. Justice Khilji Arif Hussain also laid down the robes of their respective offices on the expiry of office term on 13.12.2016. Three new Judges namely Mr. Justice Ijaz ul Ahsan from Lahore High Court, Mr. Justice Mazhar Alam Khan Miankhel from Peshawar High Court and Mr. Justice Sajjad Ali Shah from High Court of Sindh were elevated to the Supreme Court of Pakistan.

Various Committees and constitutional bodies associated with the Court have been actively engaged throughout the period. The Judicial Commission of Pakistan on appointment of judges in the superior Courts held its 22 sessions and recommended 64 nominations for appointment and elevation to the superior courts. The supreme Judicial Council remained functional and took cognizance of various complaints of alleged misconduct, received against judges of superior courts. After due procedure enshrined under Article 209 of the Constitution of Islamic Republic of Pakistan 1973 and Supreme Judicial Council Procedure of Enquiry 2005, it disposed of 15 cases during the period under report. Besides, recruitment to the various posts in 14 different categories starting from BS-2 to BS-16 was initiated. Screening/ written test were conducted through National Testing Services, Islamabad and candidates were interviewed by the Selection Board under the chair of Hon'ble Senior Judge of the Supreme Court. Pre-service training for new entrants was conducted in the various branches at the principal seat, Islamabad. The Committee on Appointment of Law Clerks recommended 10 fresh graduates as law Clerks for legal assistance to the Hon'ble Judges of the Court.

This report has only been made possible due to the support of the Hon'ble Chief Justice and Hon'ble Judges of the Supreme Court. The entire court staff is indebted to them for their guidance and encouragement in running the court affairs smoothly and efficiently.

Arbab Muhammad Arif
Registrar

CHAPTER

3

**PROFILE OF THE
CHIEF JUSTICE
AND JUDGES**

3.1 Profile of the Chief Justice of Pakistan



MR. JUSTICE MIAN SAQIB NISAR

Chief Justice of Pakistan

Honourable Mr. Justice Mian Saqib Nisar was born on 18.01.1954 at Lahore. He did his Matriculation from Cathedral High School, Lahore and Graduation from Government College, Lahore. Thereafter he completed his Bachelor of Law from the University of Punjab in the year 1979-80 after which he joined the legal profession as an Advocate on 02.05.1980. He was enrolled as an Advocate of the High Courts in 1982 and an Advocate of the Honourable Supreme Court of Pakistan in 1994. Subsequently, he was elevated as a Judge of the Lahore High Court on 22.05.1998 and the Supreme Court of Pakistan on 18.02.2010. His lordship took oath as the Chief Justice of Pakistan on 31.12.2016.

His lordship practiced civil, commercial, tax and constitutional law and appeared in numerous important constitutional cases before the High Courts and the Supreme Court. He was elected as Secretary General of the Lahore High Court Bar Association in the year 1991. On 29.03.1997, he was appointed as Federal Law Secretary. It was the first time in the history of the country that a member of the Bar was appointed to such a post.

Mr. Justice Mian Saqib Nisar was a member of the delegation representing Pakistan in the “International Youth Conference” held in Libya, Tripoli in 1973. He represented Pakistan in the International Conference on “Pakistan and India at Fifty” held in Wilton Park, United Kingdom. His lordship led the Pakistani delegation at a minister level conference on “Asia Region Transitional Crimes” held in Manila, Philippines and the Pakistani delegation on Human Rights to Switzerland. He participated in a conference held in Oslo, Norway in February, 2009 under the auspices of the Pakistani community in collaboration with the Norwegian Ministry of Foreign Affairs on the subject of “Islam and Democracy” and read a paper on the “Role of the Courts in Islamic Democratic Society”. His lordship also remained a part-time lecturer at Punjab Law College and Pakistan College of Law, where he taught civil procedure and constitutional law.

3.2 Profile of the Judges of the Supreme Court of Pakistan



MR. JUSTICE ASIF SAEED KHAN KHOSA

Date and place of birth:

December 21, 1954
Dera Ghazi Khan, Pakistan

Marital status:

Married. Blessed with two daughters and four grandchildren

Educational qualifications:

Matriculation: Fifth position in the Board of Intermediate and Secondary Education, Multan in 1969
Awarded the National Talent Scholarship

Intermediate: First position in the Board of Intermediate and Secondary Education, Lahore in 1971

Government College, Lahore
Awarded the National Talent Scholarship

B.A.: First position in the University of the Punjab in 1973

Government College, Lahore
Awarded the National Talent Scholarship

M.A.: Master of Arts degree in English Language and Literature from the University of the Punjab in 1975

Tripas-I: Law Tripos, Part I, from Queens' College, University of Cambridge, United Kingdom in 1977

LL.M.: Master of Laws degree from Queens' College, University of Cambridge, United Kingdom in 1978 with specialization in Public International Law in the subjects of the Law of Peace, the Law of War and Armed Conflict, the Law of International Institutions and the Law of Civil Liberties

Barrister-at-Law: Called to the Bar on 26.07.1979 at the Honourable Society of Lincoln's Inn, London, United Kingdom

Legal practice:

- (a) Enrolled as Advocate of the Lahore High Court on 13.11.1979
- (b) Enrolled as Advocate of the Supreme Court of Pakistan on 12.09.1985
- (c) Handled thousands of cases of constitutional, criminal, civil, service, revenue and election laws as an Advocate Supreme Court and High Court
- (d) Over 600 cases conducted as an Advocate reported in various Law Reports of the country
- (e) Served as a Member of the Library Committee and as a Member of the Executive Committee of the Lahore High Court Bar Association, Lahore

Publications:

1. *First book: 'Heeding the Constitution'* (published in 1995 by PLD Publishers, 35-Nabha Road, Lahore, Pakistan)
2. *Second book: 'Constitutional Apologues'* (published in 1997 by Kausar Brothers, I-Turner Road, Lahore, Pakistan)
3. Edited and compiled 'The Constitution of Pakistan, 1973' with all amendments upto date (published in 1989 by Kausar Brothers, I-Turner Road, Lahore, Pakistan and reprinted every year)
4. *Third book: 'Judging with Passion'* (published in 2008 by Kausar Brothers, I-Turner Road, Lahore, Pakistan)
5. *Fourth book: 'Breaking New Ground'* (in the process of completion)
6. Chief Editor of Key Law Reports (KLR) from 1989 to 1998
7. Scores of Articles and research papers on diverse constitutional and legal issues published in major law reports and newspapers of the country since 1988

Teaching experience:

1. Part-time lecturer of Constitutional Law at the University Law College, Bahauddin Zakariya University, Multan, Pakistan from 1982 to 1985
2. Part-time lecturer of Constitutional Law at the Punjab University Law College, Lahore, Pakistan from 1986 to 1992
3. Part-time lecturer of Constitutional Law at the Punjab Law College, Lahore, Pakistan from 1995 to 1996
4. Part-time lecturer of Constitutional Law at the Pakistan College of Law, Lahore, Pakistan from 1996 to 1998
5. Visiting lecturer of Constitutional Law at the Civil Services Academy, Lahore; National Institute of Public Administration (NIPA), Lahore; National Police Academy, Islamabad; Staff Training Institute of the Services and General Administration Department of the Government of the Punjab; Training Course for Civil Judges conducted by the Lahore High Court, Lahore; and the Lahore University of Management Sciences (LUMS)

Judicial experience:

Elevated to the Bench and appointed as a Judge of the Lahore High Court, Lahore (a court of appeal which is the second highest Court of the country) on May 21, 1998

Appointed as a Judge of the Supreme Court of Pakistan on February 18, 2010 and serving in that capacity till date

Acted as the Chief Justice of Pakistan from June 05, 2017 to June 11, 2017 and June 29, 2017 to July 05, 2017

Decided about fifty five thousand cases over a period of more than nineteen and a half years so far

Conferences, seminars and symposia, etc. attended and addressed:

Attended and represented Pakistan in international conferences, seminars and symposia held in Sri Lanka, India, Nepal, Canada, Tanzania, United Kingdom, Mauritius, Malaysia, Nigeria, Turkey, Scotland, Republic of Ireland, Bermuda, Turkish Republic of Northern Cyprus, United States of America and Japan

Some other honours:

A founding member of the SAARCLAW

Conferred Fellowship of the Commonwealth Judicial Education Institute, Halifax, Canada in 2006

Elected member of the Board of Directors of the Commonwealth Judicial Education Institute, Halifax, Canada since June 2008

Serving as a member of the Rhodes Scholarship Selection Committee for Pakistan since 2004

Incharge Judge of the Federal Judicial Academy, Islamabad, Pakistan since 2015

Member of the Judicial Commission of Pakistan since 2015

Member of the Supreme Judicial Council of Pakistan since 2015

Chairman, Shariat Appellate Bench of the Supreme Court of Pakistan in 2016



MR. JUSTICE EJAZ AFZAL KHAN

Graduated from Government College, Abbottabad in 1974 and then in Law from the Khyber Law College, Peshawar in 1977. Joined the profession of Law the same year. He was enrolled as an Advocate Peshawar High Court in 1979 and Advocate Supreme Court of Pakistan in 1991. Elevated to the Bench in 2000. Appointed as Chief Justice of the Peshawar High Court in 2009. Elevated to the Supreme Court of Pakistan in 2011.



MR. JUSTICE GULZAR AHMED

Born on 2nd February, 1957, at Karachi, Pakistan, in the family of distinguished Lawyer of Karachi Mr. Noor Muhammed. He did his Graduation from Government National College, Karachi and LLB from S. M. Law College, Karachi. Enrolled as an Advocate on 18.01.1986 and as an Advocate of the High Court on 04.04.1988 and then as an Advocate of the Supreme Court of Pakistan on 15.09.2001. Elected as Honorary Secretary of the Sindh High Court Bar Association, Karachi, for the year 1999-2000. Practised mainly on the Civil Corporate side and remained Legal Advisor of various Multinational and Local Companies, Banks and Financial Institutions.

Elevated as Judge of the High Court of Sindh on 27.08.2002. Remained Member Board of Governors BESTECH, NED University of Engineering & Technology, Sir Syed University of Engineering & Technology, Iqra University, Ahmed E.H. Jaffer Foundation and Agha Khan University, Karachi. Remained Chairman, Enrollment Committee of Sindh Bar Council, Karachi. Also remained Chairman of the Development Committee & I.T. Committee of the High Court of Sindh, Karachi. Attended

2009 Study Tour for Pakistani Judicial Officials on International Cooperation in Terrorist Cases sponsored by the United Nations Office on Drug and Crime at Vienna, Bonn and Berlin. Attended Intensive Study Programme for Judicial Educators conducted by Commonwealth Judicial Education Institute, Canada with sessions at Halifax, Ottawa and Toronto and conferred Fellowship by the Institute. Notified as Senior Puisne Judge of the High Court of Sindh on 14th February, 2011. Elevated as Judge of the Supreme Court of Pakistan on 16th November, 2011 and took office on 17th November, 2011. Attended International Judicial Conference held at Islamabad on 19-21 April, 2013 as Co-Chair for thematic group "Parental Child Abduction & Transnational Jurisdiction". Notified as Member, Building Committee of the Supreme Court of Pakistan, Islamabad. Attended Workshops of Federal Judicial Academy, Islamabad. Participated in the "Competition Law Workshop for Asia Pacific Judges" held on 15th to 17th October, 2014 at Seoul, Korea. Gave an informal lecture on "Judiciary and Judicial System of Pakistan" at the Seattle University, School of Law, USA, on 27th October, 2014, with question and answer session.



MR. JUSTICE SH. AZMAT SAEED

Born on 28th August, 1954 at Rawalpindi. Completed basic education from the same city. Did his Senior Cambridge from the St. Mary's Academy in 1970. Graduated from Sir Syed College, Rawalpindi in 1974.

Joined the Punjab University Law College, Old Campus, Lahore and obtained LL.B. Degree in 1978.

Joined the legal profession in the same year at Rawalpindi and after completion of apprenticeship was enrolled, as an Advocate in 1978.

After working in various chambers, started his independent practice in Lahore in 1980 and was enrolled, as an Advocate of the Lahore High Court in 1981 and subsequently, as an Advocate of the Supreme Court of Pakistan.

He was appointed, as Legal Advisor to the Lahore Development Authority in 1996.

Appointed as Special Prosecutor, by Ehtesab Bureau in 1997 and was a Member of the Legal Team prosecuting high profile cases before the Lahore High Court, Lahore and Rawalpindi Bench.

Appointed as Deputy Prosecutor General, NAB at Islamabad in the year 2000 for a period of one year. Appointed as Special Prosecutor, NAB in 2001 to prosecute the cases before the Accountability Courts at Attock Fort and Rawalpindi.

Taught in the Quaid-e-Azam Law College, Lahore for three years.

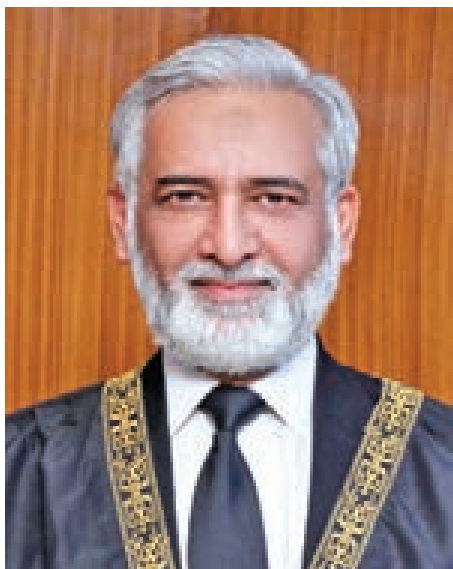
During the course of legal professional career, conducted a large number of cases before the Civil and Banking Courts and the High Courts of Sindh, Peshawar High Court and Lahore High Court. He also appeared, as an Advocate before the Cricket Inquiry including in proceedings held at Malborne (Australia) in addition to litigation. He was also involved in negotiations of various commercial and financial transactions, both inside and outside Pakistan.

He participated in the international conference on financial crimes and money laundering. On account of his personal and professional commitments, has visited various countries, including USA, Germany, UK, France, Italy, Australia, Turkey, Singapore, UAE, Malaysia, Bangladesh, Sri Lanka, Maldives, Thailand and South Korea.

Appointed as an Additional Judge of the Lahore High Court from 1.12.2004 and on confirmation took oath, as Judge of the Lahore High Court on 1.12.2005.

In June 2006, nominated as Member of the Board of Governors, National College of Arts.

Elevated as Judge of the Supreme Court of Pakistan on 1st June, 2012.



MR. JUSTICE MUSHIR ALAM

Born to a lawyer family on 18.08.1956 at Karachi. Grand father Moulvi Abdul Rauf, served as counsel for Maharaja of Gwalior State. Late father, Muhammad Akram was a leading senior lawyer of his time. My late uncle, Manzar Alam, a veteran worker of Pakistan Movement, also served the legal profession as an outstanding lawyer. Represented Moulvi Tamizuddin Khan in the Sindh Chief Court. I am the third generation in legal field.

SSC from Nasra Trust School, Karachi; HSC from D.J Science College, Karachi; Graduated from S.M. Arts and Islamia College, Karachi; and LLB from S.M. Law College, Karachi.

Joined Karachi Bar in 1981. Enrolled as an Advocate High Court in 1983. Played active role in Bar activities. Held office of Honorary Joint Secretary and then as General Secretary, High Court Bar Association, Karachi. Established Law Society of Pakistan. Elected as Member, Sindh Bar Council. Appointed as Standing Counsel for Government of Pakistan in 1998. Held last two positions till elevation to the Bench on 20th April, 1999. Served as Vice Chairman and Chairman, Sindh Judicial Academy. Served as Member, Federal Review Board. Appointed as Chief Justice of High Court of Sindh on 14.02.2014. Served as Member, Law Commission of Pakistan. Served as Member of National Judicial (Policy Making) Committee, Fellow of Commonwealth Judicial Education Institute (CJEL).

As a Chief Justice of the High Court, organized 1st Summit of Judicial Academies of Pakistan in 2011 and in 2012 organized in collaboration with Sindh High Court Bar Association an International Conference on "Combating Terrorism Through Law;" promoted Conferences, Seminars & continuing legal Education Programs at District & Taluka level throughout Sindh. For the first time distributed books worth over Rs.30 Million to all District & Taluka Courts and Bar Associations. Served as Member, then as Chairman,

Development Committee of Sindh High Court; completed large number of District and Taluka Court Buildings & residential complexes for Judicial Officers throughout Sindh. Created three new judicial Districts, namely Tando Allah Yar, Mithi & Tando Muhammad Khan with complete infrastructure in record time. Served as Member and then as Chairman IT & Court Technology Committee of Sindh High Court. Upgraded IT Department, now maintaining case data of all the High Courts and District Courts. Linked ATC with CFMS, linking of Federal and Provincial Courts/Tribunals is in progress. Introduced several Innovative Automation Projects, including Case Flow Management System integrated with Police, Prosecutor General and Jails. Introduced 1st of its kind centralized "Online Verification and Identification Branch" in Sindh High Court linked with NADRA, and completely automated Nazir Branch. Introduced Management & Assets Audit in High Court. Introduced 1st online Identification & Verification Branch in District Courts Malir, Karachi linked with NADRA. Introduced 1st online surety verification Branch in District Courts, Malir, Karachi facilitating online verification of motorcycle, car, Defence Certificate offered as surety; Verification of title of immovable property is under progress. Established First Centralized & Computerized certified copy Branch in High Court. Use of digital technology helped in eradication of corruption, corrupt practices; eliminated forged surety & reduced absconion, checked fraudulent litigation & impersonation. Established 1st Research, Reform & Development Branch in Sindh High Court.

Took initiatives to appoint merit based professional managers like Human Resource Management & Training, Financial Management, Internal Auditors, Horticulture, House Keeping and Janitorial Service. 1st Museum of Sindh Judiciary & Law (pre colonial, colonial and post colonial) was conceived, planned and is under construction. Commissioned city campus of Sindh Judicial Academy with modern State of the Art, Residential, Teaching and Recreation facilities with 64 plus studio suites for in-house trainee officers and faculty Members.

Introduced Automated Library Management System; launched 1st Bench Book for Judicial Officers. 1st Sindh Judicial Establishment Code and host of upto date statutes are under publication in collaboration with Sindh High Court Library, Research, Reform & Development Branch and Sindh Judicial Academy. 1st Newsletter of Sindh Judiciary. Developed 1st Judges mess with 8 residential suites for serving and retired Judges of the superior judiciary.

Worked for All Pakistan Trade Union Congress Pakistan an affiliate of Brotherhood of Asian Trade Union (BATU), Worker Confederation of Labour (WCL), Nominated as link person, for the implementation of International Labour Standard/ ILO Norms in Pakistan. Attended large number of regional and international Seminars, Conferences and workshops.

Elevated as a Judge of the Supreme Court of Pakistan on Friday 20th September, 2013.



MR. JUSTICE DOST MUHAMMAD KHAN

Born to a respectable family of Bannu on 20th of March 1953

EDUCATION

Matriculation:- Government High School No.1, Bannu.

Graduation:- Government Post Graduate College, Bannu, year 1973-74.

Graduation in Law:- Government Sindh Muslim Law College, Karachi in the year 1975-76

PROFESSIONAL CAREER

- Enrolled Advocate of the Lower Courts:- Year 1977
- Enrolled Advocate of the High Court:- Year 1981
- Enrolled Advocate of the Supreme Court of Pakistan:- 1998

ACTIVITIES AT BAR

- Elected President of District Bar Association, Bannu:- Year 1986-87
- Elected President of Peshawar High Court Bar Association D.I.Khan Bench:- year 1999-2000

JUDICIAL CAREER

- Elevation to the Bench as Additional Judge:- 10th September, 2002
- Confirmation as permanent Judge of the Peshawar High Court:- 10th September, 2003
- Remained Presiding Judge Banking Court, Peshawar High Court and Company Judge, Peshawar High Court:- 2003-2004 and 2005-2006 respectively.

- Monitoring Judge, Anti-Terrorism Courts, KPK:- 2009-2010
- Member Administration Committee and Security In-charge Judge of the Building of Peshawar High Court, Judicial Complexes Peshawar and all the District Courts in KPK.

APPOINTMENTS

Member Syndicate and Selection Board of Gomal University, D.I.Khan

Member Syndicate Khyber Medical University, Peshawar and University of Engineering & Technology, Peshawar

Chairman of the Enrollment Committee of the Provincial Bar Council, Khyber Pakhtunkhwa.

TRAINING AND CONFERENCES

Attended Course "on Reducing Delay in Justice, Administration of Justice and Court Management" held by RIPA International, London, United Kingdom:- year 2009

Attended many Conferences in USA on sharing of Judicial Experience on IPR & International Commercial Arbitration:- October-November, 2010

Attended "Fourth South Asia Judicial Roundtable on Environmental Justice" in Kathmandu, Nepal:- 28th to 29th November, 2015

CONTRIBUTION

Took keen interest in redressal of Public grievance, worked for protection of woman and child rights, protection and preservation of valuable monuments of national heritage.

ACHIEVEMENTS AS CHIEF JUSTICE

Took oath as Chief Justice of the Peshawar High Court on 17th November, 2011.

- (a) Established and made functional KPK Judicial Academy the best in the Asia, within a record period of 4 1/2 months, with FM Radio to impart legal knowledge, sensitize the society about basic human rights. Well arranged programs were aired about violence against women/ children, child labour, environmental protection, consumers rights' protection and established inter-faith harmony.

A large research and resource wing equipped with digital library on web server containing statutory and precedent law of Pakistan and of seven other leading countries of Asia, Europe and United States. The Academy was linked through video channel, on Skype with seven world leading centers of judicial excellence and universities. The academic staff, consisted of Ph.D scholars, LL.M, Psychologists and psychiatrists, retired Chief Secretaries to prepare modules and themes for imparting judicial knowledge, education and training to the Judges of the District Judiciary, lawyers, investigators of all ranks and departments, Prosecutors, Prison Authorities, medicolegal officers and probation and parole officers. Since its inception the academy was taken to high pedestal. The HEC recognized it, added in its schedule and awarded status of highly placed teaching institution, permitting it to provide admission in LL.M., M.Phil and LL.B and authorized it to award degree awarding status.

- (b) The academy sensitized the newly appointed judicial officers of FATA about the basic human rights and customary law, highly appreciated by the then Governor, KPK. Beside digital Library available to all in all the districts of KPK on web server, it was equipped with multi dimensions library, containing hundreds of books, authored by famous authors of the world on different topics.

A mediation centre was established in the Academy to impart training to hundreds of mediators/arbitrators so that civil, family and criminal disputes are settled at the district level and to block the inflow of cases in Courts.

- (c) With the assistance of UNDP, a modern and spacious Mobile Court Bus was arranged, highly trained Judges, Lawyers were deputed and during several visits to remote areas of Peshawar this project achieved remarkable target within no time. It received appreciation at world level and in the NJPMC meeting too its services were highly acknowledged.

- (d) The inactive human rights cell in the Peshawar High Court was upgraded to the Directorate and in a record period of 10 months 7900 complaints/cases were decided, both pending and fresh and in 75% cases, relief was given to the aggrieved parties, including destitutes, within a week time or fortnight.

These achievements prompted the World Bank extending financial and technical assistance and the Directorate was converted to E-Redressal Citizens' Grievance System and now the aggrieved party has not to travel from long distance to High Court for lodging complaint but it can conveniently be done through phone, e-mail or SMS, which is automatically converted into written complaint and grievances of the citizens are redressed at high speed, reducing the inflow of cases of all kinds in the regular Courts.

- (e) Fund of Billions of rupees was got sanctioned for the construction of three number of High Court Benches, including the residences of the Hon'ble Judges, Registrars and other employees. Many Judicial Complexes with modern facilities, quarters/annexies were got sanctioned from the government, which are near completion.

Decided 10000 cases during his career, which have been compiled in 15-Volumes by Mrs. Riffat Aamir, Directress Human Rights Directorate and Legal Draft Person.

- (f) 2600 missing persons (forced disappearance) were got freed through judicial interference, land grabbed, measuring almost 2500-Kanals of graveyards and government owned was retrieved from 'Qabza Mafia' and was handed over to the "Auqaf" department, KPK.

- (g) A crusade was launched against spurious drugs/medicines. Drug Inspectors and Health Department were fully activated and the KPK was cleared from fake and spurious drugs/medicines.

All types of free health facilities were made available in the government hospitals to the poor and destitutes, which was closely monitored.

- (h) The Japan-Pakistan Friendship, Kohat Tunnel, which was badly damaged due to bomb blast carried out by the militants, was restored to its original shape through injunction order within two months, with lighting and exhaust system of international standard and allied facilities. For pollution free environment in Peshawar and in other districts of KPK all authorities were activated and remarkable achievements were made in this regard.
- (i) Green Belt with 10,000 sapling/plants was established on G.T. Road upto University Road.
- (j) Neglected "Regi Lalma Housing Scheme" was taken notice of, natural gas, electricity and drinkable water facilities were provided and now hundreds houses/bungalows have been constructed by the public after providing full security.
- (k) Almost 140 Additional District & Sessions Judges were provided 13cc GLI, Corolla Cars with 150 Litters POL and drivers, free of cost to raise their dignity and life style and to eradicate corruption. Para-legal staff's salary was doubled besides upgrading their posts to eradicate corruption. The salaries of all judicial officers were increased 3 times.
- (l) Annual repairs and renovation funds for each District Court in KPK was enhanced from Rs.500000/- to Rs.50,00000/- (Rs.5 million).

JUDGE OF SUPREME COURT

- (i) Elevated as Judge of Supreme Court of Pakistan on 31.01.2014
- (ii) Works as Chairman Pakistan Bar Council Disciplinary Committee.
- (iii) Delivered many lectures in Federal Judicial Academy to the under-training judicial officers, senior officers of the police, FIA and other L.E.As. to inculcate in their mind for speedy and inexpensive justice and to enhance the skill of investigation and prosecution.



MR. JUSTICE UMAR ATA BANDIAL

Justice Umar Ata Bandial was born on 17.09.1958 at Lahore. He received his elementary and secondary education at different schools in Kohat, Rawalpindi, Peshawar and Lahore. He got his Senior Cambridge certificate in the year 1973 from St.Mary's Academy, Rawalpindi and Higher Senior Cambridge certificate from Aitchison College in the year 1975. He secured his B.A. (Economics) degree from Columbia University, USA in the year 1979 followed by a Law Tripos degree from Cambridge University, UK in 1981. In 1982 he qualified as Barrister-at-Law from Lincoln's Inn, London. In the same year, he was enrolled as an Advocate of the Lahore High Court and some years later, as an Advocate of the Supreme Court of Pakistan.

Justice Umar Ata Bandial established his law practice at Lahore dealing mostly with commercial, banking, tax and property law matters. After 1993 until his elevation, Justice Umar Ata Bandial also handled international commercial disputes. He appeared in arbitration matters before the Supreme Court of Pakistan and also before foreign arbitral tribunals in London and Paris.

Justice Umar Ata Bandial was elevated as Judge of the Lahore High Court on 04.12.2004. He declined oath under PCO in November, 2007 but was restored to his office as a Judge of the Lahore High Court as a result of the lawyers and civil society movement for revival of the Judiciary and Constitutional rule in the country. During his career as Judge of the Lahore High Court, Justice Umar Ata Bandial rendered judgments on a number of important public law and private law issues. He was appointed as Chief Justice of Lahore High Court, Lahore on 01.06.2012 and served in that office until his elevation as Judge of the Supreme Court of Pakistan on 17.06.2014.

Whilst practicing as an Advocate he taught Contract Law at the Punjab University Law College for four years until 1987 and remained a member of its Graduate Studies Committee while serving as Judge Lahore High Court.



MR. JUSTICE QAZI FAEZ ISA

Born on October 26, 1959 in Quetta, Justice Qazi Faez Isa is the son of the late Qazi Mohammad Isa of Pishin, who was in the forefront of the Pakistan Movement, and the grandson of Qazi Jalaluddin, the Prime Minister of Kalat State. Justice Isa's father was the first person from the province to acquire the Bar-at-Law degree and after his return from London helped establish the All India Muslim League in Balochistan and was nominated by Quaid-e-Azam as the President of the Provincial League and had the distinction of serving as the only member on the Central Working Committee of the All India Muslim League from Balochistan.

Begum Saida Isa, Justice Isa's mother was a dedicated social worker and worked in an honorary capacity on the boards of hospitals and other charitable organizations focusing on education, children and women's health issues.

Justice Isa was called to the Bar of England and Wales (Middle Temple, 1982) and enrolled as an advocate of the Balochistan High Court and as an advocate of the Supreme Court from Balochistan. He practiced law for over 27 years before all the High Courts of Pakistan, the Federal Shariat Court and the Supreme Court of Pakistan. He became a member of the Balochistan High Court Bar Association, Sindh High Court Bar Association and Life Member of the Supreme Court Bar Association of Pakistan.

Before Justice Isa's elevation to the High Court he was a senior partner and head of litigation in one of Pakistan's leading law firms. He rendered his services as amicus curiae when called upon by the High Courts and Supreme Court of Pakistan and had also conducted international arbitrations. He also served on the boards of the largest bank of Pakistan, the Security and Exchange Commission of Pakistan and of the Quaid-e-Azam Mazaar Management Board.

Prior to his elevation Justice Isa regularly wrote on the Constitution, Law, Islam and Environment and his articles were published in Pakistan premier English newspaper. He also co-authored the book: "Mass Media Laws and Regulations in Pakistan" and authored the Report: "Balochistan: Case and Demand".

After the proclamation of emergency of November 3, 2007, he elected not to appear before judges who had violated their oath. Subsequently, after the Supreme Court declared the action of November 3, 2007 unconstitutional, all the then judges of the High Court of Balochistan tendered their resignation, and on August 5, 2009 Justice Isa was directly elevated to the position of Chief Justice of the High Court of Balochistan.

At the time of his elevation Justice Isa was the solitary judge in the High Court. He nominated judges, all of whom were confirmed, and thus reestablished the High Court of Balochistan. He reopened the High Court at Sibi which had remained closed for a number of years, and acquired land for the construction of the High Court at Turbat and approved the design of its building. He then went on to upgrade all the courts in Balochistan focusing on facilitating access and providing facilities to the public. Justice Isa introduced a system of transparent induction of officials and officers in the High Court after advertising such posts. During his tenure a large number of vacant judicial posts in the subordinate judiciary were filled. Each post was advertised and each applicant had to sit for a series of exams and acquire a minimum pass mark before being invited for an interview.

Justice Qazi Faez Isa took oath as a Judge of the Supreme Court of Pakistan on September 5, 2014. He now lives in Islamabad with his wife who he's been married to for 34 years. He has a son and a daughter and is blessed with two grandchildren.

Justice Isa's judgments reflect a strong desire to adhere to the Constitution and the Rule of Law. He is also at pains to safeguard the public interest. The following are extracts from notable judgments rendered by Justice Isa. He wrote a powerful dissent in the case assailing the Twenty-first Amendment to the Constitution, which enabled the trial of civilians by military court (District Bar Association, Rawalpindi v Federation of Pakistan, PLD 2015 Supreme Court 410, at 1158-1209).

"Neither the Federation nor the provinces should invade upon the rights of the other nor encroach on the other's legislative domain", wrote Justice Isa (Sindh Revenue Board v Civil Aviation Authority, 2017 SCMR 1344) whilst striking down the imposition of 'sales tax on services' imposed on the Civil Aviation Authority, a federal regulatory authority, by the Sindh Legislature.

The Sindh Public Service Commission was directed to perform its statutory role and it and the Government of Sindh were directed to *"ensure complete transparency in the process of selection and appointment respectively"* of qualified candidates, as their *"performance and work would be far superior to the inept allowed in through the back door of nepotism and/or corruption"* (In the matter of Suo Motu Regarding Eligibility of Chairman, etc., 2017 SCMR 637, 658 E).

The blatant illegalities committed by the personnel at the helm of the Sindh Coal Authority were noted and it was observed that the Sindh Coal Authority and the Special Initiative Department were *"implementing and executing projects and schemes worth 105,906,940,000 rupees. A small clique of persons is put in charge of these massive funds, avoiding established methods of checks and balances and circumventing the prescribed manner of implementing and executing of projects/schemes; which is a matter of grave public concern"* (Suo Motu Case No.19 of 2016, 2017 SCMR 683, 699 G).

The National Accountability Bureau (NAB) was castigated when it proposed to enter into a plea bargain with a government servant who was caught red-handed with an astronomical cache of Rs.699,967,958; *"the acceptance of the plea bargain by the Chairman runs counter to the stated object [of the NAB Ordinance] to 'eradicate corruption and to hold accountable all those persons accused of such practice'; instead, the message that emanates from NAB is that, if one surrenders only the amount which was seized he will be let off. The rising tide of insidious corruption devastates lives; this Court has repeatedly noted and warned about it, but it seems to no avail"* (Khalid Humayun v NAB, PLD 2017 Supreme Court 194).

The state can only engage *"private counsel for compelling reasons and in the public interest and not to protect or save a particular individual (as was done in WP 1548) or for any other ulterior reason"* wrote Justice Isa. *"The Federal Government and the provincial governments have a host of law officers who are paid out of the public exchequer. If a government contends that none amongst its law officers are capable of handling cases then the question would arise why have incompetent persons been appointed. In such a scenario the public suffers twice, firstly, they have to pay for incompetent law officers, and secondly, they have to pay again for the services of competent counsel the government engages. The public exchequer is not there to be squandered in this manner"* (Rasheed Ahmad v Federation of Pakistan, PLD 2017 Supreme Court 121).



MR. JUSTICE MAQBOOL BAQAR

Hon'ble Mr. Justice Maqbool Baqar belongs to a respectable family of Karachi, Sindh. His lordship was born on 5th of April, 1957. Having acquired basic education from some of the best institutions in Karachi, his lordship did his LL.B from University of Karachi and was enrolled as an Advocate to practice law in the year 1981. During his stint as lawyer, his lordship conducted all types of cases especially in corporate law. His lordship was elevated to the Bench on 26th of August, 2002 as Additional Judge of the High Court of Sindh and confirmed on 26th of August, 2003. His lordship was one of those Judges who demonstrated courage in upholding the 'Rule of Law' in the country and refused to take fresh oath under the Provisional Constitution Order No. 1 of 2007 after the

Emergency imposed by General Pervez Musharraf and were deposed for the time being. However, after the momentous and remarkable movement by the lawyers and efforts made by the members of the civil society for restoration of judiciary, after the revival of democracy in Pakistan in the year 2008, his lordship along with brethren Judges were restored to office. The Hon'ble Judge was appointed as Chief Justice of the High Court of Sindh on 20th of September, 2013. As Chief Justice of the High Court, he took in hand a number of reformative initiatives so as to better and plight of the Subordinate Judiciary in the Province of Sindh besides pronouncing some important verdicts. On 17.2.2015 his lordship was elevated as a Judge of the Supreme Court of Pakistan.



MR. JUSTICE MANZOOR AHMAD MALIK

Hon'ble Mr. Justice Manzoor Ahmad Malik was elevated to the Bench on 15.09.2009. He has been a practicing Advocate at the Hon'ble Supreme Court of Pakistan and High Courts since 2001 and 1989, respectively. His area of practice was mainly criminal law. In the year 2005, Justice Malik founded Free Legal Aid Society for Helpless (FLASH) and remained its elected President till his elevation. He remained Chairman Election Board, for conducting elections of Lahore High Court Bar Association, for five consecutive years (2005 to 2009). He has also remained Chairman and Member, Administration Committee of Lahore High Court (since 2011 till his elevation to Supreme Court), Administrative Judge of Anti-Terrorism and Banking Courts in the Punjab and Environmental Tribunal (since 2012 till his elevation to Supreme Court), Chairman Enrolment Committee for issuance of Fitness Certificates to the Advocates for enrolment as an Advocate of the Hon'ble Supreme Court of Pakistan, Inspection Judge of Districts Gujranwala and Sahiwal and Pakpattan, Chairman

Rules Committee (High Court Rules & Orders) of Lahore High Court, Member, Graduate Studies (LL.M) Committee of University Law College, University of the Punjab, Lahore and Member Syndicate, Government College University, Lahore. Justice Malik also participated in numerous National/International judicial conferences which includes two foreign trips on "**Training In International Law-Meeting International Human Rights Standards in Criminal Proceedings**" in Netherlands (Holland) organized by Asia Foundation and The Hague Forum for Judicial Expertise (18-25 April, 2012) and "**Visit to the UK to discuss protecting witnesses and court security in terrorism cases**" invited by the Senior Presiding Judge for England and Wales The Rt. Hon. Lord Justice Gross, Royal Courts of Justice Strand London (23-29 March, 2014).

Hon'ble Mr. Justice Manzoor Ahmad Malik was elevated to the Supreme Court of Pakistan on 06.11.2015.



MR. JUSTICE SARDAR TARIQ MASOOD

Hon'ble Mr. Justice Sardar Tariq Masood was born on 11.03.1959 in a noble family of village Saroha, Tehsil Kallar Syedan District Rawalpindi. After doing Bachelor of Law, His lordship started practicing law in the year 1985 at District Rawalpindi and was enrolled as an Advocate High Court in the year, 1987. His lordship ascended to be an Advocate Supreme Court of Pakistan in the year 2008. His lordship also remained as President, District Bar Association, Rawalpindi.

Hon'ble Mr. Justice Sardar Tariq Masood having been elevated as Additional Judge of the Lahore High Court, Lahore on 14.09.2009 and was confirmed

on 11.05.2011. His lordship has been adorning the Bench at Lahore High Court since September 2009 and contributed many reported judgments and accepted many administrative responsibilities with heart and soul. His lordship remained Inspection Judge, Khanewal, Vehari, Pakpattan Districts and Hafizabad District; Member Administration Committee, Lahore High Court, Lahore and Administrative Judge, Labour Courts, Drug Courts and Consumer Protection Courts.

Hon'ble Mr. Justice Sardar Tariq Masood was elevated as Judge, Supreme Court of Pakistan on 05.09.2015.



MR. JUSTICE FAISAL ARAB

Hon'ble Mr. Justice Faisal Arab hails from Matli, a town in District Badin, Sindh. In order to provide better education to children, his parents shifted to Karachi where he was born on 5th November, 1955. He had the privilege of living Urban as well as Rural life. After gaining early education from a boarding school of Karachi, (Jack & Jill), he matriculated from Gulistan Shah Abdul Latif Bhattai School, Karachi in the year 1973 and graduated in commerce from the Government College of Commerce & Economics, Karachi in the year 1978. After his graduation, he remained occupied in his family's farming business for eight long years. He then decided to study further and took admission in S.M. Law College, Karachi in 1986 for his LLB degree, which he obtained in the year 1989. He was enrolled as an Advocate of the lower courts in 1990. As Advocate of the High Court he was enrolled in the year 1992 and as Advocate of the Supreme Court in July, 2005.

Justice Faisal Arab commenced his journey as a lawyer in 1989 when he took internship in the law firm of a leading lawyer of this country and a former Judge of the Supreme Court Mr. Justice (Retd) Fakharuddin G. Ebrahim. When Mr. Fakharuddin G. Ebrahim became Governor of Sindh, he joined the law firm Surridge & Beecheno in February 1990 and when Mr. Fakharuddin G. Ebrahim rejoined his profession after resigning from the office of Governorship, he joined him again in October 1990 and worked with him upto October, 2000 whereafter he established his own Law firm in the name of Faisal Arab & Associates. Justice Faisal Arab also worked for the Federation of Pakistan

as its Standing Counsel from 1st October, 2004 till 25th October, 2005. He was then elevated as Additional Judge of the Sindh High Court and confirmed as permanent Judge on 25th October, 2006. After his elevation to the High Court, his law firm was closed down.

It is truly remarkable to note that Justice Faisal Arab was amongst those Judges of the Sindh High Court who withstood all pressures and temptations to take oath under the Provincial Constitutional Order (PCO) of November 2007 and only joined the judiciary after restoration of the constitutional regime. During the period he remained Judge of the High Court, he was appointed as Member, Election Commission of Pakistan on 21st November, 2009. On 16th June, 2011 he was appointed as Member Federal Review Board. On 20th November 2013 he was assigned the responsibility as the President of the Special Court that was established to try General (R) Pervaiz Musharaf for the offence of high treason under the High Treason (Punishment) Act, 1973. Justice Faisal Arab's true reflection as a Judge of high esteem became evident when he conducted the trial in the High treason case in the most fair and unbiased manner.

On 17th February 2015, Justice Faisal Arab was appointed as Chief Justice of the High Court of Sindh and after performing his duties as Chief Justice for about ten months, he was elevated as Judge of the Supreme Court of Pakistan on 14th December, 2015.



MR. JUSTICE IJAZ UL AHSAN

His lordship was born on 05.08.1960 in Murree. He received his early education at Lahore. He was admitted to Forman Christian College, Lahore in 1975 from where he graduated in 1979 with a scholarship of merit.

The Hon'ble Judge joined the Punjab University Law College, Lahore where he won various awards including a gold-medal for his academic achievements. He also secured a top position in the All Pakistan Universities Summer Moot arranged by Higher Education Commission at Khanas Pur, Nathia Gali.

After completing his LL.B studies, he joined law practice and completed his apprenticeship in civil and criminal law. Thereafter, he proceeded to pursue post-graduate studies at Cornell University New York, USA. He graduated in 1987 with a Master's Degree in Law (LL.M).

On his return from USA, his lordship joined law practice with a reputable law firm of which he later became a partner. His law practice covered civil, banking, property, commercial and constitutional matters. He conducted a large number of cases before the High Courts as well as the Hon'ble Supreme Court of Pakistan. He also conducted a number of local and international commercial arbitrations involving local as well as multinational parties.

His lordship attended a number of local and international conferences and professional training courses including those organized by Asian Bar Association and the International Bar Association.

He was awarded Chevening scholarship by the British Council to study commercial law in the United Kingdom.

He also received a fellowship from the South Western Institute for International Studies at Dallas, USA of which he is an alumnus. While practicing as an advocate, he taught contract and commercial law for many years.

His lordship was elevated to the Bench on 15.09.2009. He was confirmed as a Judge of the Lahore High Court on 11.05.2011. During his tenure as a Judge of the Lahore High Court his lordship attended the following conferences: -

1. National Judicial Conference 2010 at Islamabad;
2. National Conference on ADR (arranged by IFC) at Pearl Continental Hotel, Lahore;
3. International Judicial Conference, 2010 at Islamabad.
4. National Judicial Conference, 2011 at Islamabad.
5. South Asia Conference on Environmental Justice at Bhurban.

He represented the Lahore High Court in various conferences/study visits to the United States, China and Japan.

He was Inspection Judge for District Kasur, Gujranwala and Lahore.

He was appointed as the Chief Justice of Lahore High Court on 06.11.2015. His lordship was elevated as Judge, Supreme Court of Pakistan on 28.06.2016



MR. JUSTICE MAZHAR ALAM KHAN MIANKHEL

Born to a respectable family of Miankhel, (Dera Ismail Khan) on 14.7.1957.

Education

- Received his secondary education from B.I.S.E. Peshawar in year 1973.
- Graduated from the Gomal University in year 1979.
- Obtained Law Degree from Gomal University, Dera Ismail Khan in year 1982.

Professional Career

- Enrolled as an Advocate of the Lower Courts in year 1982. Enrolled as an Advocate of the High Court in year 1984,. Enrolled as an Advocate of Supreme Court of Pakistan in year 2003.

Activities at Bar

- Remained as Vice President and Secretary, District Bar Association D.I.Khan.
- Remained as Vice President and Secretary High Court Bar Association, D.I.Khan Bench.
- Also remained Member of N.W.F.P. Bar Council, sessions 1999 to 2003 and 2004 to 2009.
- From the year 1998 to 2000, remained as visiting part-time Lecturer in Law College, Gomal University, D.I.Khan.
- Remained Legal Advisor of different Firms/ Institutions and Banks.

Judicial Career

- Elevated to the Bench as Additional Judge on 07.9.2009.
- Elevated as permanent Judge of the Peshawar High Court on 05.9.2011.

Appointments

- Remained as Member Syndicate of Sarhad University.
- Worked as Chairman Election Tribunal and Companies Judge.

- Worked as Chairman Enrolment Committee of the Provincial Bar Council, Khyber Pakhtunkhwa at Mingora Bench.
- Worked as Chairman, Khyber Pakhtunkhwa Judicial Academy
- Remained as Member, Board of Governors, Federal Judicial Academy
- Worked as Chairman of Administration Committee of Peshawar High Court.
- Worked as Authority to conduct proceedings under the provisions of the Investigation for Fair Trial Act, 2013.
- Worked as Chairman, Committee for purchase of Physical assets for High Court.
- Worked as Administrative Judge to Liaison on Construction Work.
- Worked as President, Rule Committee.
- Worked as Administrative Judge to Liaison the issues of Ministerial Staff of the High Court.
- Worked as President, Special Court for trial of offence of High Treason under the High Court Treason (Punishment) Act, 1973.
- Remained as Member, Supreme Judicial Council.

Interests

- Throughout his career, the Hon'ble Judge took keen interest in administration of justice and Rule of Law.

As Chief Justice Peshawar High Court

- Took oath as Chief Justice of Peshawar High Court on 8th April, 2014 and graced the Chair upto 29th December, 2016.

Supreme Court of Pakistan

- On his elevation to the Apex Court of the Country, took oath as Judge of the Supreme Court of Pakistan on 30.12.2016



MR. JUSTICE SAJJAD ALI SHAH

Date of Birth:

14th August 1957 at Karachi.

Academic Qualification:

After receiving earlier education in different parts of the country did his graduation from Government Islamia College Karachi where after obtained degrees of Bachelors of Law in 1984 and Masters in Law in 1988 from S.M. Law College Karachi.

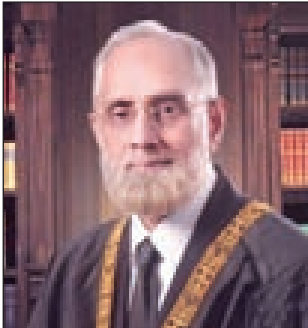
Experience:

Entered the Legal Profession in the year 1985. Practiced at bar for 20 years and during this period represented Government of Pakistan in many important cases before the Supreme Court and the High Courts, conducted cases on behalf of

various Financial Institutions. Remained as Honorary Lecturer in S.M. Law College Karachi from 1995 till elevation to the Bench. Appointed as Standing Council for Government of Pakistan in the year 2002 and thereafter as Deputy Attorney General for Government of Pakistan in the year 2004.

Elevated to the Bench of Sindh High Court on 24th October, 2005. Remained Administrative Judge, Chairman Development Committee, Member Administration Committee, Administrative Judge for A.T.C. Sindh, Member Board of Governors for Law Colleges as well as Agha Khan Foundation and one of the founding Members of Zulfiqar Ali Bhutto University of Law. Appointed as Chief Justice of the Province of Sindh on 14th December, 2015, and thereafter elevated as Judge of the Supreme Court of Pakistan on 15th March, 2017.

3.3 Chief Justices & Judges Retired during June 2016 to May 2017



MR. JUSTICE ANWAR ZAHEER JAMALI
Judge, Supreme Court of Pakistan
(03.08.2009 – 09.09.2015)

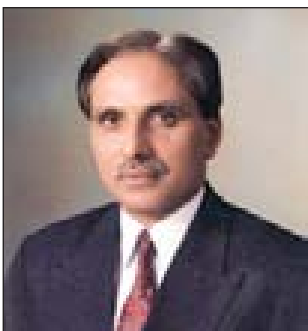
Chief Justice of Pakistan
(10.09.2015 – 30.12.2016)



MR. JUSTICE IQBAL HAMEEDUR RAHMAN
Judge, Supreme Court of Pakistan
(25.02.2013 – 23.10.2016)



MR. JUSTICE AMIR HANI MUSLIM
Judge, Supreme Court of Pakistan
(14.02.2011 – 31.03.2017)



MR. JUSTICE TARIQ PARVEZ
Judge, Supreme Court of Pakistan
(20.10.2009 – 14.02.2013)
Ad hoc Judge, Supreme Court of Pakistan
(14.12.2015 – 13.12.2016)



MR. JUSTICE KHILJI ARIF HUSSAIN
Judge, Supreme Court of Pakistan
(05.09.2009 – 12.04.2014)
Ad hoc Judge, Supreme Court of Pakistan
(14.12.2015 – 13.12.2016)

CHAPTER

4

**SUPREME COURT
OF PAKISTAN**

Supreme Court of Pakistan

4.1 Introduction

The Constitution of Pakistan, 1973 provides for Parliamentary system of governance whereby the separation of powers between organs of state i.e Legislature, Executive and Judiciary is assured through a scheme of checks and balances. The Constitution is supreme and all the organs have to remain within their sphere. The legislature makes law. The executive executes the law. The judiciary is entrusted with the responsibility to interpret the law and to ensure harmony and balance between the three pillars of the state. The Constitution envisages that the state shall ensure inexpensive and expeditious justice and provides for independence of judiciary.

The Constitution provides for the establishment of Supreme Court of Pakistan. The Supreme Court of Pakistan is the highest appellate court of the country and the court of last resort. It is the final arbiter of the law and the Constitution. Its orders/decisions are binding on all other courts in the country. All executive and judicial authorities are bound to act in aid of the Supreme Court. The Constitution contains elaborate provisions on the composition, jurisdiction, powers and functions of the Court. The qualifications for and mode of appointment of judges, the age of retirement, the grounds and procedure for removal and the terms and conditions of service of judges are elaborately prescribed. As guardian of the Constitution, the Court is required to preserve, protect and defend this basic document.

The Supreme Court exercises original, appellate, advisory and review jurisdiction. It possesses exclusive original jurisdiction for the settlement of intergovernmental disputes between Federal and Provincial Government(s) or Provincial Governments inter se. Under this jurisdiction, the Court pronounces declaratory judgments. The Supreme Court can also exercise original jurisdiction, with respect to the enforcement of fundamental rights, if the case involves an issue of public importance. The Court also exercises advisory jurisdiction, where under the President may obtain its opinion on a question of law. Under its appellate jurisdiction, the Court entertains appeals against orders and decisions of High Courts and other special courts/tribunals.

The Supreme Court was first created under the Constitution of 1956. It succeeded the Federal Court,

set up in 1948, which was successor to the Federal Court of India, established in 1937. Since its creation in 1956, the Supreme Court has retained its name and jurisdiction through the successive legal instruments including the Constitution of 1973.

The Supreme Court of Pakistan consists of the Chief Justice and 16 Judges. The permanent seat of the Court is at Islamabad, but the Court also sits, from time to time, at the provincial headquarters; namely, Lahore, Karachi, Peshawar and Quetta. The Constitution stipulates the qualifications of Judges of the Supreme Court. Such qualifications are: to be a citizen of Pakistan and having 5 years experience as Judge of a High Court or 15 years practice as Advocate High Court.

The Chief Justice and the Judges of the Supreme Court of Pakistan are appointed by the President on the nomination of Judicial Commission of Pakistan and approval of the Parliamentary Committee. A Judge holds office until attaining the age of 65 years, unless he resigns earlier or is removed from office, in accordance with the Constitution.

No Judge can be removed from office except on grounds specified by the Constitution; namely, "physical or mental incapacity", or "misconduct", to be determined by the Supreme Judicial Council.

The Constitution provides for the "independence of judiciary" and its "separation from the executive." Consequently, there prevails in the country, full institutional and decisional judicial independence. The Supreme Court and High Courts also possess a degree of financial autonomy in as much as the concerned Chief Justice is authorized to re-appropriate funds within the budgetary allocations.

4.2 Seat of Supreme Court

The Constitution of 1956 under Article 155 provided that the Supreme Court shall sit in Karachi and at such other place as the Chief Justice of Pakistan may, with the approval of the President, from time to time appoint. In the Constitution, it was also provided that the court shall sit in Dacca at least twice a year, for such period as the Chief Justice of Pakistan may deem necessary. Similarly, under Article 56 of the Constitution 1962, it was provided that the permanent seat of the Supreme Court shall be at Islamabad, with sitting of the Court at Dacca twice a year. It was also provided in the Constitution of 1962 that the Court may sit from time to time at such other places as the Chief Justice of Pakistan with the approval of the President may appoint. However, it was provided in the Constitution that until provision is made for establishing the Supreme Court at Islamabad the seat of the Court shall be at such place as the President may appoint.

Under Article 183 of the Constitution of 1973, it was provided that the permanent seat of the Supreme Court shall be at Islamabad and it may sit at such other places as the Chief Justice of Pakistan, with approval of the President may appoint. However, until provision is made for establishing the Court at Islamabad, the seat of the Court shall be at such place as the President may appoint. The Main Registry of

the Court remained at Lahore in a borrowed wing of the Lahore High Court building for a period extending a little over 25 years, from October, 1949 to November, 1974, after which the Main Registry was moved to Rawalpindi and housed in what was then called "East Pakistan House". The Main Registry was moved to the Supreme Court Building at Islamabad in 1993.

The present building is a majestic addition on the Constitution Avenue in the Federal Capital. Its white marbled façade depicts the strength of the institution to uphold the principles of rule of law and constitutionalism in the country. The open book front elevation reflects a unique synthesis of Islamic and Japanese architectural tradition emphasizing the importance of education, transparency and equality before law as avowed objectives of the judicial organ of the State of Pakistan. The Court also has branch registries at each of the four provincial capitals. Cases are filed at principal seat and/or branch registries. Benches of the Court rotate between the principal seat and branch registries to dispose of cases. With broad jurisdiction of the Court, it is a great relief to the litigants to have easy and convenient access to justice, closer to their home towns.

4.3 Branch Registries

On 25th November, 1974 Karachi, Lahore and Peshawar were appointed to be the places where a Bench of the Supreme Court of Pakistan may sit for two years. On 22nd January, 1976, HCJ was pleased to direct that petitions for special leave to appeal from the judgments and orders of the respective High Courts would be received and entertained in the Branch Registries at Lahore, Peshawar and Karachi till 31st March, 1976 and that the petitions filed in the Branch Registries thereafter would be registered and disposed of at Rawalpindi.

It was notified on 6th February, 1976 that the petitions for special leave to appeal would continue to be received and entertained in the Branch Registries till the commencement of the long vacation of 1976. In March, 1976 it was decided that petitions for leave to appeal may be received and entertained at Branch Registries till 31.12.1976 and that Judges may visit these stations after 31.12.1976 till the petitions filed

upto 31.12.1976 are disposed of. On 31st December, 1976, the circuit system and registration of petitions for leave to appeal at Branch Registries was extended upto the 30th June, 1977.

In January, 1977 it was decided that the Court may sit at Karachi, Lahore and Peshawar for the disposal of the petitions filed after 31st December, 1976 for a period of three years. In November, 1977 it was decided that the Supreme Court may sit at Karachi, Lahore, Peshawar and Quetta.

Today, the Court with its Principal Seat at Islamabad has Branch Registries at all the four provincial capitals. The Branch Registries at Lahore, Karachi, Peshawar and Quetta have been established for the convenience of the public and for providing justice at the doorstep.

4.4 Composition of the Supreme Court: June 2016 - May 2017

The Chief Justice of Pakistan

Name	Date of Birth	Date of Elevation	Date of Retirement
Mr. Justice Mian Saqib Nisar	18.01.1954	18.02.2010 (as Judge) 31.12.2016 (as HCJP)	17.01.2019

The Judges of the Supreme Court

Name	Date of Birth	Date of Elevation	Date of Retirement
Mr. Justice Asif Saeed Khan Khosa	21.12.1954	18.02.2010	20.12.2019
Mr. Justice Ejaz Afzal Khan	08.05.1953	17.11.2011	07.05.2018
Mr. Justice Gulzar Ahmed	02.02.1957	17.11.2011	01.02.2022
Mr. Justice Sh. Azmat Saeed	28-08-1954	01.06.2012	27-08-2019
Mr. Justice Mushir Alam	18-08-1956	20-09-2013	17-08-2021
Mr. Justice Dost Muhammad Khan	20-03-1953	31-01-2014	19-03-2018
Mr. Justice Umar Ata Bandial	17.09.1958	17.06.2014	16.09.2023
Mr. Justice Qazi Faez Isa	26.10.1959	05.09.2014	25.10.2024
Mr. Justice Maqbool Baqar	05.04.1957	17.02.2015	04.04.2022
Mr. Justice Manzoor Ahmad Malik	01.05.1956	06.11.2015	30.04.2021
Mr. Justice Sardar Tariq Masood	11.03.1959	06.11.2015	10.03.2024
Mr. Justice Faisal Arab	05.11.1955	14.12.2015	04.11.2020
Mr. Justice Ijaz Ul Ahsan	05.08.1960	28.06.2016	04.08.2025
Mr. Justice Mazhar Alam Khan Miankhel	14.07.1957	30.12.2016	13.07.2022
Mr. Justice Sajjad Ali Shah	14.08.1957	15.03.2017	13.08.2022

*as on 31st May 2017

Ad hoc Members, Shariat Appellate Bench

Name	Date of Appointment
Mr. Justice Dr. Muhammad Al-Ghazali	25.03.2010
Mr. Justice Dr. Muhammad Khalid Masud	01.11.2012

Registrar

Name	Date of posting in Supreme Court
Mr. Arbab Muhammad Arif	26.01.2016

4.5 Jurisdiction of the Supreme Court

The Constitution of Islamic Republic of Pakistan, 1973 provides the following jurisdictions and powers to the Supreme Court of Pakistan:

Original Jurisdiction

Article 184. (1) The Supreme Court shall, to the exclusion of every other court, have original jurisdiction in any dispute between any two or more Governments.

Explanation.—In this clause, “Governments” means the Federal Government and the Provincial Governments.

(2) In the exercise of this jurisdiction conferred on it by clause (1), the Supreme Court shall pronounce declaratory judgments only.

(3) Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II, is involved, have the power to make an order of the nature mentioned in said Article.

Appellate Jurisdiction

Article 185. (1) Subject to this Article, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court.

(2) An appeal shall lie to the Supreme Court from any judgment, decree, final order or sentence of a High Court-

- (a) if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to transportation for life or imprisonment for life; or, on revision, has enhanced a sentence to a sentenced as aforesaid; or
- (b) if the High Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
- (c) if the High Court has imposed any punishment on any person for contempt of the High Court; or
- (d) if the amount or value of the subject-matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by Act of [Majlis-e-Shoora (Parliament)] and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court immediately below; or
- (e) if the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court immediately below; or
- (f) if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court in a case to which clause (2) does not apply shall lie only if the Supreme Court grants leave to appeal.

Advisory jurisdiction

Article 186. (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he considers of public importance, he may refer the question to the Supreme Court for consideration.

(2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.

Power to Transfer Cases

Article 186A. The Supreme Court may, if it considers it expedient to do so in the interest of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.

Issue and execution of processes of the Supreme Court

Article 187. (1) Subject to clause (2) of Article 175, the Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any case or matter pending before it, including an order for purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Pakistan and shall, where it is to be executed in a Province, or a territory or an area not forming part of a Province but within the jurisdiction of the High Court of the Province, be executed as if it had been issued by the High Court of that Province.

(3) If a question arises as to which High Court shall give effect to a direction, order or decree of the Supreme Court, the decision of the Supreme Court on the question shall be final.

Review of Judgments of Orders by the Supreme Court

Article 188. The Supreme Court shall have power, subject to the provisions of any Act of [Majlis-e-Shoora (Parliament)] and of any rules made by the Supreme Court, to review any judgment pronounced or any order made by it.

Decision of the Supreme Court binding on other courts

Article 189. Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan.

Action in aid of the Supreme Court

Article 190. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court.

Rules of Procedure

Article 191. Subject to the Constitution and law, the Supreme Court may make rules regulating the practice and procedure of the Court.

Appeal to the Supreme Court against the decision of Federal Shariat Court

Article 203F. (1) Any party to any proceedings before the Court under Article 203D aggrieved by the final decision of the Court in such a proceedings may, within 60 days of such decision, prefer an appeal to the Supreme Court.

[Provided that an appeal on behalf of the Federation or of a Province may be preferred within six months of such decision]

(2) The Provisions of clauses (2) and (3) of Article 203D and clauses (4) to (8) of Article 203E shall apply to and in relation to the Supreme Court as if reference in those provisions to Court were a reference to the Supreme Court.

(2A.) An appeal shall lie to the Supreme Court from any judgment, final order or sentence of the Federal Shariat Court –

- (a) if the Federal Shariat Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or imprisonment for life or imprisonment for a term exceeding fourteen years; or, on revision, has enhanced a sentence as aforesaid; or
- (b) if the Federal Shariat Court has imposed any punishment on any person for contempt of the Court.

(2B) An appeal to the Supreme Court from a judgment, decision, order or sentence of the Federal Shariat Court in a case to which the preceding clauses do not apply shall lie only if the Supreme Court grants leave to appeal.

(3) For the purpose of the exercise of the jurisdiction conferred by this Article, there shall be constituted in the Supreme Court a Bench to be called the Shariat Appellate Bench and consisting of-

- (a) three Muslim Judges of the Supreme Court; and
- (b) not more than two Ulema to be appointed by the President to attend sittings of the bench as ad hoc members thereof from amongst the Judges of the Federal Shariat Court or from out of a panel of Ulema to be drawn up by the President in consultation with the Chief Justice.

(4) A person appointed under paragraph (b) of clause (3) shall hold office for such period as the President may determine.

(5) Reference in clauses (1) and (2) to "Supreme Court" shall be construed as a reference to the Shariat Appellate Bench.

(6) While attending sittings of the Shariat Appellate Bench, a person appointed under paragraph (b) of the clause (3) shall have the same power and jurisdiction, and be entitled to the same privileges, as a Judge of the Supreme Court and be paid such allowances as the President may determine.

Contempt of Court

Article 204. (1) In this Article, "Court" means the Supreme Court or a High Court.

- (2) A Court shall have power to punish any person who -
 - a. abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;
 - b. scandalizes the court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;
 - c. does anything which tends to prejudice the determination of a matter pending before the Court; or
 - d. does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court.

Administrative Courts and Tribunals

Article 212 (3). An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

4.6 Procedure for the Appointment of Judges of the Supreme Court of Pakistan

The 18th and 19th amendments in the Constitution of Pakistan have changed the procedure for the appointment of judges in the superior courts i.e. Supreme Court, Federal Shariat Court and High Courts. These constitutional amendments provide for the establishment of Judicial Commission of Pakistan and the Parliamentary Committee. The Commission for the appointment of judges in Supreme Court of Pakistan consists of Chief Justice of Pakistan as Chairman, four senior most judges of the Supreme Court, one former Chief Justice or judge of the Supreme Court, nominated by the Chairman in consultation with the four member judges for a period of two years, the Attorney General for Pakistan, the Federal Law Minister and a senior advocate, Supreme Court, nominated by the Pakistan Bar Council for a period of two years.

The Parliament Committee consists of eight members and has equal representation from Treasury Benches and Opposition Benches as well as of two houses i.e. National Assembly and Senate. The Commission nominates a name for the appointment as judge of Supreme Court by majority to Parliamentary Committee. The Committee may by majority, within fourteen days, confirm the nomination and send to the Prime Minister who shall forward the same to the President for appointment. The Committee, for reasons to be recorded may not confirm the nomination by three-fourth majority of its total membership. The procedure for the appointment of judges in the Federal Shariat Court and High Court is the same with modest variation in composition of Judicial Commission. Prior to the said amendments the judges were appointed by the President after consultation with Chief Justice of Pakistan under Article 177.

4.7 Judicial Commission of Pakistan

Article 175A of the Constitution of Pakistan, 1973:

Article 175A. (1) There shall be a Judicial Commission of Pakistan, hereinafter in this Article referred to as the Commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.

- (2) For appointment of Judges of the Supreme Court, the Commission shall consist of-
- | | | |
|-------|---|----------|
| (i) | Chief Justice of Pakistan; | Chairman |
| (ii) | four most senior Judges of the Supreme Court; | Members |
| (iii) | a former Chief Justice or a former Judge of the Supreme Court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the four member Judges, for a term of two years; | Member |
| (iv) | Federal Minister for Law and Justice; | Member |
| (v) | Attorney-General for Pakistan; and | Member |
| (vi) | A Senior Advocate of the Supreme Court of Pakistan nominated by the Pakistan Bar Council for a term of two years. | Member |

(3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.

(4) The Commission may make rules regulating its procedure.

(5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following namely:-

- | | | |
|-------|---|--------|
| (i) | Chief Justice of the High Court to which the appointment is being made; | Member |
| (ii) | the most senior Judge of that High Court; | Member |
| (iii) | Provincial Minister for Law; and | Member |

- (iv) an advocate having not less than fifteen year practice in the High Court to be nominated by the concerned Bar Council for a term of two years:: Member

[Provided that for appointment of the Chief Justice of a High Court the most Senior Judge mentioned in paragraph (ii) shall not be member of the Commission:

Provided further that if for any reason the Chief Justice of High Court is not available, he shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the four member judges of the Commission mentioned in paragraph (ii) of clause (2).]

- (6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely:-

- (i) Chief Justice of the Islamabad High Court; Member
and
- (ii) The most senior Judge of that High Court: Member

Provided that for the initial appointment of the (Chief Justice and the) Judges of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:

Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, *mutatis mutandis*, apply.

- (7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that Court as its members:

Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos, to clause (5) shall, *mutatis mutandis*, apply.

- (8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court or the Federal Shariat Court, as the case may be.

- (9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely:-

- (i) four members from the Senate; and
(ii) four members from the National Assembly:
[Provided that when the National Assembly is dissolved, the total membership of the Parliamentary Committee shall consist of the members from the Senate only mentioned in paragraph (i) and the provisions of this Article shall, *mutatis mutandis*, apply.]

- (10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.

- (11) Secretary, Senate shall act as the Secretary of the Committee.

- (12) The Committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within fourteen days, failing which the nomination shall be deemed to have been confirmed:

[Provided that the Committee, for reasons to be recorded, may not confirm the nomination by three-fourth majority of its total membership within the said period;]

[Provided further that if a nomination is not confirmed by the Committee it shall forward its decision with reasons so recorded to the Commission through the Prime Minister; Provided further that if a nomination is not confirmed, the Commission shall send another nomination.]

(13) The Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment.

(14) No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

(15) The meetings of the Committee shall be held in camera and the record of its proceedings shall be maintained.

(16) The provisions of Article 68 shall not apply to the proceedings of the Committee.

(17) The Committee may make rules for regulating its procedure.

4.8 Composition of the Judicial Commission of Pakistan

Current composition of the Commission for appointment of Judges in the Supreme Court of Pakistan

Mr. Justice Mian Saqib Nisar Chief Justice of Pakistan	Chairman
Mr. Justice Asif Saeed Khan Khosa Senior Puisne Judge, Supreme Court of Pakistan	Member
Mr. Justice Ejaz Afzal Khan Judge, Supreme Court of Pakistan	Member
Mr. Justice Gulzar Ahmad Judge, Supreme Court of Pakistan	Member
Mr. Justice Sh. Azmat Saeed Judge, Supreme Court of Pakistan	Member
Mr. Justice Raja Fayyaz Ahmad Former Judge, Supreme Court of Pakistan	Member
Federal Minister for Law and Justice Government of Pakistan	Member
Mr. Ashtar Ausaf Ali Attorney General for Pakistan	Member
Mr. Muhammad Yousuf Laghari Nominee of the Pakistan Bar Council	Member

4.9 Judicial Commission of Pakistan Rules, 2010

In exercise of powers conferred by clause (4) of Article 175A of the Constitution of the Islamic Republic of Pakistan, the Judicial Commission of Pakistan is pleased to make the following rules, namely, -

1. Short title and commencement. - (1) These rules may be called the Judicial Commission of Pakistan Rules, 2010.

(2) These rules shall come into force at once.

2. Definitions. - (1) In these rules, unless the context otherwise requires,-

- (a) "Chairman" means Chairman of the Commission;
- (b) "Commission" means the Judicial Commission of Pakistan, established under Article 175A of the Constitution of the Islamic Republic of Pakistan;
- (c) "Committee" means a Committee constituted by the Chairman from amongst the members of the Commission;
- (d) "Member" means a member of the Commission; and
- (e) "Secretary" means the Registrar Supreme Court or any other person authorized as such by the Chairman.

- 3. Nominations for Appointments.** (1) For each anticipated or actual vacancy of a Judge in the Supreme Court or the Chief Justice of Federal Shariat Court or the Chief Justice of a High Court, the Chief Justice of Pakistan shall initiate nominations in the Commission for appointment against such vacancy.
- (2) For each anticipated or actual vacancy of a Judge in the Federal Shariat Court or Judge in the High Court, the Chief Justice of the respective Court shall initiate and send nomination for appointment against such vacancy to the Chairman for convening meeting of the Commission.
4. The Chairman shall regulate the proceedings of the Commission.
- 5. Proceedings of the Commission.-** (1) Whenever a nomination is received under Rule 3, the Chairman shall call a meeting of the Commission on a date, time and place determined by him and notified by the Secretary to each member.
- (2) The Commission may call for any information or record required by it from any person or authority for the purposes of carrying out its functions.
- (3) The Secretary shall forward the nominations made by the Commission to the Secretary of the Parliamentary Committee constituted under clause (9) of Article 175A of the Constitution.
- (4) The proceedings of the Commission shall be held in camera. A record of the proceedings shall be prepared and maintained by the Secretary duly certified by the Chairman under his hand.
6. The Chairman may constitute one or more committees of members for such purpose as may be deemed necessary.
7. A retired Chief Justice or retired Judge Supreme Court and a retired Chief Justice or a retired Judge of High Court, while attending a session of the Commission, shall be entitled to TA/DA and accommodation as admissible to Judge of Supreme Court, or Judge of High Court, as the case may be.
- 8. Relaxation of Rules.-** Without prejudice to the foregoing, the Chairman may relax strict application of these rules in the public interest.

4.10 Oath of Office

Before entering upon the office, the Chief Justice of Pakistan makes an Oath before the President of Pakistan and Judges of the Supreme Court before the Chief Justice of Pakistan. The Chief Justice and Judges take Oath in the form set out in the third Schedule under Article 178, they undertake to discharge their duties honestly and faithfully in accordance with the Constitution and the law. In the same Oath, they also commit to abide by the code of conduct issued by the Supreme Judicial Council.

Chief Justice of Pakistan or of a High Court or Judge of the Supreme Court or a High Court.

[Articles 178 and 194]



*(In the name of Allah, the most Beneficent,
the most Merciful)*

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as Chief Justice of Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the Province or Provinces of), I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law:

That I will abide by the code of conduct issued by the Supreme Judicial Council:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan:

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

[May Allah Almighty help and guide me (A'meen).]

4.11 The Supreme Judicial Council of Pakistan

The Constitution of the Islamic Republic of Pakistan, 1973, provides for a Supreme Judicial Council of Pakistan. The Council, consists of the Chief Justice, two most senior Judges of the Supreme Court and the two most senior Chief Justices of the High Courts. The Council is entrusted with two fold functions, the first is to hold enquiry into a charge of misconduct against a superior Court Judge or into the mental or physical incapacity of any such Judge on a reference by the President or on information received to the Council; the second is to issue a code of conduct for the observance by the judges of the Superior Courts

Article 209. Supreme Judicial Council:-

(1) There shall be a Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.

(2) The Council shall consist of:-

- (a) The Chief Justice of Pakistan;
- (b) The two next most senior Judges of the Supreme Court; and
- (c) The two most senior Chief Justices of High Courts.

“Explanation.—For the purpose of this clause, the inter se seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice otherwise than acting Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of any of the High Courts.”

(3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council or a member of the Council is absent or is unable to act due to illness or any other cause, then:-

- (a) If such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and
- (b) If such member is the Chief Justice of a High Court, the Chief Justice of another High Court who is next in seniority amongst the Chief Justices of the remaining High Courts, shall act as a member of the Council in his place.

(4) If, upon any matter inquired into by the Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.

(5) If, on information from any source, the Council or the President is of the opinion that a Judge of the Supreme Court or of a High Court;

- (a) May be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or
- (b) May have been guilty of misconduct,

the President shall direct the Council to, or the Council may, on its own motion, inquire into the matter.

(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion:-

- (a) That the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and
- (b) That he should be removed from office,

the President may remove the Judge from office.

(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.

(8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

4.12 Code of Conduct for Judges of the Supreme Court and the High Courts

CODE OF CONDUCT TO BE OBSERVED BY JUDGES OF THE SUPREME COURT OF PAKISTAN AND OF THE HIGH COURTS OF PAKISTAN
(Supreme Judicial Council)

NOTIFICATION

Islamabad, the 2nd September, 2009

No.F.SECRETARY-01/2009/SJC.-In exercise of powers conferred by Article 209(8) of the Constitution of Islamic Republic of Pakistan, 1973, the Supreme Judicial Council in its meeting on 8th August, 2009 approved the addition of a new Article No. XI in the Code of Conduct for Judges of the Supreme Court and High Courts and in its meeting on 29th August, 2009 decided to publish the full text of amended Code of Conduct in the Gazette of Pakistan (Extraordinary) for information of all concerned as under:-

Code of Conduct for Judges of the Supreme Court and High Courts (Framed by the Supreme Judicial Council under Article 128 (4) of the 1962 Constitution as amended upto date under Article 209 (8) of the Constitution of Islamic Republic of Pakistan 1973).

The prime duty of a Judge as an individual is to present before the public an image of justice of the nation. As a member of his court, that duty is brought within the disciplines appropriate to a corporate body.

The Constitution, by declaring that all authority exercisable by the people is a sacred trust from Almighty Allah, makes it plain that the justice of this nation is of Divine origin. It connotes full implementation of the high principles, which are woven into the Constitution, as well as the universal requirements of natural justice. The oath of a Judge implies complete submission to the Constitution and under the Constitution to the law. Subject to these governing obligations, his function of interpretation and application of the Constitution and the Law is to be discharged for the maintenance of the Rule of Law over the whole range of human activities within the nation.

To be a living embodiment of these powers, functions, and obligations calls for possession of the highest qualities of intellect and character. Equally, it imposes patterns of behavior, which are the hall-mark of distinction of a Judge among his fellow-men.

In this code, an attempt is made to indicate certain traditional requirements of behavior in the Judges of the Superior Courts, conducive to the achievement of a standard of justice worthy of the nation.

ARTICLE-I

On equiponderance stand the heavens and the earth. By equiponderance, oppression meaning unjust and unequal burdens is removed. The Judge's task is to ensure that such equality should prevail in all things.

ARTICLE-II

A Judge should be God-fearing, law-abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, blameless, and untouched by greed. While dispensing justice, he should be strong without being rough, polite without being weak, awe inspires in his warnings and faithful to his word, always preserving calmness, balance and complete detachment, for the formation of correct conclusions in all matters coming before him.

In the matter of taking his seat and of rising from his seat, he shall be punctilious in point of time, mindful of the courtesies, careful to preserve the dignity of the Court, while maintaining an equal aspect towards all litigants as well as lawyers appearing before him.

ARTICLE - III

To be above reproach, and for this purpose to keep his conduct in all things, official and private, free from impropriety is expected of a Judge.

ARTICLE- IV

A Judge must decline resolutely to act in a case involving his own interest, including those of persons whom he regards and treats as near relatives or close friend.

A Judge must rigidly refrain from entering into or continuing any business dealing, howsoever unimportant it may be, with any party to a case before him. Should the dealing be unavoidable, he must discontinue his connection with the case forthwith. A judge must refuse to deal with any case in which he has a connection with one party or its lawyer more than the other, or even with both parties and their lawyers.

To ensure that justice is not only done, but is also seen to be done, a Judge must avoid all possibility of his opinion or action in any case being swayed by any consideration of personal advantage, either direct or indirect.

ARTICLE- V

Functioning as he does in full view of the public, a Judge gets thereby all the publicity that is good for him. He should not seek more. In particular, he should not engage in any public controversy, least of all on a political question, notwithstanding that it involves a question of law.

ARTICLE- VI

A Judge should endeavor to avoid, as far as possible, being involved, either on his own behalf or on behalf of others, in litigation or in matters which are liable to lead to litigation such as industry, trade or speculative transactions.

To employ the influence of his position to gain undue advantage, whether immediate or future, is a grave fault.

A Judge must avoid incurring financial or other obligations to private institutions or persons such as may embarrass him in the performance of his functions.

ARTICLE- VII

Extra-Judicial duties or responsibilities, official or private, should be generally avoided. He should equally avoid being a candidate, for any elective office in any organization whatsoever.

ARTICLE- VIII

Gifts are to be received only from near relatives and close friends, and only such as are customary. Everything in the way of favours in consequence of the office must be refused. In accepting any entertainment offered, whether general or particular, care should be taken that its real purpose does not conflict with a Judge's duty to maintain detachment from likely litigants, and from partisan activity.

ARTICLE- IX

In his judicial work, and his relations with other Judges, a Judge should act always for the maintenance of harmony within his own Court, as well as among all Courts and for the integrity of the institution of justice. Disagreement with the opinion of any Judge, whether of equal or of inferior status, should invariably be expressed in terms of courtesy and restraint.

ARTICLE- X

In his judicial work a Judge shall take all steps to decide cases within the shortest time, controlling effectively efforts made to prevent early disposal of cases and make every endeavor to minimize suffering of litigants by deciding cases expeditiously through proper written judgments. A Judge who is unmindful or indifferent towards this aspect of his duty is not faithful to his work, which is a grave fault.

ARTICLE- XI

No Judge of the superior judiciary shall render support in any manner whatsoever, including taking or administering oath in violation of the oath of office prescribed in the Third Schedule to the Constitution, to any authority that acquires power otherwise than through the modes envisaged by the Constitution of Pakistan.

4.13 The Supreme Judicial Council Procedure of Inquiry, 2005

The 17th amendment to the Constitution brought a significant change in Article 209 of the Constitution. Prior to the amendment, the Council could process only such matters as were referred to it by the President. Under the amended Article 209, the Council, besides a reference from the President, may, also on its own initiative, inquire into the conduct or capacity of a Judge of a Superior Court in Pakistan. To bring the forum more effective the Committee prepared a draft of the Supreme Judicial Council Procedure of Enquiry 2005, which was approved by the Council. It was duly notified and gazetted. Thus, the Council has become fully functional and is entertaining complaints as per the prescribed procedure. The Gazette of Pakistan containing the Procedure of Enquiry reads as follows: -

THE GAZETTE OF PAKISTAN
Extraordinary, Karachi, November 29, 2005

PART III
SUPREME COURT OF PAKISTAN (SUPREME JUDICIAL COUNCIL)

NOTIFICATION

No.P.Reg.113/2005-SJC.- (SUPREME JUDICIAL COUNCIL PROCEDURE OF ENQUIRY 2005). Pursuant to the decision taken by the Supreme Judicial Council, in its meeting on 24th September 2005, the Supreme Judicial Council is pleased to lay down the following procedure for effective performance of functions vested in it under Article 209 of the Constitution of Islamic Republic of Pakistan.

1. Title and application:

- (1) The procedure of enquiry shall be called "The Supreme Judicial Council Procedure of Enquiry 2005".
- (2) It shall only apply to the Supreme Judicial Council and its proceedings.

2. Scope:

The Procedure shall provide for effective implementation of Article 209 of the Constitution and regulate all inquiries required to be undertaken and all other matters which need to be addressed there-under.

3. Definitions:

In the present procedure, unless the context provides otherwise, the following expressions used in the procedure will have the meanings as assigned to them hereunder;

- (a) "Any matter", includes all matters and facts associated with the enquiry that the Council may carry out.
- (b) "Any other source", includes all sources through which information is received in respect of the conduct of a Judge.
- (c) "Code of conduct", means the code of conduct issued by the Supreme Judicial Council in terms of Article 209(8) of the Constitution of Islamic Republic of Pakistan.
- (d) "Chairman", means and includes the Chief Justice of Pakistan.
- (e) "Incapacity", will include all forms of physical or mental incapacity howsoever described or narrated, which render the Judge incapable of performing the duties of his office.
- (f) "Conduct", will include series of facts associated with the matter being inquired into by the Council, including the facts which are attributed to the person of the Judge.
- (g) "Guilty", will include arriving at an opinion by the Council that a Judge has been guilty of misconduct.
- (h) "Opinion", will include arriving at a conclusion by the Council, that misconduct has or has not taken place.
- (i) "Information", includes any material, facts, documentation, photographs, video or audio tapes, affidavits, letters or any other reasonable evidence that has come to the knowledge of any Member of the Council or the Council itself sufficient to initiate an enquiry.
- (j) "Enquiry", means the consideration of any matter, in relation to conduct of a Judge, by the Council, or any Member of the Council.
- (k) "Member", means Member of the Supreme Judicial Council.

- (l) **“Misconduct”**, includes,
 - (i) Conduct unbecoming of a Judge,
 - (ii) Is in disregard of the Code of Conduct issued under Article 209(8) of the Constitution of Islamic Republic of Pakistan,
 - (iii) Is found to be inefficient or has ceased to be efficient.
- (m) **“Report of the Council”**, includes the findings of the enquiry proceedings carried out by the Council including recommendations for the President of Pakistan for removal of the Judge or otherwise.
- (n) **“Secretary”**, means the Registrar, Supreme Court or any person appointed by the Council.
- (o) **“Supreme Judicial Council”**, means the Supreme Judicial Council as constituted by Article 209 of the Constitution of Islamic Republic of Pakistan.

4. The Headquarters of the Council shall be at Islamabad, but the Council may hold its meeting or enquiry into reference or a complaint at any other place in Pakistan, as the Chairman may deem convenient.

5. Receiving of Information:--

- (1) Any member of public may bring to the notice of the Council or any of its Members or the Secretary, information alleging incapacity or misconduct of a Judge.
- (2) The allegation may be supported by material which is sufficient in the opinion of the Council to commence enquiry.
- (3) The person providing the said information shall identify himself properly.
- (4) The information may be received through any mode by the Council or any Member of the Council, without being restricted to any of the following sources such as;
 - (a) Print or electronic media;
 - (b) Written Complaint.
- (5) Information received under sub-para (4) shall be entered in the Register maintained by the Secretary.

6. Cognizance by the Council:--

Without prejudice to the general requirement of receiving information in the manner provided for above, nothing in this Procedure shall be read to curtail or limit the jurisdiction of the Council to initiate an enquiry against a Judge.

7. Procedure for scrutinizing information:--

- (1) Once any information in respect of enquiry into the conduct of a Judge is received by any Member or the Council, it shall be presented to the Chairman of the Council, who; shall
 - (a) refer the same to any Member of the Council to look into the said information; and to express his opinion in relation to sufficiency or otherwise of the information.
 - (b) if the Council is satisfied that the information prima facie discloses sufficient material for an enquiry, it shall proceed to consider the same.
- (2) The Member, to whom the Chairman has referred the information, will examine the same and ascertain if the information so received discloses specific particulars of misconduct, and provides factual details necessary to form prima facie opinion in respect of the guilt of the Judge.
- (3) If the Member forms an opinion that the information does reveal sufficient material to commence enquiry, he shall inform the Council accordingly and the information shall be placed before the Council.
- (4) If the Member comes to a conclusion that the information is false, frivolous, concocted or untrue, he shall inform the Council accordingly and may recommend action against the person who initiated the information.

8. Enquiry by the Council:-

- (1) The Chairman may, call the meeting of the Council, for discussion and enquiry into the information received.
- (2) The information in respect of the conduct of a Judge shall be placed before the Council for examination.
- (3) If the Council is of the view that before forming an opinion, it should also hear the Judge under enquiry, it shall require the said Judge to present himself before the Council. The Council shall provide him the information and material received against him.
- (4) If the Council is of the opinion that it requires more material or seeks additional information before it can form any opinion, it shall direct accordingly.
- (5) The Council may, if necessary, secure the attendance of the person who has provided the information, for enquiry into any aspect of the information provided.
- (6) The Council may summon any expert, where the enquiry is in respect of the incapacity of a Judge and may order any medical investigation by local or foreign expert.
- (7) Without prejudice to the foregoing, the Council shall have inherent powers to adopt any procedure specific to the enquiry which is considered by the Council to be just and proper in the circumstances.

9.

- (1) If the Council decides to proceed against a Judge, a show cause notice shall be issued to him along with supporting material calling upon him to explain his conduct within 14 days.
- (2) On receipt of reply from the Judge, Council shall convene its meeting to proceed further with the matter.

10.

- (1) The Attorney-General for Pakistan and in his absence a senior counsel of the Supreme Court, instructed by him, shall conduct a reference.
- (2) The Council may require the Attorney-General for Pakistan or any other counsel to appear and assist the Council in relation to smooth and efficient conduct of its proceedings.

11. Procedure of Council:-

- (1) In the event of a difference of opinion amongst the members of the Council regarding, further enquiry, granting right of hearing to the Judge concerned, securing attendance of the person providing information and related matters, opinion of the majority shall prevail.
- (2) In the event of a difference of opinion amongst the members of the Council whether the Judge concerned is guilty of misconduct, opinion of the majority shall prevail.

12. Report to the President of Pakistan:-

If the Council in its meeting, on conclusion of the proceedings forms an opinion, that the Judge concerned has been guilty of misconduct or incapacitated in the performance of his duties properly, it shall express its views accordingly and the same shall be communicated by the Chairman to the President as a Report of the Council for action under Article 209(6) of the Constitution of Islamic Republic of Pakistan.

13. Proceedings of the Council not to be reported:-

- (1) Proceedings of the Council shall be conducted in camera and shall not be open to public.
- (2) Only the findings of the proceedings shall be allowed to be reported.
- (3) Proceedings of the meetings of the Council or any other steps that Council may take shall not be reported, unless directed otherwise.

14. Punishment for frivolous information:-

- (1) Whenever the Council finds that the information or evidence provided to it was false in material particulars or with the sole intention to malign a Judge, or scandalizing the Court or to undermine it in any form whatsoever, it may direct action against all those who are found to have provided the said information, or evidence as the case may be.

- (2) For this purpose, the Council may direct the Secretary of the Council to pursue the course of action against the offender.

15. Council Secretariat:-

- (1) The Council shall have a permanent secretariat and in order to carry out the affairs and functions, the Council may appoint such officials and staff as deemed fit and proper.
- (2) The Council shall have a perpetual seal which shall be retained in the custody of the Secretary.
- (3) The Secretary of the Council shall be the custodian of the record and proceedings of the Council.

16. Powers to issue directions:-

The Council shall have the power to issue any directive, pass any order and prescribe the procedure for achieving the objects of the Council.

17. This procedure shall, mutatis mutandis, apply to proceedings against other office holders, who can be removed from office in the manner prescribed by Article 209 of the Constitution.

4.14 Role and Functions of the Chief Justice of Pakistan

The Chief Justice of Pakistan is appointed by the President under Article 177 of the Constitution in accordance with 175A. The Chief Justice amongst others performs the following functions and responsibilities:-

- **Nominations of Appointments**

Judicial Commission of Pakistan has been constituted under Article 175A of the Constitution of Pakistan for the appointment of Judges of the superior courts. The Chief Justice of Pakistan acts as a Chairman of Judicial Commission. For each anticipated or actual vacancy of a Judge in the Supreme Court or the Chief Justice of Federal Shariat Court or the Chief Justice of a High Court, the Chief Justice of Pakistan shall initiate nominations in the Commission for appointment against such vacancy. Similarly, the Chief Justice of the Federal Shariat Court and High Courts shall initiate and send nomination for appointment against anticipated or actual vacancy of a Judge to the Chairman of the Commission. The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, Federal Shariat Court and High Courts as the case may be. The Parliamentary Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment.

- **Other appointments**

Federal Review Board consisting of a Chairman and two members, each of whom is or has been a judge of the Supreme Court or a High Court, for reviewing orders made under a law providing for preventive detention;

An arbitrator to determine any question arising as to whether any conditions imposed on any provincial government are lawfully imposed, or whether any refusal by the federal government to entrust functions is unreasonable with respect to broadcasting and telecasting.

- **Administers Oath to the:**

- President of Pakistan;
- Chief Election Commissioner;
- Auditor General of Pakistan;
- Judges of the Supreme Court;

- **Nominates:**

The Chief Justice nominates a Judge of the Supreme Court to act as Chief Election Commissioner, during the absence of the Chief Election Commissioner; and Judges of the Supreme Court to various bodies of the Bar, e.g., Disciplinary Committees, Syndicates, Governing Bodies of universities, etc.

- **Ex-officio Chairman of:**

- Supreme Judicial Council;
- Judicial Commission of Pakistan;
- Law and Justice Commission of Pakistan;
- National Judicial (Policy Making) Committee;
- Governing Body, Access to Justice Development Fund;
- Federal Judicial Academy; and
- Al-Mizan Foundation.

- **Administrative Powers**

The Chief Justice under administrative powers appoints/removes, officers/staffs of the Court and upgrade/downgrade posts; and has financial powers to sanction expenditure and re-appropriate funds within the budgetary allocation of the Court.

- **Court Roster**
Prepares Court Roster and constitutes benches of the Court to hear cases.
- **Heads Benches**
The Chief Justice heads benches for hearing cases.
- **Presides Meetings**
The Chief Justice presides Full Court meetings and leads in taking important policy decisions.
- **Court Supervision**
The Chief Justice supervises the Court administration, deals with cases of leave of the Judges and acts as intermediary between the Court and the judicial system.
- **Formulation of Policies**
The Chief Justice initiates internal Court operational policies for early disposal of cases, delay reduction and Case Flow Management.
- **Assigns Judges with Specialized Work**
The Chief Justice assigns the Judges with responsibilities to assist him in formulation of policies and court management.
- **Court Business**
The Chief Justice prescribes the working hours, Court business and holidays.
- **Acts As Chairman of Statutory Bodies**
The Chief Justice acts as a Chairman of the Federal Judicial Academy, Law and Justice Commission of Pakistan and National Judicial (Policy Making) Committee.
- **Conducts Judicial Conferences and Seminars**
The Chief Justice conducts conferences and seminars for the improvement of administration of justice in the country.



PERAKADAMARAN PERSEKUTUAN



FEDERAL COURT OF MALAYSIA

The scales are a symbol of justice and are a reminder of the importance of the law in a democratic society. The scales are a symbol of justice and are a reminder of the importance of the law in a democratic society. The scales are a symbol of justice and are a reminder of the importance of the law in a democratic society.

Perakadamaran Persekutuan
Federal Court of Malaysia

Perakadamaran Persekutuan	Perakadamaran Persekutuan
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August 11, 2006

CHAPTER

5

**COURT
PERFORMANCE**

COURT PERFORMANCE

5.1 Overview of Judicial Activities

With the opening of the Judicial Year in September 2016, the Court commenced work with full strength of 17 Judges, i.e. Chief Justice and 16 Judges along with two Ad-hoc Judges with tenure from 1st January to 31st December, 2016. The Chief Justice of Pakistan Hon'ble Mr. Justice Anwar Zaheer Jamali retired on 30th December, 2016 whereas Hon'ble Mr. Justice Amir Hani Muslim retired on 31.3.2017. Mostly six to eight Benches were constituted from time to time to deal with 3-members and 2-members cases at the Principal Seat. Benches were constituted at the Branch Registries of the Court at the Provincial Headquarters, i.e., Karachi, Lahore, Peshawar and Quetta intermittently. Benches continued to function during the winter as well as summer vacations both at the Principal Seat as well as at the Branch Registries. The Court focused upon disposal of old cases and also attended to cases of urgent nature out of the fresh institution, i.e., civil petitions, stay applications in civil appeals, bail applications in criminal as well as NAB cases, etc. Besides, Larger Benches comprising five Hon'ble Judges were constituted for hearing of important constitutional, civil and criminal cases, which consumed a considerable amount of working time of the Court. The Court also initiated *Suo Motu* proceedings in matters of public importance with reference to enforcement of fundamental rights, i.e., re: Incident of bomb blast in Civil Hospital Quetta, Provision of Clean Drinking Water to the people, Extension of Pishin Yaro Road, Balochistan, Non-functioning of Tribunals and Administrative Courts on account of vacancies, etc. The *Suo Motu* Cases pertaining to Less Refund to PIA passengers, EOBI issues, Cutting of trees from Margallah Hills and Lora KPK by the stone crushing mafia, Illegal Transplantation of Human Organs, Non-payment of retirement benefits by certain departments, etc. are being heard from time to time and are at different stages of proceedings.

The trend of increase in institution of cases and consequential piling up of backlogs continued as usual despite the fact that a large number of cases were decided during the period under report. The huge pendency coupled with a high rate of institution did not escape the attention of the Hon'ble Chief Justice and the Hon'ble Judges. The matter was deliberated in the Full Court Meetings from time to time. The factors leading to higher institution as well as causes of delay in disposal of cases were considered in depth. It was observed that the rise in the institution of cases was mainly on account of higher rate of disposal of cases in the High Courts. Thus, it was resolved that strategies would be evolved to deal with the heavy backlogs.

On 1st June 2016, 29665 cases were pending before this Court. During the period from 1st June, 2016 to 31st May, 2017, at the Principal Seat Islamabad, 11333 new cases were instituted whereas 8858 cases were decided; at the Lahore Branch Registry 6378 new cases were instituted whereas 4390 cases were decided; at the Karachi Branch Registry 1497 new cases were instituted whereas 1424 cases were decided; at the Peshawar Branch Registry 809 new cases were instituted whereas 255 cases were decided; and at the Quetta Branch Registry 220 new cases were instituted whereas 72 cases were decided. Thus, against overall institution of 20237 fresh cases, 14999 cases were decided. The decided cases included 2056 civil appeals, 6050 civil petitions, 1353 criminal appeals and 2822 criminal petitions etc. This left a balance of 34903 cases as on 31st May, 2017 requiring determination by this Court.

The incumbent Hon'ble Chief Justice of Pakistan simplified the process of filing of applications for early hearing of cases as per instructions issued *vide* Circular dated 18th January, 2017 as under: -

- (i) Fresh Criminal Petitions for bail before arrest will be fixed on the date requested by the counsel to be indicated in the main petition;
- (ii) Fresh Criminal Petitions for bail after arrest filed upto Wednesday will be fixed/adjusted in the cause list for the next week;
- (iii) Fresh Civil Petitions (particularly family/rent/admission/ service cases) accompanied by proof of urgency/execution proceedings will be fixed on the date requested by the counsel to be indicated in the main petition/stay application
- (iv) Stay applications accompanied by proof of urgency/execution proceedings in Civil Appeals will be fixed on the date requested by the counsel to be indicated in the stay application; and
- (v) Criminal/Jail Petitions against conviction/ sentence upto 10 years will be fixed after a fortnight.

The Court, fully conscious of the sufferings of the litigant public, the problems of the lawyers and the pressures on the available human resource (Judges and staff included), is all set to play its constitutional role in the governance system of the country in general, and in the dispensation of justice in particular. The detailed statistics pertaining to the working of the Court, right from institution of cases up to disposal of cases as well as constitution of Benches during the period under report are given in tabular form.

The statistical data regarding Court sessions, institution and disposal of civil petitions, civil appeals, criminal petitions and criminal appeals at the Principal Seat and Branch Registries is given as under: -

5.2 Statement of Court Sessions from June 2016 - May 2017

Sr.	Working Period		No. of Days	No. of Benches					Special Benches	Larger Benches
	From	To		Isb.	Lhr.	Kra.	Qta.	Psh.		
1.	30-05-2016	03-06-2016	5	7	-	-	-	-	-	-
2.	06-06-2016	06-06-2016	1	6	1	-	-	-	-	-
3.	07-06-2016	10-06-2016	4	5	2	-	-	-	-	-
4.	13-06-2016	17-06-2016	5	6	-	1	-	-	1	1
5.	20-06-2016	22-06-2016	3	5	1	1	-	-	1	1
6.	23-06-2016	24-06-2016	2	4	2	1	-	-	1	-
7.	27-06-2016	27-06-2016	1	3	2	1	-	-	1	-
8.	28-06-2016	28-06-2016	1	3	2	1	-	-	1	-
9.	29-06-2016	29-06-2016	1	3	2	2	-	-	1	-
10.	30-06-2016	01-07-2016	2	3	2	2	-	-	1	-
11.	04-7-2016	04-07-2016	1	2	2	3	-	-	-	-
12.	05-07-2016	06-07-2016	2	2	2	3	-	-	-	-
13.	11-07-2016	14-07-2016	4	1	2	2	-	-	-	-
14.	15-07-2016	15-07-2016	1	1	2	1	-	-	-	1
15.	18-07-2016	18-07-2016	1	2	1	2	-	-	-	-
16.	19-07-2016	20-07-2016	2	2	2	2	-	-	-	-
17.	21-07-2016	22-07-2016	2	2	2	2	-	-	-	1
18.	25-07-2016	27-07-2016	3	1	2	2	-	-	-	-
19.	28-07-2016	29-07-2016	2	1	2	3	-	-	-	1
20.	01-08-2016	01-08-2016	1	1	2	2	-	-	-	-
21.	02-08-2016	03-08-2016	2	1	2	2	-	-	-	-
22.	04-08-2016	05-08-2016	2	1	2	2	-	-	-	-
23.	08-08-2016	09-08-2016	2	2	1	2	-	-	-	-
24.	10-08-2016	10-08-2016	1	2	1	1	-	-	-	-
25.	11-08-2016	11-08-2016	1	2	1	2	-	-	-	1
26.	12-08-2016	12-08-2016	1	2	1	2	-	-	-	-
27.	15-08-2016	15-08-2016	1	4	1	1	-	-	-	-
28.	16-08-2016	16-08-2016	1	4	1	1	-	-	-	-
29.	17-08-2016	19-08-2016	3	4	1	1	-	-	-	-
30.	22-08-2016	26-08-2016	5	2	2	1	-	-	-	-
31.	25-08-2016	25-08-2016	1	-	-	-	-	-	1	-
32.	29-08-2016	29-08-2016	1	2	2	1	-	-	-	-
33.	30-08-2016	31-08-2016	2	2	2	1	-	-	-	-
34.	01-09-2016	01-09-2016	1	2	2	1	-	-	-	-
35.	02-09-2016	02-09-2016	1	1	2	1	-	-	-	-
36.	05-09-2016	06-09-2016	2	2	2	-	-	-	-	-
37.	07-09-2016	09-09-2016	3	2	2	1	-	-	-	-
38.	15-09-2016	16-09-2016	2	2	2	1	-	-	-	-
39.	19-09-2016	21-09-2016	3	6	-	-	-	-	-	-
40.	22-09-2016	23-09-2016	2	6	-	-	-	-	-	-
41.	26-09-2016	27-09-2016	2	5	-	-	-	1	-	-
42.	28-09-2016	28-09-2016	1	5	-	-	-	1	-	-
43.	29-09-2016	30-09-2016	2	5	-	-	-	1	-	-
44.	03-10-2016	07-10-2016	5	5	-	-	1	1	-	-
45.	10-10-2016	10-10-2016	1	2	2	2	-	1	-	-
46.	13-10-2016	13-10-2016	1	5	-	1	-	1	-	1

Sr.	Working Period		No. of Days	No. of Benches					Special Benches	Larger Benches
	From	To		Isb.	Lhr.	Kra.	Qta.	Psh.		
47.	14-10-2016	14-10-2016	1	5	-	1	-	1	-	1
48.	17-10-2016	20-10-2016	4	5	-	-	1	1	-	-
49.	21-10-2016	21-10-2016	1	4	-	-	1	1	-	-
50.	24-10-2016	28-10-2016	5	4	1	-	-	1	-	-
51.	01-11-2016	01-11-2016	1	6	-	-	-	-	-	1
52.	02-11-2016	03-11-2016	2	6	-	-	-	-	-	-
53.	03-11-2016	03-11-2016	1	-	-	-	-	-	-	1
54.	04-11-2016	04-11-2016	1	-	-	-	-	-	1	-
55.	04-11-2016	04-11-2016	1	4	-	1	-	-	-	-
56.	07-11-2016	07-11-2016	1	6	-	-	-	-	-	1
57.	08-11-2016	08-11-2016	1	6	-	-	-	-	-	1
58.	09-11-2016	09-11-2016	1	-	-	-	-	-	1	-
59.	09-11-2016	11-11-2016	3	6	-	-	1	-	-	-
60.	14-11-2016	14-11-2016	1	-	-	-	-	-	1	-
61.	14-11-2016	14-11-2016	1	5	-	1	-	-	-	-
62.	15-11-2016	15-11-2016	1	5	-	1	-	-	-	1
63.	16-11-2016	17-11-2016	2	5	-	1	-	-	-	1
64.	17-11-2016	17-11-2016	1	-	-	-	-	-	1	-
65.	18-11-2016	18-11-2016	1	6	-	1	-	-	-	1
66.	21-11-2016	25-11-2016	5	6	-	1	-	-	2	-
67.	22-11-2016	22-11-2016	1	-	-	-	-	-	1	-
68.	24-11-2016	24-11-2016	1	-	-	-	-	-	1	-
69.	28-11-2016	28-11-2016	1	6	1	-	-	-	-	-
70.	29-11-2016	29-11-2016	1	6	1	-	-	-	-	1
71.	30-11-2016	30-11-2016	1	6	1	-	-	-	-	1
72.	1-12-2016	2-12-2016	2	6	1	-	-	-	-	-
73.	1-12-2016	1-12-2016	1	1	-	-	-	-	-	1
74.	5-12-2016	5-12-2016	1	5	1	1	-	-	-	-
75.	6-12-2016	6-12-2016	1	5	1	1	-	-	-	1
76.	7-12-2016	7-12-2016	1	5	1	1	-	-	1	1
77.	8-12-2016	8-12-2016	1	1	-	-	-	-	-	1
78.	9-12-2016	9-12-2016	1	5	1	1	-	-	-	1
79.	13-12-2016	13-12-2016	1	6	-	1	-	-	-	-
80.	14-12-2016	14-12-2016	1	6	-	-	-	-	1	1
81.	15-12-2016	15-12-2016	1	6	-	-	-	-	-	-
82.	16-12-2016	16-12-2016	1	6	-	-	-	-	-	-
83.	19-12-2016	19-12-2016	1	2	1	2	-	-	-	-
84.	20-12-2016	21-12-2016	2	2	1	2	-	-	-	-
85.	22-12-2016	22-12-2016	1	1	1	2	-	-	-	-
86.	23-12-2016	23-12-2016	1	1	1	2	-	-	-	-
87.	26-12-2016	28-12-2016	3	-	2	1	-	-	-	-
88.	29-12-2016	29-12-2016	1	-	2	1	-	-	-	-
89.	30-12-2016	30-12-2016	1	2	1	-	-	-	-	-
90.	02-01-2017	02-01-2017	1	5	-	-	-	-	-	1
91.	03-01-2017	03-01-2017	1	5	-	-	-	-	-	-
92.	04-01-2017	04-01-2017	1	5	-	-	-	-	-	1
93.	05-01-2017	06-01-2017	2	6	-	-	-	-	-	1
94.	09-01-2017	10-01-2017	2	3	2	1	-	-	-	1
95.	11-01-2017	13-01-2017	3	4	1	1	-	-	-	1
96.	16-01-2017	20-01-2017	5	4	1	-	-	-	-	1
97.	23-01-2017	25-01-2017	3	4	1	-	-	-	-	1
98.	26-01-2017	27-01-2017	2	4	1	1	-	-	-	1

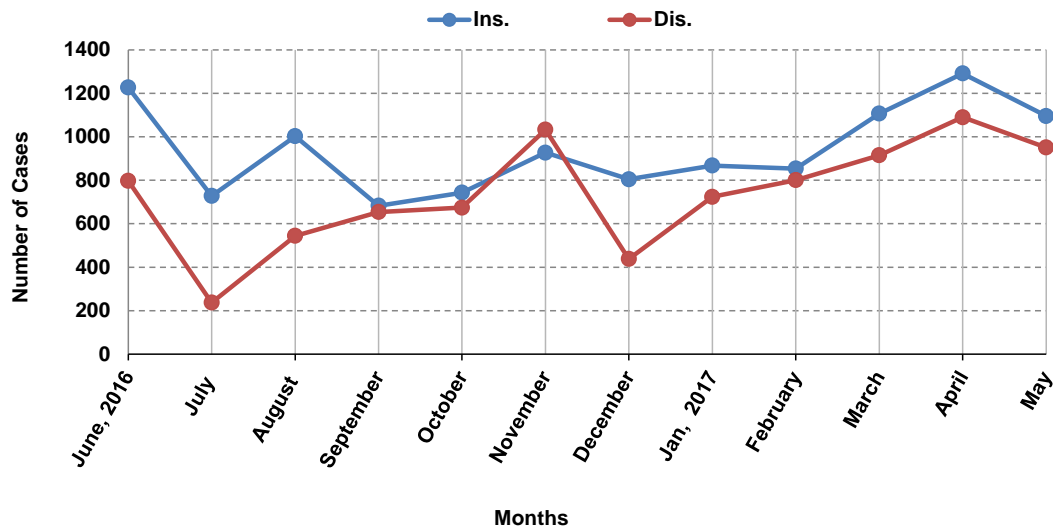
Sr.	Working Period		No. of Days	No. of Benches					Special Benches	Larger Benches
	From	To		Isb.	Lhr.	Kra.	Qta.	Psh.		
99.	30-01-2017	01-02-2017	3	4	1	-	-	-	-	1
100.	02-02-2017	02-02-2017	1	3	2	1	-	-	-	-
101.	03-02-2017	03-02-2017	1	3	2	1	-	-	-	-
102.	06-02-2017	10-02-2017	5	4	1	1	-	-	-	-
103.	13-02-2017	14-02-2017	2	5	1	-	-	-	-	-
104.	15-02-2017	16-02-2017	2	4	1	-	-	-	-	1
105.	17-02-2017	17-02-2017	1	5	1	-	-	-	-	-
106.	20-02-2017	20-02-2017	1	5	1	-	-	-	-	-
107.	21-02-2017	23-02-2017	3	4	1	-	-	-	-	1
108.	23-02-2017	23-02-2017	1	-	-	-	-	-	1	-
109.	24-02-2017	24-02-2017	5	1	-	-	-	-	-	-
110.	27-02-2017	01-03-2017	3	5	1	-	-	-	-	-
111.	02-03-2017	03-03-2017	2	5	1	-	-	-	-	-
112.	06-03-2017	08-03-2017	3	4	1	1	-	-	-	-
113.	09-03-2017	10-03-2017	2	3	2	1	-	-	-	-
114.	13-03-2017	14-03-2017	2	4	1	1	-	-	-	-
115.	15-03-2017	17-03-2017	3	4	1	1	-	-	-	-
116.	20-03-2017	21-03-2017	2	4	1	1	-	-	-	-
117.	22-03-2017	22-03-2017	1	3	3	1	-	-	-	-
118.	24-03-2017	24-03-2017	1	2	3	2	-	-	-	-
119.	27-03-2017	30-03-2017	4	7	-	-	-	-	-	-
120.	31-03-2017	31-03-2017	1	6	-	-	-	-	-	-
121.	03-04-2017	06-04-2017	4	6	-	-	-	-	-	1
122.	07-04-2017	07-04-2017	1	6	-	-	-	-	-	-
123.	10-04-2017	14-04-2017	5	5	-	-	-	-	-	1
124.	17-04-2017	17-04-2017	1	7	-	-	-	-	2	1
125.	18-04-2017	21-07-2017	4	7	-	-	-	-	2	-
126.	20-04-2017	20-04-2017	1	-	-	-	-	-	-	1
127.	24-04-2017	24-04-2017	1	5	-	-	-	-	1	-
128.	25-04-2017	27-04-2017	3	6	-	-	-	-	1	-
129.	27-04-2017	27-04-2017	1	-	-	-	-	-	-	1
130.	28-04-2017	28-04-2017	1	6	-	-	-	-	1	-
131.	02-05-2017	02-05-2017	1	4	1	-	-	-	-	-
132.	03-05-2017	05-05-2017	3	4	1	-	-	-	-	-
133.	03-05-2017	03-05-2017	1	-	-	-	-	-	1	-
134.	05-05-2017	05-05-2017	1	-	-	-	-	-	1	-
135.	08-05-2017	12-05-2017	5	4	1	-	-	-	-	-
136.	15-05-2017	15-05-2017	1	-	-	-	-	-	1	-
137.	15-05-2017	15-05-2017	1	5	1	-	-	-	-	-
138.	16-05-2017	19-05-2017	4	5	1	-	-	-	-	-
139.	22-05-2017	22-05-2017	1	-	-	-	-	-	1	-
140.	22-05-2017	26-05-2017	5	5	1	-	-	-	-	-
141.	29-05-2017	29-05-2017	1	-	-	-	-	-	1	-
142.	29-05-2017	30-05-2017	2	6	-	-	-	-	-	-
143.	31-05-2017	31-05-2017	1	6	-	-	-	-	-	-

5.3 Institution and Disposal of Cases from June 2016 – May 2017

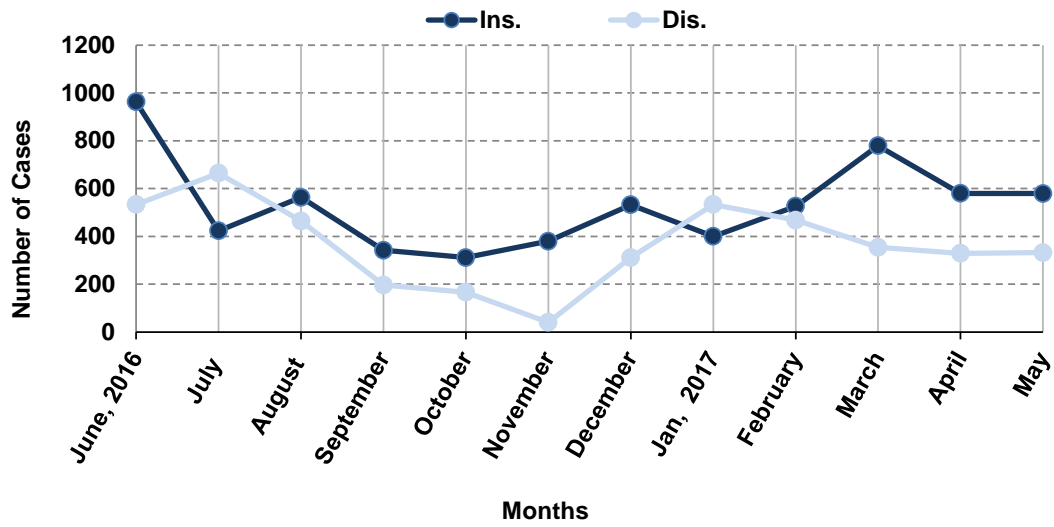
Month-wise Institution (Ins.) and Disposal (Dis.) of cases at the Main Registry as well as at the Branch Registries for the reported period.

	Islamabad		Lahore		Karachi		Peshawar		Quetta		Total	
	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.
June, 2016	1227	797	963	533	179	199	142	0	23	0	2534	1529
July	728	237	423	664	130	371	38	0	18	0	1337	1272
August	1003	544	563	464	138	183	76	0	28	0	1808	1191
September	683	654	342	196	52	34	53	69	11	0	1141	953
October	743	674	311	166	99	43	48	186	14	72	1215	1141
November	927	1033	380	40	194	70	51	0	12	0	1564	1143
December	805	438	532	311	179	96	56	0	12	0	1584	845
Jan, 2017	868	724	400	533	147	167	99	0	15	0	1529	1424
February	854	801	526	468	63	112	51	0	24	0	1518	1381
March	1107	915	779	354	131	148	64	0	20	0	2101	1417
April	1292	1090	580	329	110	0	76	0	12	0	2070	1419
May	1096	951	579	332	75	1	55	0	31	0	1836	1284
Total	11333	8858	6378	4390	1497	1424	809	255	220	72	20237	14999

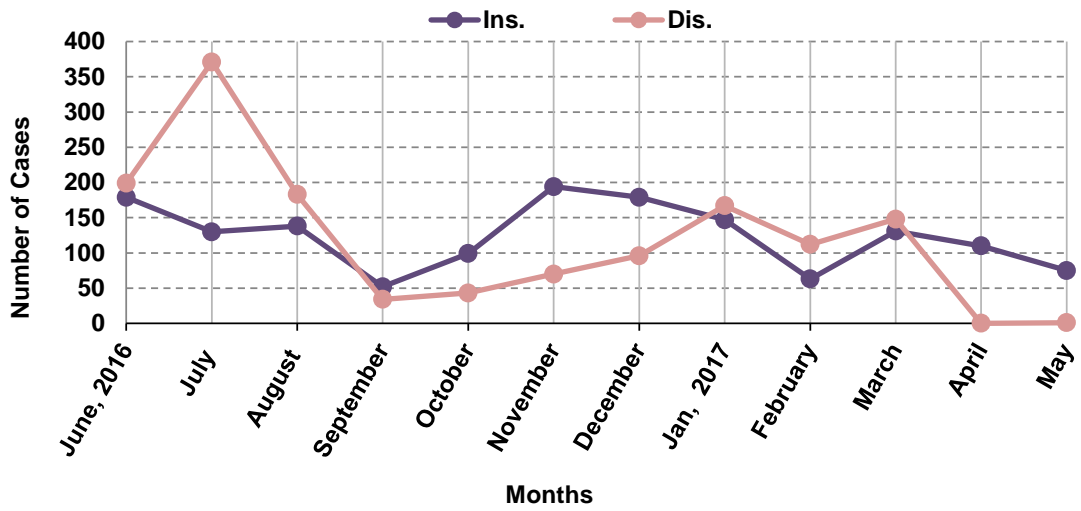
Institution and Disposal of Cases at Islamabad



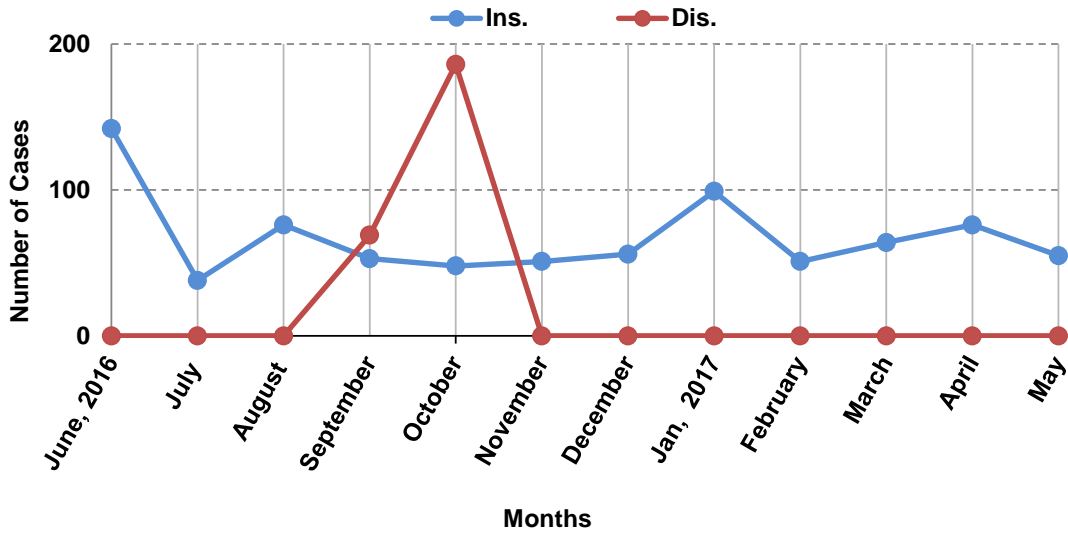
Institution and Disposal of Cases at Lahore



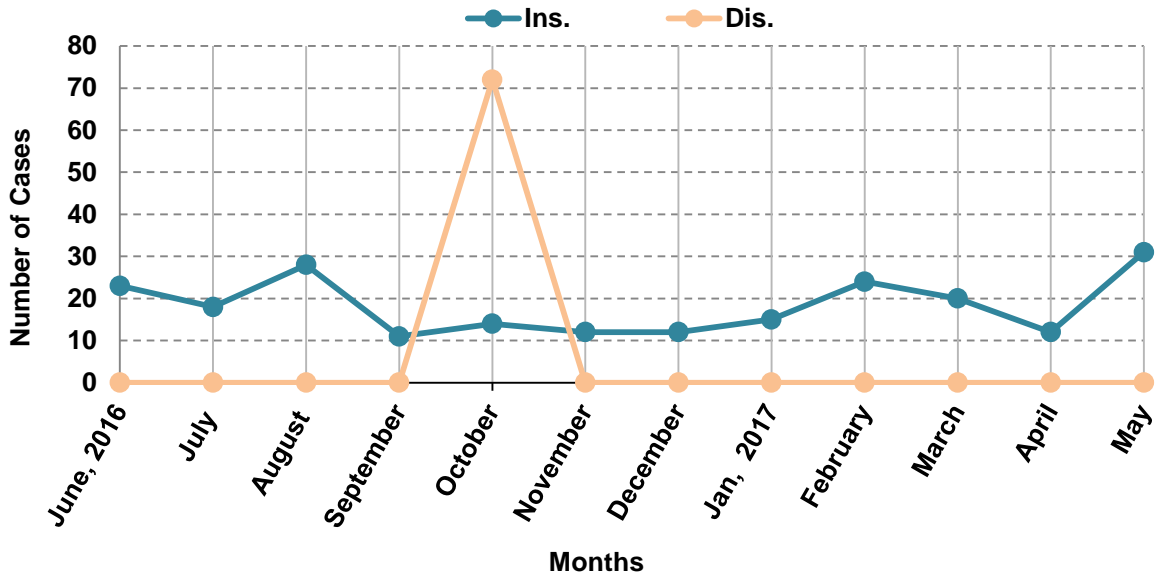
Institution and Disposal of Cases at Karachi



Institution and Disposal of Cases at Peshawar



Institution and Disposal of Cases at Quetta

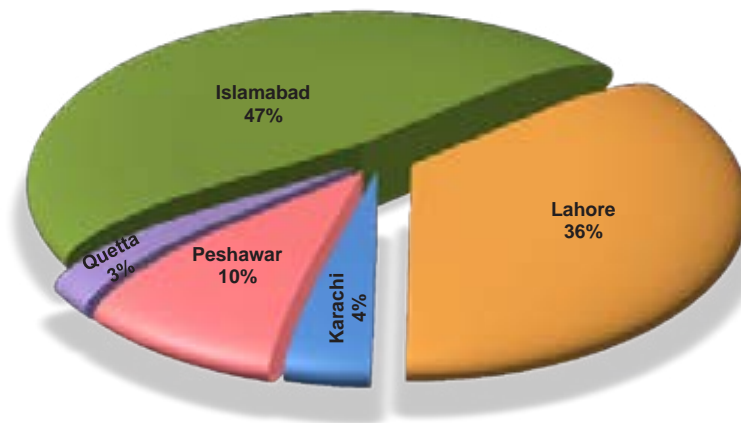


5.4 Pendency of cases

On 1st June, 2016 some 29665 cases were pending adjudication before the Court at its Principal Seat and the Branch Registries. The breakup of pendency was as under: -

Islamabad	Lahore	Karachi	Peshawar	Quetta	Total
14024	10786	1185	2901	769	29665

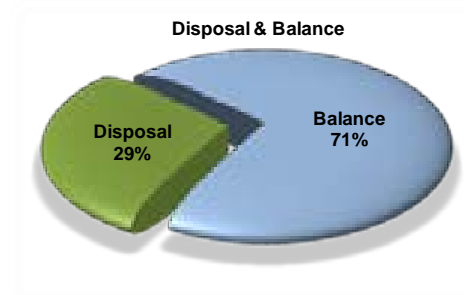
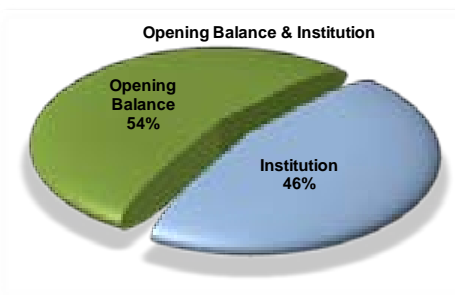
Pendency Position



5.5 Institution and Disposal of Petitions & Appeals

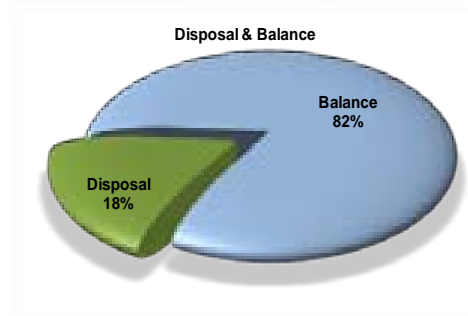
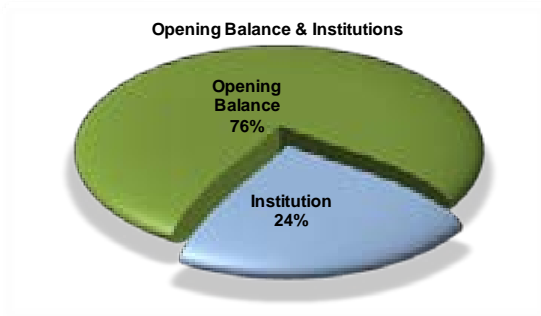
Civil Petitions at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Islamabad	2094	4412	6506	2788	3718
Lahore	6284	3618	9902	2075	7827
Karachi	400	974	1374	853	521
Peshawar	2045	569	2614	277	2337
Quetta	546	129	675	57	618
Total	11369	9702	21071	6050	15021



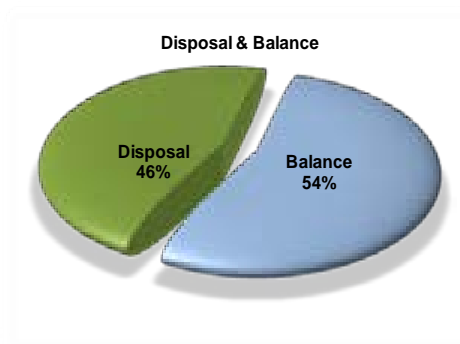
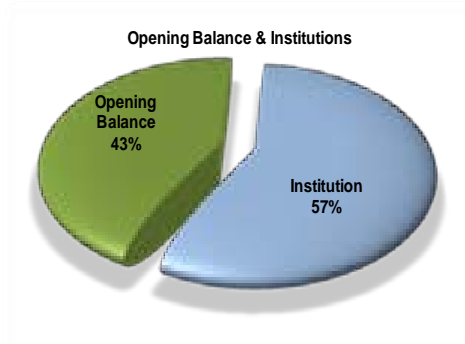
Civil Appeals at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Islamabad	5758	2226	7984	1476	6508
Lahore	2110	261	2371	360	2011
Karachi	212	136	348	132	216
Peshawar	616	55	671	79	592
Quetta	86	22	108	9	99
Total	8782	2700	11482	2056	9426



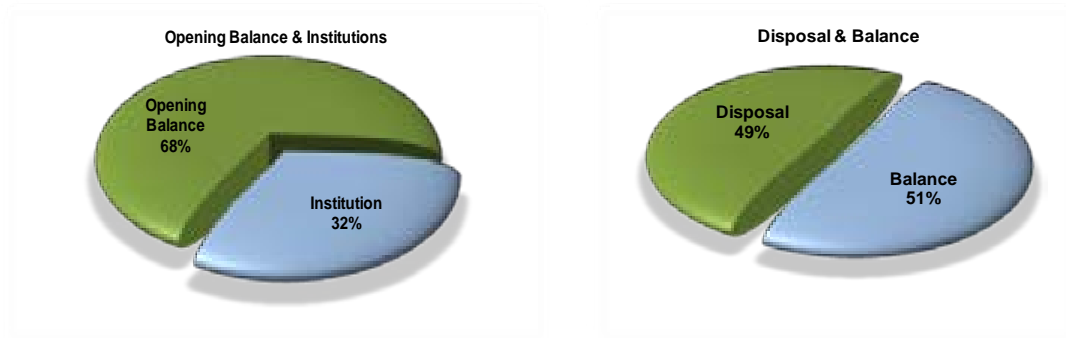
Criminal Petitions at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Islamabad	460	1440	1900	980	920
Lahore	1697	1856	3553	1613	1940
Karachi	38	114	152	89	63
Peshawar	331	73	404	114	290
Quetta	118	57	175	26	149
Total	2644	3540	6184	2822	3362



Criminal Appeals at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Islamabad	1163	483	1646	946	700
Lahore	541	343	884	373	511
Karachi	30	37	67	19	48
Peshawar	94	25	119	8	111
Quetta	27	4	31	7	24
Total	1855	892	2747	1353	1394



5.6 Consolidated Statement of Cases

Consolidated Statement of Cases at Islamabad

Cases	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Civil Petitions	2094	4412	6506	2788	3718
Civil Appeals	5758	2226	7984	1476	6508
Criminal Petitions	460	1440	1900	980	920
Criminal Appeals	1163	483	1646	946	700
Total	9475	8561	18036	6190	11846

Consolidated Statement of Cases at Lahore

Cases	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Civil Petitions	6284	3618	9902	2075	7827
Civil Appeals	2110	261	2371	360	2011
Criminal Petitions	1697	1856	3553	1613	1940
Criminal Appeals	541	343	884	373	511
Total	10632	6078	16710	4421	12289

Consolidated Statement of Cases at Karachi

Cases	Opening Balance 01.06.2016	Institution	Total	Disposal	Balance 31.05.2017
Civil Petitions	400	974	1374	853	521
Civil Appeals	212	136	348	132	216
Criminal Petitions	38	114	152	89	63
Criminal Appeals	30	37	67	19	48
Total	680	1261	1941	1093	848

Consolidated Statement of Cases at Peshawar

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	2045	569	2614	277	2337
Civil Appeals	616	55	671	79	592
Criminal Petitions	331	73	404	114	290
Criminal Appeals	94	25	119	8	111
Total	3086	722	3808	478	3330

Consolidated Statement of Cases at Quetta

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	546	129	675	57	618
Civil Appeals	86	22	108	9	99
Criminal Petitions	118	57	175	26	149
Criminal Appeals	27	4	31	7	24
Total	777	212	989	99	890

CHAPTER

6

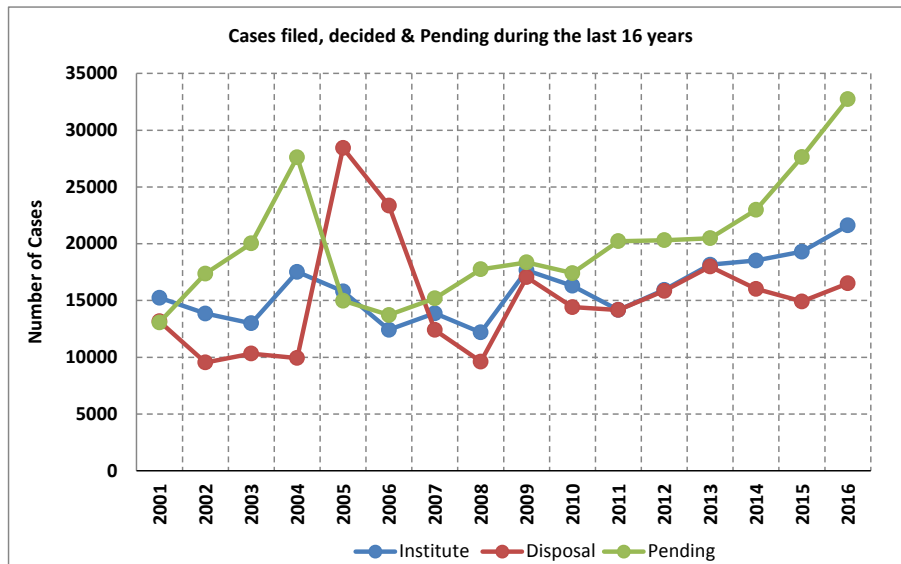
**STATISTICAL
DATA ANALYSIS**

STATISTICAL DATA ANALYSIS

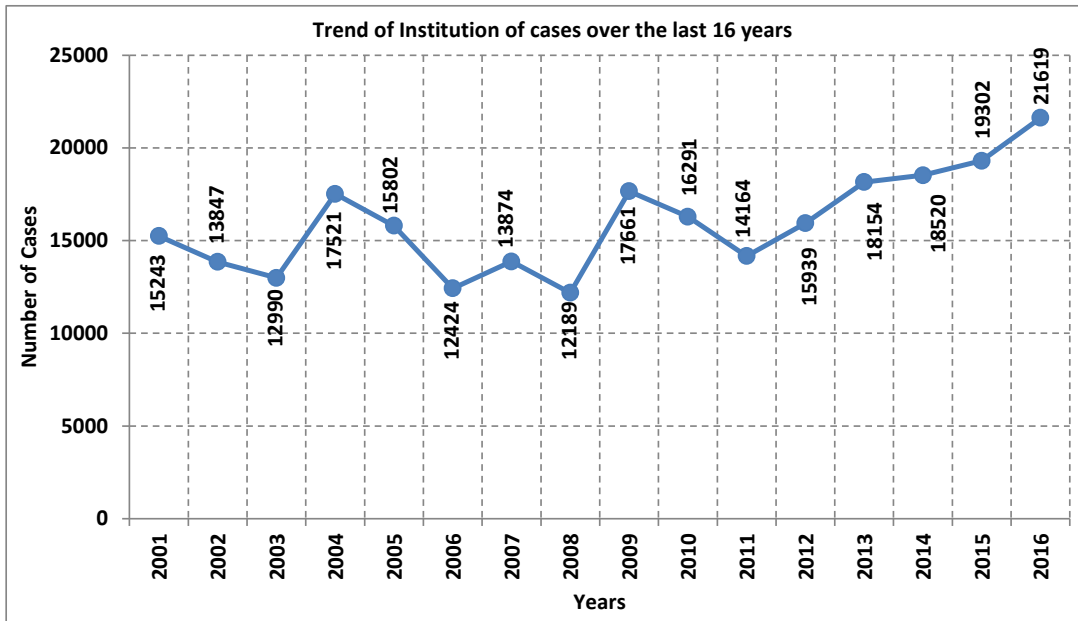
6.1 Trend in Institution, Disposal and Pendency of Cases from 2001 to 2016

Years	Institution	Disposal	Pendency
2001	15243	13171	13070
2002	13847	9547	17370
2003	12990	10329	20031
2004	17521	9938	27614
2005	15802	28433	14984
2006	12424	23364	13724
2007	13874	12412	15186
2008	12189	9621	17754
2009	17661	17056	18359
2010	16291	14416	20234
2011	14164	14170	20228
2012	15939	15853	20314
2013	18154	17988	20480
2014	18520	16021	22979
2015	19302	14914	27639
2016	21619	16514	32744

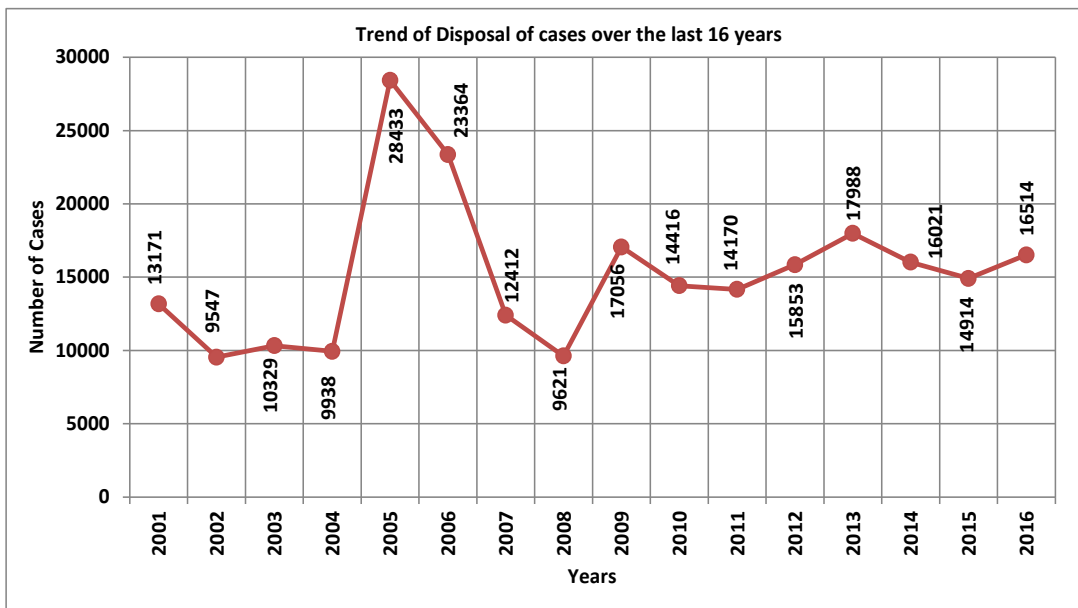
Comparison of Institution, Disposal and Pendency of Cases



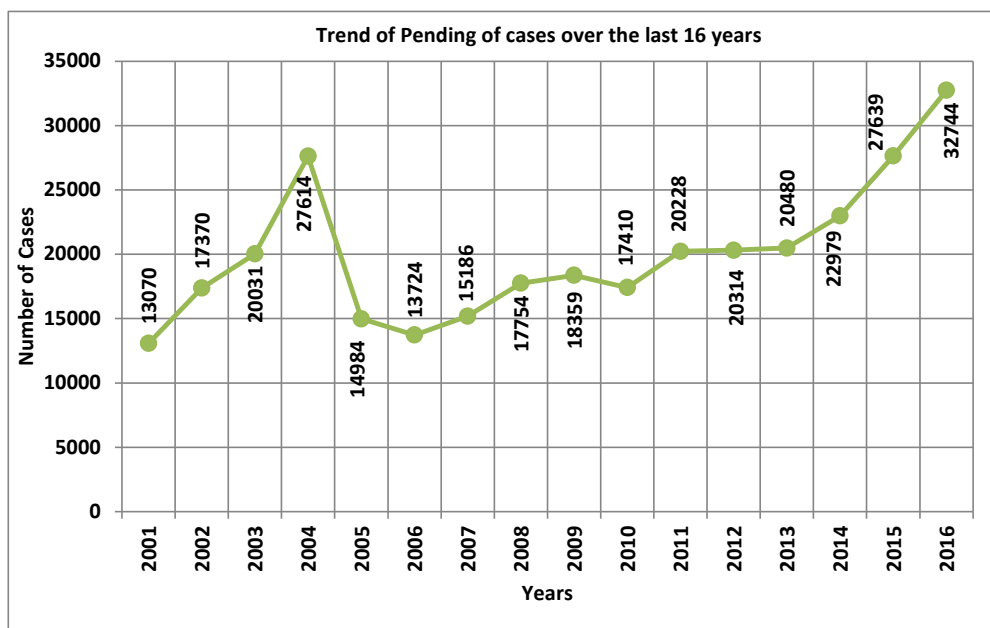
Trend of Institution of Cases from 2001 to 2016



Trend of Disposal of Cases from 2001 to 2016



Trend of Pending Cases from 2001 to 2016



6.2 Institution, Disposal and Pendency of Appeals in the Supreme Court of Pakistan from 1950 to December, 2016

Year	Last Balance	Fresh Institution	Total	Disposal	Pending
1950	0	25	25	11	14
1951	14	31	45	19	26
1952	26	53	79	31	48
1953	48	65	113	95	18
1954	18	50	68	48	20
1955	20	140	160	92	68
1956	68	63	131	42	89
1957	89	44	133	59	74
1958	74	1	75	16	59
1959	59	210	269	91	178
1960	178	288	466	285	181
1961	181	287	468	285	183
1962	183	382	565	273	292
1963	292	454	746	326	420
1964	420	367	787	316	471
1965	471	392	863	379	484
1966	484	371	855	384	471
1967	471	328	799	335	464
1968	464	426	890	341	549
1969	549	829	1378	359	1019

Year	Last Balance	Fresh Institution	Total	Disposal	Pending
1970	1019	541	1560	343	1217
1971	1217	118	1335	350	985
1972	985	138	1123	387	736
1973	736	166	902	249	653
1974	653	174	827	259	568
1975	568	207	775	225	550
1976	550	1208	1758	170	1588
1977	1588	603	2191	182	2009
1978	2009	1284	3293	579	2714
1979	2714	765	3479	613	2866
1980	2866	1334	4200	410	3790
1981	3790	772	4562	536	4026
1982	4026	1127	5153	661	4492
1983	4492	1459	5951	1242	4709
1984	4709	541	5250	878	4372
1985	4372	978	5350	866	4484
1986	4484	1186	5670	1060	4610
1987	4610	1130	5740	972	4768
1988	4768	1415	6183	1012	5171
1989	5171	2279	7450	1472	5978
1990	5978	1301	7279	5601	1678
1991	1678	1208	2886	1095	1791
1992	1791	4808	6599	4245	2354
1993	2354	1525	3879	1559	2320
1994	2320	1200	3520	692	2828
1995	2828	1872	4700	876	3824
1996	3824	4919	8743	3227	5516
1997	5516	1949	7465	2487	4978
1998	4978	3282	8260	3817	4443
1999	4443	1883	6326	2237	4089
2000	4089	3055	7144	1806	5338
2001	5338	3100	8438	3738	4700
2002	4700	2375	7075	1669	5406
2003	5406	1920	7326	1936	5390
2004	5390	2865	8255	1530	6725
2005	6725	3141	9866	2919	6947
2006	6947	3051	9998	3054	6944
2007	6944	3104	10048	3258	6790
2008	6790	2831	9621	1884	7737
2009	7737	4456	12193	3523	8670
2010	8670	4054	12724	3110	9614
2011	9614	3700	13314	3695	9619
2012	9619	3754	13373	3140	10233
2013	10233	4811	15044	3460	11584
2014	11584	4753	16337	5328	11009
2015	11009	3231	14240	3408	10832
2016	10832	4154	14986	3880	11106

6.3 Institution, Disposal and Pendency of Petitions in the Supreme Court of Pakistan from 1950 to December, 2016

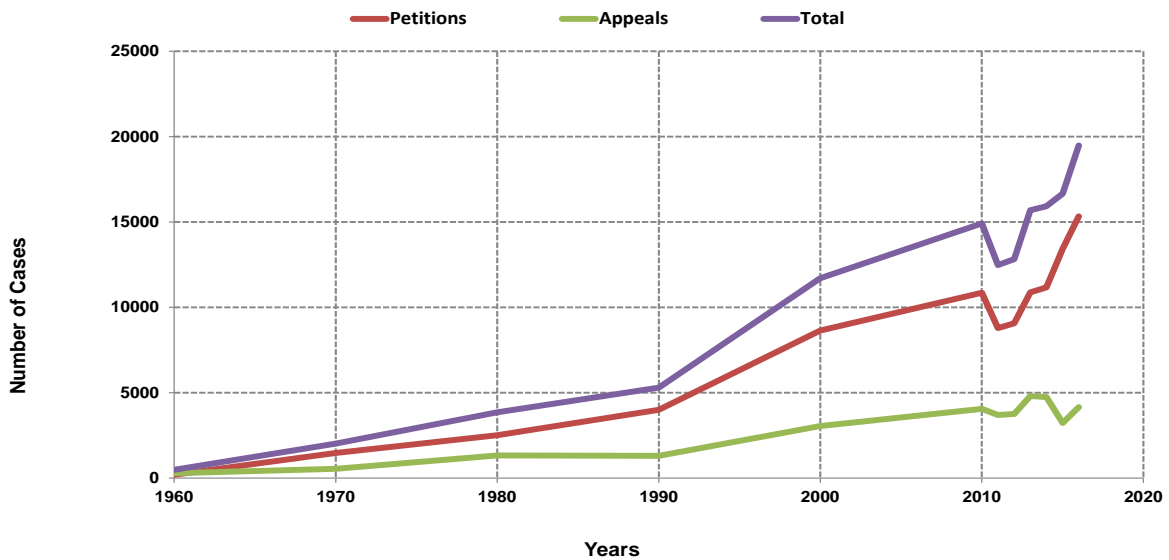
Year	Last Balance	Fresh Institution	Total	Disposal	Pending
1950	0	9	9	1	8
1951	8	154	162	93	69
1952	69	141	210	186	24
1953	24	213	237	217	20
1954	20	205	225	210	15
1955	15	228	243	199	44
1956	44	278	322	268	54
1957	54	305	359	314	45
1958	45	408	453	408	45
1959	45	218	263	385	-122
1960	-122	199	77	251	-174
1961	-174	886	712	861	-149
1962	-149	1277	1128	1337	-209
1963	-209	1218	1009	1069	-60
1964	-60	1318	1258	1341	-83
1965	-83	2038	1955	1999	-44
1966	-44	1845	1801	1912	-111
1967	-111	2316	2205	1923	282
1968	282	1857	2139	2018	121
1969	121	1728	1849	1740	109
1970	109	1478	1587	1489	98
1971	98	640	738	230	508
1972	508	974	1482	489	993
1973	993	1092	2085	678	1407
1974	1407	633	2040	373	1667
1975	1667	5755	7422	4266	3156
1976	3156	2370	5526	1746	3780
1977	3780	2651	6431	2676	3755
1978	3755	2651	6406	1153	5253
1979	5253	2455	7708	2734	4974
1980	4974	2519	7493	3804	3689
1981	3689	3689	7378	2249	5129
1982	5129	3365	8494	2399	6095
1983	6095	2888	8983	3270	5713
1984	5713	3934	9647	2302	7345
1985	7345	3663	11008	3616	7392
1986	7392	2935	10327	3486	6841
1987	6841	3803	10644	4379	6265
1988	6265	4429	10694	5942	4752
1989	4752	3534	8286	7528	758
1990	758	3999	4757	3621	1136
1991	1136	3560	4696	1604	3092
1992	3092	1818	4910	3033	1877

Year	Last Balance	Fresh Institution	Total	Disposal	Pending
1993	1877	4983	6860	3671	3189
1994	3189	4879	8068	4263	3805
1995	3805	4735	8540	4663	3877
1996	3877	6749	10626	4978	5648
1997	5648	8400	14048	7742	6306
1998	6306	7089	13395	6934	6461
1999	6461	6530	12991	6371	6620
2000	6620	8647	15267	7732	7535
2001	7535	12143	19678	9433	10245
2002	10245	11472	21717	7878	13839
2003	13839	11070	24909	8393	16516
2004	16516	14656	31172	8408	22764
2005	22764	5052	27816	8336	19480
2006	19480	5602	25082	11457	13625
2007	13625	6398	20023	7260	12763
2008	12763	6976	19739	7082	12657
2009	12657	10091	22748	12548	10200
2010	10200	10857	21057	10306	10751
2011	10751	8783	19534	8611	10923
2012	10923	9066	19989	10465	9524
2013	9524	10877	22414	12017	8384
2014	8384	11164	19548	9440	10108
2015	10108	13433	23541	9163	14378
2016	14378	15328	29706	10579	19127

6.4 Institution of Petitions and Appeals over the last six decades

Cases	1960	1970	1980	1990	2000	2010	2011	2012	2013
Petitions	199	1478	2519	3999	8647	10857	8783	9066	10877
Appeals	288	541	1334	1301	3055	4054	3700	3754	4811
Total	487	2019	3853	5300	11702	14911	12483	12820	15688

Cases	2014	2015	2016
Petitions	11164	13433	15328
Appeals	4753	3231	4154
Total	15917	16664	19482



CHAPTER

7

**HUMAN
RIGHTS CELL**

HUMAN RIGHTS CELL

7.1 Human Rights Cell (HRC)

Human dignity is inviolable and it can only be safeguarded and upheld through preservation of human rights. These rights are correlated, having universal application without any discrimination. Respect and equality of inhabitants requires an even playing field for future accomplishments and sustainable development of a nation state.

Though human rights have been enshrined in all our constitutions since independence, but record of their maintenance is rather dismal. Oppressive colonial legacy of institutional arbitrariness is still rampant and usually creates obstruction in implementation process. Position has never been impressive due to apathetic approach of successive governments. Different interest groups with political leverage are exploiting the down trodden and weak segments of society. Judicial apparatus is relentlessly working for bringing betterment in abysmal record of human rights. However, centuries old Socio-psychological norms and habits of exploitations, cruelties and oppressions on women, children and poverty stricken classes have persistently been defying all such endeavors. With such dark record of human rights violations, our country would never given due respect as an equal member of club of civilized nations. If such circumstances persist, a nation remains weak, under developed and vulnerable. Magnitude of this crisis requires a coherent approach and determined effort to curb human rights violations in any form.

Injustices and bad governance by state functionaries and exploitation of masses by different interest groups has made the courts to assume pro-active role. Public interest litigation and judicial activism is now prominent feature of our judicial system, to fill this vacuum naturally. From Benazir Bhutto case (PLD 1988 SC 388) to Darshan Masih Case (PLD 1990 SC 513) and then to Margalla Hills Case (SMC:20 of 2007) new principles have been evolved to check the illegalities committed by powerful classes and help the distressed under classes. The phenomenon ultimately led to the establishment of Human Right Cell.

There is a daily influx of large number of applications in HRC from aggrieved persons from all over the country, suffering at the hands of unbridled public functionaries and privileged classes. The trend reveals that courts are ray of hope for disgruntled masses. It is need of hour that such aggrieved persons should be provided required help and support to ensure their fundamental rights, to be able to claim their rights in a confident manner and exploitation in whatever form it may be, curbed for all and once.

Composition and Organization of HRC

Hon'ble Chief Justice himself supervises the Supreme Court Human Rights Cell. Applications received in HRC generally ranges from 2500 to 3000 per month. Applications are mostly on:-

- a. Despotism by law enforcement authorities,
- b. Honor killing & such threats
- c. Corruption, inefficiency and nepotism by public functionaries
- d. Administrative inaction and slackness
- e. Environmental pollution and scarcity of clean water
- f. Aggression against women and children and weaker segments of society
- g. Minorities issues

Pakistanis living abroad contribute substantially in economy and foreign exchange reserves. Their grievances regarding violations of their basic rights have often gone unattended. To provide a forum for safeguarding and protecting their interest in Pakistan, an Expatriate Complaint Wing has also been established in HRC.

Performance Statistics

The Human Rights Cell disposed of 28781 applications, during last year (from 01.06.2016 to 31.05.2017). Following table describes year wise Institution and Disposal of cases.

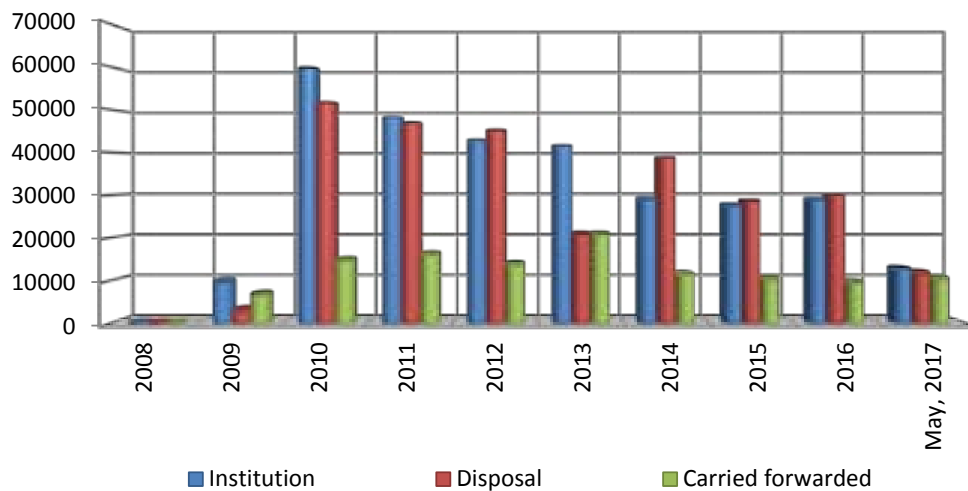
7.2 Institution, Disposal and Balance of Cases from June 2016 – May 2017

Pending Process	Institution	Disposal	Balance
9903	29432	28781	10554

Year-wise Institution and Disposal of Cases

Year	Opening Balance	Institution	Disposal	Carried Forwarded
2008	0	81	81	0
2009	0	9879	3095	6784
2010	6784	59878	51756	14906
2011	14906	48388	47024	16270
2012	16270	42999	45334	13935
2013	13935	41648	21025	21025
2014	21025	29372	38908	11489
2015	11489	27843	28806	10526
2016	10526	29259	30124	9661
2017 (May)	9661	12767	11874	10554

Year-wise Institution and Disposal

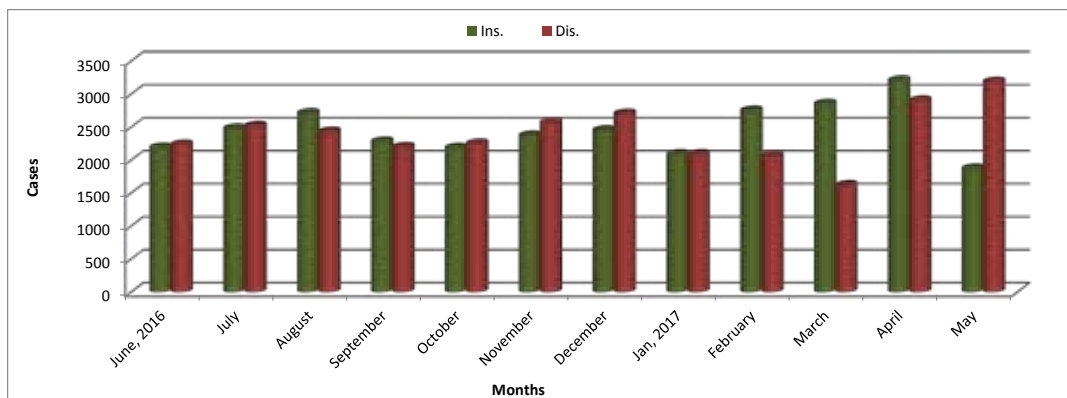


The above tabular statistics showing year-wise institution/disposal ratio since 2008, reflects considerable increase in HR Cases disposal.

Month-wise Institution and Disposal of Cases from June 2016 – May 2017

Months	Opening Balance	Institution	Disposal	Balance
June, 2016	9903	2188	2235	9856
July	9856	2478	2518	9816
August	9816	2711	2431	10096
September	10096	2280	2198	10178
October	10178	2184	2250	10112
November	10112	2372	2572	9912
December	9912	2452	2703	9661
Jan, 2017	9661	2089	2089	9661
February	9661	2749	2075	10335
March	10335	2852	1620	11567
April	11567	3206	2903	11870
May	11870	1871	3187	10554
		29432	28781	

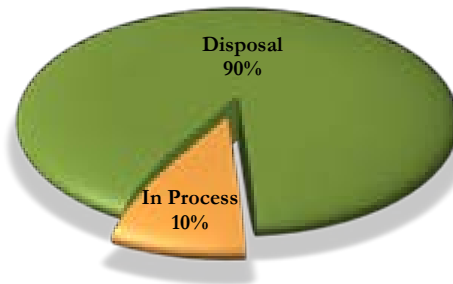
The month wise data shows that against total institution of 29432 complaints, the disposal was 28781 during this year.



7.3 Expatriate Pakistanis' Wing Institution & Disposal of Cases from June 2016 to May 2017

Institution	Disposal	In Process
1221	1104	117

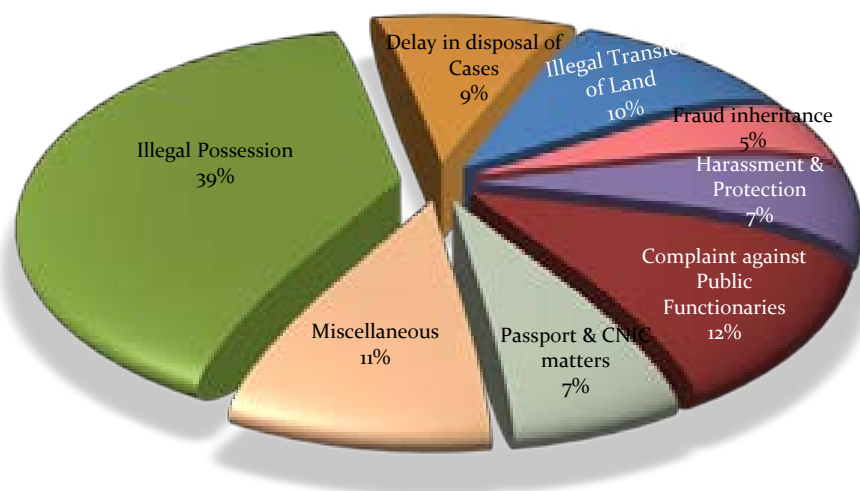
Disposal & In Process



The above figures and histogram show that 1221 complaints from Overseas Pakistanis were received during the period June 2016 to May 2017, which ratio, comparative to their population, is much higher than the complaints of resident Pakistanis.

Category	Institution
Illegal possession	470
Delay in disposal of cases	112
Illegal Transfers of lands	128
Fraud in Inheritance matters, etc	61
Harassment & Protection	86
Complaints against Public Functionaries	148
Passport & CNIC matters	85
Miscellaneous	131

Generally, matters of Overseas Pakistanis are with regard to the possession of the properties illegally possessed by land mafia in Pakistan or the usurpation of their share in inherited properties, inordinate delay in disposal of cases, frauds in property purchase and investments, the problems relating to issuance of passports and CNICs. Complaints of overseas Pakistanis confined in jails abroad are sorted out through Foreign Ministry. Nothing much could have been done with regard to cases of illegal dispossession as respective rights of parties require formal adjudication.



The Chart reveals ratio of the nature of grievances of expatriates i.e. the highest percentage being of illegal dispossession from their properties, delay in decision of their cases pending in Court, followed by fraudulent transfer and misappropriation of their inherited shares by relatives, threats and harassment not to pursue their cases and complaints against Public functionaries, mostly Revenue, NADRA and Immigration authorities, etc.

7.4 Important Cases Decided by HRC

7.4.1 HRC No. 14036-S/2017

Applicant lady asserted that she had a car which they use to ply on rent a car. The car was illegally detained by Mirpurkhas police for over a month. Allegedly illegal gratification was being demanded.

On notice by this court, the IG concerned reported that the car is returned to the applicant and inquiry was also initiated in the matter

7.4.2 HRC No. 8018-P/2017

Applicant a disabled person complained that after his mother's death who was receiving his father's pension, he is entitled to receive the pension, (as he is by birth dumb, deaf and blind) but his right is being denied for last over two years.

On taking notice by this court the department conceded to the rightful claim of applicant and finalized the case for release of pension in his favour.

7.4.3 HRC No. 6730-P/2017

Applicant has prayed for recovery of his brother picked by law enforcing agencies.

On taking notice, it is submitted by authorities that missing brother of applicant has been recovered. The matter was resolved.

7.4.4 HRC No. 28260-A/2016

Applicant had complained against sale of substandard and adulterated cooking oil at utility stores, with its label.

On taking up the matter by the Court, Utility Store Corporation (USC) was directed to remove all the stock of sub standard Banaspati Ghee and Oil, throughout the Country. During course of hearing, the Court found that there were some other edibles which were injurious to human health. For that Learned Counsel for USC was directed to submit list of such issues through a report.

7.4.5 HRC No. 3481-S/2017

Applicant has stated that he retired as Head Constable, Railway Police in August, 2016 but his pensionary benefits have not been released and are being delayed.

On taking notice, it was apprised by authorities concerned that all his dues including pension have been released to the applicant. The matter was resolved.

7.4.6 HRC No. 623-P/2017

As per the news clippings published in various news papers regarding substandard Cardiac stents purchased by the local mafia at the nominal price of Rs.5777/- and being sold at exorbitant rates i.e. Rs.180000/- each to the poor patient at Government Hospitals.

On notice, the Court besides calling reports from authorities concerned, directed the registering authorities and Ministry to systemize the import, registration and pricing after holding meetings with all the stake-holders. It was reported that National University of Science & Technology (NUST), is developing indigenous stents, which was directed to apprise the Court with data as to progress and stage of development.

7.4.7 HRC No. 63-/2017

On media report that a minor maid servant working in the house of Senior Judicial Officer was allegedly beaten up with ladle and her hands were also burnt.

To ensure that the investigation in the matter may not be influenced, on notice by this court, it was apprised that the case has been transferred by Islamabad High Court to its original jurisdiction for trial. While matter regarding legislation to curb the menace of domestic child labour the Ministry of Law & Justice submitted that a Bill is under process of being tabled before the Cabinet for approval and submitted for legislation. Minor girl victim Tayyaba has been sent to SOS village for required proper care.

7.4.8 HRC No. 6465-G/2017

Applicant leader of political party complained that there is continuous large-scale encroachment on the botanical garden and park in buffer zone Bani Gala. The same is going unchecked by CDA. There is cutting of trees on a large scale unplanned and unregulated plazas are cropping up, with no sewerage and waste disposal systems in place or being planned. No building codes and regulations are being enforced. If left unchecked, all the refuse from these buildings will find its way into Rawal Lake, which stores drinking water for the inhabitants of Rawalpindi. While CDA has chosen to ignore all these constructional transgressions and environmental pollution. While matter is still pending by an interim order, CDA & ICT administration were to vigilantly ensure preventing the cutting of trees in the area and submit the monthly report in this behalf to the court. IESCO & SNGPL were also directed not to provide electricity & gas connections to any building which has not been sanctioned by the competent authority in accordance with law.

7.4.9 HRC No. 648-S/2017

Applicant, a Naib Qasid of EOBI complained that his service benefits and pension have not been released despite lapse of 4 years.

On taking notice, the department reported that all his service benefits have accordingly been released.

7.4.10 HRC No. 9572-G/2017

On the media reports, that an expatriate Norwegian National was allegedly beaten by female Immigration staff of the Federal Investigation Agency over a petty issue at Islamabad Airport, Notice of the incident was taken.

After notice by this court the concerned authorities reported that the lady Constable concerned was proceeded against under the Government Servants (Efficiency & Disciplinary) Rules. Charge having been proved against her, she has been dismissed from service, while decision with regard to another lady constable & staff incharge inspector is pending. Further a criminal case about the incident has been registered at P.S Airport.

7.4.11 HRC No.17000-/2017

As per news published, a Member of Balochistan Provincial Assembly while driving a Car ran over and killed a police officer performing his duties at GPO Chowk, Quetta on 20th June, 2017. It was apprehended that he will get away being influential and that family of deceased police official is being pressurized for compromise.

On notice by this Court it was reported by police that senior police officer have met the family of deceased at their native town and assured the court that no threat or harassment from any quarter shall be allowed to the subject family. It was reported that Constable Asim, complainant of this case, did not nominate the driver of the vehicle. SHO, Civil Line Quetta and DSP/Acting SP Investigation City Division have been placed under suspension and disciplinary proceedings have been initiated against them due to their delinquency and explanation has also been sought from S.P Operations for his initial inefficient response.

On proper investigation it was found that there was no skid marks showing effort to stop the vehicle. Like wise, Motor Vehicle Examiner has not mentioned any mechanical or technical fault in the vehicle. CCTV footage of the incident, shows the recklessness on the part of driver. There was no effort on his part to stop or slow down the vehicle. Therefore, after further investigation, offences U/Sec 302,324 PPC and 7 ATA were also added. The CCTV footage has also been sent to Forensic Science laboratory for pixel enhancement.

It was further apprised that case for declaring deceased SIP Traffic as "Shaheed" has been initiated with the Secretary Home & Tribal Affairs Department, Balochistan.

7.4.12 HRC No. 464-P/2016

Applicant alleged that named respondents being members of Qabza Mafia were trying to encroach the graveyard and were demolishing the graves. Applicant also alleged that having support of influentials, police was not taking any action against them, while they were also posing threat to a Shrine in the said graveyard.

On calling report from different departments it was reported that named two trustees of the shrine of Baba Shah Noor Wali had illegally encroached upon graveyard land and started the construction of Langar-khana.

On taking notice by the court it was reported by the Auqaf Department, Punjab that notices were issued to the said two respondents and a team was constituted to retrieve the illegally occupied government/graveyard land and to remove illegal construction. Subsequently, on a follow up report it was apprised that Auqaf Department with the aid of police has retrieved the land and the encroachment has been removed.

7.4.13 HRC No 4412-/2017

In the news published in February 2017 it was reported that un-hygienic bottled water brands are being sold in the market by large number of unregistered, registered factories and many with fake brand labels. According to the report of Pakistan Council of Research in water Resources (PCRWR) Samples had comparatively high level of Arsenic ranging from 12-34 parts per billion (ppb) which is far higher than Pakistan standard Quality and Control Authority (PSQCA) water quality standards, which is 10(ppb).

On the notice taken by this Court, DG, PSQCA reported to have sealed 128 units during last eight months while PSQCA has taken a number of steps to ensure safe bottled water besides initiating following actions against the manufacturers whose samples did not confirm with the standards.

- a) PSQCA has formulated activity plan for taking legal action against fake brands throughout country with the help of civil administration and police especially at Hospitals, Bus stands and public places.
- b) On samples collected from open market during this June and July, 63 production units were sealed.
- c) Notices have been issued and served to 116 leading super markets grocery stores to stop sale of unlicensed brands.

- d) Thousands of unlicensed fake brands have been destroyed.
- e) Many of the unlicensed/sub-standard manufacturing units have been sealed.
- f) A list of non licensed bottles has been published in leading newspapers.
- g) PSQCA is also devising a future strategy to discourage illegal /sub-standard production.

PSQCA authorities have been directed to submit periodical reports for complete eradication of fake brands/sub-standard bottled water production and sale.

7.4.14 HRC No.16781-/2017

On the news published in July 2017 that daughter of named MPA (of the ruling party in Punjab) allegedly tortured to death her domestic servant namely Akhtar, aged 16 years.

On notice by this court, the required follow up was given to the matter to ensure that influentials may not get away and the law to take its course. Required FIR was registered, matter was properly investigated finding the accused to be involved in alleged crime and she was accordingly challaned before ATC inter-alia u/s 302 PPC.

7.4.15 HRC No.10923/2017

A complaint was received that for extension of a link road at Pishin, Balochistan, many trees were being uprooted/cut.

On notice by this court it was found that the Building & Road Department, Balochistan was carrying out the project without required approval/consent of the Provincial Forest Department. By that time, forty (40) trees were already uprooted, while further (140) trees were to be uprooted/ removed/cut, which were saved by timely notice of this Court.

It was admitted by concerned departments that in the referred area trees are for important and precious and are rarely grown to their full height and age, beside other reasons due to shortage of water. Looking to the serious nature of matter, Chief Secretary Balochistan was directed to appear in person and assist in the matter. Court was assured by the Advocate General, Balochistan about the safety of remaining trees.

CHAPTER

8

**IMPORTANT CASES
DECIDED BY THE
SUPREME COURT**

IMPORTANT CASES DECIDED BY THE SUPREME COURT

8.1 WORKERS' WELFARE FUNDS, M/O HUMAN RESOURCES DEVELOPMENT, ISLAMABAD through Secretary and others Vs. EAST PAKISTAN CHROME TANNERY (PVT) LTD. through G.M. (Finance), Lahore and others (PLD 2017 SC 28)

The key question involved in this case is whether the levies/contributions/payments under various laws which were amended through different Finance Acts are in the nature of a tax or not. This would in turn determine whether or not the amendments were lawfully made through Finance Acts, i.e. Money Bills, as defined in Article 73 of the Constitution of the Islamic Republic of Pakistan, 1973.

Certain amendments were made through Finance Acts in the Workers' Welfare Ordinance, 1971, the Employees' Old Age Benefits Act, 1976, the Workmen's Compensation Act, 1923, the West Pakistan Industrial and Commercial Employees (Standing Orders) Ordinance, 1968, the Companies' Profit Workers' Participation Act, 1968 and the Minimum Wages for Unskilled Workers Ordinance, 1969. The said amendments (and notices in pursuance of the amendments) were challenged through writ petitions before various High Courts on the ground that the levy in question was a fee and not a tax, therefore, the amendments made by the Finance Acts could not have been lawfully brought through a money bill, rather should have been brought through the regular legislative procedure under the Constitution. There were divergent view of various High Courts, therefore, this Court was called upon to answer the above questions.

The Court held that "the Constitution has provided the legislative procedure for the introduction and passing of Bills by Parliament. Generally, all Bills (pertaining to matters in the Federal Legislative List) though they may originate in either house, i.e. National Assembly or Senate, must be passed by both the Houses after which the Bill receives the Presidential Assent. However there is an exception provided by the Constitution. According to Article 73 of the Constitution, Money Bills are to originate in the National Assembly and can be passed by the Assembly whilst bypassing the Senate. What constitutes a Money Bill has been set out in Article 73(2) of the Constitution, and Article 73(3) specifically sets out what shall not constitute a Money Bill. Therefore any Bill which does not fall within the purview of Article 73(2) of the Constitution would not constitute a Money Bill and cannot be passed under the legislative procedure (mandate) provided by Article 73, by bypassing the Senate, rather the regular legislative procedure under Article 70 would be required to be followed. In the instant matters, the relevant sub-Article is (2)(a) of Article 73, which

pertains to the imposition, abolition, remission, alteration or regulation of any tax, read with sub-Article (2)(g) which relates to any matter incidental to any of the matters specified in sub-Articles (2) (a) to (f). Thus we must consider whether the levies/contributions in question under the various laws are in the nature of a tax which would render the amendments thereto through the Finance Acts valid and lawful."

It was also held that "there are no two opinions about the fact that a tax is basically a compulsory exaction of monies by public authorities, to be utilized for public purposes. However its distinguishing feature is that it imposes a common burden for raising revenue for a general as opposed to a specific purpose; the latter being one of the key characteristics of a fee."

After considering each statute in detail, it was held "that none of the subject contributions/payments made under the Ordinance of 1971, the Act of 1976, the Act of 1923, the Ordinance of 1968, the Act of 1968 and the Ordinance of 1969 possess the distinguishing feature of a tax, i.e. a common burden to generate revenue for the State for general purposes, instead they all have some specific purpose, as made apparent by their respective statutes, which removes them from the ambit of a tax. Consequently, the amendments sought to be made by the various Finance Acts of 2006, 2007 and 2008 pertaining to the subject contributions/ payments do not relate to the imposition, abolition, remission, alteration or regulation of any tax, or any matter incidental thereto (tax). Therefore, we are of the candid view that since the amendments relating to the subject contributions/ payments do not fall within the parameters of Article 73(2) of the Constitution, the impugned amendments in the respective Finance Acts are declared to be unlawful and ultra vires the Constitution. There is another aspect of the matter which requires due attention. No doubt the feature of having a specific purpose is a characteristic of a fee, which the subject contributions/ payments possess as discussed in the preceding portion of this opinion. However, there are certain other characteristics of a fee, such as quid pro quo, which must be present for a contribution or payment to qualify as a fee. ... While a fee is obviously not a tax, there was absolutely no need to try and squeeze the contributions/payments into the definition of a fee, when all that is required is to take them out of the ambit of a tax."

8.2 ABDUL HAQ KHAN and others Vs. Haji AMEERZADA and others (PLD 2017 SC 105)

The facts of this case are that in the province of Khyber Pakhtunkhwa, the Hazara District was initially split into three districts, namely, Abbottabad, Mansehra and Kohistan. Kohistan District comprised of Sub-division and Tehsil Dassu. Then, 154 villages of Swat District were included in Kohistan District and made part of Tehsil Pattan. Another Sub-division in Kohistan District, i.e. Palas was created and some of the villages previously part of Pattan were made part of Palas. Thereafter, Tehsil Kandia was created. *Vide* Notification dated 15.1.2014, issued under Sections 5 and 6 of the KPK Land Revenue Act, 1967, Kohistan (Lower) District was carved out of the existing Kohistan District; the former comprised of Sub-divisions and Tehsils Pattan and Palas while the latter comprised of Sub-divisions and Tehsils Dassu and Kandia. Finally, 63 villages out of the 154 villages formerly of Swat District were removed from Tehsil Pattan; out of which 20 were included in Tehsil Dassu whilst the remaining 43 were included in Tehsil Kandia. The act of splitting Kohistan District *vide* notification dated 15.1.2014 was challenged through eight constitution petitions.

The learned High Court held that:-

1. The assertion of the writ petitioners that the action of the Provincial Government lacked authority for not having been invoked under the Ordinance of 1960 was not legally correct. The impugned action of the Provincial Government fell within the authority vested in the Provincial Government under the enabling provisions of the Act;
2. The concerns raised in issue No.2, unless patently absurd or unreasonable, were not justiciable. Thus it was best to leave it to the wisdom of the Executive Authority of the State to maintain the trichotomy of power as engrained in the Constitution;
3. The general and bald assertions of ill will and mala fide attributed in the writ petitions were without particulars and would not survive the legal test laid down by the Supreme Court. The ground of mala fide taken in the writ petitions did not fulfil the condition precedent to successfully challenge the impugned action on this basis.

The findings on these issues going against the writ petitioners have not been challenged before this Court and have therefore attained finality. However, it was further held that “the PATA excluded from Kohistan District and included in the newly established Kohistan (Lower) District did not figure anywhere in Article 246 of the Constitution thus the same could not be regarded as territory forming part of PATA, and hence the impugned action of the Provincial Government had disturbed the constitutional status of the said area.”

This Court also held that “there is no bar in the Constitution that prevents a district from comprising both a settled area and PATA. Furthermore, the status of the areas marked as PATA which fell within Kohistan District and Kohistan (Lower) District was not changed despite the change in district. Such areas never ceased to be tribal areas as the process provided in Article 247(6) of the Constitution to remove their PATA status was never invoked. These areas remained PATA for all intents and purposes and they were simply made part of a different district(s) for the purposes of local government administration. ... An Act of Parliament or a Provincial Assembly to be applicable to PATA or any part thereof, the Governor of the Province in which the tribal area is located, with the approval of the President, must issue a direction to that effect. Further, the Governor also has the power, with the prior approval of the President, to issue regulations for the peace and good governance of PATA or any part thereof. ... Since the Act was made applicable to PATA in Swat through the Regulation, even if such tribal area was subsequently made a part of Kohistan, it remained a tribal area for all intents and purposes and the Act would be deemed to be applicable to such area. ... since all the PATA in Kohistan District and Kohistan (Lower) District were once a part of Swat District to which the Regulation had extended the application of the Act, therefore, it (the Act) would be deemed to be extended to the tribal areas in both Kohistan District and Kohistan (Lower) District.”

8.3 M/s Squibb Pakistan Pvt. Ltd. Vs. Commissioner of Income Tax (2017 SCMR 1006)

The questions of law arising in these cases involve, *inter alia*, the interpretation of statutes and ascertaining the evidentiary requisites for a finding recorded under section 79 of the Income Tax Ordinance, 1979. However, a further preliminary question arose i.e. whether new questions not urged or examined by the lower fora can be raised in a reference filed under section 136 *ibid*? In other words what is the scope of a Tax Reference?

The Court examined in detail the Income Tax laws applicable since 1918, in Pakistan as well as in India and interpreted the scope of Tax Reference while considering the entire case-law from both the jurisdictions. It was held that “the problem all along has been the unfortunate legacy of the Act, 1918. This provided a true illustration of advisory jurisdiction, since advice was to be rendered to the Revenue Authority prior to its having passed an order. In 1922, this advisory jurisdiction was retained under section 66(1) of the Act, 1922 which was similarly framed. However, this subsection had, in sum and substance, lost its importance because of subsection (2), which conferred the right to challenge the decision of the Tribunal on questions of law. It was this remedy which was followed thereafter. Section 66(1) *ibid* thereafter became redundant for all practical purposes and was eventually deleted through a subsequent amendment in 1939 and the same position continued under the Ordinance, 1979 and succeeding law. Thereafter, no advisory jurisdiction remained in any shape or form. But since the significance of the change was not appreciated, the concept of advisory jurisdiction continued to confuse the courts - the corpus had disappeared, but the shadow remained. The law as it stands after the 2005 amendment is now clear beyond any conceptual doubt. There is no question of advisory jurisdiction (which phrase was never used in the law at any stage) and the plain words of the section must now be given their ordinary meaning. No hyper technicalities now stand as barriers in the way of substantive justice.”

“An independent interpretation of section 133 of the Ordinance, 2001, as it stands today, on the plain language of the law, liberated from the burden or benefit of earlier judgments, would make the position very clear. Subsection (1) confers a right on any person or the Commissioner aggrieved by a final order of the Appellate Tribunal to file an application before the High Court along with a statement of the case stating any questions of law arising out of the Tribunal’s order. There is a direct right to approach the High Court in a similar manner as in appeals, revisions,

reviews etc. The order being challenged is the final order but the challenge is limited to questions of law only. The statement must set out the facts, the Tribunal’s determination and the questions of law which arise out of its order in terms of subsection (3). The questions of law which may be referred are only those which “arise” out of the order of the Tribunal. On the plain language of the law, this would include any question which can be made out from the order of the Tribunal. There is nothing in the scheme of the section to impute any extraordinary limitations on the type of questions which may be posed. The facts as stated in the Tribunal’s order have to be taken as recorded and any question which can be made out from those facts may be raised in an application under section 133 *ibid*, regardless of whether it was previously urged or not. There is absolutely no reason for confining the questions which may be referred to only those which were argued before the Tribunal on the hypothesis that this is an advisory jurisdiction as that is not what the language of the law contemplates. The law, as it stands, allows all questions “arising” out of the order to be referred and not just questions “argued” or “raised” before the Tribunal.”

Section 133 *ibid* clearly states that upon hearing a case, the High Court is obligated to decide the question of law raised by the reference and pass judgment thereon and the Tribunal’s order automatically stands modified by the order of the High Court. This is an extremely significant aspect as it is the essence of an appellate order that it per se modifies the order of the lower forum, or, in other words, merges into it. As pointed out above, this particular aspect of section 133 *ibid* was introduced for the first time by way of the 2005 amendment and was not present in section 66 of the Act, 1922 during the brief period between 1971 and 1974 when the law was similar to the present one. It is therefore clear beyond any doubt that the remedy under section 133 *ibid* is appellate in nature and must be construed and applied as such. The language of the law must be given effect to, rather than unnecessarily restricting the scope of the jurisdiction on the basis of judgments from an era when the law and circumstances were completely different. The civilized world, including our own country, has been moving towards greater rights for citizens over the last century to the extent that the privilege of a fair trial has now become a constitutional right. In these circumstances, it is not appropriate to restrict the scope of a legal remedy available to citizens on the basis of old decision, especially when the language of the law is clearly pointing in the opposite direction.

8.4 M/s Pakistan Television Corporation Ltd. Vs. Commissioner Inland Revenue (Legal), LTU, Islamabad etc. (2017 SCMR 1136)

The key question involved in this matter is whether PTV was not entitled to deduct as expenditure, the service fee retained by WAPDA, as per the provisions of section 21(c) of the Income Tax Ordinance, 2001.

The Court held that section 158 (b) of the Income Tax Ordinance, 2001 which stipulates the time of deduction of tax provides that a person required to deduct tax from an amount paid by the person shall do so (in cases other than that of deduction under section 151 of the Ordinance) at the time the amount is actually paid. The effect of the combined reading of sections 153(1)(b) and 158(b) of the Ordinance makes it clear that deduction is to be made by a person "making the payment" "at the time the amount is actually paid", and as stated earlier, in the instant case, the payment was not channeled from PTV to WAPDA, thus the former could not possibly deduct tax. The only way PTV could have been required to pay tax in this situation was if an obligation was imposed on it to collect the amount of tax from WAPDA, which section 153 (supra) did not provide for. In circumstances such as those in the instant matters, where the Ordinance requires a person to deposit tax in the treasury it either uses the term 'deduct' or 'collect'. There is a distinction between the two which needs to be appreciated. The words 'deduct' and 'collect' cater to two different situations. A perusal of the various provisions of the Ordinance in which the words 'deduct' or 'collect' (or both) are used indicates that the former is used where payment is being made by a person and he is required to take away or subtract a percentage of such payment as advance tax to be deposited with the treasury, whereas the latter is employed where the person receiving the payment is to deposit advance tax on behalf of the person making the payment. The key is how the money changes hands. This reasoning is supported by section 233 supra itself. The legislature used the word 'deduct' in section 233(1) of the Ordinance to cover situations where the brokerage or commission payment is made by the principal to the agent and the former would be liable to deduct tax from such payment. However it used the word 'collect' in section 233(2) of the Ordinance and introduced a legal fiction therein to cater to situations where payment of the entire amount was received by the broker or the commission agent who, after retaining his commission, remitted the rest of the amount to the

principal, thus the former would be deemed to have been paid by the latter, who would collect the amount of tax from the former. Had it been the legislature's intention that 'deduct' appearing in section 153 supra be construed the same way as in section 233 supra, it would have introduced a similar legal fiction in the former provision and also used the word 'collect'. The absence of the same points to the legislature's intention that 'deduct' in section 153 supra is to be read restrictively and cannot be interpreted liberally so as to extend its scope to include collection. It is trite law that fiscal statutes, particularly the provision creating a tax liability, must be interpreted strictly and any doubt arising therefrom must be resolved in favour of the taxpayer.

The legislature, therefore, being aware of the distinct meanings of these words, consciously used them asymmetrically, and not interchangeably, in various provisions of the Ordinance, be it either word or both. The use of only the word 'deduct' in section 153(1) (b) supra is to our mind intentional. If the legislature had the intention to cover any other situation, it could have conveniently used the word 'collect' in the said section (or introduced a legal fiction), as it has done in many other provisions of the Ordinance. This reasoning is augmented by the fact that the legislature has, by virtue of the Finance Act, 2016 (XXIX of 2016) substituted section 21(c) supra which now contains the phrase "deduct or collect". Therefore, as section 153(1)(b) supra only requires prescribed persons to deduct, and not collect, tax from the payment being made to a resident person for the rendering of or providing of services at the time of making the payment, PTV could not have possibly deducted such tax as it did not make any actual payments to WAPDA. It is absolutely impracticable and impossible to deduct a certain amount from an amount which is not being paid. Therefore, from the above, we are not persuaded to hold that the interpretation of such section can be extended to require something to be done which is not possible. ... WAPDA is covered by category (i) and if it discharged its tax liability regarding the service fee, PTV is entitled to deduct the amount of such fee as expenditure under section 21(c) supra. Therefore, PTV was entitled to treat WAPDA's service fee as expenditure and reduce its (PTV's) income accordingly.

8.5 Syed Mushahid Shah etc Vs. Federal Investment Agency, etc. (2017 SCMR 1218)

The question of law involved in the case was: whether the Banking Courts constituted under the Financial Institutions (Recovery of Finances) Ordinance, 2001 (the Ordinance, 2001) have exclusive jurisdiction to try the offences mentioned therein to the exclusion of the Special Courts constituted under the Offences in Respect of Banks (Special Courts) Ordinance, 1984 (the ORBO), the courts of ordinary criminal jurisdiction under the Code of Criminal Procedure, 1898 (the Code) read with the Pakistan Penal Code, 1860 (the P.P.C.) and from inquiry and investigation by the Federal Investigation Agency (the Agency) under the Federal Investigation Agency Act, 1974 (the Act, 1974).

The Court held as under:-

“The Code and P.P.C. are general laws whilst the ORBO and the Ordinance, 2001 are special laws. The appellants’ case is that an offence committed in relation to a finance agreement inter se the financial institution and the customer, that falls within the orbit of the Ordinance, 2001 can only be tried by the Banking Courts constituted thereunder and that the Special Courts constituted under the ORBO or the ordinary criminal courts under the Code would have no jurisdiction. Equally the jurisdiction of the Agency under the Act, 1974 would also stand excluded by the criminal complaint procedure provided in section 20 of the Ordinance, 2001. In the above configuration of laws, does the Ordinance, 2001 has an overriding effect over the Code and the P.P.C., the ORBO and the Act, 1974.”

“Section 7(4) of the Ordinance, 2001 confers exclusive jurisdiction on the Banking Courts with respect to certain matters albeit subsection (5) creates an exception to the exclusive jurisdiction of the Banking Courts. This confers a right on the financial institutions to seek any remedy before any court or otherwise which may be available to it under the law by which the financial institution may have been established [Section 7(5)(a)]. According to section 4 of the Ordinance, 2001, its provisions “shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.” This is essentially a non obstante clause which is defined as “A phrase used in documents to preclude any interpretation contrary to the stated object or purpose.” ‘Notwithstanding’ means despite, in spite of or regardless of something.”

“The non obstante clause of section 4 of the Ordinance, 2001 has been used by the legislature to give the provisions of the said Ordinance an overriding effect over any other law for the time being in force which may be contrary thereto. The use of the word ‘notwithstanding’ in section 4 ibid indicates the

legislative intent to avoid the operation of conflicting provisions, by providing that in the event of such conflict, the provisions of the Ordinance, 2001 would take precedence over any such inconsistent law.”

“So, does the Ordinance, 2001 override the provisions of the Code and the P.P.C.? This question pertains to the second category of cases in which cheques issued by the customers to the financial institutions were dishonoured and FIRs were registered against the former under the provisions of section 489-F of the P.P.C. It is a settled canon of interpretation that where there is a conflict between a special law and a general law, the former will prevail over the latter. These provisions make it clear that not only do the Code and the P.P.C. recognize special laws, but they indicate that such general laws would cede to the special laws. Thus the Code does not affect any special laws including the Ordinance, 2001. The law providing greater punishment must relent in favour of the law ordaining the lesser punishment. The ineluctable conclusion is that the Ordinance, 2001 overrides the Code and the P.P.C. where an offence has been committed which falls within the purview of the former; and exclusive jurisdiction would vest in the Banking Courts constituted thereunder (the Ordinance, 2001) to the exclusion of the ordinary criminal courts.”

“Both the Ordinance, 2001 and the ORBO are special laws, therefore their respective scope and sphere of application needs to be examined in order to determine the relationship between the two. In other words, which law is the more special? To answer this question, it is necessary to elucidate the law on this subject. Thus, when there are two special laws both of which contain overriding clauses, in the case of conflict between the two laws generally the statute later in time will prevail over the statute prior in time. However, we are of the opinion that this presumption is not automatic: instead a host of other factors including the object, purpose and policy of both statutes and the legislature’s intention, as expressed by the language employed therein, need to be considered in order to determine which of the two special laws is to prevail. Therefore it is categorically held that the Ordinance, 2001 shall have an overriding effect on all those cases which are covered by it. Concomitantly, offences not covered by the Ordinance, 2001 would be triable under the ORBO. If both the Ordinance, 2001 and the ORBO were to enjoy concurrent jurisdiction, citizens alleged to have committed an offence in respect of finance would be left wondering which offence they would be charged with, which Court they would be tried in and under what procedure. Thus, to our minds, such a situation would also be an affront to the provisions of Article 4 of the Constitution. In conclusion, we

find that the provisions of the Ordinance, 2001 are to have an overriding effect on anything inconsistent contained in any other law for the time being in force, including the ORBO, the Code (read with the P.P.C.) and the Act, 1974 (read with the Ordinance, 1962). In essence, whenever an offence is committed by a customer of a financial institution within the

contemplation of the Ordinance, 2001, it could only be tried by the Banking Courts constituted thereunder and no other forum. The Special Courts under the ORBO, the ordinary criminal Courts under the Code and the Agency under the Act, 1974 read with the Ordinance, 1962 would have no jurisdiction in the matter.”

8.6 Imran Ahmad Khan Niazi Vs. Mian Muhammad Nawaz Sharif (Panama Papers Scandal) (PLD 2017 SC 265); (PLD 2017 SC 692) and (C.R.P No. 297 of 2017)

Three separate Constitution Petitions were filed before the Supreme Court of Pakistan alleging therein that while holding high public offices in the State of Pakistan over a stretched period of time Respondent No. 1 (Mian Muhammad Nawaz Sharif, the incumbent Prime Minister of Pakistan) and through him his immediate family had embezzled huge wealth and assets which had been acquired through illegal means and corrupt practices and misuse of authority. The allegations stemmed from information coming into public domain on the basis of documents recovered from the database of Mossack Fonseca, a law firm operating in Panama. The documents were placed on the website of International Council of Investigative Journalists (ICIJ) and are commonly referred to as the ‘Panama Papers’.

The declaration was also sought that Res. No. 1 was not “Honest” and “Ameen” within the purview of Article 62(1)(f) of the Constitution of Pakistan, 1973 and thus was disqualified from being a member of the Majlis-e-Shoora (Parliament). Moreover, Respondent No. 9 (Capt. Retired Muhammad Safdar, son in law of Respondent No. 1) and 10 (Muhammad Ishaq Dar, Federal Minister for Finance) were also sought to be declared as disqualified to be Members of the National Assembly.

It was alleged that Respondent No.1 who is the Prime Minister of Pakistan and members of his family i.e. Respondents Nos.6, 7 and 8 namely Mrs. Maryam Safdar, Mr. Hussain Nawaz Sharif and Mr. Hasan Nawaz Sharif own various offshore companies including Nescol Limited and Nielsen Enterprises Limited. These companies were registered in the British Virgin Islands (BVI) and were special purposes vehicles for ownership of four residential flats bearing Nos.16, 16-a, 17 and 17-a, Avenfield House No.118, Park Lane, London (Mayfair Properties). It was also alleged that the properties in question, ostensibly owned by Respondent No.6, are in fact owned by Respondent No.1, in addition to other businesses being run by Respondents Nos.6 and 7. Such assets and businesses having been acquired/started when Respondents Nos.6 and 7 were in their early 20’s and had no independent sources of income. Respondent No.6 is the daughter of Respondent No.1 and is his dependent and has been so declared in his Wealth

Tax Returns of 2011. However, Respondent No.1 had failed to declare assets of his dependent daughter in the Nomination Papers filed by him for his election to the National Assembly his annual Statement of Assets and Liabilities required to be filed under the Representation of People Act, 1976 (RoPA) and the Rules framed thereunder as well as his Tax Returns. Such concealment of facts, it was averred must lead to his disqualification in terms of the RoPA read with Article 62 of the Constitution. It was further alleged that Respondents Nos.7 and 8 who were sons of Respondent No.1 were also conducting businesses through offshore companies. The sources of funding for the Mayfair Properties as well as other businesses of the children of Respondent No.1 had been questioned.

Additionally, it has been alleged that Respondent No.1 is involved in tax evasion and has failed to declare/pay tax on amounts received by way of purported gifts in foreign exchange from Respondent No.7. It has also been alleged that when the aforesaid information was highlighted by the local as well as the international media, Respondent No.1 addressed the Nation on the television on 05.04.2016 and also delivered a speech in the National Assembly on 16.05.2016 to clear his position. He denied having committed any wrongdoing and took the stance that his children were doing legitimate businesses with legitimate funds and that the Mayfair Properties had been acquired with funds generated from business transactions in Dubai/Saudi Arabia. He also stated that all requisite information/records were available and will be produced before the appropriate fora as and when required.

Directions were also sought against the official Respondents Nos. 2, 3, 4 and 5 to discharge their legal obligation with reference to the allegations of involvement of Respondents Nos.1, 9 and 10 in corruption, money laundering and owning assets beyond their known means. Considering that ownership of the offshore companies/Mayfair Properties had not been denied and prima facie questions of public importance had been raised, this Court entertained these petitions.

The matter was heard by a five-Member Bench of this Court comprising Hon'ble Mr. Justice Asif Saeed Khan Khosa, Hon'ble Mr. Justice Ejaz Afzal Khan, Hon'ble Mr. Justice Gulzar Ahmad, Hon'ble Mr. Justice Sh. Azmat Saeed and Hon'ble Mr. Justice Ijaz ul Ahsan.

Notices were issued to the Respondents. The stance taken by Respondents Nos.1, 6, 7 and 8 with regard to their businesses, Mayfair Properties/ offshore companies and source of funds was more or less the same as taken by Respondent No.1 in his aforesaid speeches. However, during the course of proceedings, the above stated position was abruptly changed and a position was taken that Mayfair Properties had been acquired by Respondent No.7 by way of a business settlement with Al Thani Family of Qatar (Thani Family) with whom the late father of Respondent No.1 had longstanding personal and business relationship. It was therefore stated that proceeds of sale of family business of Respondent No.1 in Dubai (Gulf Steel) had been invested in the real estate business of the Thani Family in Qatar which culminated in the afore-noted settlement/acquisition of shares in the offshore companies/Mayfair Properties. A letter dated 05.11.2016 purportedly written by Sheikh Hamad bin Jassim bin Jaber Al Thani (Sheikh Hamad) was initially produced before this Court. This was followed by another letter dated 22.12.2016. Likewise, to counter the allegation that Respondent No.6 owned the Mayfair Properties and that Respondent No.1 had failed to disclose the same in his nomination papers, a 'declaration of trust document' dated 2/4 February, 2006 was also produced before this Court claiming that Respondent No.6 was a trustee of Respondent No.7 to hold bearer shares in the Nescol Limited and Nielsen Enterprises Limited, the special purposes vehicles which own the Mayfair Properties.

As no other remedy had been left for the Petitioners and the relevant institutions in the county were also reluctant to take any action in the matter, therefore, the jurisdiction under Article 184 (3) of the Constitution was exercised by this Court.

It was observed by this Court through minority view that the Prime Minister and his family could not claim that their explanations offered on the issue were themselves disputed or intricate questions of fact. Under inquisitorial jurisdiction this Court could ascertain, collect and determine facts where needed. Any prior decision or pendency of any matter on the same subject before any Court or forum could not be a hurdle. Moreover, the Members of National Assembly did hold public office and for acquiring such huge wealth no plausible explanation was offered and therefore, an adverse inference could justifiably be drawn and the such allegations leveled against the said respondent, thus, surely attract the provisions of Article 62(1)(f) of the Constitution even when the above mentioned restrictive approach of interpretation is adopted.

Through minority view it was observed that Respondent No. 1 was not honest and amen and as

a consequence of the declaration issued regarding lack of honesty on the part of respondent No. 1 the said respondent had become disqualified from being a member of the Majlis-e-Shoora (Parliament) in terms of Article 62(1)(f) of the Constitution and section 99(1)(f) of the Representation of the People Act, 1976 and, therefore, he was liable to be de-notified by the Election Commission of Pakistan as a member of the National Assembly forthwith with a consequence that he ceased to be the Prime Minister of Pakistan from the date of de-notification.

As a consequence of the declaration issued regarding lack of honesty on the part of respondent No. 1 the said respondent has become disqualified from being a member of the Majlis-e-Shoora (Parliament) in terms of Article 62(1)(f) of the Constitution and section 99(1)(f) of the Representation of the People Act, 1976 and, therefore, he is liable to be de-notified by the Election Commission of Pakistan as a member of the National Assembly forthwith with a consequence that he ceases to be the Prime Minister of Pakistan from the date of de-notification.

However, the majority view was that the disputed questions of fact were involved in this case and the same could not be decided by this Court in exercise of the jurisdiction under Article 184 (3) of the Constitution in absence of undisputed evidence.

Therefore, JIT was formed by a majority of 3 (Hon'ble Mr. Justice Ejaz Afzal Khan, Hon'ble Mr. Justice Gulzar Ahmad, Hon'ble Mr. Justice Sh. Azmat Saeed and Hon'ble Mr. Justice Ijaz ul Ahsan) to 2 (Hon'ble Mr. Justice Asif Saeed Khan Khosa and Hon'ble Mr. Justice Gulzar Ahmed) to consider the questions how did Gulf Steel Mill come into being; what led to its sale; what happened to its liabilities; where did its sale proceeds end up; how did they reach Jeddah, Qatar and the U.K.; whether respondents Nos. 7 and 8 in view of their tender ages had the means in the early nineties to possess and purchase the flats; whether sudden appearance of the letters of Hamad Bin Jassim Bin Jaber Al-Thani is a myth or a reality; how bearer shares crystallized into the flats; who, in fact, is the real and beneficial owner of M/s Nielsen Enterprises Limited and Nescoll Limited, how did Hill Metal Establishment come into existence; where did the money for Flagship Investment Limited and other companies set up/taken over by respondent No. 8 come from, and where did the Working Capital for such companies come from and where do the huge sums running into millions gifted by respondent No. 7 to respondent No. 1 drop in from, which go to the heart of the matter and need to be answered.

Joint Investigation Team (JIT) was directed to be formed comprising members from i) Federal Investigation Agency (FIA), not below the rank of Additional Director General who shall head the team having firsthand experience of investigation of white collar crime and related matters; ii) a representative of the National Accountability Bureau (NAB); iii) a nominee of the Security and Exchange Commission

of Pakistan (SECP) familiar with the issues of money laundering and white collar crimes; **iv**) a nominee of the State Bank of Pakistan (SBP); **v**) a seasoned Officer of Inter-Services Intelligence (ISI) nominated by its Director General; and **vi**) a seasoned Officer of Military Intelligence (M.I.) nominated by its Director General.

JIT was directed to submit its report within sixty days and when this report was submitted the Court again heard the matter and observed that prima facie triable case under Section 9, 10 and 15 of the National Accountability Ordinance was made out against respondents No. 1, 6, 7 and 8 vis-à-vis the assets:- “(i) Flagship Investments Limited. (ii) Hartstone Properties Limited; (iii) Que Holdings Limited; (iv) Quint Eaton Place 2 Limited; (v) Quint Saloane Limited (formerly Quint Eaton Place Limited). (vi) Quaint Limited; (vii) Flagship Securities Limited; (viii) Quint Gloucester Place Limited; (ix) Quint Paddington Limited (formerly Rivates Estates Limited); (x) Flagship Developments Limited; (xi) Alanna Services Limited (BVI); (xii) Lankin SA (BVI); (xiii) Chadron Inc; (xiv) Ansbacher Inc; (xv) Coomber Inc; and (xvi) Capital FZE (Dubai); so was the case against respondent No. 10 vis-à-vis 91 times increase (from Rs.9.11 million to 831.70 million) in his assets within a short span of time.

It was observed by this Court that respondent No. 1 being Chairman of the Board of Capital FZE was entitled to salary, therefore, the statement that he did not withdraw the salary would not prevent the un-withdrawn salary from being receivable, hence an asset. When the un-withdrawn salary as being receivable is an asset it was required to be disclosed by respondent No. 1 in his nomination papers for the Elections of 2013 in terms of Section 12(2)(f) of the ROPA. Where respondent No.1 did not disclose his aforesaid assets, it would amount to furnishing a false declaration on solemn affirmation in violation of

the law mentioned above, therefore, he is not honest in terms of Section 99(1)(f) of the ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan.

NAB was directed to file reference against the private respondents which shall also include in the proceedings all other persons including having any direct or indirect nexus or connection with the actions of respondents No. 1, 6, 7, 8 and 10 leading to acquisition of assets and funds beyond their known sources of income.

It was declared unanimously by the Court in its final judgment dated 28.07.2017 that having furnished a false declaration under solemn affirmation respondent No. 1 Mian Muhammad Nawaz Sharif was not honest in terms of Section 99(f) of ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973, therefore, he was disqualified to be a Member of the Majlis-e-Shoora (Parliament). Election Commission of Pakistan was directed to issue a notification disqualifying respondent No. 1 Mian Muhammad Nawaz Sharif from being a Member of the Majlis-e-Shoora (Parliament) with immediate effect, whereafter he ceased to be the Prime Minister of Pakistan; and the President of the Islamic Republic of Pakistan was required to take all necessary steps under the Constitution to ensure continuation of the democratic process. The Court also requested the Hon'ble Chief Justice of Pakistan to nominate an Hon'ble Judge of this Court to supervise and monitor implementation of this judgment in letter and spirit and oversee the proceedings conducted by the NAB and the Accountability Court in the above matters. The petitions were disposed of on 28.07.2017 in the above terms by all the five judges.

Thereafter, the review petitions were filed against that order which were also dismissed on 15.09.2017.

8.7 Said Zaman Khan Vs. Federation of Pakistan (2017 SCMR 1249)

The appellants, who were involved in act of terrorism & anti-state activities, were picked up by the law enforcement agencies from various spots throughout of the country and were booked, tried and finally convicted by the Court of Field General Court Martial (FGCM) to capital punishments (i.e., death sentence).

The conviction orders were challenged on the ground that they all were subjected to secret trials without provision to legal assistance; therefore were deprived of the right of fair trial and due process of law. It was also pleaded that the Rules of the Pakistan Army Act 1954 were violated to prejudice the convicts therefore the convictions were illegal and invalid, adding that the trial was without jurisdiction under section 91 of Pakistan Army Act 1952. Objections were also raised with respect to non-registration of the F.I.Rs (First Information Report) against the

convicts, while the proceedings of FGCMs were mala fide and an attempt to cover up all such illegalities; thus, the convictions and sentences awarded were without jurisdiction, *coram non iudice* and suffering from mala fides.

The learned Deputy Attorney General (DAG) for Pakistan controverted the above said arguments with full force; while placing reliance on Article 199(3) of the Constitution, 1973 the exercise of the jurisdiction by the apex Courts were seriously challenged; it was pleaded that the convicts had been given full opportunity to defend themselves and formalities as prescribed under Article 10 & 10(A) of the Constitution of Pakistan and that of the Pakistan Army Act Rules, 1954, were fully observed. The learned counsel vehemently defended the conviction by the FGCM.

After hearing both the parties, the honorable author Judge i.e., Mr. Justice Sh. Azmat Saeed, while representing & speaking for the five member Bench held that at no point of time during the course of trial by the FGCM or the pendency of the proceedings before the High Court or even before the Supreme Court there was any allegation of specific mala fides of fact or law made against members of the FGCM. He also observed that neither personal bias by any member of the FGCM against the convicts has been established nor the proceedings conducted were mala fide or conducted in bad faith for a collateral purpose.

Likewise, it was also held that it is not possible for the Court to conclude that these were the cases of no evidence or insufficient evidence nor is it possible to hold that the conclusions drawn by the FGCM are blatantly unreasonable or wholly improbable, rather the law and the rules, particularly those protecting the rights of the accused, were adhered to.

Similarly, on the point of the exercise of the power of judicial review in the matters, the Supreme Court while considering the ratio of previous Judgments reiterated/re-affirmed the settled principles of law that neither the High Court nor that of the Supreme Court can sit in appeal over the conclusion drawn by the FGCM or analyze the evidence produced before it. However, in the discharge of its foremost duty of doing complete justice to every person, the Supreme

Court could have examined the relevant records of all that cases and as such after thrashing out the entire incriminating material formed its opinion that the accused involved in heinous crimes. It was further held that the record reveals that the convicts have been rightly subjected to the "Pakistan Army Act, 1952" and as such was rightly tried for the offences triable by the FGCM, which was convened and constituted in accordance with the law.

About the formation & functioning of parallel system of the military Courts vis-à-vis the Judicial setup of the normal Courts established & functioning under the existing administration of Justice scheme, it was held that the extraordinary circumstances necessitating the enactment of the 21st Constitutional Amendment Act and the Pakistan Army (Amendment) Act, 2015 as articulated in the Preambles, with an aim to cater with the menace of heinous crimes against the society at large.

The judgment noted the convicts were members of religiously-motivated terrorist organization and were involved in attacking the armed forces and the law enforcement agencies and caused deaths of civilians, several soldiers and other officials, that's why in the given circumstances, the conviction and sentence awarded to the them by the FGCM do not suffer from want of inherent jurisdiction. Resultantly, the petitions for leave to appeal were dismissed.

8.8 Bara Ghee Mills Vs. The Assistant Collector Customs, Peshawar and others (CPLA No. 549-P/2015)

Briefly the point in issue involved in the afore referred case is that petitioner(s) being manufacturers of Ghee and Oil, challenged the restrictions put over the export of their end product to certain foreign Countries, by filing a Writ Petition initially before the learned High Court, which was dismissed. Parties aggrieved of the afore referred order challenged the same before the Supreme Court by way of Civil Appeals, which were dismissed; likewise was the fate of the reviews filed against the afore said judgment. In the mean while and consequent upon the vacation of status quo order, the department started recovery of Government dues from the appellants for their impugned export through land route.

One of the appellants (Bara Ghee Mills) agitated the matter with respect to the recovery of Government dues before the Deputy Customs (Recovery), who vide his order in original dated 10.04.2015 decided against the appellant. The appellant once again challenged the above cited order in the writ petition which did not borne fruit and the Review Petition also dismissed. Thus, the appellants through the time barred Civil Petitions for Leave to Appeal assailed the same on the grounds firstly that impugned demand of the recovery of Government Dues was raised by the department without any Show Cause Notice,

Secondly demand is barred by limitation by virtue of Section 32 read with Section 211 of the Customs Act, 1969 which is 5 years.

After hearing the arguments the Supreme Court held that against the demand as to recovery of Government Dues, the Customs Act, 1969 r/w Customs Rules 2001 provides ample opportunities to an aggrieved person to have redressal of his grievances by availing appropriate remedy in shape of appeals and revisions against the impugned orders of the adjudicating authority/forum/tribunal as the case may be. It was further held that the department refusal to allow the petitioner to export the goods to foreign country via land route without payment of leviable Custom Duties and taxes, consequent upon which his approach to the learned High Court challenging the impugned demand through writ petition and obtaining a status quo orders thereof, stands vanished, once the pending writ finally stand dismissed of by the learned High Court on 03.05.2001 and an appeal so as the review against the same also met with the same fate vide judgment of the Supreme Court on 06.02.2014, thereof. Hence, the net result of above cited situation would be revival of the demand notice ipso jure.

Similarly, the plea of petitioners that the subject consignment was exported to Afghanistan during the period in between 20.03.2001 to 30.05.2001 that's why the demand for payment of Government dues made beyond 3 years or at the best 5 years by virtue of Section 32 or 211(3) of the Customs Act, 1969 and Custom Rules 2001, respectively has also no force, for the reason that mere issuance of status

quo orders in earlier proceedings would not be hit by limitation, particularly when by virtue of section 202 to the Customs Act, 1969, for the recovery of any Government dues etc., no limitation period is provided thereof. Leading to final conclusion of the Court, whereby the leave sought by the petitioner was declined and their petitions were dismissed, accordingly.

8.9 Waris Ali and others Vs. The State (2017 SCMR 1572)

Facts leading to instant case as depicted in the contents of FIR (First Information Report) lodged at the instance of Miskeen Ali with respect to an incident of cold blooded murder of 04 persons including a minor child who lost their lives while 08 others including two minors, who sustained fire arm injuries, for which the appellants in this appeal along with 06 other co-accused were booked initially under Sections 302, 324, 452, 436 r/w 148, 149 PPC registered at Police Station Gujranwala. However, subsequently Sections 6 & 7(a) of the Anti-Terrorism Act, 1997 (ATA) were added thereto. The accused put to trial after framing of charge and examination of witnesses, the learned judge Anti-Terrorism Court convicted the appellants by awarding death sentence, imprisonment of certain periods and fine on various counts. The Convicts/Appellants preferred appeal before the learned Lahore High Court, Lahore but remained unsuccessful. Feeling aggrieved, the appellants preferred petition for leave to appeal in the Supreme Court, which was converted in to appeal.

The Supreme Court after hearing the learned counsel for the appellants as well as the learned Additional Prosecutor General and perusal of the record and evidence thereof dilated upon important aspects of the case, which has more bearing on the merits of whole case, such as the crime has been reported by Miskeen on the spot with delay of two hour strange enough leaving the bleeding injured at the place of incidence till the arrival of the local police; surprisingly without taking any medical assistance in respect of the injured victims', thereof. Besides above, the existence of direct motive against the complainant but again the unresolved mystery that he being the prime target of the assailants was spared unhurt. The above pointed infirmities and mysteries compel the Supreme Court to examine the prosecution story from the angle as to whether these facts narrated by the complainant side take out the case of accused from the ambit of terrorism.

The Supreme Court analyzed the complainant version in light of relevant provision of the Anti-Terrorism Act, 1997 and observed that for an offence to fall within the ambit of afore said legislation, the essential element of "*mens rea*" is must with an object in mind to accomplish the act of terrorism

creating sense of insecurity among State or its other institutions or causing damage to public or private properties while affecting the public at large. But in this case the act does not qualify those incidences which were the outcomes of private revenge or traditional enmity as could be seen in our routine affairs of life.

While discussing the issue in depth, the Supreme Court held that in applying the special law enacted to cater for the menace of terrorism, the Courts must have to apply its judicious mind to the entire scheme of a special law (ATA 1997) for particular class of criminals and specified crimes, as detailed in schedule thereof and should not be departed from the principles of literal construction of a statute. It must also keep in mind the events of the past which has necessitated the legislature to enact a new law. This exercise would help the Court of law to reach at a proper and fair conclusion, which left little room for our conventional crimes to enter therein, which according to the rules literal construction of a statute, falls outside of the ambit of the special law thereof.

The Court went on to state that another differentiating aspect of the case is the application of Qisas and Diyat Laws to such incidences, wherein in our customary crimes, the legal heirs or an injured do receive their due share of the specified compensation in accordance with Injunction of Islam, while in offences relating to terrorism the imposition of fine as a penalty directly goes to the national exchequer which ultimately deprives the legal heirs of decease or the injured victim, to claim any share in compensation thereof.

By keeping in view the peculiar circumstances of the present case and applying the judicious mind thereof, the Supreme Court finally held the incident was a result of personal vendetta which did not qualify the litmus test of the special enactment. Moreover, as the complainant thrown wider net to involve number of persons in the commission of offence, therefore, as a precautionary measure the sentence of death awarded to the convicts was altered with that of the sentence of imprisonment for life with extension of the benefit of Section 382-B Cr.P.C, accordingly.

8.10 Rai Hassan Nawaz Vs. Haji Muhammad Ayub and others (PLD 2017 SC 70)

Facts leading to instant case are that the appellant being returned candidate from NA-162, Sahiwal-III was knocked out by the Election Tribunal Multan, pursuant to a petition moved by the respondent with respect to the facts of non-disclosure, inaccuracy and miscalculation of assets by the appellant in his nomination papers which were filed before the Returning Officer in 2013 general elections, which were sufficient to disqualify him by virtue of Article 62(1)(f) of the constitution of the Islamic Republic of Pakistan, 1973 r/w Section 78(3)(d) of the Representation of Peoples Act, 1976 (ROPA), respectively.

While digging out the necessary facts of the case, the Supreme Court found that the appellant had also concealed in his declaration the following facts such as he was having the ownership of 39 Kanals 19 Marla agricultural land situated in Qasba Chichawatni, but in reality such property was being used for commercial and residential purposes having 22 shops in addition over the same were rented out to the tenants including seven banks earning worth of annual rent therefrom. Apart from above he also had a petrol pump and a CNG station too which were admittedly not disclosed in his nomination papers. However, while examining the admitted position, the lame explanation advanced by the appellant about the non-disclosure of said property in such declaration was that the income derived from the above assets was duly shown in the tax return of the his family owned factory under the name & title as "*Rai Cotton Factory (Pvt) Ltd*", had not only been rejected by the Election Tribunal but also by the Supreme Court.

It was further observed that although the learned counsel for the appellant tried his best to put forward explanation about the non-disclosure of the assets in the nomination papers but the Supreme Court did not find itself in agreement for the reasons that Section 12(2) of the Representation of People Act, 1976 specifically envisage such disclosure so that the Election Commission of Pakistan and the general public may have picture before it about the wealth & income of their prospective leader, beforehand as it is the constitutional mandate too in view of Articles 62 & 63, respectively, which had

to be strictly observed. The Supreme Court also observed that even the mandates of Sections 63 r/w 55(3) of ROPA were not adhered rather contrary to it the Election Petition and its annexures were not properly verified. Moreover the petition & annexures had been attested by a person whose Notary Public/Oath Commissioner Licence had already been expired. However, upon learning of such defect the appellants moved a time bared application after the lapse of 07 months for re-verification of the such petition & its annexures did not server any useful purpose as the law provide 45 days for removing such defect. In view of above the Supreme Court upheld the finding of Election Tribunal regarding the petition being out of time.

Similarly, while interpreting the provisions of Section 76A of ROPA the Supreme Court held that this section confers *Suo Motu* powers onto the Election Tribunal to scrutinize inter alia, false or incorrect statements made by a returned candidate in respect to his own assets and liabilities and those of his spouse or his dependents. Moreover the powers is of inquisitorial nature entrusted through Section 76A ROPA to dispense with any *locus standi* requirement for the informant vis-à-vis it also excludes and constraint of a prescribed limitation period thereof and empowered the Election Tribunal to adopt summary procedure initiated from Show Cause Notice.

The Supreme Court also repelled the argument advanced by the learned counsel for appellant that since the Election Tribunal had not used its *Suo Motu* powers under Section 76A of the ROPA while deciding the Election Petition, therefore the Supreme Court while sitting in appeal, cannot treat the proceedings before Election Tribunal as having been conducted under Section *ibid*; by holding that such plea of the appellant is inconsequential as the appellate proceedings are the continuation of the original proceedings, therefore the Supreme Court while sitting in appeal could take care of such situation while exercising its powers similar to Section 76A. Consequently the Supreme on the above cited reasons upheld the judgment of the Election Tribunal by dismissing the instant appeal.

8.11 Sindh Revenue Board through Chairman Government of Sindh and another Vs. The Civil Aviation Authority of Pakistan through Airport Manager. (2017 SCMR 1344).

The case involved the constitutionality of sales tax on services imposed by the Provincial Government on the Civil Aviation Authority under the Sindh Sales Tax on Services Act, 2011 and the Sindh Sales Tax Services Rules, 2011.

The Court in a detailed landmark judgment while addressing every aspect of the controversy observed that the Civil Aviation Authority (“Authority”) was a regulatory authority which performed functions that were within the exclusive domain of the Federal Legislature. Functions performed by the Authority were those which were listed in the Federal Legislative List. Legislative duties and functions performed by the Authority were not services. Authority had no option but to undertake its statutory duties and responsibilities. Merely because the Authority imposed a fee or charge for providing them, which Parliament had authorized it to impose, would not in itself bring the provision of these duties and functions and the facilities and paraphernalia provided pursuant thereto within the realm of services upon which sales tax could be levied.

The Court further observed that the Federation exercised executive authority in respect of subjects which could be legislated by the Federal Legislature (Article 97(1) of the Constitution) and the Federal Government’s executive authority could be conferred on “authorities subordinate to the Federal Government” (Article 98(1) of the Constitution). The Federal Legislature enacted the Pakistan Civil Aviation Authority Ordinance, 1982. Authority was controlled by a Board which was appointed by the Federal Government and the Authority was bound by the directives of the Federal Government. Moreover, the Authority operated under the oversight of the peoples’ representatives and as such was accountable to them. It was financially monitored by a constitutional office holder. In taxing the Authority the Provincial Government was trying to tax the operations of the Federal Government

and a regulatory authority created by the Federal Legislature. By imposing sales tax on services, the Provincial Government had legislated in respect of subjects or matters related thereto which were within the domain of the Federal Legislature. Whilst the provincial legislatures were independent, they must operate within the sphere allotted to them and within their prescribed limit. Neither the Federation nor the Provinces should invade upon the rights of the other nor encroach on the other’s legislative domain.

Supreme Court observed that airplanes carried passengers and transported goods and they took off and landed in airports throughout the country, including the territories of the provinces; that since sales tax was ultimately to be borne by the users/people, therefore, if every province imposed sales tax it would make flying complex and unnecessarily expensive; that connectivity of the country would be undermined and airports situated in remote areas, that were subsidized, may become too expensive to use and resultantly the people would suffer; that if sales tax was imposed, the Authority may avoid spending money on the proper maintenance of existing airports and may also be dissuaded to invest in new airports which were not commercially viable, which would adversely affect travel, national cohesion, the interest of the Federation and of the Provinces.

Supreme Court held that the Sindh Sales Tax on Services Act, 2011 and the Sindh Sales Tax on Services Rules, 2011 to the extent that they imposed on Civil Aviation Authority sales tax on services were contrary to the provisions of the Constitution, and were void *ab initio* and of no legal effect. The Sindh Sales Tax on Services Act, 2011 and the Sindh Sales Tax on Services Rules, 2011 to the extent that they taxed the Civil Aviation Authority violated Article 142(a) of the Constitution since only the Federal Legislature could make laws with respect to matters pertaining to the Authority.

8.12 Sardar Bibi and Another Vs. Munir Ahmed and others. (2017 SCMR 344).

The appellants and the acquitted accused were booked in a murder case for Qatl-i-amd, rioting armed with deadly weapons and unlawful assembly. After considering the evidence and arguments of parties the Court observed that improvements and omissions were made by witnesses to bring case of prosecution in line with the medical evidence. Such dishonest and deliberate improvements and omissions made the witnesses unreliable and not trustworthy. Further observed that when the eye-witnesses produced by the prosecution were disbelieved to the extent of one accused person attributed effective role, then the said eye-witnesses could not be relied upon for the purpose of convicting another accused person attributed a similar role, without availability of independent corroboration to the extent of such other accused.

The Court observed that although prosecution alleged that sufficient light of bulbs was available at the spot of occurrence but during investigation, no bulbs were taken into possession by the investigating officer. Therefore, the identification of the assailants became doubtful in such eventuality. That the complainant's house was at a distance of 3 acres from the place of occurrence whereas the house of one of the eye-witnesses was at the distance of 1-1/2 mile from the place of occurrence, therefore, their presence at the scene was a sheer chance because at such odd hour of the night they were supposed to be present in their residences which were far away from the place of occurrence. Moreover, witnesses of the ocular account were also closely related to the deceased and were chance witnesses. Other witnesses of the ocular account in their statements before the court

claimed that they were sleeping on the roof top of the cattle shed of the complainant, however site plan totally negated such version. No specification of firearm weapons were given in the FIR or in the statement under S. 161, Cr.P.C., however for the first time during trial, some accused persons were shown to be armed with a pistol and a rifle. Such willful and dishonest improvement was made by the witnesses in order to bring the prosecution case in line with the medical evidence. Accused and co-accused had no motive or reason to commit murder of the deceased persons and the asserted motive had not been proved. Although occurrence took place at 2:00 a.m. and police station was at a distance of 9 kilometer but report had not been lodged at the police station rather at the spot at about 6:00 a.m. which gave inference that FIR had been lodged after deliberation and consultation. Subsequent statement of complainant in the police station after the occurrence further confirmed the deliberation and consultation on the part of complainant and the police. According to prosecution, the matter was reported at 6:00 a.m. but postmortem examination on the dead body was conducted at 1:00 p.m. i.e. after 7 hours of the lodging of FIR, which fact raised suspicion regarding the registration of the FIR at the given time. Defence was unable to cross-examine the investigation officer through whom all the facts and circumstances favoring the accused and co-accused persons could have been brought on the record.

In the absence of any independent corroboration, the accused and co-accused persons were acquitted of the charge by extending them benefit of doubt and the appeal was disposed of accordingly.

8.13 Collector of Customs Vs. Messrs. D.G. Khan Cement Co. Ltd. (2016 SCMR 1448)

In order to encourage industrialization in certain areas of the country, the Federal Government from time to time has been granting exemptions from customs duty and sales tax. One such incentive was contained in SRO 484(I)/92 dated 14.05.1992. Under this notification, plant and machinery, not manufactured locally, imported for setting up a new unit or for expansion or balancing, modernization and replacement of an already existing unit in certain areas was granted exemption from the whole of the customs duty and sales tax subject to fulfilling certain conditions.

The respondent company, a cement manufacturing enterprise, imported three Caterpillar Off-Highway dump trucks, which were shipped to Karachi port through S.S. 'Chitral'. Upon arrival of the ship on

16.7.1995, benefit of total exemption from customs duty and sales tax was sought under Notification No. SRO 484(I)/92 dated 14.05.1992, but the same was denied to the respondent company for two reasons. Firstly it was maintained that the exemption was applicable only to such imports that arrived at the port on or before 30.06.1995 whereas in the present case the ship carrying the Off-Highway dump trucks arrived on 16.7.1995. The other reason for denying benefit of exemption was that the Off-Highway dump truck being mobile vehicle, cannot be termed as a plant hence does not fall within the ambit of SRO 484(I)/92. The customs authority thus assessed the consignment on the basis of PCT Heading that is applicable to dump trucks and imposed 30% Ad Volarum duty as well as the applicable rate of sales tax and other charges.

Having being denied the benefit of exemption under S.R.O. 484(I)/92 dated 14.05.1992, the respondent company challenged the assessment of the customs authority in the Lahore High Court and on the basis of an interim order obtained release of the consignment upon furnishing personal bonds of its directors. The Lahore High Court then relegated the respondent company to contest the matter before the forum provided under the Customs Act. All the three forums upto the Customs and Sales Tax Appellate Tribunal held that the exemption cannot be availed on Off-Highway dump trucks on the ground that the same being vehicles cannot be termed as 'plant'.

The respondent company challenged the decision of the Tribunal before the High Court of Sindh in Special Customs Appeal. The High Court after framing the question of law "Whether Dump Trucks imported by the appellant fall within the purview of plant and machinery as contemplated in S.R.O.-484(I)/92 dated 14.5.1992", answered it in the affirmative. Being aggrieved by such decision, the appellant filed CPLA before the Supreme Court.

The Court observed that in the present case, the quarrying of materials was undertaken by one and the same enterprise which after completion of the remaining stages involved in the manufacturing of cement (crushing, blending, heating, cooling, clinkering and milling) ended with the portable cement being produced in bulk or bags for consumption. Cement company, in the present case seemed to be so designed that its' Off-Highway dump trucks involved in the industrial process were to be regarded as part of the 'plant' of the cement factory. Use of Off-Highway dump trucks at the quarries made them part and parcel of the industrial process of a cement factory and thus such trucks fell within the definition of the company's cement plant.

It was further observed that under S.R.O. 484(I)/92 dated 14-5-1992, plant and machinery, not manufactured locally, which were imported for setting up a new unit or for expansion or balancing, modernization and replacement of an already existing unit in certain areas was granted exemption from the whole of the customs duty and sales tax subject to fulfilling certain conditions. Cement company, in the present case, imported three Off-Highway dump trucks and claimed exemption from customs duty and sales tax under S.R.O. 484(I)/92 dated 14.05.1992 by

contending that the Off-Highway dump trucks were imported for use in the industrial process of a cement factory, therefore, the same should be regarded as part of the plant and machinery of the cement factory.

That the entire set of machines used in conjunction with other apparatus and electrical and mechanical equipment, required for undertaking and completing the cement industrial process, starting right from quarrying till the finished product that was produced was to be regarded as part of the plant of the cement company. In cement industry Off-Highway trucks were used at the quarries where the predominant raw-material in the cement production 'limestone' was won from the quarry by either extraction or blasting following which it was hauled on Off-Highway dump trucks to the place where the second stage in the cement manufacturing i.e. crushing of the raw-material took place. Thus there was direct nexus between the use of Off-Highway dump truck at the quarry of a cement manufacturing factory with its industrial process. Such nexus brought the "Off-Highway dump truck" within the definition of 'plant'. Off-Highway dump trucks could not be excluded from being treated as part of the plant of a cement factory, where their utility formed an integral function in the manufacturing of the cement. Irrespective of the fact that Off-Highway dump trucks were mobile vehicles, these trucks were utilized to further the industrial process without which the industrial process of a cement factory would get interrupted and hindered at the very initial stage.

The Court held that the letter of credit for imported consignment opened within cut-off date mentioned in SRO, whereas consignment delivered at port after the cut-off date. Date on which 'Letter of Credit' was established or steps were taken in respect of import of consignment was not relevant and it was the date of import which determined applicability of the customs duty. In such circumstances importer-company was not entitled to seek exemption granted under S.R.O. 484(I)/92 dated 14-5-1992. However, the company was entitled to exemption to a limited extent by virtue of a different S.R.O. No. 978(I)/95 dated 4-12-1995 which exempted duties and charges over and above 25% of the leviable customs duty and sales tax and no more. Customs authority was held justified in recovering customs dues and sales tax on the imported consignment accordingly.

8.14 Fazal ur Rehman and others Vs. Shah Jehan and others. (Civil Appeal No.166-P to 168-P of 2013)

Three appeals were filed against the common judgment of the Peshawar High Court passed in Revision petitions whereby the concurrent findings of the Courts below were reversed by dismissing suit of the appellants seeking declaration & specific performance and decreeing the suit of respondents seeking possession of suit land.

The Court observed that the scope of interference of the concurrent findings of the fact by the High Court while exercising revisional jurisdiction was very narrow. Revisional Court was not supposed to interfere in the concurrent findings of facts recorded by the first two Courts below unless such findings were based on conspicuous misreading or non-reading of some important piece of evidence which had direct bearing on the issue so adjudicated or were such that no reasonable person would reach to the conclusion arrived at by the Courts below on the basis of evidence on record. The High Court further would have exceeded its jurisdiction by upsetting the concurrent findings of first two Courts merely on the ground that the view it had taken was more convincing or reasonable.

The scrutiny of the impugned judgment reflected that the High Court had reversed concurrent findings of the Courts below by holding that the suit was barred by time and that the appellants had neither proved the sale agreement nor the payment of sale consideration. The Court observed that the period of limitation in respect of suit for specific performance was governed by Article 113 of the Limitation Act, the first portion whereof provided that in case a date for performance of agreement was specified then the period for filing of suit would be three years to be reckoned from such date and in case no such date was provided for performance, still the period was three years but the period would be reckoned from the date of refusal. In the instant case, admittedly no date for performance had been provided in the agreement and in the plaint, the appellant pleaded "respondents refusal to perform" just a month before filing of the suit which fact was never controverted by the respondent and, therefore, the suit was well within time. That the High Court in fact had committed a gross error by concluding that the appellants failed to prove the "respondents refusal" by adducing evidence, such finding appeared to be oblivious of the fact that there was no method or criterion to prove a negative assertion except by stating such fact and then burden shifted on the opposite side to disprove by bringing positive evidence. Supreme Court observed that it was by now well settled that to prove a negative assertion/ circumstances, statement on oath before the Court

was sufficient to discharge the burden to prove the existence of such negative circumstances and thereafter the burden shifted on the opposite side to prove the positive circumstances. In the instant case, the appellants asserted denial of specific performance just a month before filing of suit and since it was a negative assertion, therefore, by mere such statement burden stood discharged and now it was for the respondent to disprove such fact by asserting their willingness at the relevant time to perform their part of the agreement.

Considering the reversal of concurrent findings of the courts below by holding that neither the sale agreement was proved nor the payment of sale consideration the scrutiny revealed that the respondent acknowledged the receipt of money in presence of two witnesses and then on the same day, on the basis of such compromise, Civil Judge, DI Khan was requested to decree the suit and the learned Judge before passing a decree recorded the respondent's statement and thereafter decreed the suit. The judicial record carried a presumption of correctness and sanctity and, therefore, only such statement of the respondent before the learned Judge as to having entered into compromise with appellants was sufficient to prove the sale and in case of denial the burden would be on the party denying such compromise. Besides, the parties executed sale agreement and in that agreement the respondent again in presence of four witnesses acknowledged the receipt of money. The appellant in order to prove the agreement and payment of sale consideration had produced two out of the four witnesses and further produced the death certificates of the remaining two. Besides, perusal of cross examination of these two witnesses revealed that respondents admitted the execution of sale agreement by making suggestion to the marginal witnesses such as "the agreement was executed under pressure" and that "the agreement subsequently was cancelled".

As to the contention that the sale, if any, was in violation of MLR 115, the record reflected that the subject land was granted to the respondents under Land Reforms Regulation, 1972 (para 18 of MLR 115) as they were shown in cultivating possession, however, in compromise the respondents acknowledged the possession of the appellants since last 40 years and withdrew the claim which led a decree of injunction against them. Besides, the agreement was recited that there was a ban on transfer and consequently such transfer was postponed till such ban was lifted and such recital was corroborated with para 24 of MLR 115 which imposed restriction on alienation of an economic

holding. Even otherwise, such a transaction as between the vendors and the vendees would not be altogether void even if there was violation of some provisions of M.L.R.115.

While considering the contention that the land subject matter of the suit was not the one in respect whereof the appellant had instituted suit the Court examined this argument very minutely and with great concern. The scrutiny of revenue record revealed that certain figures were erased. Keeping in view the seriousness of the matter, Court directed the

procurement of record of suit from the trial Court and to the Court's dismay, received a report from the Superintendent, Sessions Court, DI Khan to the effect that case file was neither consigned to the record room nor was preserved. The Court observed that it was a very pathetic state of affair which needed to be inquired into and required action against the officials found responsible. Notwithstanding, there were other documents available on record such as certified copy of the decree which not only gave the correct khasra number but also the correct area. In the light of that the Court allowed all the three appeals.



Waiting Room, Supreme Court Islamabad

CHAPTER

9

**THE COURT AND
ITS REGISTRIES**

THE COURT AND ITS REGISTRIES

9.1 Introduction

Under Article 208 of the Constitution, the Supreme Court, with the approval of the President, may make rules providing for the appointment of officers and servants of the Court and for their terms and conditions of employment. Accordingly, the Supreme Court Establishment Service Rules, 2015 have been framed. Under these Rules the Chief Justice of Pakistan exercises the same powers, in respect of officers and servants of the Court, as does the President in respect of the federal government employees.

The Registry of the Supreme Court provides administrative services to the Court for facilitating its judicial functions. The sanctioned strength of the Court Registry is 830, comprising the Registrar, DG HR Cell, Additional Registrars, Director HR Cell, Deputy Registrars, Secretary to Chief Justice, Assistant Registrars, Librarian, Research Officers, Curator, Public Relation Officer, Director IT, Translator and other officers and officials.

Functions

The Registry prepares the cases for fixing before a bench, assists the Court in case flow management and providing reference and research assistance. The Registry provides information to Advocates and

the general public regarding the date of hearing, adjournment and status of cases. Similarly, also providing assistance on legal procedures and formalities for the institution of cases and issuing certified copies of the judgments/orders of the Court. The main Registry is situated at Islamabad, but Branch Registries have been established at Lahore, Karachi, Peshawar and Quetta.

Goals

The Registry's goals are: -

1. to provide services to the Court in case flow and court management;
2. to provide to the Chief Justice and the Judges necessary assistance and information relating to processing of cases pending in the Court;
3. to ensure that necessary documents are included and all legal and procedural formalities have been complied with before a case is fixed for hearing;
4. to prepare cause lists and intimate fixation of cases to parties, Advocates-on-Record and Advocates;
5. to implement Court judgments and orders;
6. to maintain Court records; and
7. to maintain the record of Senior Advocates of the Supreme Court, Advocates and Advocates-on-Record.

9.2 The Principal Seat at Islamabad

Architecture of the Building:

The Supreme Court complex is situated on the Constitution Avenue, Islamabad. Its splendid and magnificent structure with white marble exterior is a classic blend of Islamic and European architecture. Islamic motifs have been used in the exterior and interior of the building, especially in the marble flooring of the Ceremonial Hall, Judges Entrance Hall and Public Entrance Halls. The walls have Islamic motifs on marble in inlaid brass. The forefront of the building is landscaped as a symbolic and ceremonial space, highlighting the dignity of the Court. The fountain in the front creates a soothing effect and adds to the charm and beauty of the building.

Brief History of Construction

The idea of constructing a building for the Supreme Court in Islamabad was conceived in 1967 but it was in 1985 that the then Hon'ble Chief Justice of Pakistan discussed the project with the then Prime Minister as a result of which funds to the tune of Rs.9.856 Million were provided for the project during 1985-87. The agreement for planning and designing of the project with M/s KENZO TANGE ASSOCIATES (Japan) and PEPAC was signed in August 1987 and the Architects presented the same to the then Prime Minister who approved it with some modifications. The original PC-1 was prepared and considered by Central Development Working-Party (CDWP) on 29.11.1989. The unit cost envisaged in the PC-1 was Rs:893.89 and Rs:737.50 per sq.ft with and

without air conditioning system respectively. The PC-1 was amended in light of CDWP's decision and was finally approved for Rs:377.971 Million. Tenders for civil works were called in June, 1990 and tenders for electrification, Air conditioning & lifts were awarded in February 1992. Later, the first revision of the cost of the scheme was necessitated, which came to Rs:753.221 Million. Cost break up of 1st revised PC-1, comprising Phase-I & II was as under:-

Phase I	Rs.548.933 Million
Phase II	Rs.204.288 Million

Phase-I was completed in 1996 while tender for Phase II was issued in 1999 but deferred in response to Government's economy campaign. The work of Phase II was initiated in 2006 on the directions of the Supreme Court authority and was awarded to the contractor after fulfilling all codal formalities with contract cost of Rs.268.530 Million. The revised Project Cost Rs.1055.334 Million was approved by the ECNEC on 21.01.2010. Phase II comprised two Blocks having eighteen Judges Chambers with Private Secretary offices, space for housing various Branches including other offices, accommodations for Law Officers, HR Cell, and establishment of Museum. The work of Phase II was awarded to M/s Matracon on 02.07.2007. The furniture for newly constructed nine Judges chambers and offices of the Court was also arranged by the CDA including furniture added subsequently as per requirement like almirahs, bookshelves for added

portions of library, provision of glass cabins for library staff as well as Research and Reference Officers of the Court and provision of carpet in the two newly added wings of library in newly constructed phase-II. Finally after completion of Phase-II it was inaugurated by Mr. Justice Iftikhar Muhammad Chaudhry, the then Chief Justice of Pakistan on 9.12.2013.

Principal Seat:

The Supreme Court complex, situated on Constitution Avenue, Islamabad comprises a Main/Central Block, Judges Chambers Block and two Administrative Blocks. The height of the Main Central Block is 167 feet above the ground. It is surrounded by Judges' Chambers Block to the east and an Administrative Block each to the north and south. The building was designed by the Japanese firm, Kenzo Tange Associates. Pakistan Environmental Planning and Architectural Consultant (PEPAC) served as consultant and interior designers. Civil and electrical work was carried out by Moinsos (Pvt.) Ltd. and Siemens (Pvt.) Ltd. The building was completed in 1993 with a total cost of Rupees 605.960 million.

Main/Central Block

The Main Central Block is placed in the heart of the complex. It primarily comprises 11 courtrooms, the Ceremonial Hall, Auditorium of 550 seats and a Prayer Hall for 300 persons. The main courtroom, on the first floor, with seating capacity for 170 persons, is 125 ft high. It is flanked on its rear by four courtrooms, each having seating capacity for 87 persons. Six additional Court Rooms, each having sitting capacity for 48 persons, are situated on the ground floor.

Judges' Block

The Judges Block houses the Chief Justice of Pakistan Chamber, thirty three Judges Chambers and the office of Registrar. The Court Library containing a collection of One hundred thousand books, reports and journals, is situated in the basement of this block. This block also contains an impressive entrance/reception, a prestigious Conference Room and a Lounge-cum- Dining Hall.

Administration Blocks

The two Administration Blocks mainly house the offices of the administrative officers/personnel. The northern block is occupied by the staff of the Supreme Court. The southern block contains the Secretariat of Law and Justice Commission of Pakistan, offices of the Attorney General for Pakistan, Advocates-General of the Provinces, Prosecutors General Punjab, Sindh & Balochistan, Pakistan Bar Council and the Supreme Court Bar Association. The cafeteria is also situated on the ground floor of this block.

Car Parking sheds

The project of construction of car parking sheds for about 300 cars and 150 motorcycles on a vacant plot situated in between the Supreme Court Building and Prime Minister's Secretariat, approved by the Building Committee, has been completed. The Project also includes provision of a tuck-shop, waiting area and toilet facility for men and women including drivers, construction whereof is under progress and is expected to be completed by the end of this year.

Park/Landscaping

The land earmarked for landscaping has been leveled into a beautiful park. It has a half kilometer jogging track and four beautiful gazebos. The trail is garlanded with evergreen flora. The park was inaugurated by Hon'ble Mr. Justice Tassaduq Hussain Jillani, the then Chief Justice of Pakistan on 16th April, 2014 followed by a tree plantation campaign wherein the HCJ and all the HJs planted trees.

Renovation of the Building

As per directions of the Building Committee, renovation of the whole building was carried out for the first time since its construction by Pak. PWD. Funds amounting to Rs.56.538/- Millions were provided by this Court from its own budget. The target date for completion of works was 30th June, 2016.

Public Facilitation Services:

Information Desk

In order to facilitate the general public, litigants and advocates, an Information Desk has been established at the main entrance of the Court's Building. The desk provides information pertaining to the cases/matters pending adjudication in this Court such as information regarding institution/fixation/delisting and pendency to the litigants as well as the advocates of the Court. Applications for issuance of certified copies of the judgments/orders/documents are also received at the Information Desk and the applicants can receive the certified copies, applied for, from there.

Bank

Besides the other facilities in the building, a Branch of Habib Bank Limited is also established where, amongst others, the staff of the Court, Lawyers and the Judges have their accounts. Furthermore, Attorney General, Law & Justice Commission of Pakistan, Supreme Court Bar Association are also operating their accounts in the said Branch.

Cafeteria

A cafeteria is available for staff of the Court as well as for public/Advocates in the premises of Supreme Court supervised by the Supreme Court Bar Association, Islamabad which provides culinary services on standard rates.

Post Office

Post office is also available in the building of the Court for wider public convenience.

Book Shop

A book shop has been established in the premises of the Supreme Court building to provide law books to the lawyers and litigant public. The shop also provides the facilities of stamp papers, courts fee stamps and computer typists.

Photostat Facility

Photostat machines are also available for convenience of the public and Advocates. Heavy duty photocopiers are capable to receive data through emails for printing purposes.



Branch Registry Lahore

9.3 Branch Registry at Lahore

The Supreme Court Branch Registry Building Lahore is a national heritage. The Building was constructed in 1890-94 and utilized as Central Reserve Bank of India. After creation of Pakistan, it has been in the occupation of State Bank of Pakistan. In 1974, when the Main Registry was shifted from Lahore to Rawalpindi, the Lahore Branch was initially established in the borrowed wing of Lahore High Court Building. However, in the year 1999, the Registry was shifted in the present building.

Construction Work

After renovation/rehabilitation of the Old State Bank Building, the building of Supreme Court Branch Registry, Lahore now consists of five Court Rooms, one Chamber for HCJ, ten for HJJ, a Conference Room, Library, Offices, Bar Room and Bar Library, etc. The construction work of Bachelor Accommodation on rear side of the Branch Registry Building is complete and it is ready to be made operational.

Activities and Functions of Branch Registry

The Branch Registry has been established with the aim to facilitate litigants/AORs/ASCs of the Province of Punjab with regard to the filing and hearing of different petitions, appeals, misc. applications etc. In addition thereto, the cases relating to the Main Registry are also being received and forwarded to the Principal Seat, Islamabad.

All the petitions and direct appeals instituted at the Branch Registry are heard and decided at Lahore, unless otherwise ordered by the Court, whereas the appeals pertaining to tax matters, after grant of leave, are transferred to the Main Registry for hearing.

Petitions, appeals and miscellaneous applications arising from the judgments and decisions of the Courts, detailed below are instituted at the Branch Registry:-

- a. Lahore High Court, Lahore and its Benches, excluding Rawalpindi Bench:
- b. The Federal Shariat Court at Lahore.
- c. The Federal Service Tribunal at Lahore, and
- d. The Punjab Service Tribunal, Lahore.

It is pertinent to mention here that the petitions filed against the orders of the Federal Shariat Court and Constitution Petitions are forwarded to the Main Registry for registration and hearing.

Furthermore, some appeals/petitions are transferred to the Principal Seat in compliance with the orders of the HCJ passed upon the applications filed by the litigants/AORs for transfer and early fixation thereof.

Facilities

On-line inquiry of cases through new CFMS V2 is available for the litigants/AORs. 4 MBs package of DSL Internet facility along with Wi-Fi is available for the Hon'ble Judges and the staff. To provide relevant and desired information related to cases and provision of certified copies for the convenience of litigants as well as learned counsel, the Information Desk is also operational.

Court Library

The Court Library consists of two effusive designed halls. The Court library has more than 10,000/- volumes of journals, including law reports and around 2500 text books. For effective searching and retrieving of the library artifacts an automated catalogue has been prepared and is operational.

To strengthen its services, the Library also utilizes online legal database like www.pakistanlawsite.com, www.pljlawsite.com and www.manupatra.com



Branch Registry, Karachi

9.4 Branch Registry at Karachi

The Registry was established on 14th October, 1957 in a borrowed wing of the High Court of Sindh Building. The Registry remained accommodated for some time in Karachi Development Authority (KDA) Rest House, Stadium Road, opposite PTV Centre, Karachi. There was a growing need to have a suitable building to house the offices of the Branch Registry and also have suitable Courtrooms. Due to its Victorian structure, the old State Bank building was found suitable and fit to accommodate the branch Registry.

Historical Perspective

The foundation stone of this building was laid by the Duke of Connaught in 1887 during the reign of Queen Victoria. The building was meant to house a Museum known as "Victoria and Elbert Museum."

In 1892, the museum was shifted to the upper floor of the newly constructed D.G. College building and the responsibility was transferred to the Karachi Municipality. The Municipality handled the task praise-worthy and turned it into an exemplary museum. It was then decided to turn the Karachi Museum into replica of the London Museum. The Authorities made an appeal to the people of Karachi to donate as many ancient artifacts as possible. Meanwhile, on 21st May 1892, the official building of the museum stood completed. This was the Victoria Museum.

Earlier, the Quaid-e-Azam Muhammad Ali Jinnah, the founder of Pakistan inaugurated this building as the first State Bank of Pakistan on 1st July, 1948. His historic speech delivered in this building is frequently quoted to show his vision of Pakistan.

On 3rd May 1995, the Government of Sindh handed over the possession of the building to the Supreme Court of Pakistan. Extensive renovation and construction works were undertaken and the Registry was formally inaugurated on 20th February, 1997.

The present Supreme Court Building situated at the crossing of I.I. Chundrigar Road (formerly Macleod Road) and M.R. Kayani Road may claim to be one of the most ancient public buildings in the city of Karachi.

The building has been extensively repaired and renovated by the Government of Sindh. It has three Courtrooms, Chief Justice Chambers, six Judges Chambers, Registrar Chambers, Conference room, Judges Lounge, Office block and a beautiful mosque. Additional rooms have been provided to Supreme Court Bar Association.

Petitions, appeals and miscellaneous applications are instituted in the Branch Registry arising out of judgments and decisions of:-

1. Sindh High Court.
2. Federal Shariat Court, Karachi.
3. Federal Service Tribunal, Karachi; and
4. Sindh Service Tribunal.

Subject to any special order of the Chief Justice or the Court, all civil, criminal and jail petitions instituted in the Branch Registry and appeals arising therefrom except the appeals in taxation, customs and revenue matters are heard at the Branch Registry.

Functions of Branch Registry Karachi

Supreme Court of Pakistan is on the zenith of the Court System of our country, exercising original, appellate, review and advisory jurisdiction. It is the Court of definitive appeal and therefore the final arbiter of law and constitution. Its decisions are binding on all other Courts. This registry is established with the view to provide easy, inexpensive and rapid justice to the litigants hailing from the province of Sindh.

In a broader spectrum Constitution petitions, Civil petitions, Criminal petitions and reviews there against and other cases pertaining to the sub categories of the above are usually being entertained in routine in the Branch Registry Karachi, miscellaneous applications and other documents so on related to the pending cases. Though in order to process the above cases before their registration and fixation before the Court some judicial sections are designed to course them accordingly at this branch for the convenience of general public, appellants and learned advocates of this Court.

Information Desk is also introduced so as to provide relevant and desired information related to cases filed at this branch for the convenience of litigants as well as learned counsel.

Branch Registry also has a full functional library having thousands of legal books, annual digest, law journals, Supreme Court cases of Pakistan, Income Tax Reports etc. required by Hon'ble Judges while holding a Court and judicial staff when performing their duties. During this year only few hundred books have been acquired for Library at Branch Registry Karachi.

The General Section and the Protocol Section of this branch majorly work for the comfort of our Hon'ble Judges as well as Retired Judges of Supreme Court of Pakistan. Officials at the General Section herein undertake and look after the administrative work of this Branch Registry and SCP Judges Rest House, maintenance and refurbishment of both the buildings, purchase of general items and stationery, maintenance of Auto vehicles performing at the



Branch Registry, Peshawar

residence of SCP Judges and at the Branch Registry, this section also processes various utility and medical bills of SCP Retired Judges for payment from Main Registry. Salary of approximately 27 contingent staff is also being disbursed from this section. The Protocol section of this Branch Registry is predestined to undertake various works of Hon'ble Judges.

This branch registry has an effective computer section which maintains complete network at a physical layer with redundant backup of Wi-Fi. A purpose built Case Flow Management System have been implemented at this Registry, and now all new cases are instituted on CFMS and any change made to the original file and their disposal are being duly recorded in this system. Cause lists are also being made through this system, This Branch Registry is now in process of training other staff so as new working area may also be benefitted from this CFMS in day to day functions of this Registry.

9.5 Branch Registry at Peshawar

The Supreme Court Branch Registry Peshawar was established on 28th October, 1960 in a borrowed Wing of the Peshawar High Court building with three rooms for office use. Later on due to increase in the work load, it was felt that there should be an independent and self-sufficient court Building for the Peshawar Branch Registry. To fulfill this need a suitable Building for the Branch Registry was constructed at old Radio Pakistan Building located at Khyber Road opposite Pearl Continental Hotel, Peshawar. The foundation stone of the Building was laid on November 17, 2001. The Building was completed in February, 2004 and Branch Registry was shifted to the new Building on September 11, 2004. The present Building consists of 2 Court rooms, 6 Judges Chambers, one Library Room, one Conference Room and one large Bar Room. The Administrative block for the staff members and officers consists of 8 Rooms, and a beautiful mosque.

The Branch Registry has been established with the aim to facilitate litigants/Advocates-on-Record/Advocates Supreme Court of the Khyber Pakhtunkhwa with regard to filing of different petitions, appeals, misc. applications etc. Further, the cases relating to the Main Registry are also received and after checking/proper scrutiny are forwarded to the Principal Seat Islamabad.

That all the petitions and direct appeals instituted at the Branch Registry are heard and decided at Peshawar, unless otherwise ordered by the Court except Appeals pertaining to Tax matters by the leave of the Court, are transferred to the Main Registry for hearing.

Well trained 54 Special Security Unit (SSU) commandos along with special Branch personnel are being deployed at the Branch Registry Karachi for security of the premises and general public, appellants and learned advocates of this Court. State of the art scanning devise and gates are also installed to confront any untoward incident. For the purpose of 24/7 surveillance trained staff are positioned in the state of art well equipped control room scanning through 52 cameras within and outside the premises. To wrestle any unpleasant incident of fire, modern fire detecting system has recently been installed at Branch Registry Karachi along with fire extinguisher comprising 39 numbers 6kg abc powder and 14 numbers 5kg CO2 covering entire branch registry premises.

Petitions, appeals and miscellaneous applications are instituted at the Branch Registry when they arise from the judgments and decisions of:-

1. Peshawar High Court
2. Federal Shariat Court at Peshawar
3. Federal Service Tribunal at Peshawar and
4. Khyber-Pakhtunkhwa Service Tribunal

It is pertinent to mention here that petitions filed against Federal Shariat Court, Federal Service Tribunal and Constitution Petitions having been properly checked are forwarded to the Main Registry for registration and hearing.

Some appeals/petitions are being transferred to the Principal Seat for urgent /out of turn hearing on the applications filed by the litigants/AORs after getting approval of the competent authority.

This Branch Registry has an effective computer section. Facility of on-line enquiry of cases through new CFMS V2 is available for the litigants/Advocates-on-Record/Advocates Supreme Court. Recently 4 MBps VPN has been created by the PTCL for the purpose of connectivity with the Main Server at Islamabad. Fiber Optic Internet facility of 4 MBps package alongwith Wi-Fi System has been made available for the Hon'ble Judges and office use. Ten security CCTV Cameras are installed at various locations in the Building of this Branch Registry which are monitored by the Computer Section.

The Court Library has more than 7000 volumes consisting of mostly legal and some general books. All Law Reports and Digests i.e. PLD, SCMR, PLC, PTD, MLD, PCrLJ, Annual Supreme Court Digest and Pakistan Annual Law Digest etc. are available in the Court Library.

In addition to the traditional resources, the Court Library responds equally to the demands of digital era in shaping its services and resources. The Library automation and digitization programme had been initiated to extend and improvise on-line and off-line reference and research assistance to the Court. An integrated Library System namely

“KOHA” is being used for the library automation. A considerable progress has been made so far in the Library automation and it will be fully operative in near future. To strengthen the research and reference facilities, the Court Library has an access to the National Legal Database i.e. www.pakistanlawsite.com.

9.6 Branch Registry at Quetta

The Registry was established on 19th November 1978 in a borrowed wing of the building of the High Court of Balochistan, and is still functioning there. However, for construction of its own building for housing Branch Registry at Quetta, the old Circuit House situated on Shahra-i-Zarghoon, Quetta was handed over/transferred to the Supreme Court of Pakistan and in this connection the Earth Breaking Ceremony for construction of new building was held on 04.12.2013. A Rest House for lodging Judges during Court sessions has been acquired, which is also situated on Shahra-i-Zarghoon, Quetta.

All petitions instituted in the Branch Registry are heard at Quetta, subject to any special order.

Previously all appeals by leave of the Court, or direct appeals, presented in the Registry, used to be transferred to the Main Registry for registration, completion and hearing. However since 10-12-2008 all appeals, except those of Tax, Custom and Revenue matters are being registered, completed and heard at the Branch Registry. Petitions, appeals and miscellaneous applications are instituted in the Branch Registry arising out of judgments and decisions of:

1. High Court of Balochistan;
2. Federal Shariat Court at Quetta;
3. Federal Service Tribunal at Quetta; and
4. Balochistan Service Tribunal.

9.7 Information Technology Section

Introduction:

The Computer Section has a significant role in the working of this Court. The section is committed to facilitate the learned counsels, litigants and general public in order to provide information regarding various cases. To achieve these tasks, latest Computer Technology is being deployed in different branches/offices.

The various IT related services, that the Computer Section is responsible for, include,

- In-house application development and maintenance of applications and software for various branches of the Court including Judicial Branches, Human Right Cell and Administrative Branches
- Procurement and maintenance of IT equipment to enable the personnel to leverage technology in their daily work.
- Troubleshooting of hardware and software in the Court.
- Maintenance of LAN and internet facilities.
- Allowing fast and efficient public web based access to court information.

Case Flow Management System:

The State of the art Case Flow Management System (CFMS) has been deployed in the Main Registry as well as all four Branch Registries of this Court in order to prepare cause lists and to generate various information and statistics regarding number of cases instituted in the Court. All the branch registries have been connected to the central database, which enables them to have access to main data

repository, and also helps the main registry to know about the filing status of fresh cases in these branch registries. The latest module has been developed and implemented in order to generate various kind of notices.

Recently a new development has been made in which IT section of Supreme Court of Pakistan has successfully launched new handshake software with the application software of Federal Shariat Court and all the High Courts to facilitate them to avoid the issuing of conflicting cause lists.

Website of the Court:

The official website of this Court imparts all necessary information regarding various cases in order to provide case information to the lawyers and litigants. Important judgments and press releases are also placed on the website as soon as they are announced. The final and supplementary cause lists of main registry and all registries are being uploaded on the website of this Court.

SMS Alert System:

In order to avoid possibility of lack of communication regarding fixation of cases, the learned counsel are being informed about fixation of their cases through SMS alert system.

Computer Networking

Network infrastructure has been upgraded with installation of Optical Fiber Network at Judges Block with provision of separate internet connection.

9.8 Record Weeding Section

In order to weed out the disposed of cases under Order XXXIV of the Supreme Court Rules, 1980, the Record Weeding Section was established in the year, 2009. Each case is bifurcated into two parts i.e. Part I and Part II. To digitalize the weeded out record, the process of scanning of weeded out cases was started in December, 2012.

Detail of the weeded out cases up till 31st May 2017

Year	Weeded out cases per year by presuming one case comprises 80 pages	Pages weeded out per year
2010	7764	621165
2011	11169	893594
2012	9679	774338
2013	10830	866436
2014	2358	188667
2015	5626	450158
2016	2521	201680
2017	4691	375339
Grant Total	54638	4371377

Detail of category-wise actual weeded files

Civil Petition along with connected cases	1990 to 2008	22,828 files
Jail Petition along with connected cases	1990 to 2004	2,171 files
Criminal Petition alongwith connected cases	1990	55 files
Civil Appeal alongwith connected cases	2002 downward	16,459 files
Total Number files	31-05-2017	41,513 files

9.9 Court Museum

Museums have a long history going back to the 3rd century B.C., when the first known museum was established in the University of Alexandria in Egypt. However over the years, the phenomena of establishing museum has been mushroomed nearly in every part of the world and today it has become difficult to find any country that does not have a museum, no matter how small it may be. This insinuates that in present days the philosophy of the museum has become a global concept.

The role of Supreme Court of Pakistan Museum is not different from that of any other Museum. Its purpose is to collect, preserve and display material and information pertaining to the legal history of Pakistan and shares it with a diverse audience through a variety of programs.

The constitution of Pakistan assigns special role to the Supreme Court of Pakistan and that is the dispensation of justice. Its museum is reflecting this spirit. Its edifice is representing a standing monument to the memory of Justice. The personal belongings of Hon'ble Judges and their Judgments are placed to be viewed in a thematic display and against this perspective Supreme Court museum in all its essentials are playing a significant role in the collective development of the nation. In near future Supreme Court Museum will theater a rich treasure of archival materials through original records of landmark judgments, official orders, important correspondence that have never been seen by a commoner.

Acquisition

Procurement of new objects for the museum is a continue process. During the present year following more items were procured:-

- a. Personal belongings of Hon'ble Mr. Justice Saeeduzzaman Siddique, former HCJ.
- b. Personal belongings of Hon'ble Mr. Justice Ali Hussain Qazilbash, former Judge, Supreme Court of Pakistan.
- c. Archival files - Accommodation for Supreme Court of Pakistan at Lahore.
- d. Nanning Statement & MOU between Supreme Court of Pakistan and Supreme Court of Peoples Republic of China.
- e. Sculpture- Lady of Justice

To enrich our collections all relevant avenues have been targeted and our collection is increasing day by day and Museum is progressing with its objective, exploring the past, engaging the present and educating the future.

Future Plane

For the better preservation of our antiques work on a Conservation Lab is under process which will be completed till the end of Feb, 2018. Beside this establishment of an archives section is also in voyage.

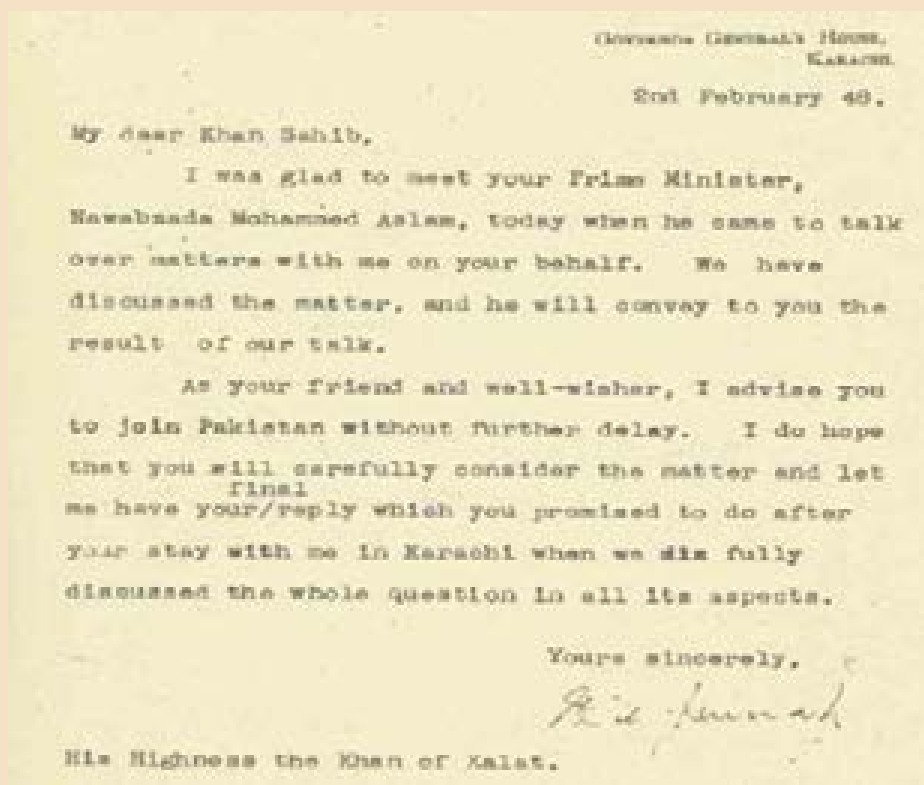
Public Visits

In Jun, 2016 the Supreme Court Museum was set opened for general public which was warmly greeted by the Legal fertility, general public and the educational institutes. The museum is daily visited by the individual visitors and groups. The law colleges and schools from Rawalpindi and Islamabad are regular callers; beside these the educational institutes from other cities have also shown great interest.



Justice N. Sharif, Justice A.S.M. Akram & Haulana Badayuni

Photograph – Members Islamic Ideological Council with their first Chairman Hon'ble Mr. Justice Abu Saleh Muhammad Akram; he was also the one of two judges elevated to Federal Court of Pakistan in 1950



Letter of Quaid-e-Azam Muhammad Ali Jinnah to Khan of Kalat



General Public entry is provided through an introductory corridor. Flanks are displayed with photographs of the former Chief Justice of Pakistan



GALLERY- Evolution of Law
This gallery was designed to portray the accession of law in the human history



Sculpture - Lady of Justice



Chief Justices & Judges Gallery



Archives Gallery



Packet Watch of Hon'ble Mr. Justice Syed Jamshed Ali, former Judge, Supreme Court of Pakistan



Shield presented by Hon'ble Chief Justice & Hon'ble Judges of Lahore High Court to Hon'ble Chief Justice & Hon'ble Judges of the Supreme Court of Pakistan on the shifting of the Supreme Court of Pakistan to the Federal Capital on 23rd November 1974



Chair of Hon'ble Mr. Justice Saiduzzaman Siddiqui, former Chief Justice of Pakistan

9.10 Court Library

The Supreme Court of Pakistan has established libraries at the Principal Seat in Islamabad and at Branch Registries in provincial headquarters. These libraries assist the reference and research facilities to Hon'ble Judges and Research Officers. *Inter alia* the original sources of law of Federal and Provinces are available in these libraries. They are fully equipped to fulfill the immediate reference & research needs of the Hon'ble Benches during case proceedings. Over the years efforts are being made to acquire statues, judgments, debates, commentaries, etc. on every subject of legal jurisprudence. Besides this, state of the art computer lab has been established in the Court Library at the Principal Seat to further augment research and reference activities in the Court. Moreover, conference hall has also been established in the Court Library which can accommodate more than one hundred participants. This hall is frequently used by the Court for arranging conferences, workshops and briefings.

Court Library has over one hundred thousand volumes of collections consisting of legal and general books on local and foreign jurisdictions. More or less all the law reports and digests published in Pakistan are available from the date of publication till date i.e. PLD, SCMR, PLC, PTD, MLD, PLJ, NLR, CLC, CLD, PTCL, YLR, SBLR, PCrLJ and PSC. Similarly, the acquisition of law digests i.e. Annual Supreme Court Digest and Pakistan Annual Law Digest, the Gazette of Pakistan and Provinces has also added value to the Court Library.

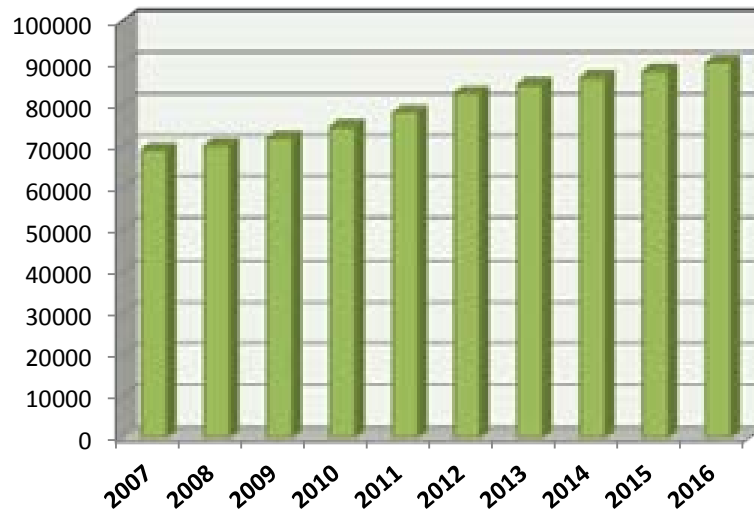
The Court library has maintained a steady pace of development and implementation of new *modus operandi*, set out globally for the information management and library services. In addition to the traditional resources, the Court library responds equally to the digital era in shaping its services and resources. It has been equipped with state of the art facilities and is linked with Information Communication Technology (ICT) infrastructure. The library automation program has extended improved reference and research services to the Court. The libraries of the Branch Registries are connected with Main Library to ensure speedy and uninterrupted services.

The digitization of resources is also being taken on priority basis to keep equal pace with the changing paradigm of information retrieval. Two-pronged strategy has been evolved to achieve the targets set out for digitization i.e. to convert the existing resources into digital format and to have an access to the local and foreign legal databases. To strengthen the research and reference facilities the Court library has an access to the national and international legal databases i.e. www.manupatra.com, www.pakistanlawsite.com, www.pljlawsite.com and National Digital Library Program (with courtesy of Higher Education Commission).

The Growth of Library Collection during the Last Decade:

Year	2007	2008	2009	2010	2011
Collection	69069	70083	71906	74648	78114

Year	2012	2013	2014	2015	2016*
Collection	82819	84844	86546	88055	90134



*Upto December 2016

9.11 Allocated Budget & Expenditure of the Court

Statement showing the position of allocated budget by the Finance Division and Actual Expenditure incurred during the financial year, 2016-2017. (Upto 30th June, 2017).

HEADS OF ACCOUNT.	BUDGET GRANT	EXPENDITURE
A01101-PAY OF OFFICERS.	247,516,000	243,617,937
A01102-PERSONAL PAY (OFFICER)	250,000	256,042
A01103-SPECIAL PAY OFFICER	600,000	559,120
A01105-QUAL. PAY (OFFICER)	150,000	139,058
A01151-PAY OF STAFF.	93,447,000	97,650,380
A01152-PERSONAL PAY (STAFF)	200,000	79,270
A01153-SPECIAL PAY STAFF	200,000	13,000
A012-1- REGULAR ALLOWANCES	527,647,000	468,556,876
A01271-OVERTIME ALLOWS.	7,500,000	7,309,070
A01272-NIGHT DUTY ALLOWS.	100,000	3,700
A01273-HONORARIUM.	212,000,000	120,071,730
A01274-MEDICAL CHARGES.	20,000,000	7,561,035
A01277-PAY OF CONGT/ STAFF.	110,575,000	96,657,472
A01278-LEAVE SALARY.	50,000	0
A03201-POSTAGE & TELEGRAPH	2,500,000	500,000
A03202-TELEPHONE CHARGES.	30,000,000	17,986,102
A03205-COURIER SERVICES.	2,000,000	1,564,750
A03301-GAS CHARGES.	18,200,000	1,380,935
A03302-WATER CHARGES	5,745,000	1,469,259
A03303-ELECTRICITY CHARGES.	29,654,000	19,732,078
A03304-HOT & COLD W/ CHARGES.	700,000	0
A03305-PURCHASE OF DIESEL	951,000	556,566
A03370-OTHERS	1,000	0
A03402-RENT OF OFFICE BUILDING	19,871,000	19,430,088
A03403-RENT OF RES. BUILDING.	65,000,000	36,778,851
A03407-RATES & TAXES.	1,000,000	982,254
A03805-TRAVELLING ALLOWS.	50,000,000	37,477,926
A03806-TRANSPORTATION OF GOODS	1,000,000	106,710
A03807-P.O.L.CHARGES.	27,000,000	14,306,703
A03808-CONVEYANCE CHARGES	3,500,000	399,005
A03901-OFFICE STATIONERY.	10,000,000	4,166,950
A03902-PRINTING CHARGES.	5,000,000	801,663
A03904-HIRE OF VEHICLES.	0	0
A03905-PURCHASE OF BOOKS.	7,000,000	2,250,220
A03906-UNIFORM & LIVERIES.	4,000,000	102,600
A03907-ADVERTISEMENT CHARGES.	3,000,000	476,230
A03913-ANNUAL SUBSCRIPTION.	3,000,000	1,091,670
A03917-LAW CHARGES.	30,000,000	20,992,028

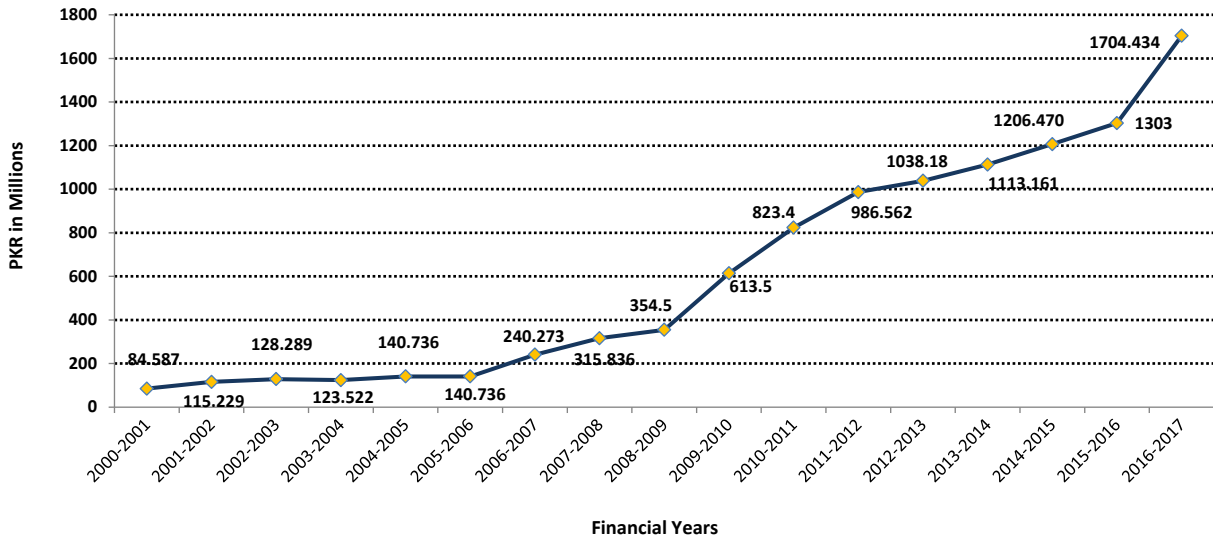
HEADS OF ACCOUNT.	BUDGET GRANT	EXPENDITURE
A03919-SERVICES RENDERS.	1,000,000	0
A03970-OTHERS.	8,000,000	4,287,536
A04106-Med Chrges (Pensioners)	10,000,000	7,500,466
A04114-ENCASHMENT.	45,977,000	45,047,485
A05216-ASSISTANCE (FAMILY)	2,700,000	2,600,000
A05219-ASSISTANCE (EDU)	400,000	24,000
A05220-ASSISTANCE (residence)	400,000	16,956
A05224-ASSISTANCE (PLOT)	400,000	0
A05225-ASSTT. (MARRIAGE)	400,000	0
A06301-ENTERTAINMENT CHARGES.	4,000,000	2,274,316
A09501-PURCHASE OF TRANSPORT	55,000,000	43,699,000
A09601-PURCHASE OF MACHINERY	5,000,000	4,563,699
A09701-PURCHASE OF FURNITURE	0	0
A09899-PURCHASE OF OTHERS.	2,000,000	124,000
A13001-R&M OF TRANSPORT.	15,000,000	12,448,159
A13101-R&M OF MACHINERY.	2,620,000	763,395
A13201-R&M OF FURNITURE.	430,000	0
A13301-R&M OF OFFICE BUILD	11,750,000	1,435,295
A13303-R&M OF REST HOUSES.	0	0
A13801-MAINT OF GARDENS.	0	0
GRAND TOTAL:-	1,704,434,000	1,349,811,585

Share of the Supreme Court of Pakistan in the Federal Budget since 2000-2001 to 2016-2017 (PKR in Million)

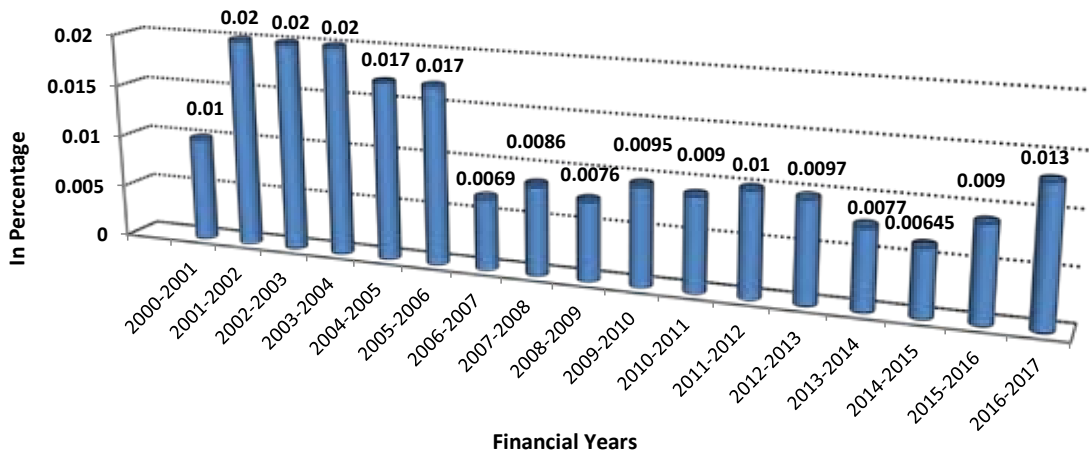
Year	Total Budget	Supreme Court Budget	Percentage*
2000-2001	686,104	84.587	.01
2001-2002	741,959	115.229	.02
2002-2003	747,674	128.289	.02
2003-2004	743,028	123.522	.02
2004-2005	786,573	140.736	.017
2005-2006	109,8000	140.736	.017
2006-2007	3,440,524.673	240.273	.0069
2007-2008	3,634,911.365	315.836	.0086
2008-2009	4,630,292.869	354.500	.0076
2009-2010	6,401,017.829	613.500	.0095
2010-2011	9,098,422.644	823.400	.0090
2011-2012	9,098,422.644	986.562	.01
2012-2013	10649770.248	1038.18	.0097
2013-2014	14312617.876	1113.161	.0077
2014-2015	18682730.770	1206.470	0.00645
2015-2016	13031700.606	1303.000	0.009
2016-2017	13569388	1704.434	0.013

* Share in Federal Budget

Budget of Supreme Court of Pakistan



Supreme Court's Share in the Federal Budget (Percentage)



9.12 Staff Welfare Fund

In July, 1990 by the order of the then Chief Justice of Pakistan, a Staff Welfare Fund was established with a sum of Rs.10,000/-. The aim of the fund was to help the needy and low paid employees of the Court. On 27th July, 1990, the Chief Justice of Pakistan and the staff members of the Court donated a sum of Rs.50,000/- towards the fund. The members of the staff contributed the sums of Rs.47,500/-, Rs.39,350/- and Rs.91,000/- to the fund in the years 1991, 1992 and 1993, respectively.

A Crossed Cheque No.G-827733 dated 30.06.1999 for Rs.500,000/- (Rupees five hundred thousand only) was received from the Finance Ministry, Islamabad on the direction of the President Islamic Republic of Pakistan as a donation for the low paid staff for

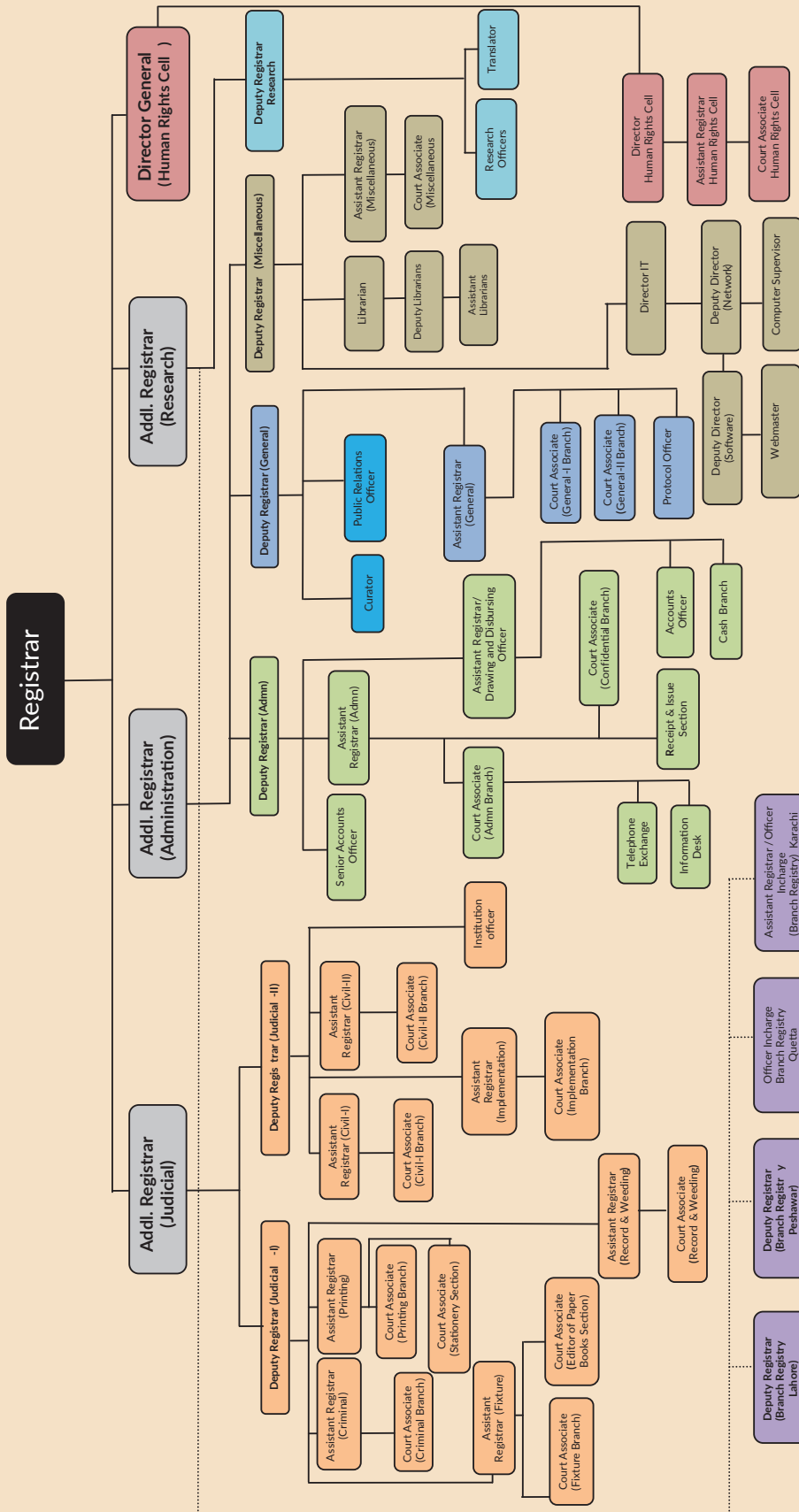
the Supreme Court Staff Welfare Fund, out of which a sum of Rs.2,26,000/- was paid to the low paid employees of this Court and balance of Rs.2,74,000/- (Rupees two hundred and seventy-four thousand only) was invested in special saving certificates (Regd.) with Post Office, Supreme Court Branch, Islamabad and further in 2001, a TDR of Rs.500,000/- (Rupees five hundred thousand only) was purchased by the then Registrar of this Court out of his own pocket as a donation for Staff Welfare Fund.

As per policy the Staff Welfare Fund is being used for repayable loans to be given to staff and in some special cases, financial aid is also given in deserving cases on special order.

9.13 Beneficiaries of Begum Qurrat-ul-Ain Ramday Welfare Trust

Official Categories	Nos.	Monitory Assistance Granted
Qasid	2	50,000
Naib Qasid	3	75,000
Work Mistry (PWD)	6	150,000
Daftry	2	50,000
Sweeper	2	75,000

9.14 Organizational Chart of the Court



CHAPTER
10

**PICTORIAL
PRESENTATION
OF EVENTS**



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE MIAN SAQIB NISAR TAKING OATH OF OFFICE FROM THE HON'BLE PRESIDENT OF PAKISTAN MR. MAMNOON HUSSAIN AT AIWAN-E-SADR



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH THE HON'BLE CHIEF JUSTICE AND HON'BLE JUDGES OF ISLAMABAD HIGH COURT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH THE DELEGATION OF YOUNG LAWYERS FROM BALOCHISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH THE DELEGATION OF PESHAWAR HIGH COURT BAR ASSOCIATION AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH THE DELEGATION OF DISTRICT COURT BAR ASSOCIATION ABBATABAD AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE SAJJAD ALI SHAH, CHIEF JUSTICE HIGH COURT OF SINDH, AS JUDGE OF THE SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE SH. NAJAM-UL-HASSAN, JUDGE, FEDERAL SHARIAT COURT, AS CHIEF JUSTICE, FEDERAL SHARIAT COURT



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH TO MR. HAQUE NAWAZ AS ACTING AUDITOR GENERAL OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH TO MR. IMRAN IQBAL AS ACTING AUDITOR GENERAL OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF JUDICIAL COMMISSION OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF JUDICIAL COMMISSION OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE AND THE GOVERNING BODY OF ACCESS TO JUSTICE DEVELOPMENT FUND AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF AL-MIZAN FOUNDATION ADVISORY BOARD AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF 105th NATIONAL MANAGEMENT COURSE, LAHORE
AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER THE FULL COURT REFERENCE ON THE EVE OF RETIREMENT OF HON'BLE MR. JUSTICE AMIR HANI MUSLIM AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN AND HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN PRESENTING BOUQUET TO HON'BLE MR. JUSTICE AMIR HANI MUSLIM ON THE EVE OF HIS RETIREMENT IN SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN ON THE EVE OF THE RETIREMENT OF HON'BLE MR. JUSTICE AMIR HANI MUSLIM IN SUPREME COURT OF PAKISTAN.



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER FULL COURT REFERENCE ON THE EVE OF HIS RETIREMENT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN ON THE EVE OF HIS RETIREMENT AT SUPREME COURT OF PAKISTAN



THE HON'BLE JUDGES OF SUPREME COURT PRESENTING SOUVENIR TO HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN ON THE EVE OF HIS RETIREMENT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE IJAZ UL AHSAN AS JUDGE SUPREME COURT OF PAKISTAN AT SUPREME COURT OF PAKISTAN BRANCH REGISTRY, LAHORE



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN PRISIDING OVER THE OPENING CEREMONY OF NEW JUDICIAL YEAR 2016-2017 AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE MAZHAR ALAM KHAN MIANKHEL AS JUDGE SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR TAKING OATH OF OFFICE AS ACTING CHIEF JUSTICE OF PAKISTAN FROM HON'BLE MR. JUSTICE ASIF SAEED KHAN KHOSA AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF JUDICIAL COMMISSION OF PAKISTAN AT SUPREME COURT OF PAKISTAN



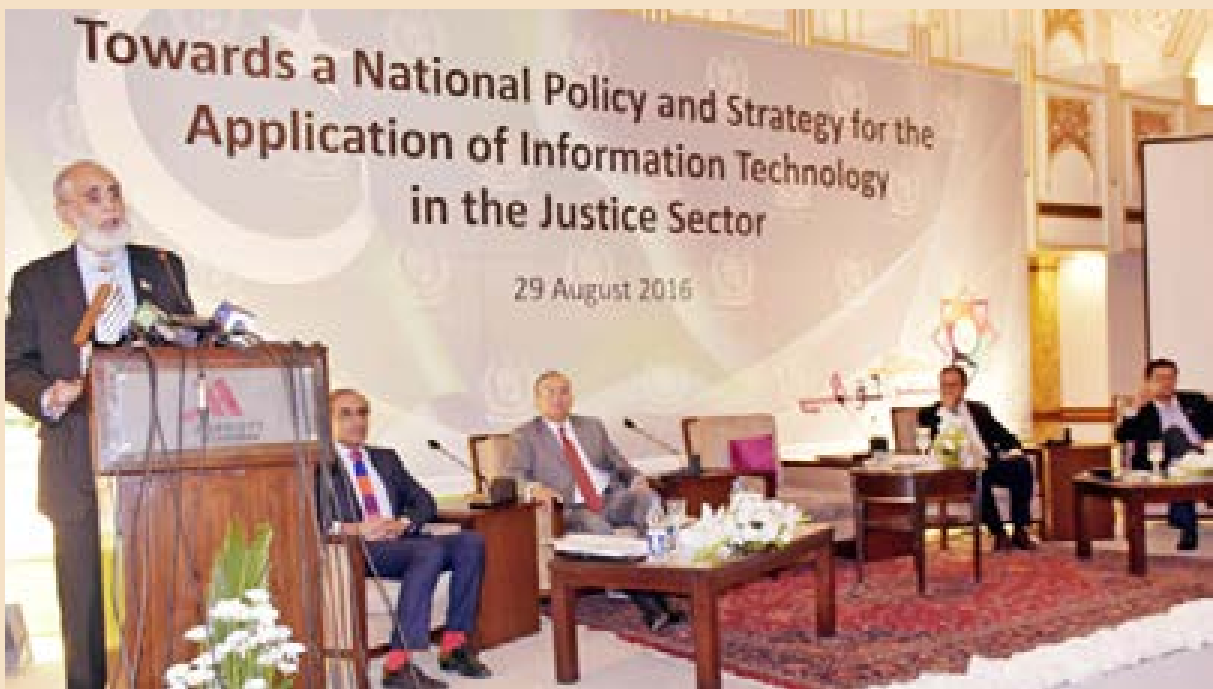
THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN CHAIRS MEETING REGARDING SECURITY OF COURTS AND HON'BLE JUDGES AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF AL-MIZAN FOUNDATION ADVISORY BOARD AND COMMITTEE OF ADMINISTRATION AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN INAGURATING THE EXHIBITION ON APPLICATION OF INFORMATION TECHNOLOGY IN THE JUSTICE SECTOR IN ISLAMABAD



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN ADDRESSING THE PARTICIPANTS OF SEMINAR ON APPLICATION OF INFORMATION TECHNOLOGY IN THE JUSTICE SECTOR IN ISLAMABAD



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH HON'BLE CHIEF JUSTICE AND JUDGES OF ISLAMABAD HIGH COURT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF DISTRICT BAR ASSOCIATION, LAYYAH AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH MEMBERS OF OUTGOING AND NEWLY ELECTED BODY OF SUPREME COURT BAR ASSOCIATION AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF HIGH COURT BAR ASSOCIATION MULTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH IRANIAN DELEGATION AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH THE HEADS OF SAARC ANTI CORRUPTION AGENCIES AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN AND HON'BLE MR. JUSTICE MIAN SAQIB NISAR IN A GROUP PHOTO WITH THE NEWLY ENROLLED ADVOCATES OF SUPREME COURT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF YOUTH PARLIAMENT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE ANWAR ZAHEER JAMALI, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF 46th PN STAFF COURSE, PAKISTAN NAVY WAR COLLEGE, LAHORE AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MUSHIR ALAM IN A GROUP PHOTO WITH THE PARTICIPANTS OF TRAINING COURSE ON "MANAGEMENT OF CIVIL CASES " FOR DISTRICT ATTORNEYS/DEPUTY DISTRICT ATTORNEYS FROM ALL OVER PAKISTAN INCLUDING AJK AND GILGIT-BALTISTAN AT FEDERAL JUDICIAL ACADEMY , ISLAMABAD



THE HON'BLE MR. JUSTICE DOST MUHAMMAD KHAN IN A GROUP PHOTO WITH THE PARTICIPANTS OF TRAINING COURSE ON "CASE AND COURT MANAGEMENT AND NEW LAWS" FOR CIVIL JUDGES- CUM-MAGISTRATES FROM ALL OVER PAKISTAN INCLUDING AJK AND GILGIT-BALTISTAN AT FEDERAL JUDICIAL ACADEMY , ISLAMABAD



THE HON'BLE MR. JUSTICE TARIQ PARVEZ IN A GROUP PHOTO WITH THE PARTICIPANTS OF TRAINING COURSE ON "SKILL BASED ADR TRAINING AND NEW LAWS" FOR CIVIL JUDGES-
CUM- MAGISTRATES FROM ALL OVER PAKISTAN INCLUDING AJK AND GILGIT-BALTISTAN AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



CHAPTER

11

**ACTIVITIES OF
THE CHIEF JUSTICE
OF PAKISTAN
AND JUDGES**

ACTIVITIES OF THE CHIEF JUSTICE OF PAKISTAN AND JUDGES

11.1 Federal Judicial Academy

The Federal Judicial Academy, the prime judicial training institute of the country was established through a Resolution in 1988. Until 1997, it worked under the Ministry of Law & Justice, Government of Pakistan. However, given the significance of the institution and keeping in view the principles of independence of judiciary, the Federal Judicial Academy Act, 1997 was enacted by the Parliament to make it a body corporate having perpetual succession and seal.

The Academy operates under the control and supervision of a Board of Governors. The Hon'ble Chief Justice of Pakistan is the Chairman, of the Board of Governors of the Academy. Following are the aims and objects of the Academy:

- (i) orientation and training of new Judges, Magistrates, law officers and Court personnel;
- (ii) in-service training and education of Judges, Magistrates, law Officers and Court Personnel;

- (i) holding of conference, seminars, workshops, and symposia for improvement of the judicial system and quality of judicial work and;
- (iii) publishing of journals, memories, research papers and reports;

The Federal Judicial Academy is mandated to transform the quality of administration of Justice in Pakistan. As per its Annual Judicial Education Course Calendar for the year 2016-17, the Academy designed its programme activities in line with the modern day challenges, emerging legal frameworks and policies. During the reporting period (2016-17) the Academy conducted 27 training courses, coupled with workshops, to build and enhance the capacity of 648 judges, law officers and Court personnel.

The summary of the activities in which honourable Judges of the Supreme Court of Pakistan graced as the concluding ceremonies as chief guest is enlisted below:

A. Activities of the Hon'ble Judges of Supreme Court of Pakistan at Federal Judicial Academy, Islamabad from 1st June, 2016 to 31st May, 2017.

S.No.	Name of Course	Name of Chief Guest	Dates of Activities (Concluding Ceremony)
1	One week training course on "Management of Civil Cases" for District Attorneys/ Deputy District Attorneys from all over Pakistan including AJK and Gilgit-Baltistan (6- 11 June, 2016).	Hon'ble Mr. Justice Mushir Alam	11 th June, 2016
2	One week training course on "Skill Based ADR Training and New Laws" for Civil Judges-cum- Magistrates from all over Pakistan, AJK and Gilgit- Baltistan (18- 23 July, 2016).	Hon'ble Mr. Justice Tariq Parvez	23 rd July, 2016
3	One week training course on "Case and Court Management and New Laws" for Civil Judges- cum-Magistrates from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan (17-22 October,2016)	Hon'ble Mr. Justice Dost Muhammad Khan	22 nd October, 2016
4	One week training course on "How to be an Effective Nazir/Budget and Accounts Examiner "for Nazirs/Budget and Accounts Examiners from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (21- 26 November, 2016).	Hon'ble Mr. Justice Mushir Alam	26 th November, 2016

S.No.	Name of Course	Name of Chief Guest	Dates of Activities (Concluding Ceremony)
5	One week training course on “Capacity Building of Supportive Court Staff” for the officers of Supreme Court and High Courts from all over Pakistan including AJK (9- 14 June, 2017).	Hon’ble Mr. Justice Mushir Alam	14 th June, 2016

B. Activities of the Chief Justice of Pakistan in the Punjab Judicial Academy, Lahore from 1st June, 2016 to 31st May, 2017

	Description	Date of Visit
1.	The Chief Justice of Pakistan (Hon’ble Mr. Justice Mian Saqib Nisar) has visited the Academy and addressed the Judges (District Judiciary) from all over the Punjab.	03-02-2017
2	The Chief Justice of Pakistan (Hon’ble Mr. Justice Mian Saqib Nisar) has visited the Academy on the eve of “Pilot Criminal Justice Project & Inauguration of Model Courts”	29-04-2017

11.2 Law and Justice Commission of Pakistan

A. LAW AND JUSTICE COMMISSION OF PAKISTAN (LJCP)

The Law and Justice Commission of Pakistan is a statutory body established through an Ordinance in 1979 with the mandate to review on a systematic basis, the statutes and other laws of the country with a view to make recommendations to the Federal and Provincial Governments for improvement, modernization and reform thereof. The Commission is headed by the Honorable Chief Justice of Pakistan and comprises thirteen other members including the Chief Justices of the Federal Shariat Court and High Courts, Attorney General for Pakistan, Secretary Ministry of Law and Justice, Chairperson of Commission on Status of Women and four non-official members representing four provinces. The Commission is also empowered to support the implementation of reforms to strengthen the rule of law generally and justice service delivery in particular. To this end the Law and Justice Commission conducts in house research and collaborates with other local and international bodies and individuals to inform and conduct research and policy analysis and lead advocacy efforts to implement the reforms.

B. NATIONAL JUDICIAL POLICY MAKING COMMITTEE

The National Judicial (Policy Making) Committee (NJPMC) is a statutory body mandated to formulate and implement judicial policy and prepare schemes for improving the capacity and performance of the administration of justice. The Secretariat of LJCP provides technical and secretarial services to the Committee. The Honorable Chief Justice of Pakistan is the chairman of the Committee and the Chief Justices of the Federal Shariat Court and High Courts are

its members. The Commission’s Secretariat provides secretarial assistance to the NJPMC.

Since its establishment in 2002, the NJPMC is striving to improve the administration of justice in the country. Formulation and enforcement of National Judicial Policy 2009 is a milestone in the judicial history of the country. The Policy sets three major goals: (i) strengthening judicial independence by ensuring its separation from the executive, (ii) eradication of corruption from the judiciary and (iii) to ensure expeditious dispensation of justice as mandated by the Constitution of the Islamic Republic of Pakistan. Since its enforcement the LJCP’s Secretariat is continuously monitoring the performance of courts and other stakeholders of the justice sector.

One of the key functions of the NJPMC is to maintain and evaluate the performance and publish annual and periodic reports on the institution and disposal of cases by various courts. Pursuant to the directions of the NJPMC, different types of statistical information is being collected on daily, fortnightly, monthly and on time specific basis for monitoring the performance of courts with regard to disposal of cases.

C. ACCESS TO JUSTICE DEVELOPMENT FUND

The Government of Pakistan established a statutory endowment fund with the name of “Access to Justice Development Fund (AJDF)” in 2002 to address the issue of chronic budgetary constraints facing the judicial and legal sectors in Pakistan. The Fund is being administered by the LJCP. AJDF is a demand-driven expenditure characterized by a unique funding mechanism to sustain and deepen reforms in the justice service delivery and legal empowerment.

The principal amount of Rs. 1421 million is non consumable and meant for investment to generate income to meet the purposes of the Fund. The Honorable Chief Justice of Pakistan is the Chairman of the Governing Body of the Fund, other members include the Chief Justices of the High Courts and Federal Secretaries of the Finance and Law Divisions and the Secretary LJCP is the designated Secretary of the Governing Body.

The key objective of the Fund is to strengthen district judiciary therefore the substantial amount of profit earned through investment of the principal fund is made available for infrastructure development of the district judiciary. To date, a total amount of rupees 454.189 million has been released to High Courts for strengthening the District Judiciary. This amount has been utilized to improve the infrastructure of district Courts, automation of Courts and provision of Courts related conveniences and amenities to the litigants.

Summary of the activities of the Hon'ble Chief Justice of Pakistan and the Hon'ble Judges in the Law and Justice Commission of Pakistan (LJCP) and National Judicial (Policy-Making) Committee (NJPMC) during the period 01-06-2016 to 31-05-2017

During the subject period a meeting of NJPMC was held on 13-5 2017 at Islamabad chaired by the Hon'ble Mr. Justice Mian Saqib Nisar, Chief Justice of Pakistan/Chairman, NJPMC. The Committee deliberated upon various agenda items and deliberated as follows;

- 1- **Grievance of Overseas Pakistanis:** The issue of grievances of overseas Pakistanis was deliberated upon and resolved as under;
 - Cells will be established in the Supreme Court of Pakistan and all the High Courts which could also be approached by the overseas Pakistanis through E-mail.
 - Law and Justice Commission of Pakistan (LJCP) Secretariat shall advertise the aforesaid decisions in national newspapers of wide circulation and LJCP and the superior courts of Pakistan shall also upload the information about the aforementioned Cells on their websites.
 - Cells established in all the Courts to provide quarterly progress reports to NJPMC.
 - In compliance of the above mentioned recommendations, the Cells for redressal of grievances of overseas Pakistanis have been established in all High Courts as well as in Supreme Court of Pakistan.

- 2- **Status of the Model Jail Islamabad:** The Committee considered the issue of construction of the Model Jail at Islamabad. The Chairman showed displeasure over inordinate delay in the construction of the Model Jail pending since 2009 and directed that the concerned authorities may be asked for timely construction of Model Jail.
- 3- **Performance Review of Special Courts and Administrative Tribunals.** The Committee showed dissatisfaction about slow rate of disposal and pendency of large number of cases before special courts and administrative tribunals and directed these courts/tribunals to provide six months performance report to NJPMC.
- 4- **Delay reduction strategies:** With respect to devising strategies for reduction of delay in disposal of cases, the Hon'ble Chairman NJPMC directed the Hon'ble Chief Justices of the Federal Shariat Court and High Courts to provide ideas on the issues to be presented in the next NJPMC meeting.

National Judicial Automation Committee (NJAC) meetings:

The National Judicial Automation Committee (NJAC) is a Sub-Committee of the NJPMC which was constituted on 23-24 October 2009. It is currently headed by Hon'ble Mr. Justice Mushir Alam, Judge, Supreme Court of Pakistan. The NJAC is mandated as under;

- to formulate a monitorable time bound action plan for the formulation of a national automation plan for improving the justice service delivery.
- to prepare a complete plan and systematic road map for the automation of the justice sector and judiciary and to assess the financial requirements for achieving the same.
- to coordinate with technical experts and justice sector stakeholders to formulate and implement suitable information technology based solutions to improve the quality of justice delivery including case flow management.

During the subject period, two meetings of NJAC were held on 3rd December 2016 and 4th February 2017 presided over by Hon'ble Mr. Justice Mushir Alam, the Chairman of the Committee. In the meeting held on 3rd December 2016, it was deliberated;

- that there is urgent need for capacity building of judicial officers and other staff.
- there is a dire need to establish and strengthen the IT cadre in justice sector institutions and capacity building of the IT staff and all other staff.
- the Technical Sub-Committee consisting of IT experts from LJCP and all relevant courts was formed to identify common features of different software and take initiatives for adoption and integration.

In the meeting held on 4th February 2017, it was deliberated;

- To integrate the Federal Shariat Court and all High Courts with the Supreme Court through Handshake Software to avoid conflicting cause lists.
- It also resolved for the capacity building and IT based trainings of Judicial Officers and other relevant staff.
- It also resolved that a centralized advocates data be maintained etc.

11.3 Foreign Tours of the Chief Justice and Judges

Name	Tour/Place
1. Mr. Justice Ejaz Afzal Khan	55 th Anniversary of the Constitutional Court of the Republic of Turkey held on 25- 28 April, 2017 in Ankara, Turkey.
2. Mr. Justice Sh. Azmat Saeed	Eleventh Regional Workshop for Judges, Prosecutors and Police Officers in South Asia on "Effective Countering Terrorism", to be held in Colombo, Sri Lanka from 03-05 October, 2016.
3. Mr. Justice Qazi Faez Isa	3 rd Asian Judges Symposium on Environmental, Law, The Judiciary, and Climate Change from 26-27 September, 2016 in Manila, Philippines
4. Mr. Justice Anwar Zaheer Jamali, Hon'ble former Chief Justice of Pakistan	29 th LAWASIA Conference & Golden Jubilee Celebrations to be held on 12-15 August, 2016 in Colombo, Sri Lanka
5. Mr. Justice Amir Hani Muslim, Hon'ble former judge	International Law Congress in Istanbul to be held on 17-19 October, 2016

11.4 Nominations of Hon'ble Serving/Former Judges/ officers of this Court in respect of different Institutions/Organization

Name of Hon'ble Judge	Nomination
Mr. Justice Mian Saqib Nisar	Hon'ble Chairman, Federal Judicial Academy, Islamabad. Hon'ble Chairman, Law and Justice Commission of Pakistan, Islamabad
Mr. Justice Asif Saeed Khan Khosa	Chairman, Administrative Committee, Federal Judicial Academy, Islamabad Chairman Enrolment Committee, Pakistan Bar Council, Islamabad.
Mr. Justice Gulzar Ahmed	Chairman, Disciplinary Tribunal, Pakistan Bar Council
Mr. Justice Sh. Azmat Saeed	Member, Committee for Enhancing Environmental Justice (CEEJ)
Mr. Justice Mushir Alam	Member Executive Council of Allama Iqbal Open University, Islamabad (term expired) Member, Syndicate on Quaid-e-Azam University, Islamabad.
Mr. Justice Dost Muhammad Khan	Chairman, Disciplinary Committee, Pakistan Bar Council, Islamabad.
Mr. Justice Umar Ata Bandial	Member, Administrative Committee, Federal Judicial Academy
Mr. Justice Qazi Faez Isa	Liaison Judge on UK-Pakistan Protocol on Child & Family Laws Member, Committee for Enhancing Environmental Justice (CEEJ)
Mr. Justice Faisal Arab	Member, International Hague Network of Judges (IHNJ)
Mr. Justice Mazhar Alam Khan Miankhel	Member on the Selection Board of the Quaid-i-Azam University, Islamabad
Mr. Justice Qazi Muhammad Farooq, Hon'ble former Judge	Member, Board of Governors, Virtual University of Pakistan, Lahore
Mr. Justice Faqir Muhammad Khokhar, Hon'ble former Judge	Chairman, Review Board under sacked employees (Reinstatement) Act, 2010
Mr. Justice Mian Shakirullah Jan, Hon'ble former Judge	Chairman, National Industrial Relations Commission Member on Board of Governors of Riphah International University.
Mr. Justice Tariq Parvez, Hon'ble former Judge	Member, Board of Governors, Air University, Islamabad
Mr. Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan	Member of Board of Governors, NUML, Islamabad.

CHAPTER

12

**SUPREME COURT
OF PAKISTAN
AND THE MEDIA**

SUPREME COURT OF PAKISTAN AND THE MEDIA

Judiciary is one of the most important organs of the State. Supreme Court is the highest court in judicial hierarchy of Pakistan. It is apex court, and final arbiter of law and Constitution in the country. Being the custodian of Constitution it believes in freedom of every institution including media to play its constructive, positive and productive role to educate, guide, inform and entertain people for the welfare of society. Supreme Court has given free and easy access to media to cover routine as well as important constitutional and general cases of public interest to disseminate information to public at large to create awareness about their legal and constitutional rights as enshrined in Constitution of Islamic Republic of Pakistan, 1973.

Special invitations are extended to media to cover special events like full court meetings, oath taking ceremonies, full court references, new judicial year ceremonies, roll signing ceremonies of advocates etc. The Court establishment facilitates media to carry out their duties in an effective manner by reserving special seats/desks for media in each court room along with better sound system installed on each

desk. A room has also been allocated in the Supreme Court building to facilitate their work. A space in front of Supreme Court building has also been given to media to install their cameras to interview the lawyers on different constitutional matters.

Moreover, a media cell in Supreme Court has also been established to keep close liaison with beat reporters to keep them updated about the new developments taking place in Supreme Court through email, fax, text messages and WhatsApp. All the press releases and important judgments are also hosted on official website of Supreme Court which is another source of information about the court and its activities. The court proceedings find ample coverage in the press, which is a vital source of information for the general public on legal and judicial issues.

Some of the press clippings from 1st June, 2016 to 31st May, 2017 are included however, some important articles / editorials published in different newspapers during the publication of the report have also been incorporated.

Press clippings reflecting media coverage of Supreme Court Orders/Directions

ملک میں تھانوں کی بھی بولیا لگتی ہے؟ چیف جسٹس

آدھا مارگلہ پیزا کاٹ لیا گیا، تاپا جانے مانیا کاسمر پرست کون ہے؟ چیف جسٹس، مارگلہ کی حدود کا وزیرِ قاضیین کرینکا حکم

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ نے مارگلہ ہلز پر درختوں اور پہاڑوں کی کٹائی سے متعلق بلاخود نوٹس کیس میں کہا ہے کہ گزشتہ تین برسوں میں مارگلہ کی پہاڑیوں کا آدھا حصہ توڑا گیا ہے، مارگلہ نیشنل پارک میں ستون کر شک کے ذمہ داروں کے خلاف سخت کارروائی کی جائے گی۔ عدالت کا کہنا تھا کہ کون ہے جو اس مانیا کی سرپرستی کر رہا ہے؟ کیا حکومت اور چیف جسٹس اسلام آباد سوسے ہوئے ہیں، کسی کو نہیں چھوڑا جائے گا۔ عدالت نے وفاقی دارالحکومت اسلام آباد، پنجاب اور خیبر پختونخوا کے درمیان مارگلہ نیشنل پارک کی حدود کا وزیرِ قاضیین کرنے کی ہدایت کی ہے۔ چیف جسٹس انور ظہیر بھائی اور جسٹس طارق پرویز نے متعلقہ درکاروں کی سماعت کی۔ مارگلہ پہاڑیوں کی 2013ء سے 16 کی سٹیلٹ تصاویر عدالت میں پیش کی گئیں، تصاویر کا جائزہ لینے کے بعد چیف جسٹس نے ریفرکس دینے تین برسوں کے دوران اسٹیلٹ سے پانچ پہاڑوں کو تباہ کیا گیا، بد قسمتی سے ڈسٹر اور سے غیر قانونی کام میں ملوث رہے، حکومتی اداروں میں بیٹھے افراد کے ہکھ اپنے مفادات ہیں، 80 لاکھ ستون کر شک غیر قانونی ہو رہی ہے۔ چیف جسٹس نے کہا اس تباہی کے ذمہ دار کون ہیں؟ کون ہے جو اس مانیا کی سرپرستی کر رہا ہے؟ اس غیر قانونی کام میں جرمی ملوث ہو اس کے خلاف سخت ایکشن لیں گے۔ جسٹس طارق پرویز نے کہا تین سال کے دوران مارگلہ پہاڑیوں کا نصف حصہ توڑا گیا، ایک سینٹ کھٹی نے تمام سبزہ ختم کر دیا۔ عدالت نے پنجاب، خیبر پختونخوا اور سی ڈی اے سمیت آئی سی ٹی کے مابین نیشنل پارک کی حدود کا وزیرِ قاضیین کرنے کے آئندہ سماعت پر رجسٹریشن کرنے کی ہدایت کی ہے۔ چیف جسٹس انور ظہیر بھائی نے بلوچستان کے سابق وزیرِ خوراک اسٹیٹ پارک کی درخواست ضمانت پر ریفرکس دینے ہیں کہ ہم جس ملک میں رہتے ہیں وہاں پولیس تھانوں کی بولیاں لگتی ہیں۔ ملزم کے وکیل انکار گیلانی کی طرف سے اٹھائے گئے سوالات کے جواب میں چیف جسٹس نے کہا وکیل کو آزادی ہے جو چاہے کہے، ہم کچھ نہیں کہہ سکتے، کچھ بولیں گے تو سرخیاں لگ جائیں گی لیکن یہ ایک حقیقت ہے کہ اس ملک میں تھانوں کی بولیاں لگتی ہیں۔ دور کی سٹیج نے سابق سولہائی وزیر اسٹیٹ پارک کا وزیرِ ڈائریکٹر فوڈ مینڈوولی کا کڑی مہوری ضمانت میں توسیع کرتے ہوئے مزید سماعت آگست کے دوسرے ہفتے تک ملتوی کر دی۔ فاضل بیج نے ٹیلی کیو ٹیویشن کمیٹیوں کی انعامی سکیموں کے بارے میں بی بی سی سے اور ٹیلی کمیٹیوں سے جواب طلب کرتے ہوئے کہا ہے کہ کمیٹیوں نے عام کوٹھنے کے نٹ سے طریقے نکالے ہیں۔ عدالت نے انعامی سکیموں پر پابندی کے فیصلے کی خلاف ورزی کے الزام میں دائر توہین عدالت کی درخواست کی سماعت آگست کے پہلے ہفتے تک ملتوی کرتے ہوئے تمام فریقین کو جانچ جواب جمع کرانے کا حکم دیا ہے۔

The Express 21-07-2016

SC enlarges scope of corruption case against capital's hospitals

Provinces asked to assure court that machines, equipment are functional in all district headquarters hospitals

By Nasir Iqbal

ISLAMABAD: The Supreme Court on Wednesday enlarged the scope of a case regarding the alleged misappropriation in the supply of medicines to the hospitals of Islamabad when it asked the four provinces to assure the court that machines and equipment are functional in all the district headquarters (DHQ) hospitals.

"The advocates general of all the provinces to call details from all the concerned government offices and submit a comprehensive report showing proper functioning of machines and equipments in all DHQ hospitals," said a two-judge Supreme Court bench headed by Justice

Ejaz Atal Khan.

On a suo moto, the court had taken up a case on reports of alleged misappropriation in the supply of medicines as well as provision of oxygen and nitrogen gases to the patients at the Federal Government Services Hospital, popularly known as Polyclinic.

The notice was taken on an application forwarded to Chief Justice Anwar Zaheer Jamali by a junior doctor, Umar Lodhi, in which he had drawn the court's attention towards the alleged corruption in Polyclinic.

The application had pointed direct fingers at Dr Ihtikar Naris, the acting executive director (ED) of the Polyclinic and his wife, who, according to the letter, were partners in a company called Messers Crescent Traders and Business Developer that had been awarded a contract to supply oxygen and nitrogen gases to the hospital for the last five years on exorbitant prices.

It is unfortunate, the court regretted, that the diagnostic laboratories of all government hospitals in Islamabad were either ill-equipped or their facilities usually remained out of order. As a result,

the patients have to spend thousands of rupees to get treatment.

Similarly, the ultrasound, CT scan and X-ray machines of DHQ hospitals are also non-functional, Justice Khan lamented, wondering whether these medical equipment went out of order incidentally or were deliberately made so.

"Doctors serve humanity but they have also become money-making machines besides pharmacies in hospitals also do not deliver," regretted Justice Khan.

"Tribal headquarters hospitals refer patients to the DHQ hospitals without even diagnosing the diseases while the DHQ hospitals send the patients to the public hospitals in Islamabad that too without identifying the diseases which in turn asked the patients to visit some high-profile hospitals," the court observed.

The court asked Advocate Nayab Gurdani, who was representing the Capital Administration and Development Division (CADD), to submit a list showing prices for the supply of oxygen and nitrogen gases to the Polyclinic, PIMS

and the private hospitals for the last three years.

The order came when the apex court was informed that gases which were supplied for Rs3,000 per kit to private hospitals were provided to PIMS at Rs7,500 and Rs23,000 to Polyclinic.

The court asked Dr Arshad Rana and Dr Waqar Ahmed of the Pakistan Medical Association to submit a report showing irregularities and other forms of corruption in the purchase of medicines and equipment for the hospitals.

Dr Surtaj Ali, the president of Young Doctors Association, was directed to highlight instances of corruption in the Polyclinic. All the three doctors have moved applications to become party in the matter.

Meanwhile, Advocate Zaifkar Abbas Saqri, representing Ihtikar Naris, alleged that the applications filed with the Supreme Court were motivated. He said Dr Naris never served as the ED of the Polyclinic during the period when the alleged corruption took place.

The case will be taken up again on August 12.

The Dawn 29-07-2016

SC takes notice of ‘illegal’ appointments in NAB

By Nasir Iqbal

ISLAMABAD: The Supreme Court took suo motu notice on Wednesday of alleged illegal appointments in the National Accountability Bureau (NAB), an institution set up to check corruption, when its attention was drawn towards the anomaly through an anonymous letter.

Chief Justice of Pakistan Anwar Zaheer Jamali asked the court office to register the anonymous letter, sent in the last week of July, as a suo motu matter under Article 184(C) of the Constitution.

The SC ordered issuance of notices to NAB Chairman Chaudhry Qamar Zaman and Attorney General Ashtar Awan to answer allegations levelled in the letter. The case will be taken up in the last week of this month.

The letter had drawn the court's attention towards appointments of 16 former military officers on deputation in BPS-20 and BPS-21 among the total 32 officers serving in the senior grades.

"NAB has not only violated the basic service structure and service laws scheme but also grossly put a Supreme Court order in sheer disregard vis-a-vis its appointments and promotions," the letter said.

Highlighting Section 28 of the National Accountability Ordinance, 1999 and NAB's

Terms and Conditions of Service, 2002, the letter said rules had been designed to serve the purpose of accommodating those who otherwise were not qualified for the posts which they were holding.

To make an entry operationally independent, the letter said, the appointment procedure should be kept within dictates of the Constitution as enshrined in Article 242 which necessitated appointments through the Federal Public Service Commission (FPSC).

But in total disregard of the Constitution, the letter said, the NAB chairman had been made the sole authority to make appointments in any manner he desired.

The letter cited a 2013 judgement in which the Supreme Court had held illegal absorption from one department to another, as well as deputation, except with stringent exceptions.

Counting of the length of service in one department for seeking promotion in another was also declared illegal.

The judgement also held illegal out-of-turn promotions, conversion of a non-civil servant into a civil servant, meaning thereby military personnel, re-employment or employment of a government servant on a contract basis after his retirement and posting on an ad-hoc basis of a government servant in the next

grade, as well as appointments without a competitive process held by the FPSC.

The letter said that the officials, majority of them former military officers on deputation, had been posted in OPS in higher grades, particularly directors general of various regional NAB offices. A majority of them were brought to NAB on deputation for three years — from 1999 to 2002 — but later absorbed permanently, like retired Col Saajid Nazam, retired Maj Shabaz Saleem, retired Brig Hashim, retired Maj Tariq Muhammad Malik, retired Maj Syed Basim, retired Maj Masood Ahmed Lodhi, retired Maj Shabeer Ahmed, Squadron Leader Karim, Squadron Leader Irfanul Haq, retired Col Saleh Sadiq, retired Col Shabaz Anwar Bharti, retired Squadron Leader Tariq Nabeem Bharti, retired Capt Farrukh, Amir Shah, Syed Muhammad Hussain, Abdul Halim Siddiq, Muhammad Salim, Alal Hussain and Nawazish Ali Amin.

It said that NAB appeared immune from all the Supreme Court judgements and directives, as well as policies of the Establishment Division, and no authority had so far been able to question its style of awarding promotions to former military servicemen and favourites.

The letter alleged that the bureau had been violating rules with impunity and without any concern regarding contempt of court.

Since NAB was a closed and conservative organisation with no access of authorities to it and with no fear of retribution, several officers had been continuing to suffer injustice at the hands of former military persons who had been promoting themselves with the help of rules they made for themselves, the letter regretted.

"An open anti-corruption body of Pakistan has unfortunately remained above the law as far," it said and pleaded to the court to take cognizance of illegalities, contraventions and violations in the interest of justice.

The Dawn 18-08-2016

Constitutional stricture

SC restrains PM from taking solo financial actions

Declares cabinet's approval mandatory to authorise expenditures, approve discretionary spending

BY HANAN MALIK
ISLAMABAD

The Supreme Court ruled on Thursday that the prime minister cannot act unilaterally on the country's financial issues or approve any ordinance without first gaining the federal cabinet's approval, citing constitutional provisions.

The landmark judgment will have far-reaching impact as it has curtailed discretionary powers used by successive regimes to run affairs of government.

The ruling came after apex court judges heard appeals filed by the supporters of various political and tribal groups. Through constitutional petitions, the appellants had challenged certain govern-

ment decisions on sales tax.

In a 75-page ruling, the three-judge bench headed by Justice Iftikhar Muhammad Chaudhry also set aside the Islamabad High Court's judgment delivered some three years ago that declared notifications regarding modification of sales tax legislation null and void.

Justice Niaz, writing the judgment, says that the federal government is a collective entity described as the cabinet constituting the prime minister and federal ministers.

"The prime minister is not constitutionally mandated to authorize expenditures on his own, and all discretionary spending without the prior approval of the cabinet is contrary to law."

"PM is not constitutionally mandated to authorize discretionary spending without the prior approval of the cabinet"

Supreme Court judgment

"Neither a secretary, nor a minister and not the prime minister in the federal government, and the exercise, or purport exercise, of a statutory power exercisable by the federal government by any of them, especially in relation to fiscal matters, is constitutionally valid and a nullity in the eyes of the law."

Similarly, the court holds

that budgetary expenditures or discretionary government-
tal expenditures can only be authorized by the federal government, ie, the cabinet — and not the PM on his own.

It also decreed that the power to approve an ordinance can only be exercised after prior consultation by the cabinet and any ordinance issued without prior approval of the cabinet is not valid.

The judgment says no bill can be thrust in parliament on behalf of the federal government without having been approved in advance by the cabinet.

"The cabinet has to be given a reasonable opportunity to consider, discuss and advise on a bill."

SC restrains PM

SC RESTRAINING PM FROM TAKING solo decisions in relation to all proposed legislation, including the Finance Bill or (any) ordinance of (any) act. Actions by the prime minister on his own, in this regard, are not valid and are declared ultra vires.

The judgment says any act, or statutory instrument (e.g. the Telecommunication (Amendment) Act, 1996) purporting to describe any entity or organization other than the cabinet as the federal government is ultra vires and a nullity.

The court has also declared Rule 16(2) that apparently enables the prime minister to bypass the cabinet as ultra vires of the constitution. Likewise, fiscal notifications enhancing the levy of tax issued by the secretary, revenue division, of the minister, are ultra vires, it adds.

It is, however, clarified in the judgments that this court has in the past consistently held that greater latitude is allowed in relation to both

official notifications and that principle still applies.

The judgment also notes that it is not the PM by himself who is responsible to parliament, but it is the body known as the cabinet, which is collectively responsible.

"To allow the PM to act on his own would enable him to escape from the responsibility to parliament for the consequences of his actions, which cannot conceivably be the intention of the Constitution."

The court says that neither the constitutional provisions, nor the rules of business, confer power on a secretary of head of a division, to be treated as the federal government, adding the power has been conferred not on the prime minister, but on the federal government, ie, the cabinet.

Legal experts believe that the apex court through this verdict has formally elaborated the functioning of parliamentary system of government where cabinet should be taken on board in every important de-

cision. Government would now have to get approval of the cabinet before promulgating ordinances or before issuing orders of financial nature like SRCS.

Governments have been bypassing cabinet while promulgating ordinances in its will. After this judgment any such move would be considered illegal and challenged.

Usually Prime Ministers used their discretion while sending summaries to President to promulgate an ordinance, assuming an anticipatory approval of cabinet. Now all such matters would have to go through the federal cabinet. Incumbent government some times did not hold cabinet meetings for months but after this judgment it is likely that prime minister would be calling meeting of cabinet quite frequently.

It is likely that government will approach SC for a review of this judgment.

(WITH ADDITIONAL REPORTS FROM OUR CORRESPONDENT IN ISLAMABAD)

The Express Tribune 19-08-2016

SC gives CDA two months to formulate low-cost housing policy

Senior officials' salaries to be attached if lethargy towards *katchi abadi* order persists

By Nasir Iqbal

ISLAMABAD: Noting the lack of cooperation on the part of the capital's civic authority and the relevant federal and provincial government departments toward settling the matter of *katchi abadi* once and for all, the Supreme Court warned senior officials their salaries would be attached (withheld) if their lethargic attitude persisted.

The warning was issued by a two-judge SC bench headed by Justice Desai Mohammad Khan, after Law and Justice Commission Secretary Sarwar Khan – who has been appointed a focal person of an expert group constituted by the court – said none of the secretaries he twice invited to meetings turned up.

The court had taken up a petition moved by Aasim Sajjad Akhtar, through his counsel Abid Hassan Minns, seeking a declaration that the state is bound by the Constitution to provide evicted *katchi abadi* residents shelter and other amenities.

The petitioners also expressed concern over the manner in which residents of the 1-11 *katchi abadi* were evicted by the Capital Development Authority (CDA), in an operation conducted on July 30 last year.

In an order issued on April 20, the SC tasked the CDA and the federal and provincial governments with developing uniform legislation to devise inexpensive, low-cost housing for the den-

titate and shelterless.

Subsequently, Sarwar Khan was appointed coordinator for facilitating and providing secretarial facilities to the working group, and governments were directed to ensure regular budgetary allocation for the smooth functioning of the group.

The court ordered the law officers of all the provinces, and the respective finance directors, to attach the salaries of the officers assigned the task of developing the aforementioned uniform policy, in case any default was committed on their part.

The court added that, in addition to their salaries being attached, the officers would also be proceeded against for contempt of court due to their lethargic attitude toward deciding a matter that has been pending for the last year.

The court regretted that the CDA and the relevant federal and provincial departments were not interested in deciding the matter once and for all, through a proper policy.

The court said this was unacceptable, and it would proceed against such a delinquent attitude of the relevant officers. However, it decided to issue a final warning, and directed the coordinator to convene yet another meeting of the relevant provincial secretaries and senior-most CDA officials – such as the member planning and housing and survey.

It would be the responsibility of the coordinator to intimate, even in chambers, if any government official failed to take interest in the meeting of the expert group, the court said.

The court ordered that in the next meeting, the expert group will finalise the fundamental features of the policy to provide low-cost housing facilities through legislation, to those who cannot afford modest housing.

This should be done keeping in view areas' environment and soil condition. The policy should also guard the interest of the state by protecting it from land grabbers, the order said.

The court has allowed two months for the formulation of this policy. If nothing is developed, the respective chief secretaries and CDA chairman will personally appear before the court on the next hearing date to explain the attitude towards court orders.

The court also directed the CDA and government departments to conduct a comprehensive survey of *katchi abadi* with the assistance of Survey of Pakistan, Google Maps and other sources, and for which surveyors can also sign a memorandum of understanding with the National Database and Registration Authority (Nadra) to permanently register the family trees of those living in *katchi abadi*. This would also help authorities prevent undue dual benefits to the same family.

The court also asked the federal and provincial governments to explain why budgetary allocations were not made for the expert group in their respective budgets.

The court order will be sent to the principal secretary to the prime minister, the provincial chief secretaries, principal secretaries to all chief ministers, the CDA chairman, the Islamabad mayor, and the secretaries of Cabinet Division, Establishment Division and climate change.

Meanwhile, the Aug 28, 2015 stay order restraining the capital administration from demolishing any house in existing *katchi abadi* will remain in place, the SC said.

In case of fresh encroachments, the CDA will submit a report to the court seeking permission to proceed against them.

The Dawn 01-09-2016

All institutions required to remain within constitutional limits: CJ

Addresses new judicial year of apex court

Sohail Khan

ISLAMABAD: Chief Justice Anwar Zaheer Jamali on Monday said the Constitution has specifically mentioned duties and jurisdiction of all the institutions hence all are required to discharge its duties within the limits of law and constitution in order to ensure good governance in the country.

Speaking on the occasion of New Judicial year 2016-17 of the apex court, the Chief Justice said that keeping in view the changing social

and economic situation of the country, it is imperative for all the institutions of the country to move forward with mutual consensus in order to cope with the challenges, facing the country.

The Chief Justice said that in the past, the judiciary came under criticism for indulging more in the administrative affairs hence, he said, in order to avoid this impression they tried to lessen its suo moto jurisdiction.

The Chief Justice however, said

that keeping in view their constitutional obligation, they cannot shut their eyes and wherever, there were violation of fundamental rights, it was mandatory for the courts to intervene and to ensure protection of fundamental rights of the people.

In this respect, the Chief Justice said during last year, the court took suo moto notices on important matters including illegal appointments made in the anti-graft body, NAB and

Continued on Page 8

All institutions required to remain in...

Continued from Page 7

Health Department, government of Sindh, Margalla Hills stone crushing, poor condition of hospital in Quetta, delay in holding census in the country, delay in appointment of Members of the Election Commission of Pakistan, appointments of police officials in FIA on deputation, sale of illegal transplant of human organs, kidnapping of children in Punjab and the Quetta bomb blast etc.

The Chief Justice further said the country is facing terrorism, saying although some foreign elements were involved in the incidents of terrorism but to somehow these foreign elements have also the support from local as well adding that unfortunately some political parties support terrorists for personal interests.

The Chief Justice recalled that in Karachi and Balochistan law and order cases, the court had mentioned that links of some insurgent elements were found with some political and religious parties which should be discouraged at the earliest while tackling the issue of terrorism.

The Chief Justice said not only the lawyers community, but the courts were also facing terrorism as when the courts take up the cases of terrorism and began to punish insurgents, terrorist and their supporters, the judiciary was frightened and subjected to terrorism, either it was the incident of Quetta bomb blast or the recent incident of terrorism in Mardan District Courts.

In order to avoid such terrible incidents in future, the Chief Justice said that high level meetings of the executive and judiciary were con-

vened in Karachi, Lahore and Islamabad and in the light of these meetings; certain directions were issued to the executive and police. Similarly, the Chief Justice said, District Security Committees were constituted which will draft recommendations after examining the situation at regional level.

Attorney General Ashter Ahsan, President Supreme Court Bar Association (SCBA) Barrister Ali Zafar and Vice Chairman Pakistan Bar Council Senator Dr Farogh Nasim also addressed on the occasion.

Sabah adds: CJP Jamali said: Quaid-i-Azam did not seek to turn Pakistan into a secular country. Instead he envisaged a land with religious freedoms to all religions adding terrorism will get a boost in case the society is compartmentalised on the basis of religion.

The News 20-09-2016

Incompetence of security bodies led to Quetta carnage: SC

QUETTA: The Supreme Court of Pakistan (SC) on Tuesday termed the incompetence of institutions providing security to the Civil Hospital, Quetta, responsible for the suicide attack in August that killed at least 70 people, most of them lawyers.

A three-member bench of the Supreme Court comprising Chief Justice Anwar Zaheer Jamali, Justice Ameer Hani Muslim and Justice Faisal Arab resumed the hearing of a suo moto case on the Quetta carnage at the Balochistan High Court on August 08.

Chief Secretary Saifullah Chaittha, the Inspector General Police (IGP), Balochistan, Ahsan Mehbob, and Medical Superintendent, Civil Hospital, Abdul Behman Miankhel, submitted separate inquiry reports

into the attack.

The investigation officer (IO) informed the court that so far the statements of 35 out of 82 people injured in the attack had been recorded.

During the proceedings, the IGP requested the court to allow him to give an in-camera briefing to the apex court on the suicide attack to which the court agreed.

Chief Justice of Pakistan Justice Anwar Zaheer Jamali remarked that incompetence of institutions providing security to the Civil Hospital, Quetta, responsible for the suicide attack in August that killed at least 70 people, most of them lawyers.

An apex court judge Justice Amir Hani Muslim, during the hearing, observed that a medical superintendent of the Civil

Hospital, who failed to cooperate in the inquiry, was still at his post. The apex court expressed displeasure over the performance of law enforcement agencies and the hospital administration for failing to avert the catastrophe.

Justice Muslim, on the information provided by the IO, said the IGP and IO do not know about the incident, so who could be trusted. Justice Muslim also asked Chief Secretary Chaittha why a trauma-centre without a single piece of equipment had been inaugurated. The hospital's trauma centre has been closed for over two years.

Senior lawyer Hamed Khan, speaking to journalists after the court proceedings, termed all reports a pack of lies and alleged that law enforcers failed

to protect innocent citizens. He announced that the legal fraternity would cooperate with the apex court and provide video reports and other evidence to the court. Senior lawyer Ahmed Ali Kurd, during the proceedings, observed that there had been no outcome as yet to the suo moto notice taken by the judiciary. He urged the apex court to ensure the proceedings were result-oriented.

Chief Justice Anwar Zaheer Jamali remarked that if the government fails to implement any verdict of the court, then the judiciary cannot be held responsible. He cited the examples of the Karachi law and order situation and the NRO cases in this regard. Further hearing of that case was adjourned until October 6. —Agencies

Revealing letter

Sindh Coal Authority draws court scrutiny

CJP takes suo motu of irregularities in SCA

A HASNAT MALIK
ISLAMABAD

Chief Justice of Pakistan Anwar Zaheer Jamali on Monday took suo motu notice of massive corruption in the Sindh Coal Authority (SCA).

The notice has been taken over an anonymous letter, which has been written to Justice Amir Hamid Muslim against corrupt elements working on deputation in the provincial energy department.

The letter contends that the court's 2013 judgment against illegal deputations has not been complied with in the Sindh Coal Authority, adding a Hydrologist Arif Hussain Laghari, who is originally from the Sindh Arid Zone Development Authority (SAZDA), is still illegally working in the SCA.

Arif Hussain Laghari is looking after the affairs of the

Reverse Osmosis (RO) water plants in Thar, Badin and Thatta districts, in addition to looking after administration and financial affairs in the SCA.

"The posting of Mr Laghari in the SCA made a shining destiny for him and he has become an instrument in looting crores (millions) of rupees on account of operating and maintenance (costs) of (the) RO plants for providing drinking water to the people of Thar, Badin and Thatta districts, where underground water is brackish," says the letter.

The letter further contended that Mr Laghari has escalated the cost of maintaining ROs to the tune of 30 to 40 crore rupees annually with the connivance of Director General Sindh Coal Authority Danish Saeed and other subordinate staff.

Out of 118 RO plants in Thar, Badin and Thatta, only a few are working, yet SCA authorities have been regularly claiming bills for the rest

"But, you are aware that the people of Thar are longing for a drop of water; whereas the record shows that 118 RO plants are providing water round-the-clock and thereby earning money more and more."

It is further submitted that the officer concerned openly claims that he has the support from Dubai and no one seemed to have power to remove him from the SCA.

Likewise, serious allegations of corruption have also been levelled in the letter against the DG SCA as he vis-

its Dubai twice in a month on account of inspection of pipes required for the Rs4 billion scheme to supply water to Thar and manoeuvring travelling expenses by the party by whom bogus payments is made on account of operation and maintenance of the RO plants per month.

It is alleged that out of 118 RO plants, only a few are in working condition, but SCA authorities have been regularly claiming bills for the rest, and also keeping the chief secretary and the energy department secretary in the dark and intimidating them with wrong bills.

It is demanded that an independent inquiry should be ordered, and if audit reports of only the last two, three years are carried out, then they would reveal the clear picture.

A copy of the executive en-

gineer's resignation has also been attached with the letter. In his resignation, the executive engineer stated that he resigned under protest due to unlawful/illegal pressure and the threat from the DG SCA for wrongdoings for public exchequer.

Executive Engineer Zamir Ahmad Sheikh also stated in his letter that he also reserves the right to knock the door of court of law/agencies regarding wrongdoings which the DG SCA has done.

After going through the letter, the chief justice has ordered to fix the matter for hearing on October 25. The court has also issued notice to the Advocate General Sindh, secretary, Energy Department Sindh, Sindh Coal Authority director general Danish Saeed and Hydrologist Arif Hussain Laghari.

Express Tribune 11-10-2016

Black warrants

Schizophrenia alone can't put death sentence on hold: SC

Apex court issues detailed judgment in the famous Imdad Ali case

A. HEMANT KAMR

The Supreme Court has held that a psychiatric disorder like schizophrenia does not subjugate the death sentence.

"In our opinion, rules relating to mental sickness are not subjugative to delay the execution of death sentence which has been awarded to the convict," says the Supreme Court in its 13-page judgments on the famous Imdad Ali case.

Sarla Bano, wife of the convict Imdad Ali, had approached the Supreme Court, claiming that her husband was insane and the execution of death sentence may be delayed till he gets medical treatment, so that he can write down his will.

Imdad, from Butwala district of southern Punjab,

was awarded death sentence in 2001 in a murder case. His sentence was upheld by all appellate courts, including the Supreme Court. The petitioner had also rejected his mercy petition.

However, when black warrants were issued for his execution on July 26, his wife filed a writ petition in the Lahore High Court. A three-member bench to delay her husband's hanging till the recovery of her mental illness. The high court rejected her plea on August 21.

She then approached the apex court with the same plea. A three-member Supreme Court bench headed by Chief Justice of Pakistan Justice Alwarzaib Jaffer Jaffer upheld the decision of the high court in a short order on September 27.

In its detailed judgment issued on Thursday, the Supreme Court said: "Schizophrenia is not a permanent mental disorder; rather it is an imbalanced state which can increase or decrease depending on the level of stress."

"In recent years, the prognosis has been improved with drugs, by vigorous psychological and social management, and rehabilitation. In it, therefore, a recoverable disease, which in all the cases, does not fall with the definition of 'mental disorder' as defined in the Mental Health Ordinance, 2001," reads the verdict authored by the chief justice, a copy of which is available with the Express Tribune.

The apex court said subordinate courts discarded this

"rules relating to mental sickness are not subjugative to delay the execution of death sentence which has been awarded to the convict"

Supreme Court order

(the victim's) plea of mental illness which cannot be deemed as "transient". The medical records brought before the courts show that he is a psychiatric patient suffering from "paranoid schizophrenia".

The SC cited the judgment of the Indian Supreme Court in *Bhuvan Gupta vs the Union of India of 1971*, which was similar to this case. The member of the convict had

filed a petition before the High Court of Delhi, praying that her son's execution be withheld on the ground that he had become a person of unsound mind and suffering from schizophrenia.

The Indian High Court dismissed the plea. The same plea was dismissed by the Indian Supreme Court, arguing the convict did not suffer from legal insanity – either during his trial or at the time of the commission of the offence.

"Incidentally, as the statements on and (the) original of the Commission Law refer on the subject in England, against the execution of an insane person, maybe, we in this country, are governed entirely by our statute law on such a matter."

"The courts have no power

to prohibit the carrying out of a sentence of death legally passed upon an accused person on the ground either that there is some rule in the Common Law of England against the execution of an insane person, sentenced to death of some theological, religious, or moral objection to it.

"Our statute law on the subject is based entirely on several considerations which place the protection and welfare of society in the forefront," the SC quoted the Indian Supreme Court as writing in its 1977 judgment.

The court says schizophrenia is a mental illness in which a person becomes unable to think thought, emotion and behaviour, leading to the withdrawal from reality and personal relationships.

Express Tribune 21.10.2016

NAB chief barred from voluntary return deals

By Nasir Iqbal

ISLAMABAD: The Supreme Court restrained National Accountability Bureau (NAB) chairman Qamar Zaman Chaudhry on Monday from approving deals for voluntary return (VR), a provision under the National Accountability Ordinance (NAO), 1999, that allows people guilty of corruption to pay a certain portion of the embezzled money and be released without any stigma.

The NAB scheme even allows federal and provincial government servants to resume work in their departments after availing the NAB's VR facility.

"In the meanwhile the NAB chairman is restrained from exercising jurisdiction under Section 25(a) of the NAO till the next date of hearing," says an order issued by Chief Justice Anwar Zaheer Jamali after hearing the *suo motu* case on a note of the SC registrar.

The *suo motu* action was taken on the basis of a Sept 2 observation of Justice Amir Hami Muslim in Karachi during the hearing of a NAB appeal in which the judge had criticised powers of the NAB chairman that allow an offender to go off scot-free after paying a certain amount of the embezzled money under the voluntary return (VR) facility of NAB.

Prosecutor General Waqas Qadeer Dar was also ordered by the court to submit a comprehensive list before the court before Nov 7 showing officers who were still holding offices after availing the NAB's VR scheme.

The NAB, through an earlier report, had submitted that 1,584 civil servants, 165 of them federal government employees and 1,419 provincial government officers, enjoyed the VR facility of NAB by paying Rs2 billion.

"It is unfortunate that basic issues are being compromised at the altar of politics," the chief justice observed, wondering how such "brazen and blatant acts"

become law and make the country a laughing stock across the world.

Justice Muslim, also a member of the bench, hinted at issuing orders to prosecute those who had benefited from the VR scheme even though they had been accused of plundering colossal sums of money.

Justice Muslim asked the NAB prosecutor general to submit a statement showing the amount received so far by NAB in the shape of VR and then deposited with the state exchequer without deducting a certain percentage.

The NAB PG, however, shed light on a standard operating procedure of depositing 34 per cent of the money upfront by an individual found guilty of corruption.

Attorney General Ashtar Ausaf Ali, who appeared on a court notice, suggested that there might be another way of restraining the NAB chairman from exercising his powers. He said that section 25(a) was a declaration of law, although the government could make amendments.

Learning from NRO episode, the AG explained, had the original Ehtesab Act formulated by the PML-N government been considered, the court would have realised that this provision of VR had been drafted correctly.

But the AG hastened to add that a letter had been issued from his office to departments concerned for identifying officers who were still holding offices.

Justice Muslim said that through section 25(a), the bureau had told everyone about loopholes in law, adding that NAB had "destroyed everything".

There are several members of National and provincial assemblies and high-ranking government and autonomous organisations' officers who are still holding respective offices despite committing corruption and have availed the VR facility of NAB chairman and that too by paying a portion of the embezzled amount in instalments.

"A thing which cannot be set

tled through courts because it has to apply judicial mind in the larger public interest, can be done by NAB over a cup of coffee," the chief justice regretted.

"It is like a VR on sale in the open market," Justice Sheikh Armat Saeed lamented.

Out-of-turn promotions

The same bench also issued notices for Nov 2 in a separate *suo motu* case against alleged illegal appointments and out-of-turn promotions of former military officers in National Accountability Bureau.

The case was initiated by the chief justice on an anonymous letter, drawing the court's attention towards appointment of 16 former military officers on deputation in senior grades from RFS-20 to RFS-21 out of the total 32 officers working in similar grades.

Later, eight senior officers of the bureau moved a joint application before the Supreme Court to become a party to the case with a pleading that the out-of-turn promotions of the former military officers were hindering their promotions to next grades.

Already NAB Chairman Chaudhry Qamar Zaman and Attorney General Ashtar Ausaf are on notice in the case.

In the anonymous letter, the author had alleged that NAB had not only violated the basic service structure and service laws of the country but also grossly put the Supreme Court's order in sheer disregard vis-a-vis its appointment and promotion orders.

The letter explained that these 16 officers, a majority of them former military officers on deputation, had been posted on OPS (own pay and scale) against higher grades, particularly director generals of different regional NAB offices.

A majority of them were posted in NAB on a deputation period of three years — from 1999 to 2002 — but later were absorbed permanently.

The Dawn 25-10-2016

Blow to government

Workers' Welfare Fund is not a tax, SC rules

Contributions may now be distributed among the provinces for the welfare of employees

A OUR CORRESPONDENT
ISLAMABAD

The federal government suffered a setback on Thursday after the Supreme Court decreed that contributions made to the Workers' Welfare Fund (WWF) were, by nature, not a tax.

The three-judge bench, headed by Justice Mian Saqib Nisar, declared that the Workers' Participation Fund was basically a profit-sharing plan, giving employees a share in the company's profits, with the primary aim to give the employees a sense of ownership and greater participation in the company.

These contributions are for a specific purpose – a plan for the benefit of employees, much like other investment plans and, therefore, did not qualify as a tax.

The Federal Board of Revenue annually collects Rs20 billion from private companies under the head of Workers' Welfare Fund. After the top court's declaration, the contributions made to the fund may be distributed among the provinces for the welfare of employees.

Raheel Kamran Sheikh, counsel for one of the petitioners, told The Express Tribune that after the 18th Amendment, concurrent legislative lists were abolished and subjects

FUND SIZE

Rs20b

is the sum that FBR collects annually from private companies under the head of Workers' Welfare Fund

devolved to the provinces. So far, he maintained, the provinces had not taken any measure for the collection of the fund.

Justice Mian Saqib Nisar stated: "We fail to understand how the requirement of payment of minimum wages to unskilled workers can be construed as a tax, thereby permitting any amendments made to the Ordinance of 1969 to be effected through a Money Bill."

The court held that the compensation payments made under the Act of 1923 were not a common burden exacted to meet the general expenses of the state, instead they were particular payments made for a very specific purpose: to compensate workmen injured in the course of employment, therefore, they cannot be said to be a tax.

"The subject contribution is gratuity payments. What

is gratuity? Basically, it is a lump sum payment made by the employer to an employee at the end of his service (either by retirement or termination for reasons other than misconduct) as a mark of recognition for the latter's service. In other words it is a defined benefit plan. These payments made by employers are very specific as opposed to having a generic purpose to meet the state's expenses and can, therefore, by no stretch of imagination be referred to as a tax."

"The subject contributions/payments do not constitute a tax is sufficient to hold that any amendments to the provisions of the Ordinance of 1971, the Act of 1976, the Act of 1973, the Ordinance of 1968, the Act of 1968 and the Ordinance of 1969 could not have been lawfully made through a Money Bill – the Finance Acts of 2006 and 2008 – as the amendments did not fall within the purview of the provisions of Article 73(2) of the Constitution."

"The Act of 1968 provides for companies (to which the Act apply) to establish a Workers' Participation Fund and make annual payment of five per cent of its profits during the year to the said fund to provide benefits that accrue from it to eligible workers."

Express Tribune 11-11-2016

Integration

CJP takes steps to speed up IT use by judiciary

Forms national judicial automation panel

A HASNAAT MALIK
ISLAMABAD

Chief Justice of Pakistan (CJP) Anwar Zaheer Jamali has constituted the National Judicial Automation Committee, comprising six superior court judges.

The committee will expedite the use of information technology for improving the quality of service delivery in the justice sector.

According to the notification, the committee will be headed by Supreme Court judge Justice Mushir Alam.

During his tenure as the chief justice of the Sindh High Court, Justice Mushir introduced the first automation system in the high court, considered to be the best in the country.

Other members belong to each high court of the country – Justice Ayesha Malik of the Lahore High Court,

Justice Munib Akhtar of the Sindh High Court, Justice Yahya Afridi of the Peshawar High Court, Justice Naeem Akhtar Afghan of the Balochistan High Court, Justice Nooral Haq Qureshi of the Islamabad High Court and Justice Sheikh Najam ul Hassan of the Federal Shariat Court.

According to the notification, the committee's mandate is divided into three components.

Firstly, it will formulate a time-bound action plan for devising a national automation plan, improving the justice service delivery system.

Secondly, the committee will prepare a systemic roadmap for automating the justice sector and the judiciary and accessing financial requirements for achieving the same.

COMMITTEE MEMBERS

6

Judges of the superior courts will be in the committee

Thirdly, the committee will coordinate with technical experts and justice sector stakeholders to formulate and implement suitable information technology-based solutions to improve the service delivery, including better case-flow management.

A senior official in Law and Justice Commission of Pakistan (LJCP) said that police, prosecution, judiciary and prison departments were included in the justice sector, but these institutions are fragmented because of

the introduction of disparate automation policies.

"Our aim is to integrate the justice sector where a unique case file seamlessly moves through common case-flow management system. A case file, initiated by the police department, should be available to all relevant departments such as prosecution, judiciary and prison," he said.

He also referred to a recent report released by the Law and Justice Commission of Pakistan titled "Towards a National Policy and Strategy for the Application of Information Technology in the Justice Sector".

It is the first such report that seeks to capture an overview of the challenges and issues confronting the justice sector to effectively take advantage of information technology.

Express Tribune 14-11-2016

سیرت الیافہ ہرگز کی عہد پر نہیں رہ سکتا، نئی ڈیٹا پیش بل اور فنانس کریم کے کیا اثر ہو چھاپے کا کوئی

سیرت الیافہ ہرگز کی عہد پر نہیں رہ سکتا، نئی ڈیٹا پیش بل اور فنانس کریم کے کیا اثر ہو چھاپے کا کوئی

سیرت الیافہ

سیرت الیافہ ہرگز کی عہد پر نہیں رہ سکتا، نئی ڈیٹا پیش بل اور فنانس کریم کے کیا اثر ہو چھاپے کا کوئی

The Daily Jang 17-11-2016

LHCBA address

‘Judiciary will not succumb to any pressure’

Justice Nisar assures Lahore's legal fraternity he won't compromise on the principles of law

A OUR CORRESPONDENT
LAHORE

Chief Justice-designate Saqib Nisar has ruled out the possibility of the judiciary succumbing to pressure on any case, saying that merit would be the top factor to consider all the time.

Justice Nisar made it clear to the lawyers of the Lahore High Court Bar Association (LHCBA) that he would never compromise on the principles of the law. He told the legal fraternity that his elders had taught him never to cheat anybody and always represent the truth.

The Supreme Court justice reminded the lawyers that shortcuts will lead to temporary benefits and nothing can be achieved through them in the long term. He gave his own example by stating that he had started his practice on a bench and a broken table.

Justice Nisar termed the bar as a



“ Bar is a complete institution; however, there is a lack of training and etiquette among lawyers

Chief justice-designate
Saqib Nisar

complete institution; however, he complained that there was a lack of training and etiquette among the lawyers. He also lamented that there was no respect for senior lawyers at the bar and stressed that the legal fraternity must strive to revive their traditions.

He urged his peers to dispense justice with patience and promised the lawyers that he would never compromise on fulfilling his responsibilities. The chief justice insisted

he would never disappoint the bar. He also added that the superior court judges must be hard working and articulate.

LHCBA President Rana Zia Abdul Rehman also addressed the lawyers saying that there were huge responsibilities on the shoulders of Justice Nisar, as the Panama case scandal was pending before the Supreme Court.

At this point, many lawyers started chanting slogans against Prime Minister Nawaz Sharif.

Express Tribune 25-12-2016

No right to work if children can't get pure milk, says Justice Saqib

Forms commission to inspect adulteration of milk with chemicals, urea and cane juice

Our correspondent

LAHORE: Chief Justice-designate Justice Saqib Nisar Tuesday, while referring to the prevalent adulteration of chemicals, urea and cane juice in milk, remarked if they could not give pure milk to the children, they do not have any right to work.

The Supreme Court bench remarked that it would take the issue of distribution of contaminated milk and water to its logical end.

The bench headed by Chief Justice-designate Saqib Nisar also formed local commission to inspect different milk and water companies and asked the Punjab Food Authority head to ensure completion of reports on samples taken from these companies.

Going through the reports proving contaminated material in milk produced and distributed by some companies, the court scolded officials of these companies saying that no one would be allowed to play with lives of innocent citizens.

Appearing before the court, petitioner Barrister Zafarullah Khan submitted that according to the laboratory report of Pakistan Council of Scientific Industrial Research, there is detergent powder and dangerous chemical particles in not only loose but also packed milk of some companies. He said authorities had failed to take action against the responsible for providing contaminated milk in the market.

PFA Director General Noorul Amin Mengal appearing before the court submitted that they were taking action against the responsible companies. He said they had imposed hefty fines on some companies and issued orders of closure of some milk outlets. He said every person who was responsible was being dealt in accordance with the law. He said the PFA had sent 300

No right to work if children can't get pure milk, says Justice Saqib

Continued from Page 1

samples of water and 30 samples of packed and loose milk for laboratory test.

At this, Justice Nisar remarked that the court was well aware of the capacity of the laboratory test of the PFA which had only a scale and some other irrelevant items.

He said the PFA laboratory had no modern machine to conduct tests.

The court directed the PFA to present sample reports of milk and water on next date of hearing.

The court also directed the local commission to submit comprehensive report after inspecting these companies. The court adjourned the hearing.

The News 28-12-2016

Justice Saqib Nisar sworn in as 25th CJ

Muhammad Saleh Zaafir

ISLAMABAD: Mr. Justice Mian Saqib Nisar was sworn in as the 25th Chief Justice (CJ) of Pakistan here at the Presidency in an imposing ceremony on Saturday. He has replaced Justice Anwar Zaheer Jamali who retired on Friday after serving as CJ for 18 months since his appointment in September 2015.

The new chief justice will stay in office for two years and ten months. President Mamnoon Hussain administered the oath to Justice Saqib Nisar in the presence of Prime Minister Nawaz Sharif, Chairman Senate Mian Raza Rabbani, Speaker National Assembly Sardar Ayaz Sadiq, Governor Punjab Malik Rafiq Rajwana, Governor KP Iqbal Zafar Jhagra, Governor Gilgit-Baltistan (GB) Mir Ghazanfar Ali Khan, Chief Minister GB Hafiz Hafees ur Rehman, former Chief Justice Syed Tasadduq Hussain Jilani, Chief Justice Lahore High Court Justice Syed Mansoor Ali Shah, judges of the apex court, federal ministers, senior lawyers, services chiefs, diplomats, senior journalists, and officials of the federal government.

Federal Law Secretary Kramat Hussain Niazi conducted the ceremony that started with recitation from the Holy Quran after which the national anthem was played. The President had appointed Mr. Justice Nisar Saqib as the country's top judge on Dec 7. Mr. Justice Saqib Nisar served as the acting Chief Justice for seven days during April last when

former Chief Justice was on a visit to Turkey. Mr. Justice Saqib Nisar is highly dignified judge of the apex court who has been a judge of the court since February 18, 2010. He was the honourable judge of the Lahore High Court prior to that. Before being appointed as a judge, he was member of the Supreme Court Bar Association (SCBA) and Lahore High Court Bar Association (LHCBA). He was elected as secretary general of the LHCBA in 1991.

A constitution and law expert Mr. Justice Saqib Nisar was born on Jan 18, 1954, in Lahore. Justice Nisar did his matriculation from the Cathedral High School, Lahore, and graduation from the Government College, Lahore, and bachelor of law from the University of Punjab in 1979-80. He joined the legal profession as an advocate on May 2, 1980. He was enrolled as an advocate of the high court in 1982 and advocate of the Supreme Court in 1994. He was elevated as the judge of the high court on May 22, 1998, and of the Supreme Court on Feb 18, 2010.

Mr. Justice Saqib Nisar specialised in civil, commercial, tax and constitutional law and appeared in a large number of important constitutional cases both in the high and Supreme Court. He was appointed Federal Law Secretary on March 29, 1997, when he became the first member of the bar to be appointed to the important slot. Mr. Justice Nisar represented Pakistan in an international conference held at the Wilton Park, United Kingdom, on the sub-

ject of "Pakistan and India at Fifty". He led a Pakistani delegation to a conference in Manila on the subject of "Asia Region Transitional Crimes". He also attended conferences in Switzerland and Norway. He had also been a part-time lecturer at the Punjab Law College and Pakistan College of Law, where he taught civil procedure code (CPC) and the Constitution. The new Chief Justice had a brief meeting with the President after taking oath. Prime Minister Nawaz was also present on the occasion.

Earlier in another ceremony, President Mamnoon Hussain conferred Nishan-i-Imtiaz (Military) on Chairman Joint Chiefs of Staff Committee (CJCSC) General Zubair Mahmood Hayat and Chief of the Army Staff (COAS) General Qamar Javed Bajwa in recognition of their services. General Qamar Bajwa, a career infantry officer belonging to the Baloch Regiment, was picked as Pakistan's COAS and General Zubair Mahmood Hayat as the CJCSC in November last. The ceremony was also attended by Prime Minister Nawaz Sharif and officers of the Armed Forces. President Mamnoon Hussain hosted reception for the guests of the day after two ceremonies. President Mamnoon, Prime Minister Nawaz Sharif, new Chief Justice Mr. Saqib Nisar and Services Chief mingled up with the guests on the occasion. They had candid discussion on various subjects in a frank manner. The reception was arranged in the backyard lawn of the Presidency.

The News 01-01-2017

Reversing the tide

CJP urges lower courts to regain public trust

Saqib Nasir links Pakistan's survival with provision of justice

BY OUR CORRESPONDENT
LAHORE

Pakistan's survival is linked with the provision of justice and no conspiracy can be let to succeed in presence of a functional judiciary, the chief justice said on Saturday.

"We should keep in mind that our institution is losing confidence of the people and we should restore it by realising our responsibilities," Justice Mian Saqib Nisar said while presiding over a meeting of sessions judges in Lahore.

During the meeting, lawyers underlined the need to end the culture of protesting. They also condemned incidents of lawyers misbehaving with judges and termed it non-professional.

Before the meeting, the chief justice said judges of the lower and superior judiciary are of equal status and no judge has power to give judgments out of his wishes.

"Impartiality, liberty, judicial thinking and honesty are characteristics a judge should have," he



"I am sorry to say that some of the decisions passed by district judiciary negated rules set by the Supreme Court and High Courts

CJP Saqib Nisar

the judges of the lower judiciary should keep in mind that they decide cases purely in accordance with the rules set by the apex court and higher courts.

The chief justice said that he gives value to the decisions taken by judges of the lower judiciary and passed in accordance with the law and uphold them.

Justice Nisar said the Supreme Court has full confidence on the credibility of the judges of district judiciary who are working for supremacy of the judicial institution.

He said he was well aware of the needs and challenges being

faced by the judicial officers and also said that self-respect of the judicial officers would be ensured at every cost. "To ensure facilities, protection and solution of all other problems is the duty of concerned district and sessions judges," he added.

The judicial officers should not stop process of their learning which is necessary for dispensation of justice," the chief justice stressed.

Justice Nisar said that being chief justice of Pakistan, he never hesitated from getting judicial training. He hoped that all judicial officers would not let him down and would struggle to establish an effective and active judiciary.

During his address, LHC Chief Justice Syed Mansoor Ali Shah lauded the CJP on behalf of the provincial judiciary of doing better work under his leadership. He said he has planned to introduce examination system for the induction of judicial officers equal to that of superior civil services.

Express Tribune 05-02-2017

مقدمت کا غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا

پاکستان کے عدالتوں کے لیے غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔ عدالتوں کے لیے غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔ عدالتوں کے لیے غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔

پٹنل آصف سعید

مجلس نے ہونے والی غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔ عدالتوں کے لیے غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔ عدالتوں کے لیے غیر ضروری التواؤف قبل، قوانین نہیں طرہ کار لینا گا۔

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سی پیک کی طرح کریمینل جسٹس یا پبلک پراویٹ جج کیلئے گیم چینی، گا جسٹس

نظام کی بد قسمتی ہے کہ دادا مقدمہ دائر کرتا ہے اور پوتے کو لڑنا پڑتا ہے، کیسز کے غیر ضروری التوا کی روایت ختم کرنا ہوگی

لاہور (خبرنگار خصوصی) سپریم کورٹ کے سینئر ترین جج جسٹس آصف سعید خان کھوسہ نے کہا ہے کہ سی پیک کی طرح کریمینل جسٹس پائلٹ پراجیکٹ عدلیہ کیلئے گیم چینی ثابت ہوگا، قانون نہیں طریقہ بدلنے کی ضرورت ہے۔ پنجاب جوڈیشل اکیڈمی میں کریمینل جسٹس پائلٹ پراجیکٹ کے حوالے سے سیمینار سے خطاب کرتے ہوئے انکا کہنا تھا کہ عوام کو انصاف کی بروقت فراہمی ہمارا اولین فریضہ ہے لیکن ہمارے نظام کی بد قسمتی ہے کہ یہاں دادا مقدمہ دائر کرتا ہے اور پوتے کو مقدمہ لڑنا پڑتا ہے، انصاف کی جلد فراہمی کیلئے مقدمات کے غیر ضروری التوا کی روایت ختم کرنا ہوگی جس طرح سی پیک پاکستان کیلئے گیم چینی ثابت ہوگا اسی طرح کریمینل جسٹس کے حوالے سے پائلٹ پراجیکٹ بھی عدلیہ کیلئے گیم چینی ثابت ہوگا۔ فاضل جسٹس نے کہا کہ مقدمات میں تاخیر مسائل کا سبب بنتی ہے، مقدمہ صرف اسی صورت میں ملتوی ہو سکتا ہے کہ یا تو وکیل اللہ کو پیارا ہو جائے یا جج فوت ہو جائے، اسکے علاوہ مقدمات کو غیر ضروری التوا میں ڈالنا انصاف کے قتل کے مترادف ہے، پوری دنیا میں مسلسل ٹرائل کا نظام موجود ہے اور کسی بھی مقدمہ کو مخصوص ٹائم فریم میں نمٹا دیا جاتا ہے، ہمیں بھی اپنا نظام بدلنے کی ضرورت ہے۔ انہوں نے بتایا کہ پائلٹ پراجیکٹ 4 اضلاع انک، چنیوٹ، نارووال اور دہاڑی میں شروع کیا جا رہا ہے، اسکے تحت مثالی انصاف کی فراہمی کیلئے ضلعی پولیس، جنیل پولیس، پراسیکیوشن اور جوڈیشل افسران سمیت تمام سٹیک ہولڈرز کو اپنا مثبت کردار ادا کرنا ہوگا، پولیس کی جانب سے تفتیش سے لیکر چالان پیش کرنے تک کا عمل شفاف انداز سے مقررہ وقت میں مکمل ہونا چاہئے، پراجیکٹ کے حوالے سے کسی بھی قسم کی کوتاہی ناقابل برداشت ہوگی۔

The Daily Dunya 22-01-2017

SCBA address

Judiciary essential for existence of state: CJP

Says Pakistan fortunate to have a written constitution

A OUR CORRESPONDENT
ISLAMI

Chief Justice of Pakistan Mian Saqib Nisar on Friday said that the judiciary was a completely independent institution which had unique, competent and upright judges.

"The importance of the judiciary is not hidden from anyone," he said while speaking at a reception hosted by the Supreme Court Bar Association in his honour.

"In democracy, the judiciary is like the *quis non* (a necessary condition without which something is impossible) for the existence of the state," the chief justice added.

"Pakistan is fortunate to have a written constitution under which the judiciary is functioning."

He reiterated that the country's superior judiciary was independent and upright, adding the Supreme Court

had unique judges of whom he and everyone could feel proud of.

"Each one of my judges in the Supreme Court is upright, capable, and a man of integrity and ability."

Justice Nisar said: "Neither will we detest in the performance of our duties nor will we disappoint our nation," adding, "Judges through their character and decision will prove that Pakistan's judiciary is unique in its calibre, decisions and independence."

The chief justice viewed that the bar and the bench were integral and inseparable parts of the same institute "because the former cannot give good and independent judgements without the assistance from the latter".

He said the provision of facilities to the bar was essential. "After assuming the office of the country's top judge, my first directive



"We will neither be derelict in performing our duties nor will we disappoint our nation"

CJP Mian Saqib Nisar

to the court staff was to facilitate litigant public and lawyers."

Justice Nisar said since the bench and the bar enjoyed the relationship of respect; therefore, there was no rift between the two. He said under Article 4 of the

Constitution, the judge had the authority to give any decision on his/her own whims, as the former chief justice Naseem Hassan Shah had already declared in the famous case of the Utility Stores Corporation in 1985.

"Therefore, the whimsical, capricious and arbitrary decisions are against the calibre of a judge."

CJP Nisar said a judge was duty bound to give decision in accordance with the law, as Article 4 says: every individual has the right to be dealt with in accordance with the law. "We have taken the oath to follow the Constitution."

The chief justice said the chapter of fundamental rights in the Constitution was the most beautiful part and asserted that the chapter was his weakness, as the enforcement of fundamental rights was very sacred.

"Once it has been estab-

lished that the breach of fundamental rights has been violated somewhere, then it is the duty of a judge to enforce such law because the element of discretion of the judge does not remain there anymore," he added.

He said it was the duty of his judges to enforce fundamental rights. He said the cases in eight different categories, including fresh criminal bail before and after arrest, rest, services, execution, jail appeals against the sentences up to ten years, would now be fixed on the dates proposed by lawyers.

The chief justice said library of the apex court was being digitalised to save space to accommodate law officers and lawyers; however, he added that the federal government was also asked to provide land in the vicinity of the Supreme Court to accommodate the offices of law officers.

Express Tribune 28-01-2017

Self-accountability

Five superior court judges appear before SJC

Supreme Judicial Council expected to resume proceedings next month

A. HASNAT MALIK
ISLAMABAD

Chief Justice Saqib Nisar has accelerated the process of self-accountability within the judiciary with as many as five superior court judges appearing before the Supreme Judicial Council over the last two weeks.

Sources told *The Express Tribune* that the council has held three meetings in the last two weeks as five judges were invited to offer explanations over complaints of misconduct lodged against them. Three of them belonged to the Lahore High Court while two belonged to the Islamabad High Court, the sources said.

Without dropping proceedings against any judge after

hearing their explanations, the council asked the judges to submit a written reply within 15 days, according to sources. The council also sought a written reply from the LHC judge whose name was included in the Panama leaks.

The council is expected to resume proceedings against the five judges next month.

The council is expected to resume proceedings against the five judges next month.

It is also learnt that one of the IHC judges had demanded that the council's proceedings should be held in public. However, the SJC's rules say that the proceedings should be held in camera.

The sources said that a few of the accused judges could challenge the SJC proceedings in the apex court if the trial is initiated against them in camera.

The sources also revealed that a show cause notice had been issued to one Sindh High Court's judge as well.

Former CJP Anwar Zaheer Jamali had vowed that the SJC would be activated during his tenure. Though a number of SJC proceedings were held but the trial of any accused judge could not be started. However, the council had dropped its proceedings against one LHC and one Peshawar High Court judge during the ex-CJP's tenure.

Supreme Court Bar Association president Rasheed A Rizvi while talking to *The Express Tribune* appreciated the CJP regarding his efforts to ensure self-accountability.

He, however, demanded

that the council should hold the hearings in public which would help restore public faith in the judiciary. "If the cases of prime minister and president are being heard in open courts, why are the complaints against judges being examined in camera?" he asked.

According to Article 206 of the Constitution, the SJC comprises the chief justice of Pakistan, two senior-most judges of the Supreme Court and two senior-most chief justices of high courts. The council is also empowered to hear complaints against top government functionaries such as the NAB chairman, ECP members, AGP, etc.. SJC's proceedings are always in-camera and the Supreme Court registrar serves as secretary to the council.

No judge has been ousted by the SJC for more than 40 years.

Express Tribune 20-02-2017

۲۱۔ جسٹس اعجاز علی خان کی معیار کا پیمانہ نہیں کہنا اور پورے پورے پیرا کو اس کے الفاظ کے تحت لے کر اس کے خلاف کارروائی کرنا

شہریوں کو جسٹس پائی فراہم کیا جا رہا ہے تاہم عدالت نے اس کی صورت حال بھی سمجھنا چاہی ہے۔ پینے کے پانی کے منصوبوں سے متعلقہ پتہ تک برآمدگیوں کو روکنے کے لیے وزیر زمین پائی ۱۹۹۷ء کی عدالت کے

حکم ناموں کی جعلی، ناقص حکمت عملی اور جانشینی دیکھنے میں آئی ہے۔ منصوبوں میں ڈس سے بنائے ہوئے زمین کی ۱۹۹۱ء کی اسٹیٹس سربراہ عدالت نے اس کی جانشینی جانشینوں کو برقی کھوپڑی

۱۔ پانی کے منصوبوں کی جانشینی اور	۲۔ پانی کے منصوبوں کی جانشینی اور	۳۔ پانی کے منصوبوں کی جانشینی اور
۴۔ پانی کے منصوبوں کی جانشینی اور	۵۔ پانی کے منصوبوں کی جانشینی اور	۶۔ پانی کے منصوبوں کی جانشینی اور

ریفرنس اور سوال

وفاقی ہے۔ اور ایس کے مطابق فیڈرل کیسوں نے اپنی
 - عدالت میں قرار دیا ہے کہ عدالت میں شہریوں کو اس
 - جسٹس پائی فراہم کیا جا رہا ہے تاہم عدالت نے اس کی صورت حال بھی سمجھنا چاہی ہے۔ پینے کے پانی کے منصوبوں سے متعلقہ پتہ تک برآمدگیوں کو روکنے کے لیے وزیر زمین پائی ۱۹۹۷ء کی عدالت کے
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Daily Jang 26-02-2017

Undue delay in court proceedings amounts to 'denial of justice': SC

▪ Bench says having a speedy trial right of every accused
 ▪ Investigators, prosecutors must diligently perform their statutory duties

LAHORE: The country's top court on Saturday stated that unnecessary delay in court proceedings amounted to "denial of justice".

These remarks were made to give a wake-up call to the prosecution department over inordinate delays in trials of capital punishment cases.

A three-judge bench of the Supreme Court, headed by Justice Dost Muhammad Khan, stated that inordinate delay in many cases becomes a cause of frustration for both the accused and the aggrieved complainant party, and in some cases the aggrieved party ordinarily takes the law into their own hand by indulging in acts of retribution.

This resulted in unrest and sparked intolerance in

society, which ultimately would have negative impacts on the performance of the government as a whole, the bench added.

Furthermore, the bench said that the investigators and prosecutors, consisting of large fleets who are being sustained and maintained at the cost of taxpayers' money, should diligently perform their statutory duties; otherwise they "will be guilty of violating the mandatory statutory provision of the Criminal Procedure Code, the constitution and law relating to the prosecution branch."

"It is a universal principle of law that having a speedy trial is the right of every accused person, therefore, unnecessary delays in legal proceedings of such cases

would amount to the denial of justice," the bench held.

The court went on to say, "Many years back, the government with the aim to put the criminal justice system into the correct channels, bifurcated the police force to preventive and detective, investigation and prosecution wings".

The establishment of the same deary cost the public exchequer because enormous budget was allocated for this purpose at the federal and provincial levels, the bench said. "However, such a costly exercise could not improve the system because the supervising officers of these wings of the police are uninterested in streamlining the working of each wing - in an efficient and effective manner - and to comply with

the mandatory provisions of law," the bench remarked.

"Even today, charge sheets and submission of challans before the competent courts in criminal cases are delayed for no plausible reason," the bench held, adding that even interim challans were not submitted within the statutory period.

"This conduct and attitude, as well as the performance of investigating, prosecution and detective agencies, are absolutely unacceptable," the bench held.

Some of the witnesses either vanish after being killed by opponents or meeting a natural death, or in some cases, the bench remarked.

This makes it a cumbersome job for the trial court to procure their attendance, the bench stated. STAFF REPORT

Daily Time 05-03-2017



Daily Jang 01-04-2017

ملک چنانچہ تو کرپشن کو کسی صورت پرہیز نہیں کیا جانا چاہیے جسٹس

جتنی بھی ہاؤسنگ سوسائٹیاں ہیں سب میں سکیڈل سامنے آتے ہیں، فراڈ پر فراڈ ہو رہا ہے، کئی لوگ پٹانوں کے پیسے دیکر مر چکے
کیا کسی سوسائٹی نے کسی ہتھیار کو کبھی میرٹ پر گھردیا ہے؟ ریمبارکس، چارٹزمان حنا تیں منسوخ
ہونے پر احاطہ عدالت سے گرفتار

اسلام آباد (جسٹس رچرڈ) سپریم کورٹ سے عطف ہاؤسنگ سوسائٹیوں کے چارٹزمان کی حنا توں کی درخواستیں مسترد ہونے کے بعد ان کو عدالت کے احاطہ سے گرفتار کر لیا گیا اور قحان بیک ٹریٹ اسلام آباد منتقل کر دیا گیا۔ چارٹزمان میں حافظ مسعود نواز، عبدالرزاق، طلحہ بیگ اور محمد خالد شامل ہیں، جنس گزار احمد اور جنس دوست محمد خان پر مشتمل دور کی بیج نے دو عطف مقدمات سمیت کی، عدالت کو فریقین کے وکلاء کی جانب سے دلائل دیے گئے، جنس دوست محمد خان نے ریمبارکس دیتے ہوئے کہا کہ ملک کو بچانا ہے تو کرپشن کو کسی صورت پرہیز نہیں کیا جانا چاہیے، ملک میں جتنی بھی ہاؤسنگ سوسائٹیاں ہیں سب میں سکیڈل سامنے آتے ہیں، معاشرے میں فراڈ پر فراڈ ہو رہا ہے، 30 سال میں پٹانوں کے لیے پیسے دینے والے بہت سے لوگ مر چکے ہوں گے، کیا کسی سوسائٹی نے کسی ہتھیار کو کبھی میرٹ پر گھردیا ہے، چارٹزمان میں ہاؤسنگ سوسائٹی میں کروڑوں روپے کی کرپشن کا الزام تھا۔

Daily Dunya 09-05-2017

خاموش انقلاب آبا کے خصوصی عدالت کی ضرورت نہیں بلکہ عدالت عظمیٰ

مقدمات 3 دن میں نمٹائے جا رہے ہیں، فوجی عدالت بنی تو ہر مدعی چاہتا تھا کیس وہاں چلے
: جنس آصف سعید کھوسہ

ریٹائرڈ ایس کیس میں بھی سیکشن 6 اور 7 لگا لیکن وہ پیسے دے کر چلا گیا: جنس دوست محمد، قتل کیسوں
کے 5 ملزم بری

اسلام آباد (کنٹری رپورٹر) جنس آصف سعید کھوسہ نے سپریم کورٹ میں مختلف مقدمات کی سماعت کے دوران ریٹائرڈ کیس کے
مخالف کے آخری اعتراض میں مقدمہ نمٹانے کا عمل تیز ہو گیا ہے، جو مقدمہ سات دوسرے اعتراض میں تین سال میں نمٹانے جاتے تھے
وہ اب تین دن میں نمٹائے جا رہے ہیں، اب ایک خاموش انقلاب آ رہا ہے یہ عمل ایسے جاری رہا تو کسی خصوصی عدالت کی ضرورت
نہیں پڑے گی، جنس دوست محمد نے کہا اسکاٹلڈ اور تحقیقات کا نظام کو تباہیوں اور کمزوریوں کی انتہا پر پہنچی چکا ہے، مقدمے میں اسکاٹلڈ
اور تحقیقات والے اپنی جان چھڑا کر کیس کو دھتکری کی عدالت میں بھیجے کی کوشش کرتے ہیں، جبکہ عدالت عظمیٰ نے پنجاب اور
بلوچستان میں قتل کے مقدمات میں عرقیہ کے پانچ ملزموں کو بری جبکہ ایک ملزم کی سزائے موت کو عرقیہ میں تبدیل کر دیا۔ جنس
آصف سعید کھوسہ کی سربراہی میں تین رکنی انچ نے سماعت کی۔ کوئٹہ پکھری میں فائرنگ سے متعلق کیس کی سماعت کے دوران جنس
آصف سعید کھوسہ نے ریٹائرڈ کیس کے فوجی عدالت بنی تو ہر مدعی کی خواہش تھی کہ کیس ملزم کی عدالت میں چلے، چاہے کس ملزم کی عدالت
کے دائرہ اختیار میں آتا ہو یا نہ، بہت سارے مقدمات دھتکری کے نہیں ہوتے لیکن پھر بھی انہیں اسکاٹلڈ اور دھتکری کی عدالت میں
ہوتا ہے، ملزم کے وکیل کی التوا کی درخواست پر جنس آصف سعید کھوسہ نے کہا سپریم کورٹ نے مقدمہ منتقلی کرنا چھوڑ دیا ہے لگے
قومی ہے کہ وہاں کے تھانوں سے 20 سال سے زیر التوا مقدمات کو نمٹا لیا ہے، 2013 تک سماعت کے لیے حلقہ کیے گئے فوجی عدالت
مقدمات اگلے پتے تک ختم ہو جائیں گے، انہوں نے مزید کہا ایک دور میں دھتکری ایکٹ میں ترمیم ہوئی تو صحافی کو گھور کر دیکھنا بھی
دھتکری کے ذمے سے مل گیا تھا لیکن اب یہ قوانین ختم ہو چکے ہیں، جب معاشرے کو خوفزدہ کرنے کے لئے جرم کیا جائے تو وہ
دھتکری ہے، جنس دوست محمد خان نے مزید کہا کہ ریٹائرڈ کیس میں بھی سیکشن 6 اور 7 لگا تھا لیکن وہ پیسے دے کر چلا گیا اس پر
جنس قاضی فائز سیدی نے ریٹائرڈ کیس کے ذمے سے مل گیا کہ اگر ریٹائرڈ کیس میں عدالت میں کوئی جرم کرتا تو اس کا خطرہ مختلف ہوتا، بعد ازاں قاضی
عدالت نے کوئٹہ پکھری میں فائرنگ کر کے ختم کرائی کرنے کے الزام میں عرقیہ سمیت دھتکری کی دفعات کے تحت مختلف سزائیں
پانے والے ملزموں اعظم، عبید، طاہر اور اسامیل کو بری کر دیا، قصور میں 2004 میں اس کی شخص کو قتل کرنے والے ملزم کامران کی
سزائے موت کو عرقیہ میں تبدیل کر دیا، خان کے قتل کیس میں 13 سال سے قید ملزم ملک اقبال کو بری کر دیا، جنس آصف سعید
کھوسہ نے ریٹائرڈ کیس کے سچے گواہ کو ایسے کو تباہ نہیں ہم جو نے گواہ مانے کو تباہ نہیں ہیں، جو نے گواہوں کی وجہ سے اصل
ملزم عدالتوں سے بری ہو جاتے ہیں، پھر ملزم کی ریت پر کہا جاتا ہے کہ عدالت نے ملزم کو بری کر دیا لیکن کوئی نہیں دیکھتا کہ گواہ نے
مجھوت بولا ہے۔

Daily Dunya 17-05-2017

محکم بنیادیں: پاکستانیوں کے مسائل حل کرنے کیلئے خصوصی عدالتیں بنانے پر سربراہ کونٹ

صدر پارہ پاکستانیوں کو دہشت گردی کا حق دینے پر فیصلہ دے چکے جو حتمی ہے، انکیشن کیشن بھاری جزل سے وشرقت رچ رت طلب، گروہوں کی غیر قانونی فروخت، وفاقی و صوبائی حکومتوں سے جواب طلب

اسلام آباد (خصوصی ٹریڈنگ) سپریم کورٹ نے صدر پارہ پاکستانیوں کے مسائل حل کرنے کیلئے خصوصی عدالتیں قائم کرنے کا حکم دے دیا۔ چیف جسٹس میاں فقیر سراجی کی سربراہی میں عدالت نے صدر پارہ پاکستانیوں کو دہشت گردی کا حق دینے سے متعلق کس کی ضمانت میں منتوں تک پہنچائی کرتے ہوئے بھاری جزل اور انکیشن کیشن سے وشرقت رچ رت طلب کرئی۔ عدالت نے کہا کہ صدر پارہ پاکستانیوں کو دہشت گردی کا حق دینے کا حکم 2014 میں فیصلہ دے چکا ہے اور یہ فیصلہ حتمی ہے۔ چیف جسٹس نے مزید کہا کہ یہ کہہ کر عدالت تک تلخ پارہ پاکستانیوں تک کا سراپا ہے۔ انہی بھاری جزل نے بتایا کہ صدر پارہ پاکستانیوں کو دہشت گردی کا حق دینے کا معاملہ پارہ بھاری جزل میں زیر التوا ہے۔ چیف جسٹس نے استدعا کیا کہ دہشت گردی کا حق لی جی ہائے تو وہ تک کا طریقہ کیا ہوگا، وہ وقت کیجے اور انہی کی پانڈ پیر ڈاک اور خواست گزارہ بھاری جزل نے کہا کہ ترقی کے نصف میں عمران خان نے بھی معاملے پر عدالت آنے کا حکم کیا، چیف جسٹس نے کہا عدالت آئے آپ بھاری جزل پر اسکا ہے۔ عدالت تک مقیم طریقہ کے مسائل حل کرنے کیلئے خصوصی عدالتیں قائم کر دینے ہیں، خصوصی عدالتیں بھاری جزل میں قائم ہونے، سپریم کورٹ میں پہلے سے موجود عدالتیں بھی فعال کر دیا، عدالتیں ہے صدر پارہ پاکستانیوں کے

مسائل حل کرنے کیلئے خصوصی عدالتیں بھی قائم کریں۔ تک میں گروہوں کی غیر قانونی طور پر فروخت تکالیف اور نورونش کس میں اسلام آباد پریس نے 53 صفحات پر تفصیل رچ رت تک کر دی۔ رچ رت میں انکیشن کیا گیا ہے کہ اسلام آباد کے علاوہ گلگت بلتستان میں بھی گروہوں کی غیر قانونی فروخت فروخت ہو رہی ہے، مہاجر کے کی گاؤں ایسے ہیں جہاں لوگ ایک گروہ کے ہمارے زعمہ ہیں۔ چیف جسٹس میاں فقیر سراجی کی سربراہی میں عدالت نے اس رچ رت پر وفاقی و صوبائی حکومتوں، گلگت بلتستان اور آزاد کشمیر کی حکومتوں سے جواب طلب کر لیا ہے۔ راکس انکیشن بی اسلام آباد ساہجہ کمانی نے یہ رچ رت پیش کی۔ چیف جسٹس کا کہنا تھا کہ گروہ دینے والے ادارہ نہیں بلکہ انکیشن کا ادارہ ہے۔ جسٹس چوہدری فضل خان کی سربراہی میں عدالت نے مہاجر تک کیجھڑل کے مرکزی طوم عدالت انکیشن کی درخواست دیکھ لینے کی فیڈر خارج کر دی۔ جسٹس بلج حفیظ سعید اور جسٹس سید علی شاہ نے جسٹس بلج نے فیڈر میں طوم عدالت کے ایک کی فیڈر تکالیف و ادارہ خواست کی ضمانت غیر سعید عدالت تک بتائی کر دی۔ عدالت نے فیڈر میں آئی ای بی بی بی عدالتی تنظیم کو ادنیٰ ضمانت میں طلب کر لیا ہے۔ درخواست گزار کا کہنا تھا کہ فیڈر میں عدالتی تنظیم 18 سال سے عدالت پر ہے۔ جسٹس آصف سعید کھوسو کی سربراہی میں 30 کی عدالت نے عدالت کے ہر طرف عدالت لگاتے ہوئے خواجہ کی عدم دستیابی اور دستاویز کی طرف سے کس ثابت کرنے میں ناکامی پر جسٹس طوم کو بری جیکہ ایک طوم کی برکت اور خواست مسزہ کرتے ہوئے سوائے موت کو حرقہ میں تبدیل کر دیا۔ پہلے مقدمے میں عدالت نے فری صوبائی میں 17 مئی 2011ء کو سزے 3 سالہ جیل کی زیادتی کا حکم دینے کے بعد عدالت نے عدالت کے عدالت میں طوم عباس خان کو بری کر دیا، طوم نے عدالت کے سامنے اعتراض جرم کیا تھا تمام سپریم کورٹ نے کہا ہے عدالت کا حق ہے کہ جب تک کوئی اور آزاد شہادت موجود نہ ہو صرف اعتراضی بیان پر سزا نہیں دی جاسکتی۔ دوسرے مقدمے میں عدالت نے طوم نوید اقبال کو ہانگ لے کا حکم دیا ہے۔ طوم پر ساہجہ صوبائی کو 13 اکتوبر 2007ء میں عدالت نے طوم کو لے کا حکم دیا۔ تیسرے مقدمے میں عدالت نے 12 سال بعد طوم محمد اقبال کی رہائی کا حکم دیا۔ طوم نے 19 اکتوبر 2005ء کو غلہ آدم ضلع ساگھڑ میں قہان علی کو قتل کیا تھا۔ چھ مقدموں میں عدالت نے فیصلہ آباد میں 2008ء میں عدالت میں قہان علی کو قتل کرنے والے طوم احمد علی کی درخواست برکت مسزہ کرتے ہوئے سوائے موت کو حرقہ میں تبدیل کر دیا۔

Daily Express 24-05-2017



Chief Justice's Chamber Supreme Court Islamabad

CHAPTER

13

**INFORMATION ON
THE ADMINISTRATION
OF JUSTICE**

13.1 Present Composition of the Federal Shariat Court and High Courts

Federal Shariat Court
Present Composition
Chief Justice, Mr. Justice Sh.Najam ul Hassan
Justice Mrs. Ashraf Jahan
Mr. Justice Dr. Fida Muhammad Khan
Mr. Justice Zahoor Ahmed Shahwani

Lahore High Court
Lahore High Court
Present Composition
Chief Justice, Syed Mansoor Ali Shah
Mr. Justice Shahid Hameed Dar
Mr. Justice Muhammad Yawar Ali
Mr. Justice Muhammad Anwaarul Haq
Mr. Justice Sardar Muhammad Shamim Khan
Mr. Justice Mamoon Rashid Sheikh
Mr. Justice Muhammad Farrukh Irfan Khan
Mr. Justice Muhammad Qasim Khan
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mr. Justice Syed Muhammad Kazim Raza Shamsi
Mr. Justice Amin-Ud-Din Khan
Mr. Justice Muhammad Ameer Bhatti
Mr. Justice Malik Shahzad Ahmad Khan
Mr. Justice Abdul Sami Khan
Mr. Justice Ibad-Ur-Rehman Lodhi
Mr. Justice Shujaat Ali Khan
Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed
Mr. Justice Ali Baqar Najafi
Mr. Justice Atir Mahmood
Mr. Justice Shahid Bilal Hassan
Justice Miss Aalia Neelum
Mr. Justice Abid Aziz Sheikh
Mr. Justice Muhammad Tariq Abbasi
Mr. Justice Ch. Muhammad Masood Jahangir
Mr. Justice Sadaqat Ali Khan
Mr. Justice Shams Mehmood Mirza
Mr. Justice Syed Shahbaz Ali Rizvi
Mr. Justice Shahid Jamil Khan
Mr. Justice Faisal Zaman Khan
Mr. Justice Khalid Mehmood Malik
Mr. Justice Ali Akbar Qureshi
Mr. Justice Qazi Muhammad Amin Ahmed
Mr. Justice Ch. Mushtaq Ahmad
Mr. Justice Masud Abid Naqvi
Mr. Justice Shahid Karim

Mr. Justice Mirza Viqas Rauf
Mr. Justice Ch. Muhammad Iqbal
Mr. Justice Shahid Mubeen
Mr. Justice Sardar Ahmad Naeem
Mr. Justice Raja Shahid Mehmood Abbasi
Mr. Justice Shehram Sarwar Ch.
Mr. Justice Muhammad Sajid Mehmood Sethi
Mr. Justice Sardar Muhammad Sarfraz Dogar
Mr. Justice Mujahid Mustaqeem Ahmed
Mr. Justice Tariq Iftikhar Ahmad
Mr. Justice Asjad Javaid Ghural
Mr. Justice Tariq Saleem Sheikh
Mr. Justice Jawad Hassan
Mr. Justice Muzamil Akhtar Shabir
Mr. Justice Ch. Abdul Aziz

High Court of Sindh

Chief Justice Mr. Justice Ahmed Ali M. Sheikh

Mr. Justice Irfan Saadat Khan
Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Munib Akhtar
Mr. Justice Syed Hasan Azhar Rizvi
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Nadeem Akhtar
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Abdul Rasool Memon
Mr. Justice Naimatullah Phulpoto
Mr. Justice Sadiq Hussain Bhatti
Mr. Justice Syed Muhammad Farooq Shah
Mr. Justice Aziz-ur-Rehman
Mr. Justice Aftab Ahmed Gorar
Mr. Justice Salahuddin Panhwar
Mr. Justice Abdul Maalik Gaddi
Mr. Justice Nazar Akbar
Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zafar Ahmed Rajput
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Muhammad Iqbal Maher
Mr. Justice Khadim Hussain M. Shaikh
Mr. Justice Zulfiqar Ahmad Khan
Mr. Justice Mahmood A. Khan
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Rasheed Ahmed Soomro
Mr. Justice Arshad Hussain Khan
Mr. Justice Muhammad Saleem Jessar
Mr. Justice Fahim Ahmed Siddiqui
Mr. Justice Khadim Hussain Tunio
Mr. Justice Omar Sial
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Yousuf Ali Sayeed

Peshawar High Court

Present Composition

Chief Justice Mr. Justice Yahya Afridi
 Mr. Justice Waqar Ahmad Seth
 Mr. Justice Qaiser Rashid Khan
 Mr. Justice Rooh-ul-Amin Khan
 Mr. Justice Syed Afsar Shah
 Mr. Justice Ikramullah Khan
 Ms. Justice Musarrat Hilali
 Mr. Justice Lal Jan Khattak
 Mr. Justice Muhammad Younis Thaheem
 Mr. Justice Qalandar Ali Khan
 Mr. Justice Mohammad Ghazanfar Khan
 Mr. Justice Mohammad Ibrahim Khan
 Mr. Justice Ishtiaq Ibrahim
 Mr. Justice Muhammad Ayub Khan
 Mr. Justice Abdul Shakoor
 Mr. Justice Ijaz Anwar
 Mr. Justice Syed Muhammad Attique Shah
 Mr. Justice Muhammad Nasir Mehfooz
 Mr. Justice Shakeel Ahmad
 Mr. Justice Arshad Ali

High Court of Balochistan

Present Composition

Chief Justice Mr. Justice Muhammad Noor Meskanzai
 Justice Syeda Tahira Safdar
 Mr. Justice Jamal Khan Mandokhail
 Mr. Justice Naeem Akhtar Afghan
 Mr. Justice Muhammad Hashim Kakar
 Mr. Justice Muhammad Ejaz Swati
 Mr. Justice Muhammad Kamran Mulakhail
 Mr. Justice Syed Anwar Aftab
 Mr. Justice Zaheer-Ud-Din Kakar
 Mr. Justice Abdullah Baloch
 Mr. Justice Nazeer Ahmed Langove

Islamabad High Court

Present Composition

Chief Justice Mr. Justice Muhammad Anwar Khan Kasi
 Mr. Justice Shaukat Aziz Siddiqui
 Mr. Justice Athar Minallah
 Mr. Justice Aamir Farooq
 Mr. Justice Miangul Hassan Aurangzeb
 Mr. Justice Mohsin Akhtar Kayani

13.2 Sanctioned Strength of Judges in Subordinate Judiciary

Punjab

Title	Sanctioned Strength
District & Sessions Judges	36
Addl. District & Sessions Judges	606
Senior Civil Judges	109
Civil Judges-cum-Judicial Magistrates	1613

Sindh

Title	Total
District & Sessions Judges	98
Addl. District & Sessions Judges	105
Senior Civil Judges	132
Civil Judges-cum-Judicial Magistrates	283

Khyber Pakhtunkhwa

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	25	21
Addl. District & Sessions Judges	103	103
Senior Civil Judges	32	27
Civil Judges-cum-Judicial Magistrates	307	251

Balochistan

Title	Sanctioned Strength
District & Sessions Judges	31
Addl. District & Sessions Judges	37
Senior Civil Judges	15
Family Judges	15
Civil Judges /Judicial Magistrates	120
Qazi	33
Judges in Anti-Terrorism Courts	8

Islamabad Capital Territory

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	2	2
Addl. District & Sessions Judges	30	16
Senior Civil Judges	6	6
Civil Judge-cum-judicial Magistrate	52	45

13.3 Strength of Law Officers at the office of Attorney General for Pakistan

Attorney General for Pakistan	Additional Attorney General	Deputy Attorney General	Law officers (Including AAG's & DAGs)
1	7	33	132

13.4 Strength of Law Officers at the office of Advocate Generals

Title of Post	Balochistan	Khyber Pakhtunkhwa	Punjab	Sindh	Islamabad
Advocate General	1	1	1	1	1
Additional Advocate General	6	17	22	13	-
Assistant Advocate General	5	15	45	25	-
Advocate on Record	-	1	1	-	-
Law Officer	-	1	-	-	-

13.5 Strength of Law Officers at the office of Prosecutor General / Director General (Prosecution)

Punjab

Designation	Sanction Strength
Prosecutor General	01
Additional Prosecutor General	18
District Public Prosecutor	53
Deputy Prosecutor General	68
Deputy District Public Prosecutor	378
Assistant District Public Prosecutor	821

Sindh

Designation	Sanction Strength
Prosecutor General	01
Additional Prosecutor General	24
District Public Prosecutor	27
Deputy Prosecutor General	24
Deputy District Public Prosecutor	128
Assistant Prosecutor General	89
Assistant District Public Prosecutor	362

Khyber Pakhtunkhwa

Designation	Sanction Strength	Working Strength
Director General (Prosecution)	01	01
District Public Prosecutor	25	25
Senior Public Prosecutor	15	14
Assistant Director Prosecution	01	01
Public Prosecutor	44	16
Deputy Public Prosecutor	62	34
Assistant Public Prosecutor	221	196

Balochistan

Designation	Sanction Strength	Working Strength
Prosecutor General	01	01
Additional Prosecutor General	13	08
Deputy Prosecutor General	05	04
District Public Prosecutor	29	21
Deputy District Public Prosecutor	41	12
Assistant District Public Prosecutor	49	00

13.6 Advocates on the rolls of the Supreme Court

Senior Advocates	Advocates	Advocates-on-Record	Total
336	4851	252	5439

Advocates enrolled during the period from 01.07.2015 to 31-06-2016.

Senior Advocates	Advocates	Advocates-on-Record	Total
-	140	-	140

13.7 Strength of Advocates enrolled with the Bar Councils:

	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan	Islamabad
High Courts	58126	14585	6815	1776	4580

13.8 Affiliated Law Colleges with Universities

University Name	Affiliated Colleges
The University of Balochistan, Quetta	<ol style="list-style-type: none"> 1. The University Law College, Khojak Road, Quetta 2. City School of Law, Jinnah Town, Quetta 3. Jhalawan Law College, Chakar Khan Road, Khuzdaar
University of Sindh, Jamshoro	<ol style="list-style-type: none"> 1. Government Sindh Law College, Hosh Muhammad Sheedi Road, Hyderabad 2. Government Jinnah Law College, Doman Wah Road, Hyderabad 3. Pir Illahi Bux Law College, Dadu 4. Makhdoom Muhammad Zaman Talib ul Mola, Government Law College Hala 5. Mirpurkhas Law College, Mir Sher Muhammad Road Chandni Chowk, Mirpurkhas 6. Quaid-e-Azam Law College, APWA Girls High School Building, Kachahry Road, Nawabshah 7. Sukkur Institute of Science & Technology, Bundar Raod/Eid Gah Road, Sukkur 8. Indus College of Law, Bungalow No. 142/B, Near Public School (Girls Section), Latifabad No. 3, Hyderabad
University of Swabi	<ol style="list-style-type: none"> 1. Department of Peace & Conflict Resolution and Legal Studies

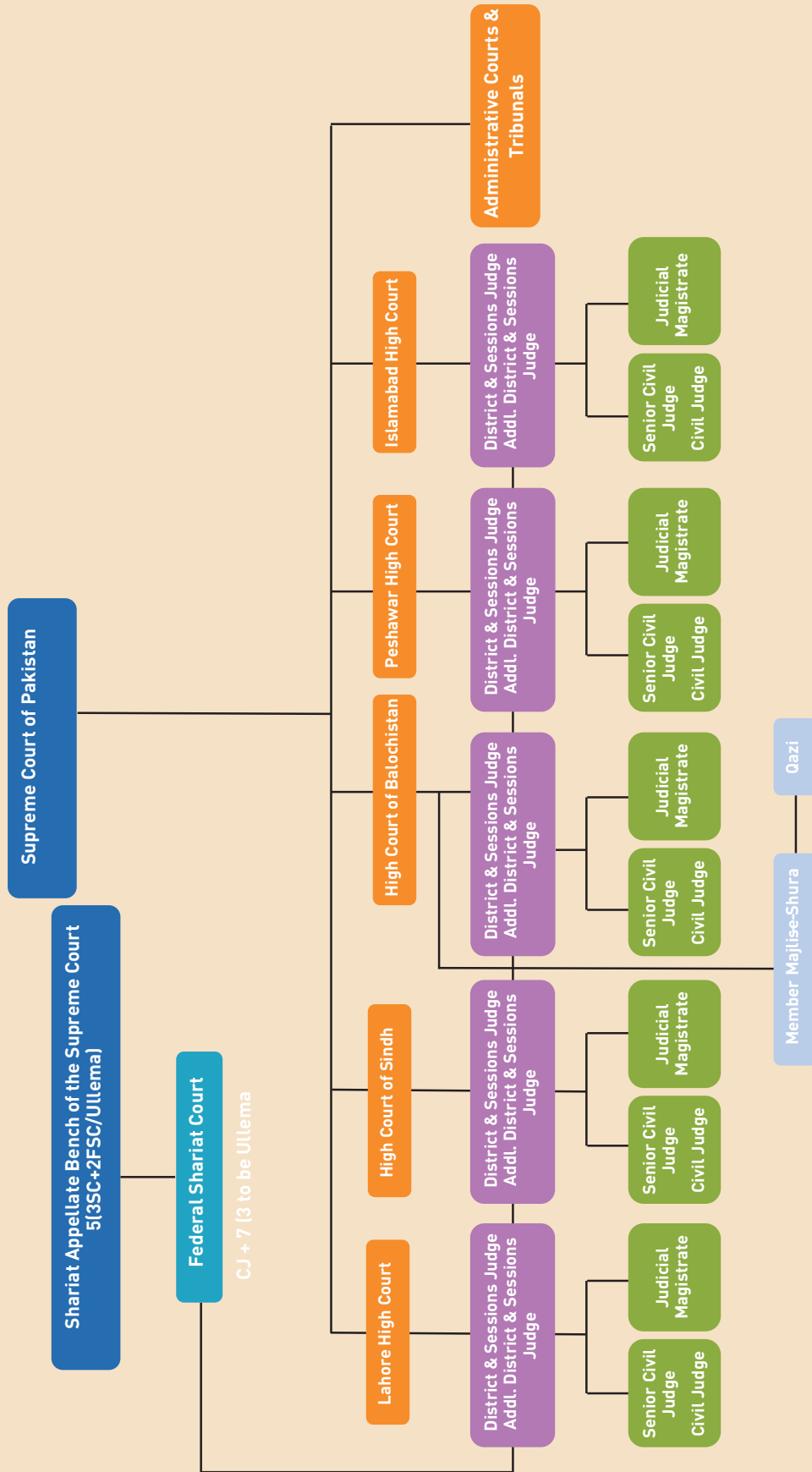
University Name	Affiliated Colleges
University of Punjab, Lahore	<ol style="list-style-type: none"> 1. National Institute of Legal Studies, CMH Road, Marhi More, Attock 2. Faisalabad College of Law, P-358, Amin Town, Near Kashmir Bridge, Canal Road, Faisalabad 3. Muhammad Ali Jinnah Law College, Sialkot Bypass Road, near Green Valley, Phase#2, Gujranwala 4. The College of Law, Near Regional Tax Office, G.T.Road, Gujranwala. 5. Premier Law College, Near kangniwala Bypass, Adjacent Jamia Arabia, G.T Road, Gujranwala 6. Gujrat Law College, 2-KM, Jalalpur Jattan Road, Gujrat 7. Chenab Law College, Jalalpur Jattan Road, Gujrat 8. Farabee Law College, Opp. DCO Colony, Gujranwala Road, Hafizabad 9. East & West Education System, Department of Legal Studies, House #18, Street # 60, F-11/4, Islamabad 10. Qaid-e-Azam Law College, 10-G, Link, Model Town, Lahore 11. Himayat-e-Islam Law College, 119 Multan Road, Lahore 12. Pakistan College of Law, 46-A, Tipu Block, New Garden town, Lahore 13. The Institute of Legal Studies, 15-Aziz Avenue, Canal Bank, Gulberg V, Lahore 14. National Law College, 96-CMA Colony, Abid Majeed Road, Lahore. 15. Superior College of Law, 173-Abubakar Block, New Garden town, Lahore 16. TOPPERS Law College, 27-L, Gulberg-III, Lahore 17. School of Law, 74-B, Gulberg-III, Lahore 18. Leads Law College, 5-Tipu Block, New Garden Town, Lahore 19. Global Law College, Main Sheikhpura Road, Near Al-Khan Hotel Begum Kot, Shahdara, Lahore 20. Institute of Law, 77-G, Gulberg-III, Lahore 21. CIMS School of Law, 74-Main Ferozpur Road, Ichhra, Lahore 22. Gabriel Law College, Opp. Seven Ways Restaurant, Phalia Road, Mandi Bahauddin 23. The College of Law, 1-KM, Kanjrur Road, Narowal 24. Quaid-e-Azam law College, Karmanwala Town, G.T.Road, Okara. 25. Rawalpindi Law College, D-31, 6th Road, Satellite Town, Rawalpindi 26. Capital Law College, 313-A, Murree Road, Rawalpindi 27. The Best Law College, 74-A, Satellite Town, Rawalpindi 28. Muslim Law College, 89-A, Satellite Town, Rawalpindi 29. Quaid-e-Azam Law College, 5-Railway Road, Civil Lines, Sargodha 30. Allama Iqbal Law College, Silver Star Road, Behind distt Jail , Sialkot 31. Islam Law College, Pasrur Road, Sialkot 32. Muhammadan Law College, Sharkpur Road, Link, Faisalabad Bypass Sheikhpura 33. Punjab Law College, 3-KM, Sargodha Road, Sheikhpura 34. Lahore Law College, 22-Canal Park, Rana Shoukat Mehmood Road, Gulberg-II, Lahore 35. City Law College, 124-Allam Iqbal Road, Garhi Shahu, Lahore 36. Jinnah Law College, Near Ketchery, Jhelum 37. Shadab Law College, Nasir Road, Sialkot
Benazir Bhutto Shaheed University, Lyari Karachi	<ol style="list-style-type: none"> 1. Govt. Shaheed Zulfiqar Ali Bhutto Law College, Memon Goth, Malir Karachi

University Name	Affiliated Colleges
The University of Peshawar, Peshawar	<ol style="list-style-type: none"> Abbott Law College, Mansehra Ayub Law College, Haripur Frontier Law College, Peshawar Islamia Law College, Peshawar Jinnah Law College, Peshawar Justice Law College, Abbotabad Kohat Law College, Kohat Mardan Law College, Mardan Muslim Law College, Swat Peshawar Law College, Peshawar Quiad-e-Azam Institute of Legal Studies, Nowshera Supreme Law College, Peshawar Sawabi Law College, Swabi Karakorum Law College, Gilgit Edwardes College, Peshawar
Gomal University, D.I, Khan	<ol style="list-style-type: none"> Frontier Law College, D.I.Khan Danish Kada Law College, Outside Miryan Gate, Bannu Luqman College of Law, Daraban Road, Near Zakarya Masjid, D.I. Khan
International Islamic University, Islamabad	Faculty of Shariah & Law, IIUI
Shah Abdul Latif University, Khairpur	<ol style="list-style-type: none"> Govt. Law College Khairpur, Distt. Khairpur Mirpurs Govt. A.B.D Law College, Sukkur, Distt Sukkar Govt. Shaheed Benazir Bhutto Law College, Larkana Law College Ghotki, Distt. Ghotki Haji Moula Bux Soomro Law College, Shaikarpur Sardar Noor Muhammad Khan Bejarni Law College, Kandhkot, Distt. Kashmore Shah Abdul Latif University, Constituent Law College, Naushehro Feroze Sain Dino Law College, Jacobabad Al-Falah Law College Kashmore, Taluka Kashmore Abdul Wahid Soomro Law College, Taluka Kashmore Mirza Khan Law College, Pano Akil, Sukkur Qazi Mian Ahmed Qureshi Law College, Moro Naushero Feroze Bilawal Bhutto Zardari Law College, Jocababad Bilawal Bhutto Zardari Law College, Kamber, Distt. Kamber Shahdadkot Faiz Muhammad Sahito Law College Kandiaro, Taluka Kandiaro, Distt. Naushero Feroze Mashal Law College, Daharki, Taluka Ubauro, Gohtki
University of Karachi, Karachi	<ol style="list-style-type: none"> Govt. S.M. Law College, Dr. Ziauddin Road, Karachi Govt. Islamia Law College, Allama Shabbir Ahmed Road, Karachi

University Name	Affiliated Colleges
Islamia University of Bahawalpur, Bahawalpur	<ol style="list-style-type: none"> 1. Jinnah Law College, Yazman Road, 10 KM, Bahawalpur 2. Allam Iqbal Law College, Goheer Estate, Bahawalpur 3. The Best College of Law 12/A, Younis Shahed Road, Model Town "A", Bahawalpur 4. Chishtian Law College, Johar Town, Chistian 5. Al-Umar Law College, Circular Road, Mubarak gate, Bahawalnagar 6. Ali Law College, Tahlli Mahatma, Raj Garh Road, Rahim Yar Khan 7. Jinnah Muslim Law College,93-95, Aabpara Market, Islamabad 8. Narowal Law College, Zafawal Road, Narowal 9. Zain Law College Bhakkar, Drya Khan Road, Bhakkar 10. Millat Law College, By Pass Road, Near Abbasia Chowk, Ahmad Pur East 11. The Brooks Law Collge, Faisal /Sajid Awan Town, Near Masjid Sadiq-e-Akbar, Bahawalpur 12. Bahawalpur Law College, 3-A, Tufail Shaheed Road, Model Town-A, Bahawalpure 13. Al-Mizan Institute of Legal Studies,Al-Mizan Complexx, Gillani Avenue, Motorway Chowk, Islamabad 14. Pakistan Muhammad Ali Law College, Lawyers Club Building, Bhimber Road, Gujrat 15. Premier Law College, Near Kangniwala Bypass, Adjacent Jamia Arabia, G.T Road, Gujranwala 16. Heritage International College, Gujranwala Road, Hafizabad 17. Cornelius Law College, Opposite Punjab College for Girls, Lahore 18. Cambridge Law College, Spal Coloy, G.T Road, Wazirabad
University of Azad Jammu & Kashmir, Muzaffarabad	<ol style="list-style-type: none"> 1. Citi Law College, Rawalakot District, Poonch AJ&K 2. Kashmir Law and Education College, Distt. Mirpur, AJ&K 3. Kashmir Law College, Muzaffarabad 4. Asian Star Law College, Muzaffarabad 5. Khan Muhammad College of Education, Bhimber AJ&K

University Name	Affiliated Colleges
Bahauddin Zakaria University, Multan	<ol style="list-style-type: none"> 1. Supreme Law College, Gulgasht Colony, Multan 2. Central Law College, 1-A, Bosan Road, Gulgasht, Multan 3. Multan Law College, Boasan Road, Multan 4. Allama Iqbal Law College, 131-D Shamsabad Colony, Multan 5. Muhammad Law College, near District Courts, Multan 6. Noor Law College, Katchery Road, Multan 7. Leads University Law College, Civil Lines, Khanewal 8. Quaid-e-Azam Law College, 34-Wala Moar, Multan Road, Sahiwal 9. Muhammadan Law College, Stadium Road, Sahiwal 10. The Limited Law College, 06-Km Pakpattan Road, Sahiwal 11. Multan Law College, Fateh Sher Road, Sahiwal 12. Askari Law College, Burewala 13. LICCS Law College, College Road, Layyah 14. Indus Law College, Taunsa Road, Near P/S Sadar, Dera Ghazi Khan 15. Multan Law College, Dera Ghazi Khan 16. Ghazi Khan Law College, 421-Leghari Colony, Street Alfiah Bank, Jampur Raod, Dera Ghazi Khan 17. Johar Law College, 71-C Farid Town, Sahiwal 18. Progressive Law College, Vehari 19. The Toppers Law College, Behind Osman CNG Station, Near Chungi No. 6, Bosan Road, Multan 20. Sir Syed Law College, Garden Town, Sher Shah Road, Multan 21. Justice Law College, Opp:DHQ Hospital, Pakpattan 22. Command Law College, 89-Liaquat Shaheed Road, Sahiwal 23. Pakistan Law College, St.No.3, Income Tax Officers Colony, Bosan Road, Multan 24. Shujabad Law College, 23-Meccca Town, Lodhran Road, Shujabad 25. Justice Law & education College, Sadat Colony, Near Zila Council, Muzaffargarh 26. Jinnah Law College, Near Pull Dat, Kampur Road, Dera Ghazi Khan 27. Pakistan Law College, Khayaban-e-Fareed, Pakpattan 28. Future Law College, Chowk Bypass, Bosan Road, Multan 29. Montgomery Law College, Gulshan Noor Colony, Opp. WAPDA Grid Station, G.T. Road, Sahiwal 30. Times Institute, 275-Shamasabad Colony, Multan 31. KAIMS International Law College, Northern Bypass, Model Town, Near Bosan Road, Multan 32. Justice Law & Education College, Near Ali Wala Chowk, Muzaffargarh Road, Multan. 33. Professional Law College, B-Block, Opp. Telephone Exchange, Gulgasht, Bosan Road, Multan 34. Merit Law College, Street No.1, Galaxy Town, Neel Kot, Bosan Road, Multan 35. Ayan Law College, Street No.4, Gulshan-e-Maher Colony, Multan 36. International Law College, Near Multan Cricket Stadium, Vehari Road, Multan 37. The Best Law College, Arifwala 38. South Punjab Law College, 1-A, Gulgasht East Colony, Multan.
Hazara University, Mansehra	<ol style="list-style-type: none"> 1. Sanni Islamia Law College, Haripur
University of Turbat	<ol style="list-style-type: none"> 1. Facult of Law, University Public Library Complex Near Commissioner House, Turbat City

13.9 Judicial Hierarchy





Court Room Branch Registry Peshawar

CHAPTER

14

**FORMER
CHIEF JUSTICES,
JUDGES AND
REGISTRARS**

FORMER CHIEF JUSTICES, JUDGES AND REGISTRARS

14.1 Former Chief Justices of Pakistan

	Name of Chief Justice	Tenure
01	Mr. Justice Sir Abdul Rashid (Chief Justice, Federal Court)	27.06.1949 – 29.06.1954
02	Mr. Justice Muhammad Munir (Chief Justice, Federal Court)	30.06.1954 – 02.05.1960
03	Mr. Justice Muhammad Shahabuddin	03.05.1960 – 12.05.1960
04	Mr. Justice A.R. Cornelius	13.05.1960 – 29.02.1968
05	Mr. Justice S.A. Rahman	01.03.1968 – 03.06.1968
06	Mr. Justice Fazle Akbar	04.06.1968 – 17.11.1968
07	Mr. Justice Hamoodur Rahman	18.11.1968 – 31.10.1975
08	Mr. Justice Muhammad Yaqub Ali	01.11.1975 – 22.09.1977
09	Mr. Justice S. Anwarul Haq	26.09.1977 – 25.03.1981
10	Mr. Justice Muhammad Haleem	25.03.1981 – 31.12.1989
11	Mr. Justice Muhammad Afzal Zullah	01.01.1990 – 18.04.1993
12	Mr. Justice Dr. Nasim Hasan Shah	17.04.1993 – 14.04.1994
13	Mr. Justice Sajjad Ali Shah	05.06.1994 – 02.12.1997
14	Mr. Justice Ajmal Mian	03.12.1997 – 30.06.1999
15	Mr. Justice Saiduzzaman Siddiqui	01.07.1999 – 26.01.2000
16	Mr. Justice Irshad Hasan Khan	26.01.2000 – 06.01.2002
17	Mr. Justice Muhammad Bashir Jehangiri	07.01.2002 – 31.01.2002
18	Mr. Justice Sh. Riaz Ahmad	01.02.2002 – 31.12.2003
19	Mr. Justice Nazim Hussain Siddiqui	31.12.2003 – 29.06.2005
20	Mr. Justice Iftikhar Muhammad Chaudhry	30.06.2005 – 11.12.2013
21	Mr. Justice Tassaduq Hussain Jilani,.	12.12.2013 – 06.07.2014
22	Mr. Justice Nasir-ul-Mulk	06.07.2014 – 16.08.2015
23	Mr. Justice Jawwad S. Khawaja	17.08.2015 – 09.09.2015
24	Mr. Justice Anwar Zaheer Jamali	10.09.2015 – 30.12.2016

14.2 Former Judges of the Supreme Court

	Name of Judge	Title	Tenure
01	Mr. Justice Abdul Rehman	Judge	07.02.1950 – 04.10.1953
02	Mr. Justice A.S.M. Akram	Judge	15.02.1950 – 27.02.1956
03	Mr. Justice Muhammad Sharif	Acting Judge	17.05.1950 – 23.05.1950
		Judge	13.04.1954 – 01.04.1958
04	Mr. Justice Muhammad Munir	Judge	01.10.1951 – 22.11.1951
05	Mr. Justice A.R. Cornelius	Judge	22.11.1951 – 09.06.1952
		Judge	17.10.1952 – 31.05.1953
		Judge	10.10.1953 – 12.05.1960
06	Mr. Justice M. Shahabuddin	Acting Judge	06.10.1952 – 23.12.1952
		Acting Judge	06.02.1953 – 07.06.1953
		Judge	04.10.1953 – 12.05.1960
07	Mr. Justice S.A. Rehman	Ad hoc Judge	02.03.1955 – 23.05.1955
		Judge	02.04.1958 – 01.03.1968
08	Mr. Justice Amiruddin Ahmad	Judge	12.03.1956 – 21.12.1960
09	Mr. Justice Fazle Akbar	Judge	18.05.1960 – 04.06.1968
10	Mr. Justice Badi-uz-Zaman Kaikaus	Judge	25.07.1960 – 03.01.1966
11	Mr. Justice Hamoodur Rahman	Judge	22.12.1960 – 18.11.1968
12	Mr. Justice Muhammad Yaqub Ali	Judge	04.01.1966 – 31.10.1975
13	Mr. Justice Sajjad Ahmad Jan	Judge	18.03.1968 – 31.03.1973
14	Mr. Justice Abdus Sattar	Judge	04.06.1968 – 28.02.1971
15	Mr. Justice Mujibur Rahman Khan	Judge	18.11.1968 – 23.11.1971
16	Mr. Justice Waheeduddin Ahmad	Judge	22.09.1969 – 20.09.1974
		Ad hoc Judge	23.05.1977 – 06.02.1979
17	Mr. Justice Salahuddin Ahmad	Acting Judge	04.12.1970 – 28.02.1971
		Judge	01.03.1971 – 31.12.1976
18	Mr. Justice S. Anwarul Haq	Judge	16.10.1972 – 22.09.1977
19	Mr. Justice Muhammad Gul	Judge	14.04.1973 – 31.12.1976
20	Mr. Justice Muhammad Afzal Cheema	Judge	08.10.1974 – 31.12.1977
21	Mr. Justice Abdul Kadir Shaikh	Judge	08.10.1974 – 23.01.1975
		Judge	01.07.1979 – 24.03.1991
22	Mr. Justice Malik Muhammad Akram	Judge	26.12.1975 – 13.09.1979
23	Mr. Justice Dorab Patel	Judge	07.01.1976 – 25.03.1981
24	Mr. Justice Muhammad Haleem	Judge	07.01.1977 – 25.03.1981
		Acting Chief Justice	26.03.1981 – 22.03.1984
25	Mr. Justice Qaisar Khan	Judge	07.01.1977 – 30.07.1978
26	Mr. Justice Dr. Nasim Hassan Shah	Ad hoc Judge	18.05.1977 – 14.06.1979
		Judge	14.06.1979 – 16.04.1993
27	Mr. Justice G. Safdar Shah	Judge	10.10.1977 – 16.10.1980
28	Mr. Justice Aslam Riaz Hussain	Judge	19.09.1978 – 23.08.1988
29	Mr. Justice Karam Elahi Chauhan	Acting Judge	27.04.1978 – 13.06.1979
		Judge	14.06.1979 – 04.02.1982
30	Mr. Justice Shafi-ur-Rahman	Ad hoc Judge	14.06.1979 – 29.07.1981
		Judge	31.07.1981 – 15.02.1994
31	Mr. Justice Maulvi Mustaq Hussain	Acting Judge	02.06.1980 – 25.03.1981

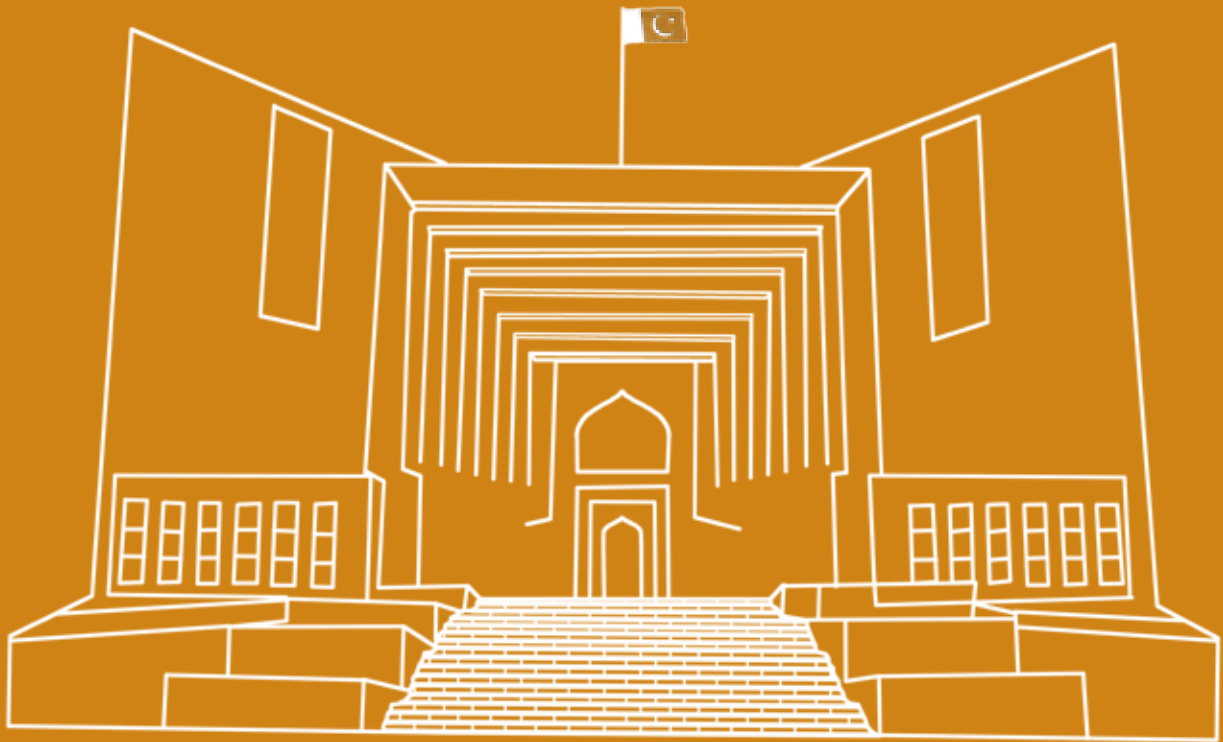
	Name of Judge	Title	Tenure
32	Mr. Justice Fakhruddin G. Ebrahim	Ad hoc Judge	17.06.1980 – 25.03.1981
33	Mr. Justice Shah Nawaz Khan	Judge	05.04.1981 – 01.07.1982
34	Mr. Justice S.A. Nusrat	Judge	04.08.1981 – 30.04.1989
35	Mr. Justice Zaffar Hussain Mirza	Judge	04.08.1981 – 09.10.1991
36	Mr. Justice M.S.H Quraishi	Ad hoc Judge	30.07.1981 – 28.02.1982
		Acting Judge	01.03.1982 – 30.09.1985
37	Mr. Justice Mian Burhanuddin Khan	Acting Judge	02.03.1982 – 17.12.1984
		Ad hoc Judge	18.12.1984 – 17.12.1987
38	Mr. Justice Ali Hussain Qazilbash	Acting Judge	17.04.1986 – 31.08.1988
		Judge	01.09.1988 – 14.09.1991
39	Mr. Justice Dr. Javed Iqbal	Judge	05.10.1986 – 04.10.1989
40	Mr. Justice Saad Saood Jan	Ad hoc Judge	05.10.1986 – 24.03.1987
		Judge	25.03.1987 – 30.06.1996
41	Mr. Justice Ghulam Mujaddid Mirza	Judge	25.03.1987 – 27.03.1987
		Acting CJ, LHC	28.03.1987 – 21.04.1988
		Judge	27.04.1988 – 31.03.1990
42	Mr. Justice Syed Usman Ali Shah	Acting Judge	08.12.1987 – 31.08.1988
		Judge	01.09.1988 – 12.01.1991
43	Mr. Justice Naimuddin	Judge	04.09.1988 – 09.11.1991
44	Mr. Justice Abdul Shakurul Salam	Judge	13.12.1989 – 31.03.1993
45	Mr. Justice Muhammad Afzal Zullah	Judge	16.06.1979 – 31.12.1989
46	Mr. Justice Abdul Hafeez Memon	Acting Judge	12.12.1989 – 08.10.1990
		Judge	15.04.1996 – 22.07.1997
47	Mr. Justice Abdul Qadeer Chaudhry	Judge	13.12.1989 – 12.07.1994
48	Mr. Justice Ajmal Mian	Judge	13.12.1989 – 02.12.1997
49	Mr. Justice Rustam S. Sidwa	Judge	14.12.1989 – 31.08.1992
50	Mr. Justice Muhammad Afzal Lone	Judge	13.08.1990 – 03.07.1993
51	Mr. Justice Sajjad Ali Shah	Judge	05.11.1990 – 16.02.1998
52	Mr. Justice Muhammad Rafiq Tarar	Judge	17.01.1991 – 01.11.1994
53	Mr. Justice Nasir Aslam Zahid	Ad hoc Judge	28.01.1991 – 28.04.1991
		Judge	18.04.1996 – 26.01.2000
54	Mr. Justice Saleem Akhter	Judge	25.03.1991 – 22.03.1997
55	Mr. Justice Wali Muhammad Khan	Acting Judge	28.10.1991 – 26.07.1993
		Judge	27.07.1993 – 31.10.1994
56	Mr. Justice Saiduzzaman Siddiqui	Judge	23.05.1992 – 30.06.1999
57	Mr. Justice Fazal Ilahi Khan	Judge	03.04.1993 – 31.12.1997
58	Mr. Justice Manzoor Hussain Sial	Acting Judge	26.05.1993 – 04.09.1993
		Judge	05.09.1993 – 24.03.1996
59	Mr. Justice Zia Mehmood Mirza	Acting Judge	07.06.1994 – 18.10.1994
		Judge	19.10.1994 – 20.04.1997
60	Mr. Justice Fazal Karim	Acting Judge	07.06.1994 – 18.10.1994
		Judge	19.10.1994 – 31.07.1996
61	Mr. Justice Muhammad Munir Khan	Acting Judge	15.06.1994 – 06.08.1994
		Ad hoc Judge	07.08.1994 – 06.08.1996
62	Mr. Justice Muhammad Ilyas	Acting Judge	15.06.1994 – 26.06.1994
		Judge	19.06.1995 – 30.09.1996
63	Mr. Justice Mir Hazar Khan Khoso	Acting Judge	19.07.1994 – 29.09.1994
		Ad hoc Judge	30.09.1994 – 29.09.1996

	Name of Judge	Title	Tenure
64	Mr. Justice Irshad Hasan Khan	Ad hoc Judge	19.10.1994 – 29.05.1995
		Judge	30.05.1995 – 19.06.1995
			15.04.1996 – 25.01.2000
65	Mr. Justice Mukhtar Ahmed Junejo	Ad hoc Judge	19.10.1994 – 21.02.1995
		Acting Judge	22.02.1995 – 30.03.1996
		Judge	31.03.1996 – 19.02.1998
66	Mr. Justice Muhammad Bashir Jehangiri	Ad hoc Judge	22.02.1995 – 29.03.1996
		Judge	30.03.1996 – 06.01.2002
67	Mr. Justice Raja Afrasiab Khan	Ad hoc Judge	22.02.1995 – 30.03.1996
		Judge	31.03.1996 – 14.01.2000
68	Mr. Justice Mamoon Kazi	Ad hoc Judge	22.02.1995 – 14.04.1996
		Judge	04.11.1997 – 26.01.2000
69	Mr. Justice Munawar Ahmed Mirza	Judge	17.11.1996 – 24.11.1999
70	Mr. Justice Khalil-ur-Rehman Khan	Judge	17.12.1996 – 26.01.2000
71	Mr. Justice Sh. Ijaz Nisar	Judge	29.05.1997 – 14.06.2000
72	Mr. Justice Abdul Rehman Khan	Judge	04.11.1997 – 05.09.2001
73	Mr. Justice Ch. Muhammad Arif	Judge	04.11.1997 – 09.01.2002
74	Mr. Justice Sh. Riaz Ahmad	Judge	04.11.1997 – 31.01.2002
75	Mr. Justice Munir A. Sheikh	Judge	04.11.1997 – 31.12.2003
76	Mr. Justice Wajihuddin Ahmed	Judge	05.05.1998 – 26.01.2000
77	Mr. Justice Kamal Mansur Alam	Judge	22.04.1999 – 26.01.2000
78	Mr. Justice Qazi Muhammad Farooq	Judge	04.02.2000 – 31.12.2003
79	Mr. Justice Nazim Hussain Siddiqui	Judge	04.02.2000 – 31.12.2003
80	Mr. Justice Iftikhar Muhammad Chaudhry	Judge	04.02.2000 – 29.06.2005
81	Mr. Justice Rana Bhagwandas	Judge	04.02.2000 – 14.12.2007
82	Mr. Justice Rashid Aziz Khan	Judge	04.02.2000 – 06.07.2001
83	Mr. Justice Mian Muhammad Ajmal	Judge	28.04.2000 – 14.08.2004
84	Mr. Justice Syed Deedar Hussian Shah	Judge	28.04.2000 – 10.12.2004
85	Mr. Justice Hamid Ali Mirza	Judge	28.04.2000 – 13.09.2005
		Ad hoc Judge	14.09.2005 – 13.09.2007
86	Mr. Justice Abdul Hameed Dogar	Judge	28.04.2000 – 21.03.2009
87	Mr. Justice Javed Iqbal	Judge	28.04.2000 – 31.07.2011
88	Mr. Justice Tanvir Ahmed Khan	Judge	27.09.2000 – 16.01.2004
89	Mr. Justice Muhammad Nawaz Abbasi	Judge	10.01.2002 – 06.06.2008
90	Mr. Justice Faqir Muhammad Khokhar	Judge	10.01.2002 – 08.08.2009
91	Mr. Justice Khalil-ur-Rehman Ramday	Judge	10.01.2002 – 12.01.2010
		Ad hoc Judge	18.02.2010 – 17.02.2011
92	Mr. Justice Sardar Muhammad Raza	Judge	10.01.2002 – 09.02.2010
93	Mr. Justice Karamat Nazir Bhandari	Ad hoc Judge	07.09.2002 – 31.12.2003
		Ad hoc Judge	14.09.2005 – 13.09.2006
94	Mr. Justice Falak Sher	Judge	07.09.2002 – 21.09.2008
95	Mr. Justice Moin-ud-Din Javed Buttar	Judge	31.07.2004 – 08.08.2009
96	Mr. Justice Mian Shakirullah Jan	Judge	31.07.2004 – 17.08.2012
97	Mr. Justice Tassaduq Hussain Jilani,.	Judge	31.07.2004 – 11.12.2013
98	Mr. Justice Saiyed Saeed Ashhad	Judge	05.04.2005 – 07.10.2008
99	Mr. Justice Nasir-ul-Mulk	Judge	05.04.2005 – 05.07.2014
100	Mr. Justice Syed Jamshed Ali	Judge	14.09.2005 – 30.09.2008
101	Mr. Justice Ch. Ijaz Ahmed	Judge	14.09.2005 – 04.05.2010

	Name of Judge	Title	Tenure
102	Mr. Justice Raja Fayyaz Ahmed	Judge	14.09.2005 – 31.05.2011
103	Mr. Justice Ghulam Rabbani	Judge	14.09.2006 – 19.10.2009
		Ad hoc Judge	20.10.2009 – 19.10.2011
104	Mr. Justice Sayed Zahid Hussain	Judge	14.04.2009 – 28.02.2011
105	Mr. Justice Mahmood Akhtar Shahid Siddiqui	Judge	14.04.2009 – 13.10.2011
106	Mr. Justice Muhammad Sair Ali	Judge	14.04.2009 – 11.12.2011
107	Mr. Justice Jawwad S. Khawaja	Judge	05.06.2009 – 16.08.2015
108	Mr. Justice Anwar Zaheer Jamali	Judge	03.08.2009 – 09.09.2015
109	Mr. Justice Khilji Arif Hussain	Judge	05.09.2009 – 12.04.2014
		Ad hoc Judge	14.12.2015 – 13.12.2016
110	Mr. Justice Rahmat Hussain Jafferri	Judge	07.09.2009 – 21.11.2010
111	Mr. Justice Tariq Parvez	Judge	20.10.2009 – 14.02.2013
		Ad hoc Judge	14.12.2015 – 13.12.2016
112	Mr. Justice Muhammad Ather Saeed	Judge	17.11.2011 - 28.09.2014
113	Mr. Justice Sarmad Jalal Osmany	Judge	14.02.2011 – 12.10.2015
114	Mr. Justice Amir Hani Muslim	Judge	14.02.2011 – 31.03.2017
115	Mr. Justice Ijaz Ahmed Chaudhry	Judge	17.11.2011 – 14.12.2015
116	Mr. Justice Iqbal Hameedur Rahman	Judge	25.02.2013 – 23.10.2016

14.3 Former Registrars of the Supreme Court

	Name of Registrar	Tenure
01	Mr. A. A. Mirza	16.05.1951 – 10.07.1970
02	Mr. A.S Faizul Islam Chaudhry	11.01.1971 – 17.07.1972
03	Mr. Hidayat Hussain	31.03.1973 – 09.06.1977
04	Mr. Sajjad Ali Shah	10.06.1977 – 09.08.1978
05	Mr. S.A Nizami	10.08.1978 – 31.10.1980
06	Mr. M.A Latif	01.11.1980 – 09.01.1995
07	Mr. Ashiq Hussain (Acting Charge)	10.01.1995 – 05.10.1996
08	Mr. Mohammad Zakaullah (Acting Charge)	06.10.1996 – 07.01.1998
09	Mr. M. A Latif	08.01.1998 – 07.07.1999
10	Mr. M. A Farooqi	08.07.1999 – 21.02.2005
11	Mr. Budha Khan	22.02.2005 – 01.07.2005
12	Dr. Faqir Hussain	01.07.2005 – 09.03.2007
13	Muhammad Ali (Acting Charge)	09.03.2007 – 20.07.2007
14	Dr. Faqir Hussain	20.07.2007 – 03.11.2007
15	Ms. Sara Saeed (Acting Charge)	03.11.2007 – 22.11.2007
16	Raja Lehrasab Khan	22.11.2007 – 21.03.2009
17	Dr. Faqir Hussain	22.03.2009 – 24.03.2014
18	Syed Tahir Shahbaz	25.03.2014 – 26.01.2016
19	Mr. Arbab Muhammad Arif	26.01.2016 – To date



Supreme Court of Pakistan