



SUPREME COURT OF PAKISTAN

ANNUAL REPORT
June 2017 - May 2018



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Supreme Court of Pakistan Annual Report

Supreme Court of Pakistan

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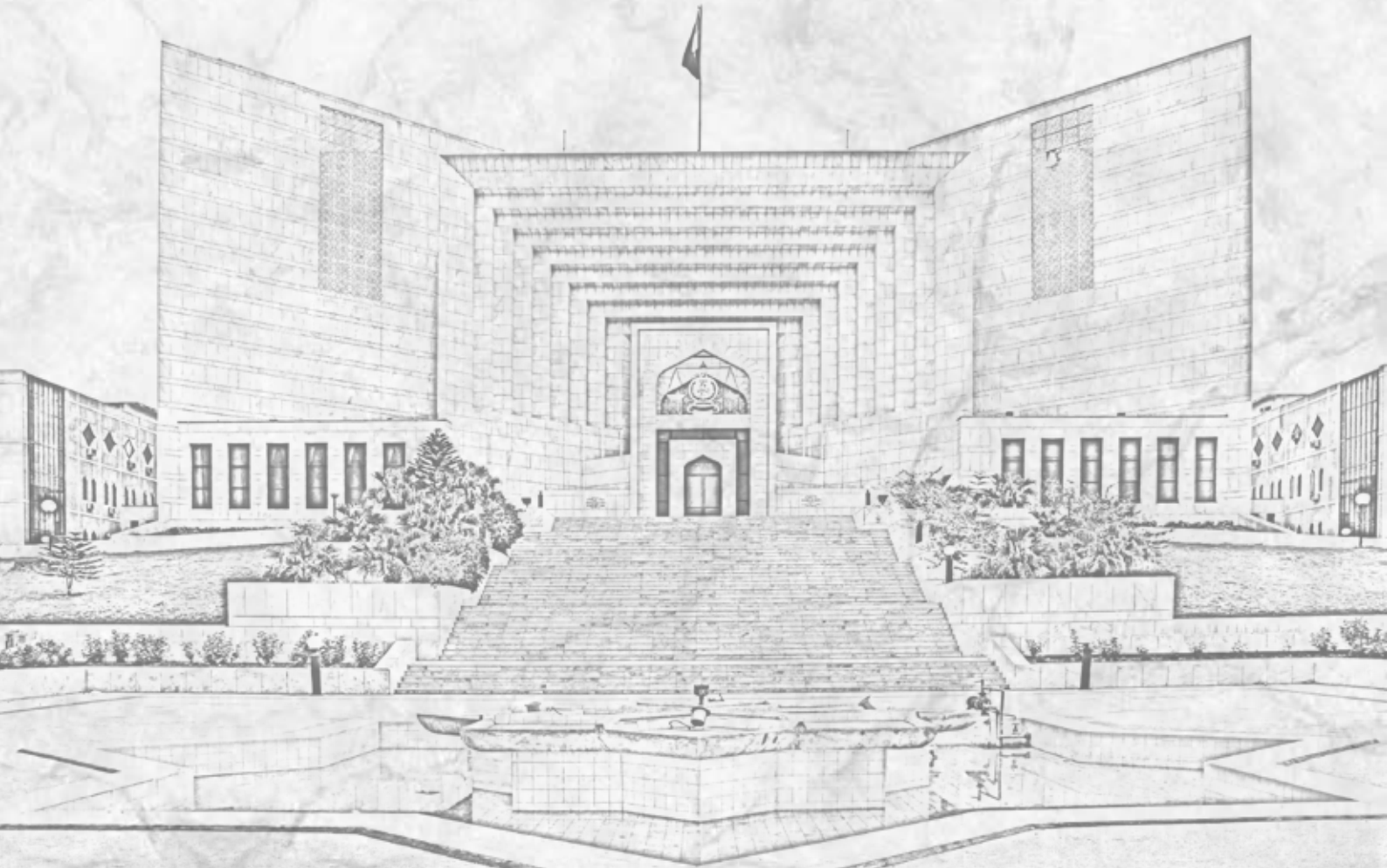
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Justice for All

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

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Mr. Justice Mian Saqib Nisar
Chief Justice of Pakistan

Foreword by the Chief Justice of Pakistan

It is a matter of immense pleasure for me that the Annual Report of the Supreme Court of Pakistan for the year 2017-18 is being published. The annual publication of this report is an honest effort to reflect upon the milestones achieved by this 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.

We began last year with the resolve to lessen the daunting backlog of cases that our Court faces. While last year two esteemed members of our team, Hon'ble Mr. Justice Dost Muhammad Khan and Hon'ble Mr. Justice Ejaz Afzal Khan laid down the robes of their offices, Hon'ble Mr. Justice Syed Mansoor Ali Shah and Hon'ble Mr. Justice Munib Akhtar were elevated to this Court and they brought with them their legal wisdom and commitment to dispensation of justice. At the start of the previous judicial year, a total of approximately 37,000 cases were pending adjudication in this Court out of which near to 19,000 cases were decided. Frivolous litigation, unnecessary adjournments and customary delay tactics severely hamper the process of clearing the backlog of cases. These menaces should be seen as nothing less than poison, and should be treated as such: removing it from the body of the Bar and Bench is vital for survival of the justice system. In the past year, the Supreme Court has been the most stringent in this context with a zero tolerance policy to any form of unnecessary delay. Maximum possible cases were fixed and heard and the Judges and the judicial staff worked, and continue to work, tirelessly, sometimes even on all seven days of the week. No stone was left unturned to expedite the process of litigation in this ultimate forum for the redressal of the grievances of the litigant public. I am also proud to say that today the support of the Bar for the Judiciary has been exemplary in the past year as they extended their cooperation to curb such menaces and their continued support is required.

We tried, as the guardians of the Constitution, to play our part by involving ourselves in various constitutional and human rights matters either through the Court or the Human Rights Cell. To name a few, these matters of public importance included undisclosed foreign accounts of Pakistani nationals, dual nationality of government officials and judges, non-payment of salaries to media employees, killing of members of the minority Hazara community in Quetta, inadequate medical services at various hospitals, depletion of the water table at the Katas Raj Temple and the extraction of ground water for commercial usage without payment of charges, revamping of medical, dental and law colleges, and practical implementation of Overseas Pakistanis' right to vote via Internet-Voting. To my mind, one of the biggest feats of the Supreme Court of Pakistan was the direction to

the Government of Pakistan to immediately begin construction of the Diamer-Bhasha and Mohmand Dams in order to address the issue of water scarcity and security that Pakistan currently faces. We were overwhelmed by the nation's response in the form of generous donations for this national cause and the confidence the nation placed in the Supreme Court of Pakistan. The primary concern of all these initiatives was to ensure enforcement of the various fundamental rights guaranteed under the Constitution, and while we discharge this duty, let me remind the Bar that it shares the burden of this duty with us and must contribute as counsel and amicus curiae to ensure that the task of upholding the spirit of the Constitution is given utmost primacy.

Being the Chairman of the Law and Justice Commission of Pakistan it has been my priority to make the most of this statutory forum to maximize communication between the Judiciary and the Executive to fill in, as much as possible, the lacunae in various laws and to remedy the discrepancies prevalent in implementation of the law. I am delighted to announce that till date, the Commission has approved 138 law reform reports for consideration of the Legislature, out of which 74 legislative reforms are in the process of implementation. One of the initiatives taken through the Commission is that of police reform, whereby a Police Reform Committee was constituted comprising of serving and retired senior police officers which came up with a concrete proposal for a uniform model law with the primary objective of giving the police optimum independence, freeing it from the handcuffs of extraneous influences. Other reforms include the drafting of a bill by a committee formed to safeguard the rights of children and prohibit their employment at delicate ages. Another committee was formed to suggest legislative safeguards for the rights of trans-genders through the formulation of an inclusive policy framework. Furthermore, on the basis of deliberations of all the stakeholders, a comprehensive report has been prepared for the issuance of uniform guidelines for effective implementation of the Transplantation of Human Organs and Tissues Act, 2010 in the country. The three branches of Government owe it to the citizens of Pakistan to work together to appreciate our goals and objectives as provided in our Constitution, without stepping on each other's' toes and interfering in the functions of the other. However, it is imperative that we plan for the nation with some interaction so that no branch of Government is unduly disadvantaged, unfairly affecting administration of justice to the common man. May Almighty Allah help and guide us in discharging our duties. Ameen.

Justice Mian Saqib Nisar
Chief Justice of Pakistan

Registrar's Report

This report aims to share information about the functioning and achievements of the Supreme Court and the goals achieved during the year 2017-18.

In order to provide inexpensive and expeditious justice to the litigant's appropriate benches were constituted 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. 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, 2017 pendency of the cases in the Court stood at 34903. From 1st June, 2017 to 31st May, 2018, 22942 new cases were filed, which raised the pendency figures to 57845. However, during this period 17983 cases were decided, thereby reducing the overall pendency to 39862.

During the period, Human Rights Cell received applications/ complaints from the poor, downtrodden and vulnerable segments of society. On 1st June 2017 pendency of cases in Human Right Cell stood at 12005 and during the reported period 42099 new applications/ complaints were received, which raised the pendency figures to 54104 out of which 43263 were disposed of and overall pendency stood at 10841.

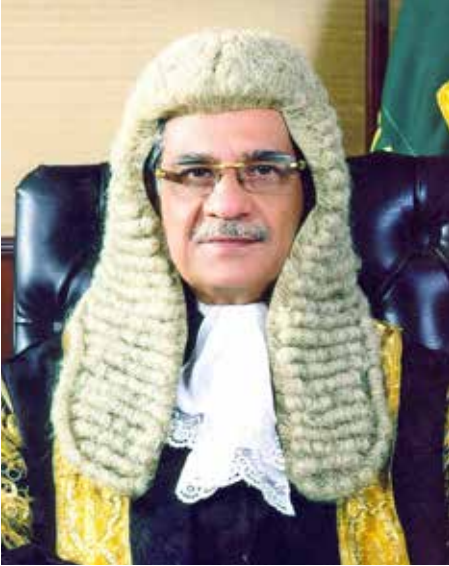
During this period, Mr. Justice Dost Muhammad Khan laid down the robes of his office on 19.03.2018. Mr. Justice Ejaz Afzal Khan, also laid down robes of his office on 07.05.2018. Two new Judges namely Mr. Justice Syed Mansoor Ali Shah from Lahore High Court and Mr. Justice Munib Akhtar from High Court of Sindh were elevated to the Supreme Court of Pakistan. Full Court meeting was held on 11.9.2017 in which matters relating to administration of Court i.e. clearing backlog improving capacity and performance, publication of profile of Senior ASCs in Annual Report and Grant of status of Senior ASCs were considered. Full Court Reference on the sad demise of Late Mr. Justice Rashid Aziz Khan, Former Judge Supreme Court of Pakistan was also held on 08.02.2018.

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 14 sessions and recommended 42 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 56 cases during the period under report.

Arbab Muhammad Arif
Registrar

PROFILES 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 Profiles 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 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 and in October, 2017 participated in 12th Meeting of the Chairmen of Supreme Court of SCO Member States in Tashkent.



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.

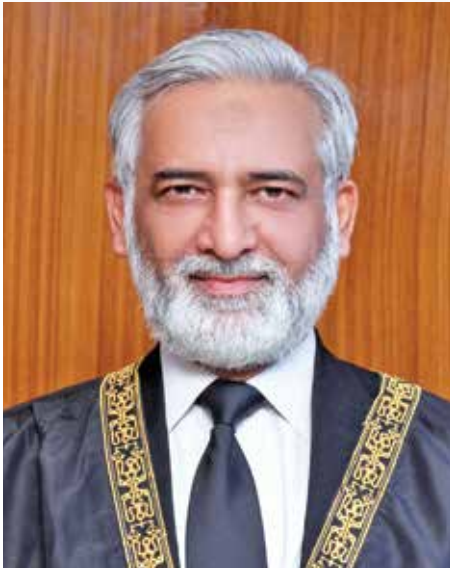
During the course of legal professional career, conducted a large number of cases before the Civil and Banking Courts and the High Courts of Sindh, Peshawar High Court and Lahore High Court. He also appeared, as an Advocate before the Cricket Inquiry including in proceedings held at Malborne (Australia) 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 Mahraja of Gawalior 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 (CJEI).

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 Saving 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 absconson, 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 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 35 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.



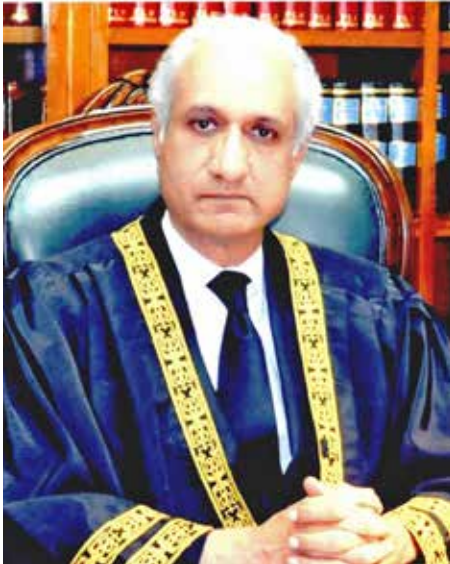
MR. JUSTICE FAISAL ARAB

Hon'ble Mr. Justice Faisal Arab was enrolled as an Advocate of the lower courts in 1990, as Advocate of the High Court in the year 1992 and as Advocate of the Supreme Court in 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 24th October, 2005. He was then elevated as Additional Judge of the Sindh High Court on 25th October 2005 and confirmed as permanent Judge on 25th October, 2006. After his elevation to the High Court, he closed down his law firm.

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 and the Supreme Court of Pakistan in various conferences/ study visits/seminars and symposia in United States, China, Japan and Turkey.

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.

Appointments in Supreme Court of Pakistan

- Member on the Selection Board of Quaid-i-Azam University, Islamabad.
- Monitoring-Judge, ATC Courts, Khyber Pakhtunkhwa



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. Appointed as Judge, Supreme Court of Pakistan on 15th March, 2017.



MR. JUSTICE SYED MANSOOR ALI SHAH

Justice Shah was appointed as a Judge of the Lahore High Court in 2009 and after serving as the Chief Justice of the Lahore High Court from June, 2016 to February, 2018, he was elevated to the Supreme Court on 07th February, 2018. He has authored judgments on constitutional law, human rights, administrative law, taxation, climate and water justice and environmental sustainability. As a Chief Justice of the Lahore High Court, he took keen interest in judicial and administrative reforms and spearheaded the formation of Alternate Dispute Resolution Centers, Criminal and Civil Model Courts, Case Management and Court Automation Systems in Punjab both at the Lahore High Court and the District Courts.

He underlined the need for Information Technology, being the real engine of change, which has to be mainstreamed in judicial governance. The introduction of the Enterprise System, Advance Case Management System, Call Centre, Judicial Mobile App and the online *Sahulat* Center were some of the steps in this direction. He laid great emphasis on empowering the District Judiciary by enhancing their capacity through ongoing training and by providing a secure and conducive working environment.

He helped re-engineer Punjab Judicial Academy in order to build a sustainable platform for judicial capacity building of the members of the District judiciary and the ministerial staff. He laid special emphasis on research and played a foundational role in setting up the Lahore High Court Research Centre (LHCRC).

Justice Shah has a Masters in Law from University of Cambridge, UK, LLB and Masters in Economics from the University of the Punjab, Pakistan. He is an accredited mediator from CEDR, London, an Honourary Bencher of Lincoln's Inn and the judicial member of the Global Judicial Institute on Environment (GJIE).

He is an avid golfer and enjoys reading and music.



**MR. JUSTICE
MUNIB AKHTAR**

| | |
|-----------------------------|---|
| Date of Birth: | 14.12.1963 |
| Educational Qualifications: | 'O' and 'A' Levels: 1979, 1981; Aitchison College, Lahore BA., Government College Lahore (1983) B.A., Princeton University, USA (1986) LL.B, Punjab University Law College (1989) |
| Enrollment as Advocate: | Advocate, Subordinate Courts, 1990 Advocate, High Court, 1992 Advocate, Supreme Court, 2009 |
| Practice: | Supreme Court, High Courts, principal practice at High Court of Sindh |
| Areas of Practice: | Civil practice, focusing on commercial, corporate, arbitration and taxation matters |
| Teaching Experience: | Taught law for one year at Hamdard University Law School (course on Human Rights) |
| Elevation: | Appointed Additional Judge, High Court, 2009 Confirmed: 2011 |
| Judicial experience: | Have sat on Benches on Original Side and Appellate Side in all areas including: civil, corporate, criminal, tax, labor/service, etc. at Principal Seat and at Sukkur and Hyderabad. |
| Administrative experience: | Chairman and/or member of various committees, including: Civil Rules Committee, I.T. Committee, Judicial Studies Board, Promotion Committee, Procurement Committee. Monitoring Judge in various situations. |
| Nominated Position: | Chairman/member Board of Governors, IBA, 2009- present |
| Elevation to Supreme Court: | 08.05.2018 |

3.3 Judges Retired during June 2017 to May 2018



MR. JUSTICE EJAZ AFZAL KHAN
Judge, Supreme Court of Pakistan
(17.11.2011 – 07.05.2018)



MR. JUSTICE DOST MUHAMMAD KHAN
Judge, Supreme Court of Pakistan
(31.01.2014 – 19.03.2018)

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 2017 - May 2018

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 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 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 |
| Mr. Justice Syed Mansoor Ali Shah | 28.11.1962 | 07.02.2018 | 27.11.2027 |
| Mr. Justice Munib Akhtar | 14.12.1963 | 08.05.2018 | 13.12.2028 |

*as on 31st May 2018

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 settings 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; and | Member |
| (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 Gulzar Ahmed Judge, Supreme Court of Pakistan | Member |
| Mr. Justice Sh. Azmat Saeed Judge, Supreme Court of Pakistan | Member |
| Mr. Justice Mushir Alam 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 |

*as on 31.05.2018

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 hallmark 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.

CHAPTER

5

COURT PERFORMANCE

COURT PERFORMANCE

5.1 Overview of Judicial Activities

During the period under review (1.6.2017 to 31.5.2018), the main focus of the Court remained to evolve mechanism for early disposal of cases so several Benches were constituted even in Summer Vacations at Main as well as Branch Registries. However, besides hearing of high-profile cases including Panama Papers, the Court in order to maintain dignity and decorum of Judiciary, on account of untoward/derogatory remarks uttered by some politicians, including Federal Ministers, also took up contempt matters.

A Full Court Meeting was held on 11.9.2017, presided over by Hon'ble Mr. Justice Mian Saqib Nisar, which being the first meeting after taking oath as Chief Justice of Pakistan, his lordship was welcomed by Hon'ble Judges. The Hon'ble Chief Justice and Hon'ble Judges also welcomed Mr. Justice Ijaz ul Ahsan, Mr. Justice Mazhar Alam Miankhel and Mr. Justice Sajjad All Shah on their elevation to this august Court. The Full Court examined Institution and Disposal of Cases and observed that continuous rise in pendency posed a great challenge to the working and image of the apex Court and resolved that issues pertaining to backlog of cases would continue to be deliberated upon till such time, the appropriate solutions were found. It was also decided that the exception in the case of "Petition Against Acquittal" to be heard by 3 HJJ be done away and so after discussion at considerable length on the subject and having been approved, a Notification to this effect was placed before a Committee of three Hon'ble Judges headed by Hon'ble Mr. Justice Asif Saeed Khan Khosa and issued to enable the office to fix such cases before a two Member Bench of this Court. The point with regard to hearing of NAB bail cases either by 2 or 3 HJJ, it was decided that the same having stood covered under paragraph (iii) of proviso 1 to Order XI of Supreme Court Rules, 1980, there was no need to hear the same by a 3-Member Bench.

On the request of Supreme Court Bar Association regarding Fixation of cases in chambers, Hearing of Habeas Corpus Petitions, Change of Counsel at Review Stage, Impleadment of legal heirs as well as provision of certified copy of Trial Court/Appellate Court order at the time of filing appeal, a Committee of three Hon'ble Judges of this Court was constituted to give recommendations in the matter to be placed before Full Court.

During the period under review, the issues with regard to violation of human rights in the country also remained main focus and several such cases on different subjects were registered and appropriate orders

passed by this Court to redress the grievances of common man in the country. Besides such actions initiated on Human Rights side, various Suo Moto Actions were also taken which include Shah Rukh Jatoi Murder Case; Maintaining Foreign Accounts by Pakistani Citizens without disclosing the same; Dual Nationality of the Parliamentarians, Judges & Govt. Officers; Payment of Outstanding Salaries to Reporters/ Workers of Print and Electronic Media; Nonpayment of Sugarcane Price to the Farmers/ Growers by the Sugar Mills; Giving of Advertisements in biased and Non Transparent Manner by the Government to the Print and Electronic Media as well as Projects/ Works done by the Governments of Punjab, Sindh and KPK; Barring TV Channels from Broadcasting Anti-Judiciary Speeches; Fake Degrees of Practicing Advocates; Utilization of the vehicles such as Land Cruiser, Prado, Pajero etc. by Ministers/ officers beyond their entitlement; Generation of Electricity in the Province of KPK; Ban Imposed by ECP to fill up vacancies in various departments; Reconsideration of Yousaf Saleem, a blind candidate, as Civil Judge, Appointment and Extension of Syed Toqeer Hussain Shah as Ambassador of WTO; Service Structure of Pakistan Kidney & Liver Institute and Replacement of Pakistani Flag with the picture of Markhor from the tail of PIA Aircrafts. Accordingly, besides 2 Member or 3-Member Benches, larger Benches were also constituted from time to time for hearing of all such cases.

In order to facilitate the litigant public on account of any emergent situation faced by them due to pendency of a case, like as Bail, either before or after arrest, execution proceedings in family, rent, admission, service matters, stay and cases involving sentence upto 10 years, the policy of early fixation of such cases continued and such cases were accordingly fixed before the Court from time to time.

In order to weed out the disposed of cases under Order XXXIV of Supreme Court Rules, 1980, separate section was established in 2009 where all disposed of cases are being bifurcated into two parts i.e. Part-I and Part-II under the Rules. During the period under review, 2750 cases have been Weeded Out and accordingly Part-II thereof is being auctioned as per approval of HCJ.

The detailed statistics of institution and pendency of cases along with constitution of benches during the period under report are also given separately.

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 2017 – May 2018

| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|-----|----------------|------------|-------------|----------------|------|------|------|------|-------------------|-------------------|
| | From | To | | Isb. | Lhr. | Kra. | Qta. | Psh. | | |
| 1. | 01-06-2017 | 02-06-2017 | 2 | 6 | - | - | - | - | 1 | - |
| 2. | 05-06-2017 | 09-06-2017 | 5 | 5 | - | - | - | - | 2 | 1 |
| 3. | 12-06-2017 | 16-06-2017 | 5 | 6 | - | - | - | - | 4 | - |
| 4. | 19-06-2017 | 23-06-2017 | 5 | 3 | 1 | 2 | - | - | - | - |
| 5. | 29-06-2017 | 30-06-2017 | 2 | 1 | 2 | 2 | - | - | - | - |
| 6. | 03-07-2017 | 05-07-2017 | 2 | 2 | 2 | 2 | - | - | - | - |
| 7. | 10-07-2017 | 10-07-2017 | 1 | 3 | - | 2 | - | - | 1 | - |
| 8. | 11-07-2017 | 14-07-2017 | 4 | 2 | 1 | 2 | - | - | - | - |
| 9. | 17-07-2017 | 21-07-2017 | 5 | 3 | - | 2 | - | - | - | - |
| 10. | 24-07-2017 | 28-07-2017 | 5 | 3 | - | 1 | - | - | - | 1 |
| 11. | 31-07-2017 | 04-08-2017 | 5 | 3 | 1 | 1 | - | - | - | - |
| 12. | 07-08-2017 | 07-08-2017 | 1 | 1 | 1 | - | 1 | - | - | - |
| 13. | 08-08-2017 | 08-08-2017 | 1 | 1 | 1 | - | - | - | - | - |
| 14. | 09-08-2017 | 11-08-2017 | 3 | 1 | 1 | - | 1 | - | - | - |
| 15. | 15-08-2017 | 18-08-2017 | 4 | 2 | - | - | - | - | - | - |
| 16. | 21-08-2017 | 21-08-2017 | 1 | 2 | 1 | - | - | - | - | - |
| 17. | 22-08-2017 | 25-08-2017 | 4 | 2 | 2 | - | - | - | - | - |
| 18. | 28-08-2017 | 29-08-2017 | 2 | 1 | 1 | 1 | - | - | - | - |
| 19. | 30-08-2017 | 31-08-2017 | 2 | 1 | 1 | 2 | - | - | - | - |
| 20. | 01-09-2017 | 01-09-2017 | 1 | 1 | 1 | 2 | - | - | - | - |
| 21. | 05-09-2017 | 05-09-2017 | 1 | 1 | 2 | 2 | - | - | - | - |
| 22. | 06-09-2017 | 06-09-2017 | 1 | 1 | 2 | 2 | - | - | - | 1 |
| 23. | 07-09-2017 | 07-09-2017 | 1 | 1 | 2 | 2 | - | - | 1 | - |
| 24. | 08-09-2017 | 08-09-2017 | 1 | 1 | 2 | 2 | - | - | - | - |
| 25. | 11-09-2017 | 12-09-2017 | 2 | 5 | - | - | - | - | - | - |
| 26. | 13-09-2017 | 13-09-2017 | 1 | 6 | - | - | - | - | - | 1 |
| 27. | 14-09-2017 | 14-09-2017 | 1 | 6 | - | - | - | - | - | 1 |
| 28. | 15-09-2017 | 15-09-2017 | 1 | 4 | - | - | - | - | - | 1 |
| 29. | 18-09-2017 | 22-09-2017 | 5 | 5 | - | - | - | - | - | - |
| 30. | 25-09-2017 | 26-09-2017 | 2 | 5 | - | - | - | 1 | - | - |
| 31. | 27-09-2017 | 27-09-2017 | 1 | 5 | - | - | - | 1 | 1 | - |
| 32. | 28-09-2017 | 29-09-2017 | 2 | 4 | - | - | - | 1 | - | - |
| 33. | 02-10-2017 | 06-10-2017 | 5 | 5 | 1 | - | - | - | - | - |
| 34. | 09-10-2017 | 13-10-2017 | 5 | 5 | 1 | - | - | - | 1 (11-10-2017) | - |
| 35. | 16-10-2017 | 20-10-2017 | 5 | 5 | 1 | - | - | - | - | 1 (16-10-2017) |
| 36. | 23-10-2017 | 25-10-2017 | 3 | 5 | 1 | - | - | - | - | - |
| 37. | 26-10-2017 | 26-10-2017 | 1 | 5 | 2 | - | - | - | - | - |
| 38. | 27-10-2017 | 27-10-2017 | 1 | 5 | 1 | - | - | - | - | - |
| 39. | 30-10-2017 | 30-10-2017 | 1 | 6 | - | - | - | - | - | - |
| 40. | 31-10-2017 | 31-10-2017 | 1 | 7 | - | - | - | - | - | - |
| 41. | 01-11-2017 | 03-11-2017 | 3 | 7 | 1 | - | - | - | - | - |

| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|-----|----------------|------------|-------------|----------------|------|------|------|------|------------------------------|----------------------------------|
| | From | To | | Isb. | Lhr. | Kra. | Qta. | Psh. | | |
| 42. | 06-11-2017 | 08-11-2017 | 5 | 6 | - | - | - | - | - | 1 |
| 43. | 09-11-2017 | 10-11-2017 | 2 | 6 | - | - | - | - | - | - |
| 44. | 13-11-2017 | 17-11-2017 | 5 | 5 | 1 | 1 | - | - | - | - |
| 45. | 20-11-2017 | 24-11-2017 | 5 | 5 | 1 | 1 | - | - | - | - |
| 46. | 27-11-2017 | 01-12-2017 | 5 | 6 | - | 1 | - | - | 1 (28.11.2017) | - |
| 47. | 04-12-2017 | 08-12-2017 | 5 | 3 | 1 | 2 | - | - | 1 (05.12.2017) | - |
| 48. | 11-12-2017 | 15-12-2017 | 5 | 4 | 1 | 1 | - | - | 1 (15.12.2017) | - |
| 49. | 18-12-2017 | 22-12-2017 | 5 | 1 | 1 | 1 | - | - | - | - |
| 50. | 23-12-2017 | 23-12-2017 | 1 | - | - | - | - | - | 1 (Karachi) | - |
| 51. | 26-12-2017 | 29-12-2017 | 4 | 1 | 2 | - | - | - | - | - |
| 52. | 01-01-2018 | 05-01-2018 | 5 | 6 | - | - | - | - | 1 (03.01.2018) | 1 (05.01.2018) |
| 53. | 06-01-2018 | 06-01-2018 | 1 | - | - | - | - | - | 1 (Lahore) | - |
| 54. | 08-01-2018 | 12-01-2018 | 5 | 5 | - | - | - | - | 1 (12.01.2018) | - |
| 55. | 15-01-2018 | 18-01-2018 | 4 | 4 | 1 | - | - | - | - | - |
| 56. | 19-01-2018 | 19-01-2018 | 1 | 5 | 1 | - | - | - | - | - |
| 57. | 20-01-2018 | 20-01-2018 | 1 | - | - | - | - | - | 1 (Lahore) (Saturday) | - |
| 58. | 22-01-2018 | 25-01-2018 | 4 | 5 | 1 | - | - | - | - | - |
| 59. | 26-01-2018 | 26-01-2018 | 1 | 5 | 1 | - | - | - | - | - |
| 60. | 27-01-2018 | 27-01-2018 | 1 | - | - | - | - | - | 1 (Karachi) (Saturday) | - |
| 61. | 29-01-2018 | 29-01-2018 | 1 | 6 | - | - | - | - | - | 1 |
| 62. | 30-01-2018 | 01-02-2018 | 4 | 7 | - | - | - | - | 1 (30.01.2018) | 1 |
| | | | | | | | | | 1 (31.01.2018) | |
| | | | | | | | | | 1 (01-02-2018) | |
| 63. | 02-02-2018 | 02-02-2018 | 1 | 6 | - | - | - | - | - | - |
| 64. | 03-02-2018 | 03-02-2018 | 1 | - | - | - | - | - | 1 Karachi (Saturday) | - |
| | | | | | | | | | 1 Islamabad (Saturday) | |
| 65. | 06-02-2018 | 07-02-2018 | 3 | 6 | - | - | - | - | - | 1 (Islamabad) (07.02.2018) |
| 66. | 08-02-2018 | 08-02-2018 | 1 | 7 | - | - | - | - | - | 1 (Islamabad) |
| 67. | 09-02-2018 | 09-02-2018 | 1 | 8 | - | - | - | - | 1 (Islamabad) | - |

| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|-----|-------------------|------------|-------------|----------------|------|------|------|------|------------------------------|--------------------------------|
| | From | To | | Isb. | Lhr. | Kra. | Qta. | Psh. | | |
| 68. | 10-02-2018 | 10-02-2018 | 1 | - | - | - | - | - | 1 (Saturday) (Lahore) | - |
| | | | | | | | | | 1 (Saturday) (Karachi) | |
| 69. | 12-02-2018 | 15-02-2018 | 4 | 7 | - | - | - | - | - | 1 (Islamabad) |
| | | | | | | | | | | 1 (Islamabad) 13.02.2018 |
| | | | | | | | | | | 1 (Islamabad) 14.02.2018 |
| 70. | 16-02-2018 | 16-02-2018 | 1 | 8 | - | - | - | - | - | - |
| 71. | 17-02-2018 | 17-02-2018 | 1 | - | - | 2 | - | - | 2 (Karachi) | - |
| | (Saturday) | | | | | | | | | |
| 72. | 19-02-2018 | 19-02-2018 | 1 | 6 | - | - | - | - | 1 | 1 |
| 73. | 20-02-2018 | 22-02-2018 | 3 | 6 | - | - | - | - | 1 (20.02.2018) | 1 (21.02.2018) |
| | | | | | | | | | 1 (21.02.2018) | |
| | | | | | | | | | 1 (22.02.2018) | |
| 74. | 23-02-2018 | 23-02-2018 | 1 | 6 | - | - | - | - | 1 (11:00 a.m.) | - |
| | | | | | | | | | 1 (11:30 a.m.) | |
| 75. | 26-02-2018 | 27-02-2018 | 2 | 5 | - | 1 | - | - | 1 (27.02.2018) | - |
| 76. | 28-02-2018 | 28-02-2018 | 1 | 5 | - | 1 | - | - | - | - |
| 77. | 01-03-2018 | 01-03-2018 | 1 | 5 | - | 1 | - | - | - | - |
| 78. | 02-03-2018 | 02-03-2018 | 1 | 6 | - | 1 | - | - | - | - |
| 79. | 05-03-2018 | 07-03-2018 | 3 | 6 | - | - | - | - | 1 (05.03.2018) | 1 (05.03.2018) |
| | | | | | | | | | 1 (05.03.2018) | |
| | | | | | | | | | 1 (06.03.2018) | |
| | | | | | | | | | 1 (07.03.2018) | |
| 80. | 08-03-2018 | 08-03-2018 | 1 | 5 | 1 | - | - | - | - | - |
| 81. | 09-03-2018 | 09-03-2018 | 1 | 6 | 1 | - | - | - | - | - |

| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|------|-------------------|------------|-------------|----------------|------|------|------|------|-------------------|-------------------|
| | From | To | | Isb. | Lhr. | Kra. | Qta. | Psh. | | |
| 82. | 12-03-2018 | 15-03-2018 | 4 | 6 | - | 1 | - | - | 1 (13.03.2018) | 1 (13.03.2018) |
| | | | | | | | | | 1 (14.03.2018) | 1 (14.03.2018) |
| | | | | | | | | | 1 (15.03.2018) | |
| | | | | | | | | | 1 (15.03.2018) | |
| 83. | 16-03-2018 | 16-03-2018 | 1 | 3 | - | 3 | - | - | - | - |
| 84. | 17-03-2018 | 17-03-2018 | - | - | - | - | - | - | 1 (Karachi) | - |
| | (Saturday) | | | | | | | | | |
| 85. | 19-03-2018 | 19-03-2018 | 1 | 6 | - | - | - | - | 1 | - |
| 86. | 20-03-2018 | 21-03-2018 | 2 | 5 | - | - | - | - | - | - |
| 87. | 22-03-2018 | 22-03-2018 | 1 | 3 | 2 | - | - | - | - | - |
| 88. | 24-03-2018 | 24-03-2018 | 1 | - | - | - | - | - | 1 (Lahore) | - |
| | (Saturday) | | | | | | | | | |
| 89. | 26-03-2018 | 28-03-2018 | 3 | 6 | - | - | - | - | 1 (26.03.2018) | 1 (27.03.2018) |
| | | | | | | | | | 1 (27.03.2018) | |
| 90. | 29-03-2018 | 29-03-2018 | 1 | 6 | - | - | - | - | - | - |
| 91. | 30-03-2018 | 30-03-2018 | 1 | 7 | - | - | - | - | 1 | - |
| 92. | 31-03-2018 | 31-03-2018 | 1 | - | - | - | - | - | 1 (Karachi) | - |
| | (Saturday) | | | | | | | | | |
| 93. | 02-04-2018 | 05-04-2018 | 4 | 4 | 1 | 1 | - | - | 1 (03.04.2018) | - |
| 94. | 06-04-2018 | 06-04-2018 | 1 | 5 | 1 | 1 | - | - | 1 | - |
| 95. | 07-04-2018 | 07-04-2018 | - | - | - | - | - | - | 1 (Lahore) | - |
| | | | | | | | | | 1 (Karachi) | |
| 96. | (Saturday) | | | | | | | | | |
| 97. | 09-04-2018 | 13-04-2018 | 5 | 4 | - | - | 2 | - | 1 (13.04.2018) | - |
| 98. | 14-04-2018 | 14-04-2018 | 1 | | | | | | 1 (Lahore) | - |
| | (Saturday) | | | | | | | | 1 (Karachi) | |
| 99. | 16-04-2018 | 20-04-2018 | 3 | 5 | - | - | - | 1 | 1 (16.04.2018) | - |
| | | | | | | | | | 1 (17.04.2018) | |
| 100. | 21-04-2018 | 21-04-2018 | - | - | - | - | - | - | 1 (Lahore) | - |
| | (Saturday) | | | | | | | | | |
| 101. | 22-04-2018 | 22-04-2018 | - | - | - | - | - | - | 1 (Lahore) | - |
| | (Sunday) | | | | | | | | | |
| 102. | 23-04-2018 | 24-04-2018 | 2 | 6 | - | - | - | - | 1 (24.04.2018) | - |

| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|-------------------|-------------------|----------------|-------------|----------------|------|------|------|-------------------------------|---------------------------------|-------------------|
| | From | To | | Isb. | Lhr. | Kra. | Ota. | Psh. | | |
| 103. | 25-04-2018 | 26-04-2018 | 2 | 4 | - | - | - | - | 1 (25.04.2018) | - |
| 104. | 27-04-2018 | 27-04-2018 | 1 | 5 | - | - | - | - | - | - |
| 105. | 28-04-2018 | 28-04-2018 | 1 | - | - | - | - | - | 1 (Lahore) | |
| | (Saturday) | | | | | | | | 1 (Karachi) | |
| 106. | 30-04-2018 | 30-04-2018 | 1 | 2 | 2 | 1 | - | - | - | - |
| 107. | 02-05-2018 | 03-05-2018 | 2 | 6 | - | - | - | - | 1 | - |
| 108. | 02-05-2018 | 03-05-2018 | 2 | 6 | - | - | - | - | 1 (03.05.2018) | 1 (02.05.2018) |
| 109. | 04-05-2018 | 04-05-2018 | 1 | 7 | - | - | - | - | - | - |
| 110. | 07-05-2018 | 07-05-2018 | 1 | 6 | - | - | - | - | 1 | - |
| 111. | 08-05-2018 | 09-05-2018 | 2 | 5 | - | - | - | 1 | 1 (08.05.2018) | 1 (09.05.2018) |
| | | | | | | | | | 1 (09.05.2018) | |
| | | | | | | | | | 1 (Peshawar) (09.05.2018) | |
| | | | | | | | | | 1 (Peshawar) (09.05.2018) | |
| 112. | 10-05-2018 | 10-05-2018 | 1 | 5 | - | - | - | 1 (Quetta) (10.05.2018) | - | |
| 113. | 11-05-2018 | 11-05-2018 | 1 | 4 | - | - | 1 | 1 | - | - |
| | 12-05-2018 | 12-05-2018 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - |
| (Saturday) | | 1 (Karachi) | | | | | | | | |
| 115. | 13-05-2018 | 13-05-2018 | 1 | - | - | - | - | - | 1 | - |
| 116. | (Sunday) | | | | | | | | | |
| 117. | 14-05-2018 | 18-05-2018 | 5 | 6 | - | - | - | - | 1 | 1 (14.05.2018) |
| | | | | | | | | | 1 | 1 (15.05.2018) |
| 118. | 21-05-2018 | 21-05-2018 | 1 | 5 | - | - | - | - | 1 | - |
| | | | | | | | | | 1 | |
| 119. | 22-05-2018 | 25-05-2018 | 4 | 4 | - | - | - | - | 1 (22.05.2018) | - |
| | | | | | | | | | 1 (23.05.2018) | |
| | | | | | | | | | 1 (24.05.2018) | |
| 120. | 28-05-2018 | 28-05-2018 | 1 | 4 | 1 | - | - | - | - | - |
| 121. | 29-05-2018 | 30-05-2018 | 2 | 4 | 1 | - | - | - | - | - |

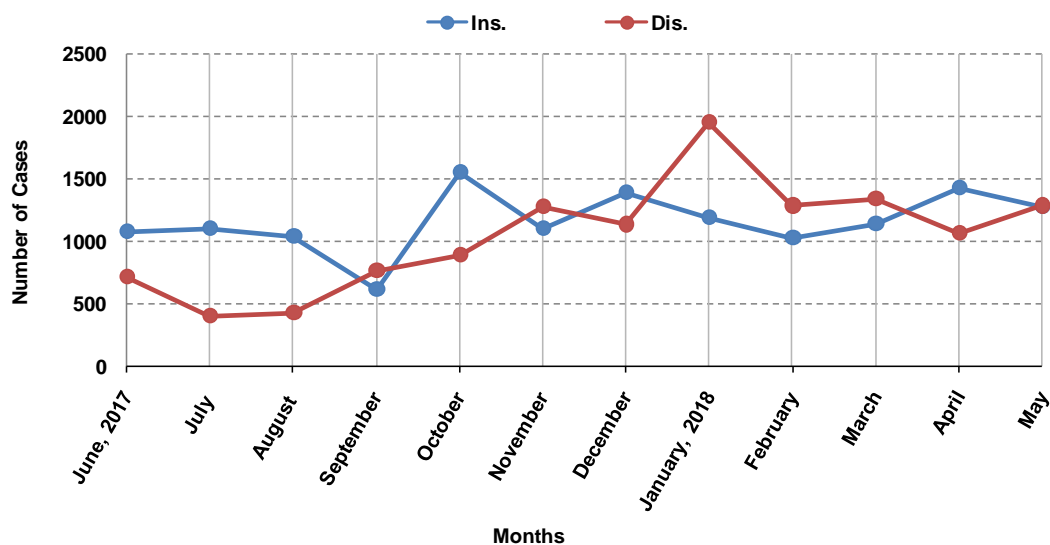
| Sr. | Working Period | | No. of Days | No. of Benches | | | | | Special Benches | Larger Benches |
|------|----------------|------------|-------------|----------------|------|------|------|------|-------------------|----------------|
| | From | To | | Isb. | Lhr. | Kra. | Qta. | Psh. | | |
| 122. | 31-05-2018 | 31-05-2018 | 1 | 5 | 1 | - | - | - | 1 (31.05.2018) | |
| | | | | | | | | | 1 (31.05.2018) | |

5.3 Institution and Disposal of Cases from June 2017 – May 2018

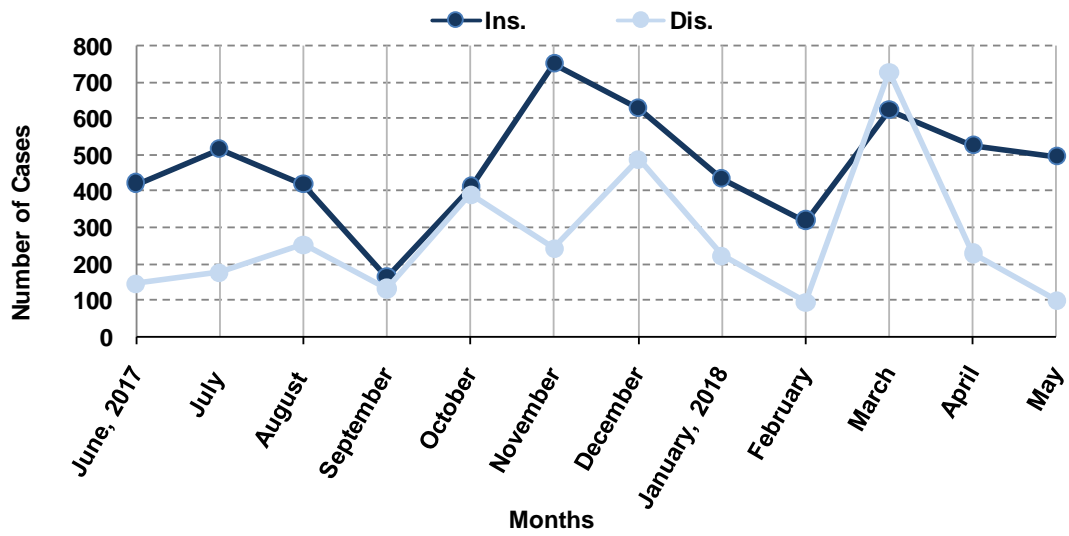
Month-wise Institution (Ins.) and Disposal (Dis.) of cases at the Main Registry as well as at the Branch Registries for the reported period.

| | Islamabad | | Lahore | | Karachi | | Peshawar | | Quetta | | Total | |
|---------------|--------------|--------------|-------------|-------------|-------------|-------------|-------------|------------|------------|------------|--------------|--------------|
| | Ins. | Dis. | Ins. | Dis. | Ins. | Dis. | Ins. | Dis. | Ins. | Dis. | Ins. | Dis. |
| June, 2017 | 1071 | 713 | 420 | 146 | 90 | 96 | 59 | 42 | 17 | 8 | 1657 | 1005 |
| July | 1103 | 404 | 516 | 177 | 91 | 255 | 75 | 9 | 78 | 4 | 1863 | 849 |
| August | 1039 | 431 | 419 | 253 | 121 | 51 | 45 | 8 | 39 | 65 | 1663 | 808 |
| September | 614 | 762 | 164 | 134 | 66 | 58 | 48 | 115 | 36 | 12 | 928 | 1081 |
| October | 1548 | 891 | 410 | 390 | 99 | 11 | 42 | 22 | 33 | 11 | 2132 | 1325 |
| November | 1104 | 1276 | 748 | 242 | 107 | 128 | 64 | 18 | 42 | 12 | 2065 | 1676 |
| December | 1387 | 1135 | 625 | 489 | 114 | 244 | 108 | 36 | 54 | 12 | 2288 | 1916 |
| January, 2018 | 1186 | 1950 | 432 | 221 | 120 | 32 | 117 | 27 | 59 | 19 | 1914 | 2249 |
| February | 1028 | 1283 | 318 | 96 | 69 | 71 | 120 | 121 | 84 | 52 | 1619 | 1623 |
| March | 1136 | 1337 | 620 | 726 | 350 | 123 | 200 | 60 | 29 | 77 | 2335 | 2323 |
| April | 1426 | 1062 | 525 | 230 | 220 | 61 | 164 | 175 | 39 | 136 | 2374 | 1664 |
| May | 1279 | 1284 | 494 | 100 | 138 | 27 | 136 | 42 | 57 | 11 | 2104 | 1464 |
| Total | 13921 | 12528 | 5691 | 3204 | 1585 | 1157 | 1178 | 675 | 567 | 419 | 22942 | 17983 |

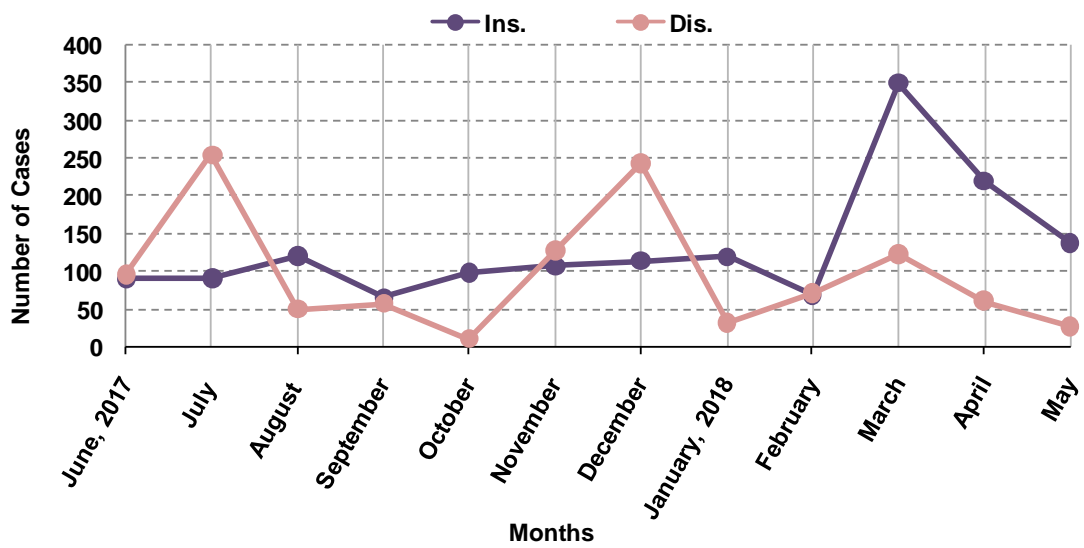
Institution and Disposal of Cases at Islamabad



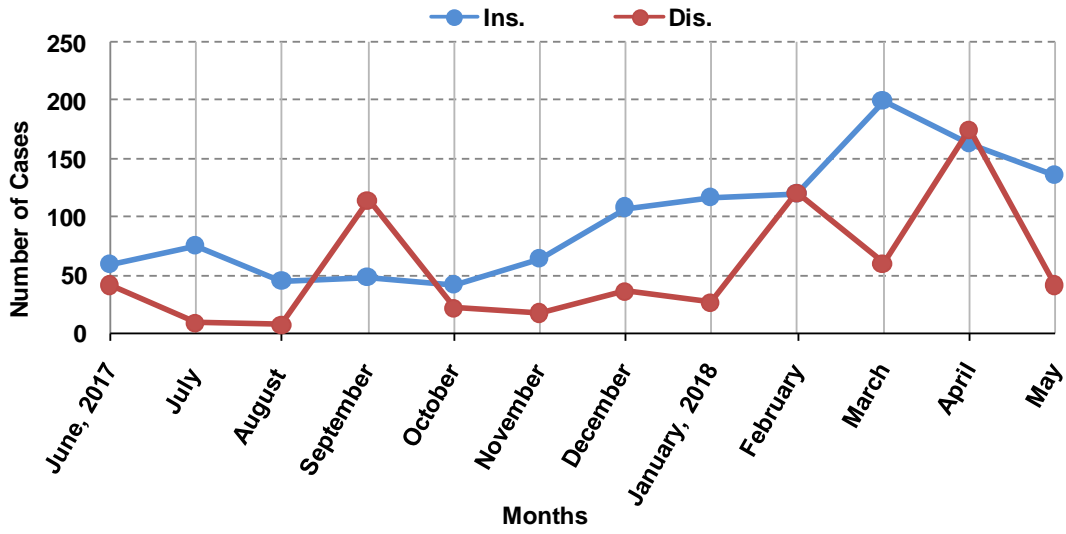
Institution and Disposal of Cases at Lahore



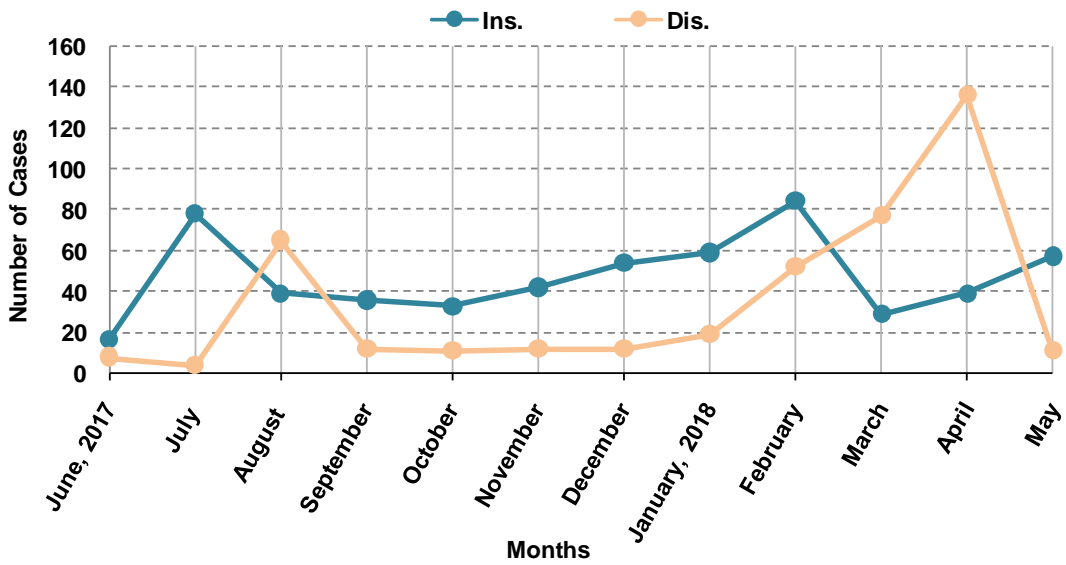
Institution and Disposal of Cases at Karachi



Institution and Disposal of Cases at Peshawar



Institution and Disposal of Cases at Quetta

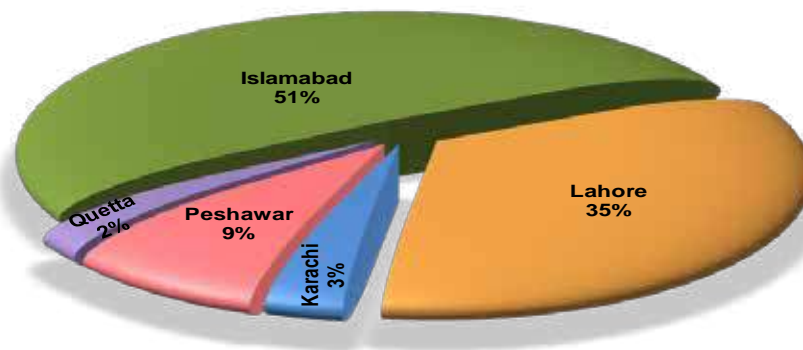


5.4 Pendency of cases

On 1st June, 2017 some 34903 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 |
|-----------|--------|---------|----------|--------|-------|
| 17875 | 12019 | 1154 | 3023 | 832 | 34903 |

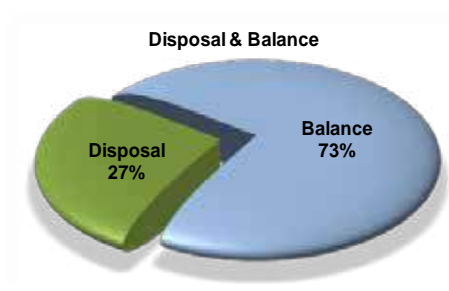
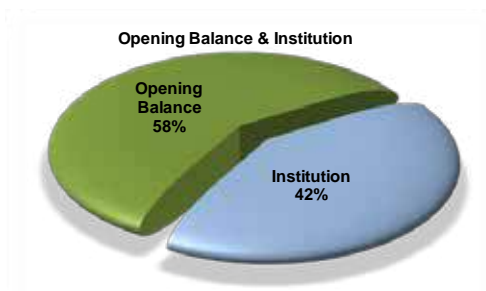
Pendency Position



5.5 Institution and Disposal of Petitions & Appeals

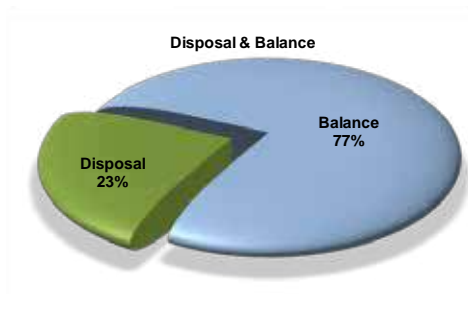
Civil Petitions at the Principal Seat and Branch Registries

| Branches | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------|----------------------------|--------------|--------------|-------------|--------------------|
| Islamabad | 3718 | 5495 | 9213 | 4334 | 4879 |
| Lahore | 7827 | 3203 | 11030 | 1488 | 9542 |
| Karachi | 521 | 1041 | 1562 | 558 | 1004 |
| Peshawar | 2337 | 797 | 3134 | 337 | 2797 |
| Quetta | 618 | 393 | 1011 | 225 | 786 |
| Total | 15021 | 10929 | 25950 | 6942 | 19008 |



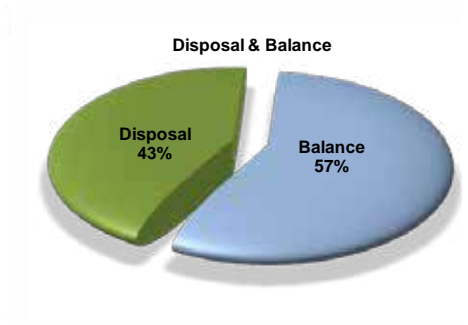
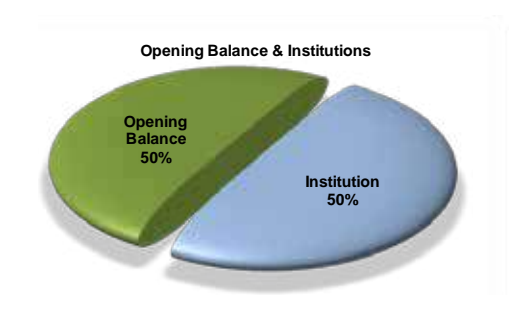
Civil Appeals at the Principal Seat and Branch Registries

| Branches | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------|-------------------------------|-------------|--------------|-------------|-----------------------|
| Islamabad | 6508 | 2262 | 8770 | 2333 | 6437 |
| Lahore | 2011 | 199 | 2210 | 214 | 1996 |
| Karachi | 216 | 48 | 264 | 114 | 150 |
| Peshawar | 592 | 183 | 775 | 107 | 668 |
| Quetta | 99 | 21 | 120 | 47 | 73 |
| Total | 9426 | 2713 | 12139 | 2815 | 9324 |



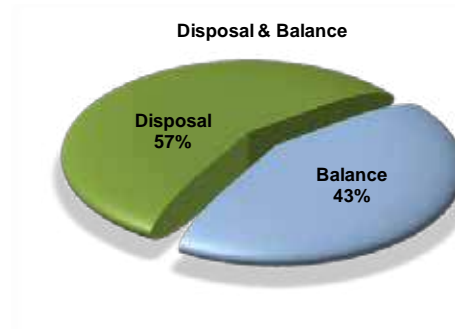
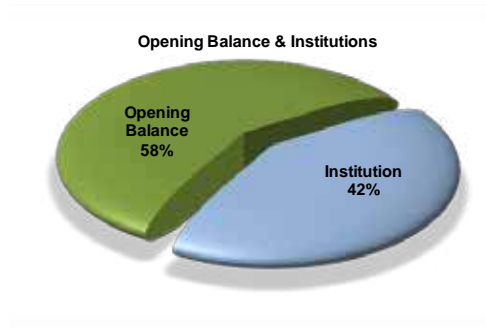
Criminal Petitions at the Principal Seat and Branch Registries

| Branches | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------|-------------------------------|-------------|-------------|-------------|-----------------------|
| Islamabad | 920 | 1359 | 2279 | 1576 | 703 |
| Lahore | 1940 | 1605 | 3545 | 964 | 2581 |
| Karachi | 63 | 139 | 202 | 133 | 69 |
| Peshawar | 290 | 128 | 418 | 115 | 303 |
| Quetta | 149 | 107 | 256 | 82 | 174 |
| Total | 3362 | 3338 | 6700 | 2870 | 3830 |



Criminal Appeals at the Principal Seat and Branch Registries

| Branches | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------|-------------------------------|-------------|-------------|-------------|-----------------------|
| Islamabad | 700 | 772 | 1472 | 1011 | 461 |
| Lahore | 511 | 214 | 725 | 255 | 470 |
| Karachi | 48 | 16 | 64 | 58 | 6 |
| Peshawar | 111 | 14 | 125 | 14 | 111 |
| Quetta | 24 | 4 | 28 | 26 | 2 |
| Total | 1394 | 1020 | 2414 | 1364 | 1050 |



5.6 Consolidated Statement of Cases

Consolidated Statement of Cases at Islamabad

| Cases | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------------|-------------------------------|-------------|--------------|-------------|-----------------------|
| Civil Petitions | 3718 | 5495 | 9213 | 4334 | 4879 |
| Civil Appeals | 6508 | 2262 | 8770 | 2333 | 6437 |
| Criminal Petitions | 920 | 1359 | 2279 | 1576 | 703 |
| Criminal Appeals | 700 | 772 | 1472 | 1011 | 461 |
| Total | 11846 | 9888 | 21734 | 9254 | 12480 |

Consolidated Statement of Cases at Lahore

| Cases | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------------|-------------------------------|-------------|--------------|-------------|-----------------------|
| Civil Petitions | 7827 | 3203 | 11030 | 1488 | 9542 |
| Civil Appeals | 2011 | 199 | 2210 | 214 | 1996 |
| Criminal Petitions | 1940 | 1605 | 3545 | 964 | 2581 |
| Criminal Appeals | 511 | 214 | 725 | 255 | 470 |
| Total | 12289 | 5221 | 17510 | 2921 | 14589 |

Consolidated Statement of Cases at Karachi

| Cases | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------------|-------------------------------|-------------|-------------|------------|-----------------------|
| Civil Petitions | 521 | 1041 | 1562 | 558 | 1004 |
| Civil Appeals | 216 | 48 | 264 | 114 | 150 |
| Criminal Petitions | 63 | 139 | 202 | 133 | 69 |
| Criminal Appeals | 48 | 16 | 64 | 58 | 6 |
| Total | 848 | 1244 | 2092 | 863 | 1229 |

Consolidated Statement of Cases at Peshawar

| Cases | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------------|-------------------------------|-------------|-------------|------------|-----------------------|
| Civil Petitions | 2337 | 797 | 3134 | 337 | 2797 |
| Civil Appeals | 592 | 183 | 775 | 107 | 668 |
| Criminal Petitions | 290 | 128 | 418 | 115 | 303 |
| Criminal Appeals | 111 | 14 | 125 | 14 | 111 |
| Total | 3330 | 1122 | 4452 | 573 | 3879 |

Consolidated Statement of Cases at Quetta

| Cases | Opening Balance 01.06.2017 | Institution | Total | Disposal | Balance 31.05.2018 |
|--------------------|-------------------------------|-------------|-------------|------------|-----------------------|
| Civil Petitions | 618 | 393 | 1011 | 225 | 786 |
| Civil Appeals | 99 | 21 | 120 | 47 | 73 |
| Criminal Petitions | 149 | 107 | 256 | 82 | 174 |
| Criminal Appeals | 24 | 4 | 28 | 26 | 2 |
| Total | 890 | 525 | 1415 | 380 | 1035 |

CHAPTER

6

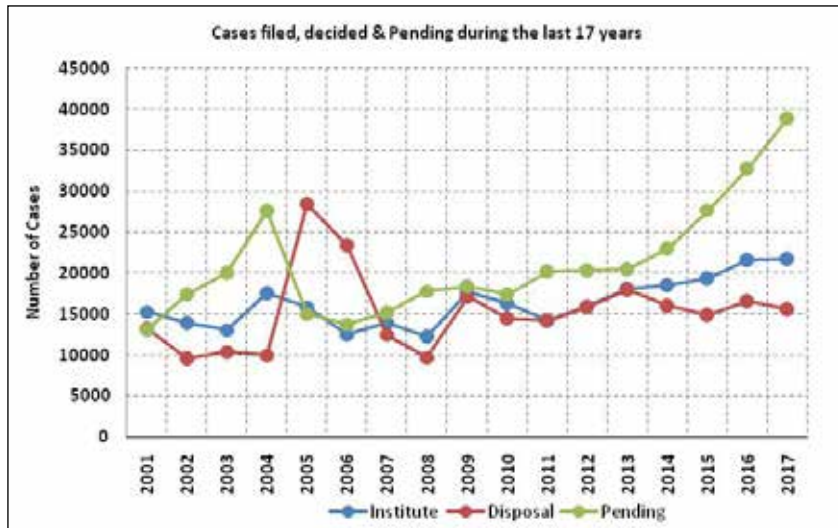
STATISTICAL DATA ANALYSIS

STATISTICAL DATA ANALYSIS

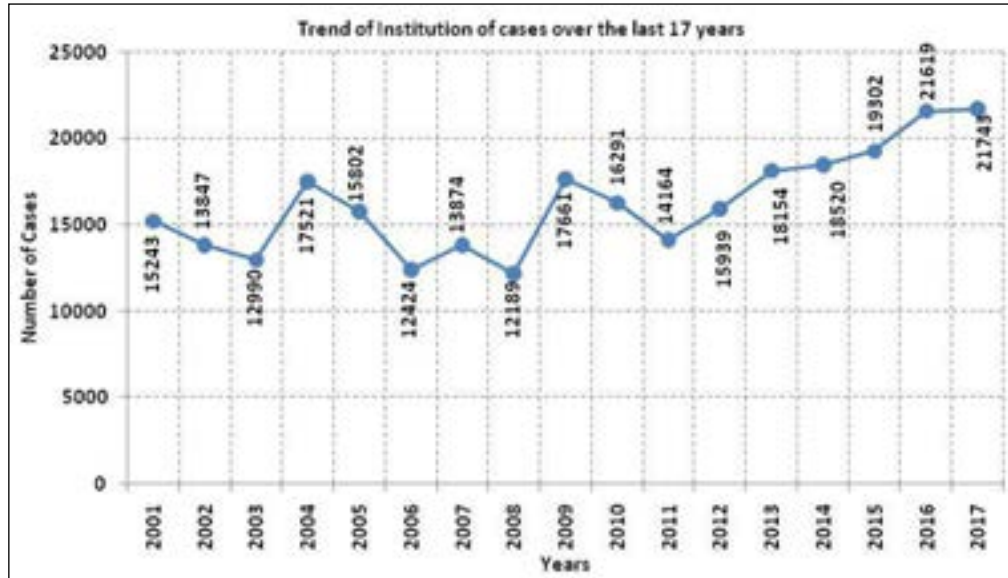
6.1 Trend in Institution, Disposal and Pendency of Cases from 2001 to 2017

| 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 |
| 2017 | 21743 | 15587 | 38900 |

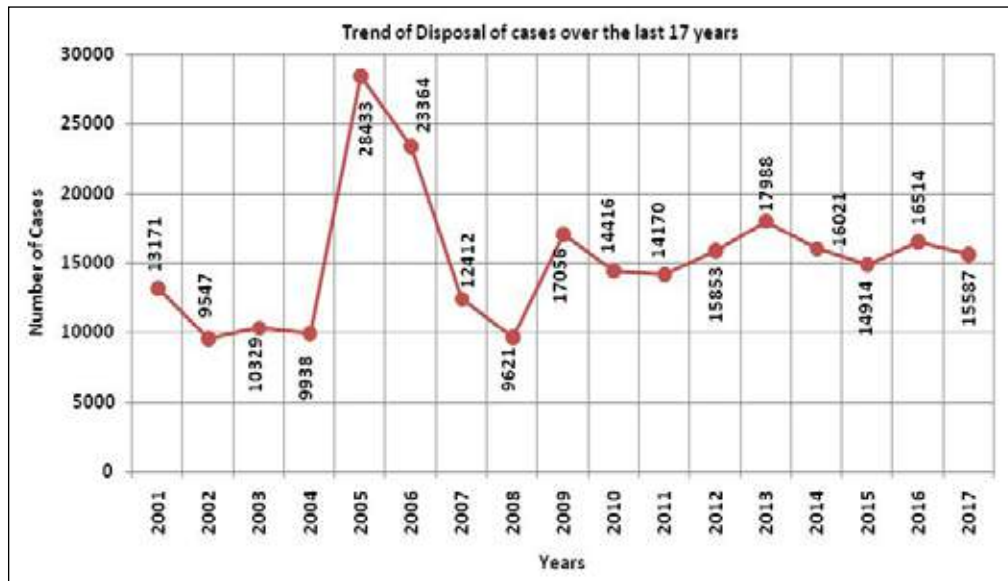
Comparison of Institution, Disposal and Pendency of Cases



Trend of Institution of Cases from 2001 to 2017



Trend of Disposal of Cases from 2001 to 2017



Trend of Pending Cases from 2001 to 2017



6.2 Institution, Disposal and Pendency of Appeals in the Supreme Court of Pakistan from 1950 to December, 2017

| 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 |
| 1970 | 1019 | 541 | 1560 | 343 | 1217 |
| 1971 | 1217 | 118 | 1335 | 350 | 985 |

| Year | Last Balance | Fresh Institution | Total | Disposal | Pending |
|------|--------------|-------------------|-------|----------|---------|
| 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 |
| 2017 | 11106 | 3733 | 14839 | 4179 | 10660 |

6.3 Institution, Disposal and Pendency of Petitions in the Supreme Court of Pakistan from 1950 to December, 2017

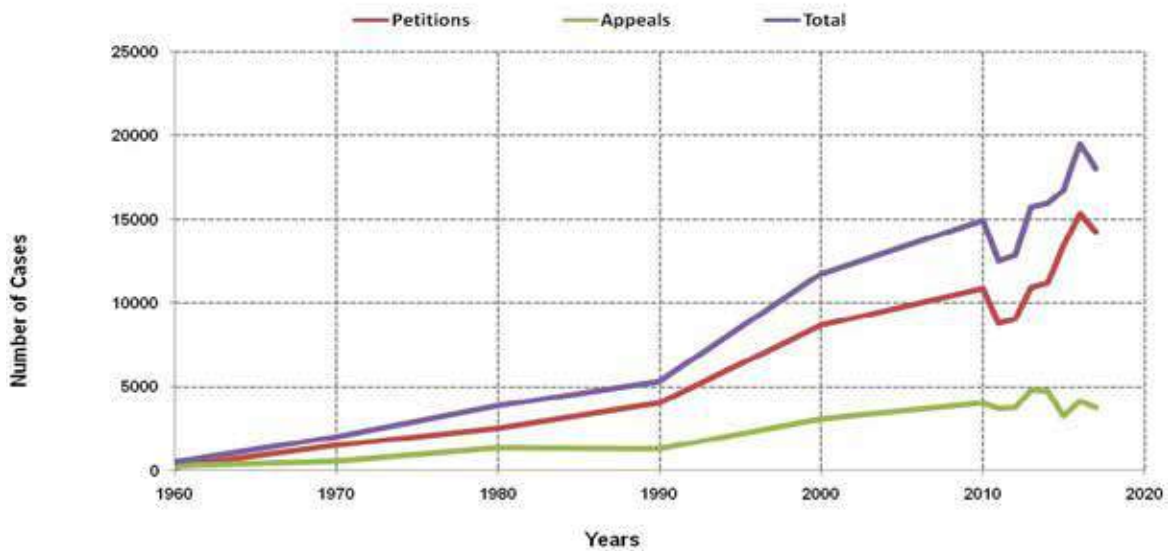
| Year | Last Balance | Fresh Institution | Total | Disposal | Pending |
|------|--------------|-------------------|-------|----------|---------|
| 1950 | 0 | 9 | 9 | 1 | 8 |
| 1951 | 8 | 154 | 162 | 93 | 69 |
| 1952 | 69 | 141 | 210 | 186 | 24 |
| 1953 | 24 | 213 | 237 | 217 | 20 |
| 1954 | 20 | 205 | 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 |

| Year | Last Balance | Fresh Institution | Total | Disposal | Pending |
|------|--------------|-------------------|-------|----------|---------|
| 1992 | 3092 | 1818 | 4910 | 3033 | 1877 |
| 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 |
| 2017 | 19127 | 14267 | 33394 | 9812 | 23582 |

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 | 2017 |
|--------------|--------------|--------------|--------------|--------------|
| Petitions | 11164 | 13433 | 15328 | 14267 |
| Appeals | 4753 | 3231 | 4154 | 3733 |
| Total | 15917 | 16664 | 19482 | 18000 |



CHAPTER

7

HUMAN RIGHTS CELL

HUMAN RIGHTS CELL

7.1 Human Rights Cell (HRC)

Every human being inherently acquires certain inalienable rights, irrespective of their religion, colour, creed region, sex, or any other status. The same are guaranteed by our constitution and international conventions, covenants and declarations. Denial of human rights jeopardizes the balance and stability of a society and is always a serious threat to humanity. These rights are universally recognized and therefore enshrined in constitutions of all civilized states.

The failure of institutions to protect the human rights creates a state of chaos. Resultantly, different interest groups, while taking the advantage of situation, start a spree of exploitation. During such difficult times, in order to protect the rights of downtrodden multitudes, courts act as saviour. In Pakistan, there has always been an incessant endeavor by the Apex Court to protect and save especially the vulnerable segments of society from oppression and discrimination.

Fundamental Rights are enshrined in Part-II Chapter-I of the Constitution of Pakistan, 1973. The Supreme Court of Pakistan has original jurisdiction under Article 184(3) of the Constitution to enforce the said rights. The Supreme Court of Pakistan through its suo motu jurisdiction zealously guards such rights of citizens especially the weaker segments. It encompasses matters involving atrocities, excessive fees charged by educational institutions especially private medical colleges; writing off the commercial loans at public expense; deplorable condition of public sector healthcare facilities; irregular and politically influenced appointments of heads of

various public sector universities; corruption in awarding contracts of mega projects; air pollution prevailing in the country, scarcity of water, building of new dams; depletion of water table at Katas Raj; etc. with an emphasis on building new water reservoirs and a need for efficacious water management are few examples in this regard.

The Human Rights Cell of this court works under the direct supervision of Hon'ble Chief Justice. During the preceding year an all time high number (42099) of complaints were received and again, an all time high complaints (43263) have been disposed of during this year providing required and adequate relief to the deprived and distressed segments of society. Human Rights Cell is not only a forum for residents but also receiving applications from Pakistani living abroad for appropriate action. Process is underway to expand the working of Human Rights Cell to branch registries. Rights of minorities are always considered sacrosanct and Supreme Court has always been vigilant to protect the same. In this regard, besides Katas Raj dilemma, actions have been taken on delays in Christian Marriages Registration and calling the Christians Maseeh instead of Eesai as desired by them.

Performance Statistics

The Human Rights Cell disposed of 43263 applications, during last year. Following table describes year wise Institution and Disposal of cases.

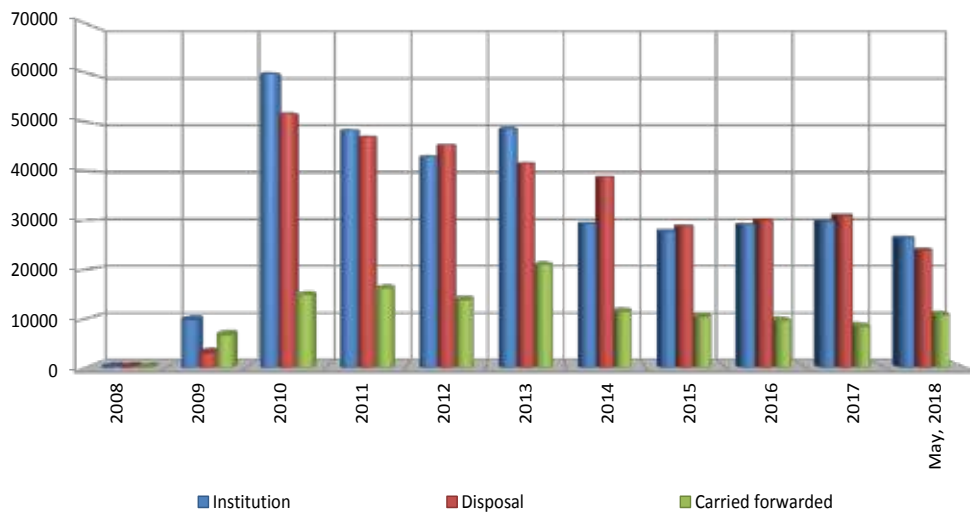
7.2 Institution, Disposal and Balance of Cases from June 2017 – May 2018

| Pending Process | Institution | Disposal | Balance |
|-----------------|-------------|----------|---------|
| 12005 | 42099 | 43263 | 10841 |

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 | 48738 | 41648 | 21025 |
| 2014 | 21025 | 29372 | 38908 | 11489 |
| 2015 | 11489 | 27843 | 28806 | 10526 |
| 2016 | 10526 | 29259 | 30124 | 9661 |
| 2017 | 9661 | 29892 | 31101 | 8452 |
| 2018 (May) | 8452 | 26425 | 24036 | 10841 |

Year-wise Institution and Disposal

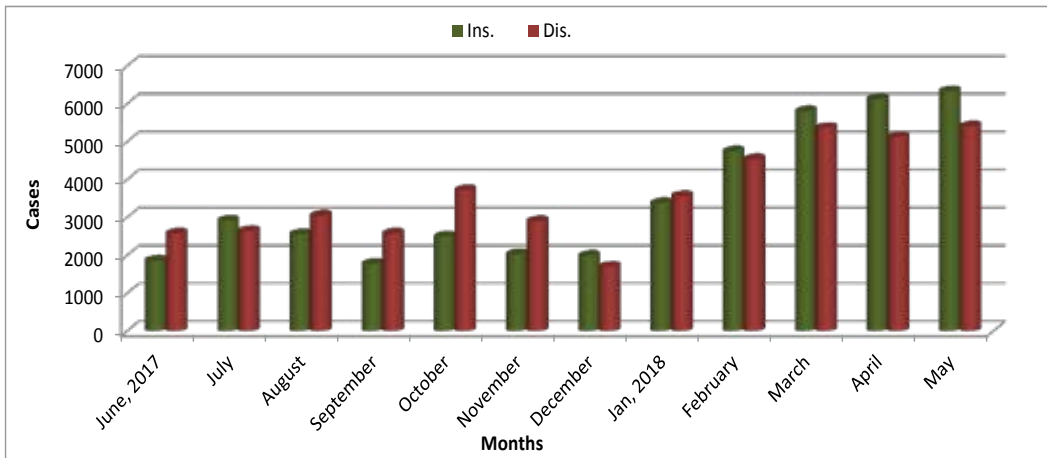


The above tabular statistics showing year-wise institution/disposal ratio since 2008, reflects considerable increase in HR Cases disposal.

Month-wise Institution and Disposal of Cases from June 2017 – May 2018

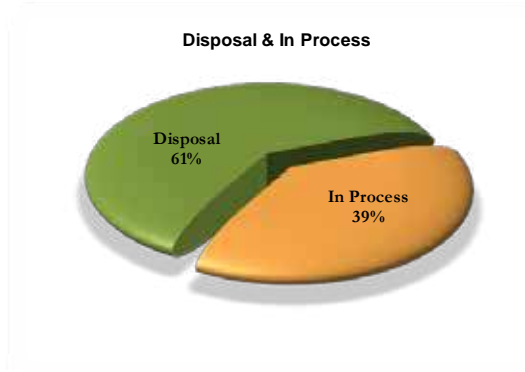
| Months | Opening Balance | Institution | Disposal | Balance |
|------------|-----------------|--------------|--------------|---------|
| June, 2017 | 12005 | 1871 | 2583 | 11293 |
| July | 11293 | 2922 | 2656 | 11559 |
| August | 11559 | 2566 | 3056 | 11069 |
| September | 11069 | 1782 | 2584 | 10267 |
| October | 10267 | 2499 | 3729 | 9037 |
| November | 9037 | 2034 | 2912 | 8159 |
| December | 8159 | 2000 | 1707 | 8452 |
| Jan, 2018 | 8452 | 3387 | 3575 | 8264 |
| February | 8264 | 4753 | 4544 | 8473 |
| March | 8473 | 5807 | 5368 | 8912 |
| April | 8912 | 6138 | 5130 | 9920 |
| May | 9920 | 6340 | 5419 | 10841 |
| | | 42099 | 43263 | |

The month wise data shows that against total institution of 42099 complaints, the disposal was 43263 during this year.



7.3 Expatriate Pakistanis' Wing Institution & Disposal of Cases from June 2017 to May 2018

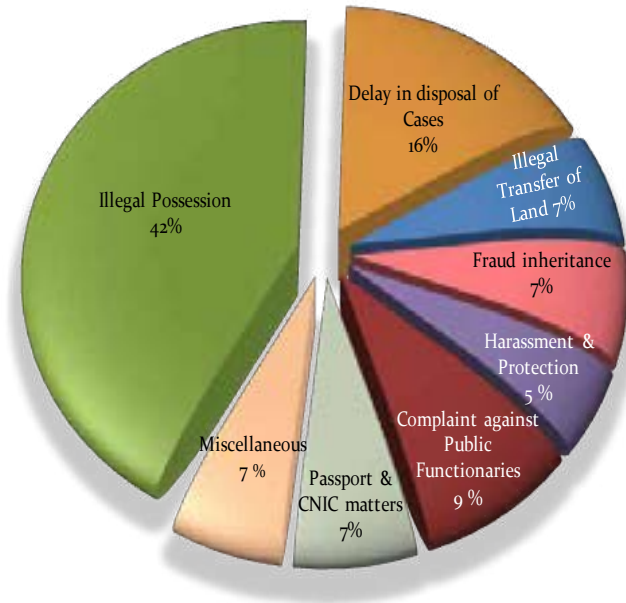
| Institution | Disposal | In Process |
|-------------|----------|------------|
| 1850 | 1128 | 722 |



The above figures and histogram show that 1850 complaints from Overseas Pakistanis were received during the period June 2017 to May 2018, which ratio, comparative to their population, is much higher than the complaints of resident Pakistanis.

| Category | Institution |
|---|-------------|
| Illegal possession | 780 |
| Delay in disposal of cases | 298 |
| Illegal Transfers of lands | 125 |
| Fraud in Inheritance matters, etc | 130 |
| Harassment & Protection | 98 |
| Complaints against Public Functionaries | 170 |
| Passport & CNIC matters | 130 |
| Miscellaneous | 119 |
| | 1850 |

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.

The Court also initiated Suo Motu proceedings in matters of public importance involving violation of fundamental rights, such as, shortage of water/building of new dams; depletion of water table at Katas Raj; excessive fees charged by private medical colleges; writing off the loans; menace of quackery; deduction of 40% tax by mobile companies; irregular appointments of vice chancellors of various public sector universities; corruption in awarding contracts of mega projects; air pollution prevailing in the country etc. Besides, in the Human Rights Cell of this Court, an all time high, 61,666 complaints were received during this judicial year in addition to 1069 complaints brought forward. Again, an all time high 57,293 complaints have been decided during the year i.e. September, 2017 till August, 2018, providing adequate relief to the deprived and downtrodden segments of society. While 15,442 complaints are in process.

7.4 Important Cases Decided by HRC

7.4.1. HRC No.25598-G/2017

In the matter of drying out of the "Shiri Katas Raj Temple Pond"

This matter was taken up by this Court in its Suo Moto jurisdiction on receipt of information that a pond located in the Katas Raj Temple which has religious significance for the Hindu community had dried up. The Katas Raj Temple, the pond and the water in the point are sacred to the Hindu community. Pilgrims from Pakistan, India and other countries come to the Temple to perform their religious ceremonies.

The concerned Authorities were directed to dismantle walls & other Structure which have been used to create a Dam and obstruct the flow of water of downhill. The Cement Factories installed with locality were ordered to use alternate sources of arranging water for its Industrial use & reduce pumping of underground water to Zero level. The matter was disposed of to the extent of Katas Raj Temple Pond.

7.4.2. HRC No.25819-P/2018

In the matter regarding AIDS victims of Jalalpur Jattan.

Applicant alleged that in Jalal Pur Jattan, approximately 800 Resident are AIDS affected. That nothing has been done by authorities for medical facilities, rehabilitation counseling or to check the outspread the Court ordered Constitution of a Committee under the Chairmanship of Dr. Abdul Baseer Khan Achakzai (Secretary/National Manger, National AIDS programme for Pakistan to work out on the Following TORs.

- i) Expansion of quality preventive and treatment services for key population across Pakistan.
- ii) Non-stigmatized and evidence based awareness campaign through print, electronic and social media.
- iii) Enabling environment in the light of basic human rights implementation.
- iv) To strengthen the mechanism of monitoring and evaluation of HIV services, preventive services as well as curative services and care.

- v) To review all Provincial AIDS Strategy and set recommendations.

7.4.3. HRC No.22754-S/2018

In the matter regarding payment of compensation to the AIR BLUE & BHOJA Airplanes crash affectees.

On an application of the Junaid Hameed, Chairman, Air Blue Crash Affectees Association, the HCJ took Cognizance of the matter regarding delay in payment of compensation to the Air Blue Crash Affectees. The management of Air blue was directed to deposit Rs.47,500,000/- with the Registrar of the Court for release/disbursement of the said amount to entitled legal heirs of the Shohada of the air Crash.

7.4.4. HRC No.3655-/2018

In the matter of appointment of Chairman, ETPB"

In HRC 25598-G/2017 it was observed by the Court that Mr. Saddiquil Farooq, Chairman, Evacuee Trust Property Board, despite occupying a quasi Judicial post having wide-range of administrative powers regarding the Evacuee Trust Properties all over the country, was unable to attend to the queries of the Court. Therefore, the Chairman was directed to establish, whether his appointment was made in accordance with the law and whether he possess the required qualification of the post. In order dated 31.01.2018 it was observed by the Court that the appointment of Mr. Sadiqul Farooq does not fulfill the requirement of rules. That no advertisement was made for appointment to the said post, which implies that he was selected on account of his political allegiance and was the result of nepotism. The Court ordered his removal from the post and fresh appointment of Chairman ETPB in an open and transparent manner.

7.4.5. HRC No.20746-/2018 etc.

In the matter of irregularities in allotment of Official Residences.

This Court took notice of gross irregularities in allotment of official residence ignoring merit, entitlement & seniority principle. After intervention by this Court, large number of government accommodations from the all over the Pakistan were recovered from illegal occupants. Further, respective High Courts and District Courts were directed for constitution of special benches and expeditious disposal of the relevant cases. The Court inter alia, directed the respective Chief Secretaries of the provinces and Secretary, Ministry of Housing & Works, Government of Pakistan to file sworn affidavits containing that presently no unentitled person is in the possession of government owned accommodation etc. The matter is still pending.

7.4.6. HRC No.16985-G/2018

In the matter regarding non-payment of Salaries to the state employees.

On common complaint that the state employees are not paid salaries in time, the Court directed the

Federal Government to ensure the payment of salaries to all the State Employees on 1st of every month, the Court further directed that the salary of the Chief Justice of Pakistan shall not be transferred to the his account as per practice, rather the cheque of his salary shall be handed over to his personal staff with a Certificate issued by the Controller General of Accounts and Secretary Ministry of Finance that the salaries of all the State employees have already been paid.

7.4.7. HRC No.32005-P/2018

In the matter regarding issuance of CNIC in favour of transgender.

During the course of hearing of the subject case it was directed by the Court to formulate a comprehensive policy for the welfare, rehabilitation and mainstreaming of transgender community in the society without any exclusion or stigma. Complying with Court directions, PSPA started working on the Transgender Persons Welfare Policy. Besides Literature review, multiple meeting with transgender community, government officials and representatives of the non-government were conducted to get first-hand knowledge of the situation of the transgender persons. The final step in the process was a seminar on rights and welfare of transgender people on 9th August 2018 in Supreme Court of Pakistan under the aegis of Law and Justice Commission of Pakistan in collaboration with PSPA. The proceedings of the seminar were chaired by Hon'ble Mr. Justice Khilji Arif Hussain, former Judge Supreme Court of Pakistan whereas Hon'ble Chief Justice of Pakistan graced the occasion by chairing concluding session of the seminar. Representatives from judiciary, relevant government departments, the civil society & transgender community attended the seminar to share with each other the challenges, opportunities, current initiatives and reform options regarding transgender person. In the seminar, Chief Justice of Pakistan stressed the need to end social exclusion of the transgender community. He stated that the right to live a dignified life and be treated equally is fundamental to natural justice and provided in the Constitution of Islamic Republic of Pakistan. He urged the federal and provincial governments to formulate a policy for the welfare of the people.

7.4.8. HRC.No.26962-/2017

In the matter of 20 Bullet-Riddled Dead Bodies Found in the Area of Tehsil Turbat & Buleda of District Kech, Balochistan.

On media report that 20 Bullet-Riddled Dead Bodies of persons belonging to Punjab were found in the area of Tehsil Turbat & Buleda of District Kech, Balochistan, and notice was taken by Hon'ble Chief Justice of Pakistan. In this regard, reports were called from Director General, FIA and Inspector General of Police, Balochistan with regard to the steps taken to curb such incidents in future. According to the report of FIA, said tragedy was result of human smuggling and trafficking. It is further reported human traffickers are smuggling young Pakistani citizens from Punjab

to Iran, Turkey, Greece and European destinations. Further, FIA Establishment had no proper office in different districts of Punjab and link office is also required in Maskat, Oman to curb this menace. In this regard three members committee was constituted by the Court consisting of Secretary, Ministry of Interior, Secretary, Ministry of Foreign Affairs and Director General, FIA to resolved the issues involved in this matter. Report submitted by the committee was sent to the Primer Minister of Pakistan for the affirmation of recommendations. Since the compensation was paid to the heirs of victims and requisites steps had been initiated to prevent such incidents in the future. So, this matter was disposed of.

7.4.9. HRC.No.11480-G/2018

In the matter Closure of Bone Marrow Transplant Centre at PIMS Hospital.

As per news published in media, Bone Marrow Transplant Centre at PIMS facing Closure Hon'ble Chief Justice of Pakistan took notice and in this regard report was called from Secretary, Ministry of CA&DD and Executive Director, PIMS, matter was fixed in the Court. It was apprised that Bone Marrow Transplant Centre at PIMS Hospital was closed due to the reason that 12 project employees were not regulated, as these posts were required to be filled through Federal Public Service Commission (FPSC). An order was passed that the said center be opened with immediate effect on 02.04.2018. Further, FPSC asked to start the process of recruitment and complete it within 02 months time. In the above said terms this case was disposed of

7.4.10. HRC.No.20171-B/2018

In the matter regarding Non-Payment to Victims of Terrorist Attack on Church in Quetta on 17.12.2017.

It is reported in media that compensation to Victims of Terrorist Attack on Church in Quetta dated 17.12.2017 has not been paid by Government of Balochistan. It is further reported that the even maintenance money announced by Federal Government for Church has not been disbursed. This case was fixed in Court, notices were issued to Chief Secretary, Government of Balochistan. The Court was informed that in this incident eight persons lost their lives and 58 injured. The federal government as well as provincial government announced compensation package of Rs.1 million each for a deceased and Rs.500000/- for critically injured, whereas Rs.100000/- for person sustained minor injurious. An amount of Rs.26.4 million was available with provincial government in this regard. So, Deputy Commissioner Quetta was asked to complete the process. The concerned authorities were asked to disburse the amount as early as possible. The matter regarding the delinquency of the concerned officials for delay in disbursement of compensation was referred to the Chief Secretary to settle responsibility in this regard and to start the proceedings under the service laws. So, when the compensation was disbursed this case was disposed of.

7.4.11.HRC.No.20171-B/2018

In the matter regarding use of word Esai for Christian instead of Masihi.

On complaint by the Christian Community that despite decision taken by the Council of Islamic Ideology in its 175th meeting held during September, 2009, Christian Community is still being referred as *Esai* instead of *Masihi*. While taking the notice of this issue during the proceedings of HRC. No.20171-B/2018, vide order dated 11.05.2018, the Hon'ble Court directed that recommendations of Council of Islamic Ideology be implemented and in this regard arrangements should be in all official record, documents correspondence etc Further, vide order dated 17.05.2018 to implement order dated 11.05.2018, for description of the Pakistani Christian Community in Urdu language. The Federal and Provincial Governments were directed by the Court to initiate appropriate action and then file a report. So, that Christian Community be referred as *Masihi* instead of *Esai*.

7.4.12.HRC.No.30023-G/2018

In the matter regarding Incidents of Fire at Margala Hills, Islamabad.

The Hon'ble Chief Justice of Pakistan took notice regarding the incident of Fire at Margala Hills posing serious threat to the Forest Wildlife and Environment in General. In this regard report was called through notices from Attorney General for Pakistan, Advocate General, Islamabad, Secretary CADD & Secretary, Environment, Chief Metropolitan Officer, MCI Islamabad, Chief Commissioner, Islamabad and Chairman CADD. The Chief Metropolitan ICT was directed to file a comprehensive report along with photograph explaining the direction and the Incidents of Fire at Margala Hills National Park, Islamabad filed by Roedad Khan. Thereafter a committee comprising 07 members under the chairmanship of the Federal Ombudsman was constituted to finalize the recommendations. So, this report was directed to be submitted in chamber and it is also directed that if this report would be unsatisfactory, matter would be resurrected.

7.4.13.HRC.No.2816-G2018

In the matter of Murder of 4 years old Girl, Asma in Gujar Garhi, Mardan.

It is reported on media that a minor girl Asma resident of Gujar Garhi, Mardan, had gone missing and later on her dead body was found in near by fields. It was also reported that she was sexually molested before murder. In this regard notice was taken by HCJ and report was called from IGP, KPK and matter was fixed in the Court. Court was apprised by the police that a JIT has been constituted. It was also transpired during the proceedings that DNA test of 240 peoples was sent to Punjab Forensic Science Agency, Lahore. On 21.02.2018 the Hon'ble Court was apprised that the accused has been arrested. So, this case was disposed of.

7.4.14.HRC.No.8990-/2017**In the matter of lynching of a student in Mardan University by Mob over alleged Blasphemy.**

On the basis of media report that a student of Mardan University has been lynched by a Mob over alleged Blasphemy, a notice was taken by the Hon'ble Chief Justice of Pakistan. In this regard report was called from IGP, KPK and the matter was fixed in the Court. It was apprised to the Court by the Concerned IGP that a JIT has been constituted to investigate the tragedy. During the proceedings it was apprised that challan has been submitted before the Trial Court and accused have been arrested. So, this matter was disposed of accordingly.

7.4.15.HRC.No.3343-/2018**In the matter of medical Student namely Asma Rani's Murder in Kohat.**

As per order of Hon'ble Chief Justice of Pakistan report was called from IGP, KPK in the murder of a Medical Student namely Asma Rani from Abbotabad

Medical College in Kohat, after her family rejected a marriage proposal from the accused, while the accused is said to have left country. This matter was fixed in the Court, Deputy Director, FIA (Interpol) apprised Court that required request to the Interpol Headquarters for the issuance of Red Warrant of the accused. Ultimately the accused was arrested, investigation was completed and challan submitted before the Court. So, this matter was disposed of.

7.4.16.HRC No.1037- P/ 2018**In the matter of murder of 8 years old minor girl at Kasur**

On account of a programme "Live with Dr. Shahid Masood" telecasted on "News One" TV Channel on 24.01.2018 and revelations made therein, this Court took Suo Moto notice of the incident. After intervention by this Court, the culprit was apprehended by Punjab Police and challan was submitted in the concerned Court. The matter was disposed of .



**IMPORTANT CASES
DECIDED BY THE
SUPREME COURT**

IMPORTANT CASES DECIDED BY THE SUPREME COURT (SUMMARIES)

8.1 Muhammad Hanif Abbasi Vs. Imran Khan Niazi and others (PLD 2018 SC 189)

A petition was under Article 184(3) of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") seeking a declaration that respondent No.1, Mr. Imran Khan Niazi (the respondent) is not qualified to be and is disqualified from being a member of the National Assembly. The background of the case was that pursuant to the information described as the Panama Papers, a petition was filed by the respondent for disqualification of the then Prime Minister, Mian Muhammad Nawaz Sharif. Considering admitted material the learned 5 member Bench by their unanimous judgment dated 28.07.2017 declared the then Prime Minister to be disqualified and directed the filing of References under the National Accountability Ordinance, 1999 against him and his family members. Thereafter, the petitioner, who was a PML(N) candidate from NA-56 Rawalpindi-VII in the general election of 2013 but lost the election to the Respondent, filed the instant petition.

The petitioner at the very outset categorically stated that the petition is in the nature of quo-warranto, the primary object whereof is to seek disqualification of the Respondent as a Member of Parliament and that the petitioner does not seek dissolution of or imposition of any ban upon the PTI.

Having considered the evidence brought on record, the applicable law and the reasons given in the judgment, it was, *inter alia*, concluded as under: -

- (1) The allegation that the PTI is a foreign aided political party can under Article 15 of the PPO be leveled only by the Federal Government for its validation on a reference made to this Court. The question whether the PTI has received political contributions and donations from sources that are prohibited under the provisions of Article 6(3) of the PPO is a matter, was referred to the ECP for determination under the law.
- (2) It is the duty of the ECP to scrutinize accounts of political parties on the touchstone of Article 6(3) of the PPO read in the light of Article 17(3) of the Constitution. In this behalf, the ECP must act transparently, fairly and justly, without discrimination among different political parties seeking election symbols to contest the elections to the Constitutional Legislatures of Pakistan. For undertaking such scrutiny, it shall be reasonable for the ECP to examine the accounts of a political party within five years of the objected accounts of that party having been published in the official gazette.
- (3) The alleged falsity of the certificates issued by the Respondent under Article 13(2) of the PPO is a secondary fact, ascertainable by a competent Court of law after the ECP gives its findings whether any prohibited funding has been received and collected by the PTI in terms of Article 6(3) of the PPO.
- (4) M/s NSL was established as a corporate vehicle for the legal ownership of the London flat, of which the Respondent was the beneficial owner. The Respondent was neither a shareholder nor a director of NSL which had a paid up capital of £9/- and the London flat as its sole asset. The Respondent was under no legal obligation to disclose the corporate vehicle NSL as an asset either in his income tax returns or his statement of assets and liabilities filed with the ECP alongwith his nomination papers or in his annual returns.
- (5) The purchase price of Rs.43.5 million of the Banigala property was paid to the extent of Rs.7.3 million by the Respondent and the balance amount of Rs.36.2 million was paid with amounts converted from foreign currency remittances made by Ms. Jemima Khan, the ex-wife of the Respondent.
- (6) The Banigala property is owned by the Respondent after it was orally gifted to him by his ex-wife Ms. Jemima Khan after their divorce became effective in June, 2004. Prior to that, the Banigala property had been purchased by the Respondent as a family home for his wife and children for which the financial provision extended by his wife was more than reimbursed by the Respondent on 07.05.2003.
- (7) The Respondent has declared his advance payment made to 1-Constitution Avenue Tower, Islamabad in his statement of assets and liabilities filed with his income tax return in the tax year 2014. In the following year, the Respondent was allotted the flat and declared the same both in his assets and liabilities statement filed with his income tax return for the tax year 2015 as well as his annual return under Section 42A of the ROPA filed with the ECP in 2015. Therefore, no mis-declaration of assets was committed by the Respondent. There is no dishonesty in the omission made by him.

As a result of above conclusions, the petition was dismissed.

8.2 Muhammad Hanif Abbasi Vs. Jahangir Khan Tareen and others (PLD 2018 SC 114)

In this case the petitioner sought the disqualification of the respondent from being a member of the National Assembly on the grounds that he is not honest and further. While interpreting the provisions of Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973, the Supreme Court has emphasized that *"Honesty is one of the greatest virtues in a man. Where in an otherwise honest and upright society, the nation and the State, which are governed by the Constitution and the rule of law; if the affairs of the Government come to be entrusted to dishonest persons such a nation soon loses its way. Government does not mean the executive limb of the State alone, but it includes the Legislature and the Judiciary. The States which are not governed by honest and upright people are bound to suffer and lag behind the developed nations of the world, and, therefore, it is of utmost importance that the State structure must be built upon honesty of purpose by honest people. It is in this context that we have to judge and determine the people in power who are running the affairs of State, as to whether they are honest in general terms and specifically as the chosen representatives of the people, whether they qualify in terms of the true spirit and test of Article 62 (1) (f) of the Constitution."*

With regard to the sanctity of parliament, the Court observed that *"quo warranto remedy should not be allowed to be a tool in the hands of the relators, who approach the Court with mala fide intentions and either have their own personal grudges and scores to settle with the holder of the public office or are a proxy for someone else who has a similar object or motive. This remedy surely cannot be allowed to serve as a sword hanging over the heads of the Parliamentarians (members of the Provincial Assemblies) who are the chosen representatives of the people under the mandate of the Constitution (Article 2A) "wherein the State shall exercise its power and authority through the chosen representatives of the people". Thus, Parliament is the supreme law making organ of the State; it is the supreme body to lay down the State policies. And the executive body of the State is also derived from this organ.*

With regard to Court's power of judicial review, it was observed that *"Although the validity of legislative enactments of the Parliament, and the executive actions of the Administration (Note: which has genesis in the Parliament) are subject to the power of judicial review of the superior courts, this power should be exercised within the limits provided by the Constitution, as interpreted by the courts and the various principles of law enunciated in this behalf. Yet the sanctity of the Parliament and the Parliamentarian should not be allowed to be impinged or compromised lightly. The remedy of quo-warranto should not be permitted to be resorted to for demeaning, intimidating and causing undue harassment to the Parliamentarians. It should not be allowed to be used as a pressure tactic for purposes of restraining them from performing their functions and discharging their duties in accordance with the Constitution and the law. This remedy of quo-warranto cannot be equated with the challenge to the holder of any other public office, which public office is statutory in nature or of an autonomous body; where the appointment is assailed as not having been made according to the law (regarding his qualifications etc.) or on account of the fact that the appointing authority lacked the authority to make such an appointment or the appointment is tainted with sheer mala fides, on the basis of political considerations, nepotism etc. and/or in utter absence and misuse of authority."*

It was further held that *"we have no doubt in our mind that the expression "honest" used in Article 62 (1) (f) of the Constitution bears a close relation to preventing the scourge of corruption. Corruption can destroy the very fabric of the State. Thus the power of quo-warranto in relation to the Parliamentarians can be validly exercised by the courts if the disqualification attributed to them has direct and close nexus to corruption, because an act of dishonesty shall be covered by the Article supra. Thus for such reasons the bona fide and the conduct of the relator is quite significant."*

8.3 Sardar Sher Bahadur Khan and others Vs. Election Commission of Pakistan and others (PLD 2018 SC 97)

Three questions of law were mainly involved in this matter namely; (1) what is the effect and application of section 78A of the Khyber Pakhtunkhwa Local Government Act, 2013 (the Act of 2013) inserted vide Khyber Pakhtunkhwa Local Government (Third Amendment) Act, 2015, (the Amendment Act 2015) and whether it (Section 78A) shall apply retrospectively or prospectively; (2) whether the respective show cause notices, issued to the appellants/petitioners, were issued by the party/

party head in accordance with the relevant provisions of law; and (3) whether the Election Commission of Pakistan (ECP) was not properly constituted when it passed the impugned orders, as the ECP comprises of the Chief Election Commissioner of Pakistan (Chairman) and four Members while the impugned orders dated 25.01.2016 (in C.A. No. 508/2017) and 29.10.2015 (in C.P. No.1640/2017) were passed by three Member Bench of ECP in which the Chairman and one of the Members did not participate.

This Court held that in light of the well settled principles of law a statute or any amendment thereto ordinarily operates prospectively unless, by express enactment or necessary intendment, retrospective operation has been given to it. Reference in this behalf may be made to the case reported as Gul Hasan & Co. and 5 others v. Allied Bank of Pakistan (1996 SCMR 237), Pakistan Steel Mills Corporation v. Muhammad Azam Katper and others (2002 SCMR 1023), Zila Council, Sialkot through Administrator v. Abdul Ghani Proprietor Iqbal Brothers, Sialkot and others (PLD 2004 SC 425) and Muhammad Tariq Badr and another v. National Bank of Pakistan and others (2013 SCMR 314) etc. Considering the purpose and object of the above said amendment, namely, to curb the mischief of horse-trading and defection, it is clear that the law was amended and the said section was introduced just few days prior to election with the clear intention to apply it to the future elections to be held after 30.8.2015. Moreover, no substantive rights are infringed in this regard because not only was the voting to take place on 30.8.2015 but the nomination papers were also to be filed on the said date.

As regards the question of the validity of the ECP orders passed by a commission not properly constituted, it was held that Article 218(2) of the Constitution is relevant which provides, inter alia, that the ECP shall consist of the Commissioner, who shall be the Chairman of the Commission, and four

members, each of whom has been a Judge of a High Court from each province. Though Article 219 of the Constitution prescribes the duties of the ECP and Article 220 of thereof mandates the executive authorities to assist the ECP in the discharge of its functions; however, the mode and procedure to be adopted by the ECP has not been elaborated in the Constitution, which has been prescribed in the Order, 2002. It was held that though the ECP is comprised of five members but nowhere in the law has it been provided that any decision of the ECP shall be taken by all of its five members. In fact, in section 8(2) of the Order, 2002 any order passed by the ECP by lesser members of its total strength has been protected by specifically providing that no action taken or thing done by the ECP 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.

In light of the language of Section 78(*ibid.*) and the definition clause of "Party head", it was held that the Party head of the political party or his nominee, has the power to nominate a candidate for the seats of Nazim/Naib Nazim, issue direction to its members to cast votes in favour of that candidate, and in case of violation of such direction, to issue a show cause notice and then pass the declaration of defection against such member.

8.4 Gerry's International Pvt Ltd Vs. Aeroflot Russian International Airlines (2018 SCMR 662)

The Court considered the true scope, importance and application of Sections 30 and 33 of the Arbitration Act 1940, the jurisdiction of the Court while making an award ruling, whether the Court can sit in appeal over the decision of the arbitrators, and whether the Court can inquire into arbitration awards to look for errors of law and shortcomings, whether these flaws cause a failure of justice, and what on what grounds an arbitrator should be held to have misconducted himself.

The Court held that the award given by the arbitrator who is chosen as judge of facts and law cannot be set aside unless the error is apparent on the face of the award, or if it is possible to infer from the award that the arbitrator has misconducted himself under sections 30 and 33 of the Arbitration Act 1940. Misconduct is not akin to fraud, but instead refers to the neglect of duties and responsibilities of the arbitrator. As such, it is not the role of the Court to try and find out patent irregularities, only if such irregularities can

be seen on the face of the award can the award be set aside.

The role and scope of the arbitrator was also clarified. It was established that the arbitrator alone is the judge of the quality and the quantity of evidence, and he is the sole and final judge of all questions of law and fact. Mere brevity of reasons for the arbitrator's finding do not constitute a ground for interference, however under section 26-A of the Arbitration Act there must be reasons provided so as to allow the Court to ensure the reasoning is not contradictory or inconsistent. The arbitrator cannot ignore the law or misapply it in order to do what he thinks is just and reasonable.

It was held that no illegality had been committed in the arbitration proceedings, and there was no misreading or non-reading of evidence and thus, as there was no error apparent on the face of the award, the Court could not interfere further.

8.5 Suo Motu matter regarding the non-payment of pensions by banks (2018 SCMR 736)

The Court took Suo Motu notice of the matter following a large number of applications made to the Human Rights Cell regarding the non-payment of pensionary benefits to employees of several banks. The banks involved in the matter were Habib Bank Limited, Allied Bank Limited and United Bank Limited (HBL, ABL, and UBL respectively). The petitioners had grievances which were sufficiently analogous and therefore could be heard together. The grievances raised by pensioners were manifold, however the main issues were regarding the meagre quantity of a pension payment, and the stagnation of payments (i.e. there was no annual increase in the pension).

Considering the above issues in light of the fundamental rights enshrined in the Constitution, in particular Article 9 relating to the fundamental right to life, and Article 14 pertaining to the right

to dignity, the Court found that while there is no fundamental right to a pension, once it is duly perfect and earned there is no further room for speculation regarding their entitlement. Pensioners commit many years of their lives in serving their employers and expect pensions to maintain them in their old age, it affronts the dignity of a man to rely on children or relatives for help and thus violates Article 14 which guarantees the right to dignity.

The fundamental right that is to be enforced is that the pension given to petitioners must be sufficient so as to allow them to keep body and soul together. A monthly pension payment of Rs/8000 with an annual 5% increase was ordered to afford pensioners a dignified standard of living.

8.6 Sui Southern Gas Ltd. and others Vs. Federation of Pakistan and others (2018 SCMR 802)

Prior to the Eighteenth Amendment (*passed vide the Constitution (Eighteenth Amendment) Act 2010*) by virtue of the Concurrent Legislative List (CLL) both the Parliament and the Provincial legislatures could legislate on the subjects enumerated therein; Entry No. 26 of the CLL contained the subjects of "welfare of labor; conditions of labor, provident funds; employer's liability and workmen's compensation, health insurance including invalidity pensions, old age pensions", whereas, Entry 27 of the same dealt with the subjects of "trade unions; industrial and labor disputes". The Eighteenth Amendment to the Constitution however *inter alia* introduced a drastic enhancement in the legislative authority of the Provinces by deleting the CLL. The Industrial Relations Act 2012 (*IRA 2012*) was promulgated by the Parliament after the Eighteenth Amendment and thus was challenged before all the provincial High Courts as also the Islamabad High Court mainly on the ground that the same is incompetently enacted by the Parliament as the subject of labour and the trade unions was no more in the legislative domain of the Parliament rather within the domain of the Provincial Assemblies. All the High Courts held (*through judgments impugned as also other judgments*) in favour of the constitutionality/validity of the IRA 2012.

This Court dismissed the appeals as also the petition holding as under: -

1. The Federal legislature does, but the Provincial Legislature does not, have legislative competence to legislate to regulate the trade unions functioning at trans-provincial level;
2. The matters relating to trade unions and labour disputes, etc., having been dealt with and protected under the International Conventions, are covered under Entries Nos.3 and 32 of Part-I of the Federal Legislative List (FLL). Thus, the Federal Legislature has legislative competence to legislate in this regard;
3. Under the command of Entry No.13 in Part-II of the FLL, the Federation has competence to enact laws relating to the inter-provincial matters, Entry No.18 thereof further enlarges the scope of the said Entry; therefore, the Federal Legislature has legislative competence to legislate in this regard too;
4. The IRA 2012 is *intra vires* the Constitution and neither defeats the object of the Eighteenth Amendment to the Constitution nor does it destroy or usurp provincial autonomy;
5. The workers of the establishments/industries functioning in the Islamabad Capital Territory or carrying on business in more than one provinces shall be governed by the Federal legislation i.e. IRO 2012; whereas, the workers of establishments/industries functioning or carrying on business only within the territorial limits of a province shall be governed by the concerned provincial legislations;
6. The IRA 2012 is valid piece of legislation and therefore the National Industrial Relations Commission (NIRC) formed under Section 35 of the IRA 2012 has jurisdiction to decide the labour disputes, etc., relating to the employees/workers of companies/corporations/institutions/establishments functioning in more than one Province; and
7. The IRA 2012, being a procedural law, would be applicable retrospectively w.e.f. 01.05.2010, when the IRO 2008 ceased to exist.

8.7 State through Prosecutor-General, Punjab Vs. Jahangir Akhtar and others (2018 SCMR 733)

The case decided a bunch of appeals having a common legal question, which was whether a criminal prosecution would amount to double jeopardy after imposition of a departmental penalty.

The respondents in the appeals had allegedly obtained employment in the police department on the basis of fake and forged School Leaving Certificates and upon discovery of such forgery and fabrication they were not only compulsorily retired from service but were also proceeded against on the criminal side through registration of different FIRs. The respondents applied before the trial court under section 249-A, Cr.P.C. seeking their premature acquittal and the trial court acquitted them of the charge upon acceptance of such applications which orders of the trial court were subsequently upheld by the High Court through dismissal of different appeals filed by the State against the respondents' acquittal.

In acquitting the respondents, it was reasoned that on account of compulsory retirement of the respondents from service they could not be criminally prosecuted for the same matter as such prosecution

would amount to double jeopardy attracting the provision of Article 13(a) of the Constitution of the Islamic Republic of Pakistan, 1973 and section 403, Cr.P.C.

With reference to all the relevant cases on the subject, the Court held that a disciplinary action taken by a department and criminal prosecution are quite distinct from each other and can proceed simultaneously or one after the other, and such separate actions do not attract the principle of double jeopardy. It was reiterated that in many a precedent case it had been clarified that disciplinary proceedings are meant solely for maintaining and ensuring purity of service whereas criminal prosecution is meant to punish a person for the offence committed by him and that in a proper case departmental and criminal proceedings can proceed simultaneously or one after the other.

Consequently, the status of the respondents as accused persons in the relevant criminal cases was restored and the trial court was directed to proceed with their trials in accordance with the law.

8.8 National Accountability Bureau through Chairman Vs. Fazal Ahmed Jat and others (2018 SCMR 1005)

The case required interpreting the provisions of section 32(a) and section 8(d) of the National Accountability Ordinance, 1999 in order to see whether the appeals filed by the National Accountability Bureau before the High Court were maintainable or not.

The respondents in these appeals had been tried by an Accountability Court on various charges and after full-dressed trials they were acquitted of the charge which acquittal had been challenged by the National Accountability Bureau before the High Court of Sindh, Karachi through different appeals. The appeals filed by the National Accountability Bureau before the High Court were dismissed by a learned Division Bench of the said Court through the impugned consolidated judgment maintaining that the said appeals had not been competently filed. The High Court had referred to the provisions of section 32(a) and section 8(d) of the National Accountability Ordinance, 1999 and had held that an appeal could have been filed before the High Court upon the direction of the Chairman, National Accountability Bureau and such an appeal could have been filed under such direction by the Prosecutor-General Accountability whereas in the cases in hand in three of the appeals there was no permanent Prosecutor-

General Accountability and in the remaining appeals there was no permanent Chairman, National Accountability Bureau or a permanent Prosecutor-General Accountability holding the said offices at the time when the appeals had been filed before the High Court.

Citing the principle that that an appeal can be filed only by the authority or the officer designated or prescribed for the purpose by a statute and such filing of an appeal cannot be undertaken by any other officer or authority, the Court held that it is evident from section 32(a) of the National Accountability Ordinance, 1999 as well as from the provisions of section 8(d) of the National Accountability Ordinance, 1999 that at a time when there is no permanent Chairman of the National Accountability Bureau no other officer of the Bureau can perform the functions or exercise the powers of the Chairman. With reference to precedents, the Court further held that at a time when there is no permanent Prosecutor-General Accountability holding the said office no other officer of the Bureau can be required by the Chairman to perform the functions or exercise the powers of the Prosecutor-General Accountability.

8.9 Ch. Iftikhar Ahmed, I.G., Islamabad Vs. The State (2018 SCMR 1385)

In these five Intra-Court Appeals, the appellants challenged the order passed by this court whereby they were found guilty of committing contempt of Court on account of manhandling the then Chief Justice of Pakistan. The key question that arose was whether the apologies submitted by the appellants should have discharged them from the contempt or not.

On this point the Court, after relying upon the case of Syed Masroor Ahsan, wherein it had been observed that some of the fundamentals for accepting the apology can be enumerated as: (a) The apology must be offered at the earliest stage of the contempt proceedings and may not be postponed till far-end of the proceedings, (b) the apology must be unconditional, unreserved and unqualified, (c) the apology should not only appear but must also satisfactorily represent sincere and genuine remorse and should not be half-hearted or mere formality, and (d) the contemnor should not endeavor to justify his conduct, held that the same was good law and would be applied to the instant case. In this background, after examining the apologies submitted, the Court held that *"all the unconditional apologies submitted by all the appellants are neither the one which could be considered to have been submitted at the earliest stage of contempt proceedings nor such unconditional apologies, as submitted by the appellants, appear unconditional, unreserved or unqualified nor shown sincere and genuine remorse rather they appear to be half-hearted merely to fill up formality and further in their unconditional apologies, the appellants have even tried to justify their conduct which had become cause of contempt proceeding. Obviously, such apology did not satisfy the requirement of law and the appellants could not seek their discharge for that in the very unconditional apology all the appellants had categorically admitted their conduct against the Hon'ble Chief Justice*

of Pakistan on 13.03.2007. The best which the appellants could have done was that on the very first day when the contempt proceedings were taken up, they should have filed unconditional, unreserved and unqualified apology showing their sincere and genuine remorse and thrown themselves at the mercy of the Court but as the facts of the case show that such did not happen."

The Court whilst dismissing the case held that *"gravity of the conduct of the appellants is also to be seriously taken note of in that on 13.03.2007 they had physically roughed up, manhandled, pushed, bundled and physically forced the Hon'ble Chief Justice of Pakistan, the head of the highest judicial forum of the country, to sit in a car. This in itself is a serious and grievous nature of Contempt of Court by which the holder of highest judicial office of the country was dealt with, handled, restrained physically in the eyes of the public and also in the presence of print and electronic media could not, by any means, be considered as a minor incident which could be let off by submission of unconditional apology rather such conduct while requiring serious attention required visitation by exemplary punishments for the conduct of the appellants as it had jolted and rattled the very edifice of the judicature, as provided in the Constitution, and seriously undermined and brought the authority of the Court or administration of justice into disrespect, disrepute or interfere with or obstruct or interrupt or prejudice the process of law and due course of any judicial proceeding. Looking at the grave nature of Contempt of Court having been committed by the appellants, in our estimation, by the impugned order passed in the Suo Motu proceeding they had been dealt with quite leniently. Such being the case, we find no merit in these appeals which are dismissed."*

8.10 Justice Shaukat Aziz Siddiqui Vs. Federation of Pakistan through Secretary Law and Justice, Islamabad (PLD 2018 SC 538)

The petitioner is a sitting Judge of the Islamabad High Court, while the respondent is Supreme Judicial Council (SJC) inquiring into allegations of misconduct against the petitioner. The petitioner moved an application in the SJC with the prayer that the proceedings of the SJC be conducted in open court instead of being conducted in-camera, which was dismissed. Subsequently, the petitioner invoked the constitutional jurisdiction of the Supreme Court. The vires of the provisions of the Supreme Judicial Council Procedure of Enquiry 2005 more particularly paragraph 7 & 13 were also challenged and it was claimed that it is a breach of fundamental rights of the petitioner. Furthermore, the constitution of SJC

was also called into question and it was contended that one of the Member is disqualified to participate in such proceedings in view of Article 209(3) of the Constitution.

The court observed that while interpreting any provision of the constitution or even the law it is imperative that the said provision be contextualised in its proper perspective keeping in view its genesis and more importantly, the purpose sought to be achieved by its enactment. The court observed that the primary purpose of Article 209 of the constitution is to ensure the security of tenure of those who can only be removed in some circumstances. Article

209 does not mean that those falling under it are scared cows beyond the pale of accountability; if a person loses or abandons the necessary attributes of a Judge of integrity, probity, legal expertise and mental balance then he is not entitled to any security of tenure. The court further observed that SJC is not a court and its proceedings are administrative in nature, recommendatory in effect but its findings have an element of conclusiveness.

The court held that Article 19A of the constitution does not confer absolute right but it is subject to regulation and reasonable restriction. The court observed that the embargo to release information with regard to unsubstantiated and unproven allegations against a Judge regarding his conduct or capacity is based on the principle not only of protecting the reputation of the Judge which may be sullied beyond redemption even if the allegations are finally rejected but also for the protection of the institution of Judiciary. The court concluded that paragraph 7 of the SJC Procedure of Enquiry, 2005 is valid and *intra vires* to the Constitution. Paragraph 13 also does not offend against the Constitution or any provision thereof. Paragraph 13

is the protection of the rights and reputation of the person whose conduct and capacity is being inquired into and the protection of the institution of judiciary, including the Members of the SJC, hence, must be interpreted in such context. Therefore, the process of determination whether any *prima facie* case has been made for proceedings under Article 209 of the constitution in any event should be held *in camera* and the subsequent proceedings should also be held *in camera* unless the person being inquired into waives such right. However, in *camera* proceedings can always be resorted to by the SJC even in the absence of the consent of the parties, including (but not limited to) in the eventuality of an apprehension that the person whose conduct and capacity is being inquired into or his counsel may resort to baseless, scandalous and scurrilous allegations against the SJC or any of its in order to publicise the same and thereby frustrate the proceedings of the SJC.

The court held that the request regarding conduct of proceedings through an open justice as requested by the Petitioner needs to be revisited and SJC notwithstanding and uninfluenced by its Order dated 18.05.2017 in the light of the observations made.

8.11 Sindh Rural Support Organization (SRSO) Vs. Federation of Pakistan and others (2018 SCMR 407)

Issue raised through this Civil Petition was whether the funds and accounts of the Federation and or a Provincial Government in the hands of a third person are subject to audit and fall within the powers and functions of the Auditor General of Pakistan (AGP) or otherwise.

The Petitioner, a non-profit corporate body registered under section 42 of the Companies Ordinance, 1984 since 29.05.2003, engaged in developing rural areas in Sindh, though was maintaining its accounts in accordance with Companies Ordinance, however, declined to get the same audited through Auditor General of Pakistan.

The Court observed that "In terms of Article 169(b) Powers and Functions of the Auditor General is mandated to be determined by or under the Act of [Majlis-e-Shoora (Parliament)] and, until so determined by order of the President". It was further observed that the powers and functions of the Auditor General have already been determined under Ordinance XXIII of 2001 [as sanctified by the Parliament through Constitution (Eighteenth Amendment) Act, 2010 w.e.f. April 19, 2010] and Auditor General of Pakistan has been conferred powers within the contemplation of Section 8 thereof. The provisions of Article 169 and 170 are read together with Sections 8,9,10 and 11 of the Ordinance XXIII of 2018, it can be construed that Auditor General has Jurisdiction in relation to the accounts of the Federation and of the Province

and district and also the accounts of "any authority or body established by the Federation and or a Province" within the contemplation of Article 169 and so also sub-article (2) of Article 170 of the Constitution.

As per Sections 9 and 11 of the Auditor General's (Functions, Powers and Terms and Condition of Service) Ordinance, 2001; any body or authority that is in receipt of amount not less than five million rupees and where the amount of such grant or loan is not less than 51% of the total expenditure out of Federal, Provincial consolidated funds such body is categorized "substantially financed body and or authority" and falls within the realm of Auditor General of Pakistan.

It is the Auditor General who has to determine as to how the accounts in respect of funds and loan received by the substantially funded bodies or authorities are to be kept with, in what form and manner, in accordance with such principles or the methods as may be determined in accordance with rules and regulations as may be framed there-under"

The court came to a conclusion that Petitioner is a "substantially finance body" within the contemplation of Section 9 *ibid* and thus was liable to be audited by the Auditor General of Pakistan and cannot be excluded from such audit as directed through impugned notice.

8.12 Sami Ullah Baloch and others Vs. Abdul Karim Nousherwani and others (PLD 2018 SC 405)

In these connected matters, the crucial question involved was whether the incapacity imposed by Article 62(1)(f) of the Constitution upon a person interested to contest an election to a seat in the National Assembly or Senate ("Parliament"), is of perpetual effect if there is a declaration against him by a Court to the effect that he lacks sagacity or righteousness or is profligate or is dishonest or is not Ameen (untrustworthy). This question was posed because Article 62(1)(f) of the Constitution does not stipulate the duration of incapacitation of a judgment debtor under a judicial declaration on one or more of the aforementioned grounds for contesting an election to a seat in Parliament.

The Court, after hearing the counsel for the parties and considering the case-law on the issue, held that "It is clear from the findings recorded in the aforementioned four judgments by this Court that the absence of a time limit for the ineligibility of a candidate for election in Article 62(1)(f) of the Constitution is the basis for holding his incapacity to be incurable by efflux of time. ... It may also be noted that the Constitution envisages other situations in which a permanent bar to the eligibility of a candidate for election is enforced so long as the judgment that records or justifies the disability of the candidate remains in existence and occupies the field. This view is supported by Articles 63(1)(a) and 63(1)(b) of the Constitution that provide disqualifications on account of judicial declaration regarding the mental unfitness or the undischarged insolvency of a candidate for

election. These disabilities also continue so long as the adverse judgment is in the field. Finally, it may be noted that the prescription by the 18th Constitutional Amendment of an adverse judicial declaration to precipitate the ineligibility of a candidate for election has provided a lawful, transparent and fair mechanism to a candidate under challenge both for contesting and for avoiding the onset of an embargo on his eligibility to contest elections. The restriction imposed by Article 62(1)(f) of the Constitution for the eligibility of a candidate for election to Parliament serves the public need and public interest for honest, upright, truthful, trustworthy and prudent elected representatives. The judicial mechanism in Article 62(1)(f) of the Constitution grants a fair opportunity and adequate remedy for relief to a candidate under challenge to vindicate himself. Therefore, the permanent incapacity of a candidate for election under Article 62(1)(f) of the Constitution is not an arbitrary, excessive or unreasonable curtailment of his fundamental right under Article 17(2) of the Constitution."

In the result, it was held that "the incapacity created for failing to meet the qualifications under Article 62(1)(f) of the Constitution imposes a permanent bar which remains in effect so long as the declaratory judgment supporting the conclusion of one of the delinquent kinds of conduct under Article 62(1)(f) of the Constitution remains in effect."

8.13 Khan Muhammad Vs. Government of Balochistan (2018 SCMR 1411)

Three member bench judgment struck down the Government of Balochistan's notification to the extent that it gave ministers the power to post or transfer a civil servant. The decision was arrived at after examining the scheme of governance as envisaged in the Constitution of the Islamic Republic of Pakistan. It was also noted that Secretaries who head departments must resist the orders of ministers which are contrary to the Balochistan Government Rules of Business. The Court observed:

"17. Bureaucrats are there to serve the people and not the whims of ministers. Ministers are politicians who have been elected by the people and as such are entitled to enact policies on the basis of

which they were elected, however, the posting or transfer of a civil servant is not a policy matter. Once a policy is sanctioned the department, headed by the secretary, is to implement it. The making of policy and implementing it after it has been made fall in separate domains. Policy matters are within the political domain and a minister or, as may be the case, the cabinet has complete discretion with regard thereto. But, once policy has been made it has to be implemented by the department, headed by the secretary. And, it is the secretary who is responsible for the efficient administration of the department and to maintain discipline in it."

8.14 Ameer Haider Sangha Vs. Sumaira Malik (2018 SCMR 1166)

This case pertained to the manner in which elections to the post of Chairman and Vice Chairman of a District Council had been conducted and the constitutional provisions relating to the conduct of local government elections and the responsibilities of the Election Commission of Pakistan. The Court held that the Election Commission of Pakistan has requisite powers to ensure that all elections are conducted fairly and through a process which is free from corrupt practices as a credible electoral process and free and fair elections is the foundation of representative democracy. The following extract from the judgment of the Supreme Court highlights these matters:

“15. The Election Commission is constitutionally mandated to ensure that elections are held *“honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.* However, there’s a growing perception that elections to certain positions/offices, like those of mayor, deputy mayor, chairman, vice chairman, are not held honestly, justly, or fairly and the corrupt practice of vote buying has made inroads into the democratic order. There’s a similar perception in respect of other elections where there aren’t many voters. For instance, the election of senators, who are elected by the members of provincial assemblies, and the election

of Chairman and Deputy Chairman of the Senate, who are elected by the senators. It is critical that those who represent the people, whether at local government or in the Senate, must be elected honestly, justly, and fairly through a process free from corrupt practices. A person who manipulates the electoral process by buying votes cannot be categorized as a legitimate representative and does not serve the people. The commodification of high positions and offices through voter manipulation and electoral tampering must be stopped.”

“17. The foundation of a representative democracy rests on a credible electoral process. A democratic facade is not a substitute for democracy. General Zia-ul-Haq held a referendum on December 19, 1984 and obtained 98.5 percent of an affirmative vote, and in General Pervez Musharraf’s referendum held on April 30, 2002 he obtained a 97.97 percent affirmation. However, many election observers questioned these results as well as the turnout, which was shown to be greater than the previous seven general elections. Elections must not only be held, but be seen to be held honestly, justly, fairly and corruption free. One without the other lacks credibility and de-legitimizes the objective.”

8.15 Army Welfare Sugar Mills and others Vs. Government of Sindh through Secretary Agriculture and another (C.A. No.334/2004)

The vires of clause (v) of Section 16 of the Sindh Sugar Factories Control (Amendment) Ordinance 1985 was challenged in this case on the ground that the payment of ‘quality premium’ is unconstitutional being confiscatory in nature.

The mill owners/appellants were aggrieved when the quality premium rate was increase from 32 paise per maund to 50 paise per maund due to which they preferred a constitutional petition and attained a restraint order against the Provincial Government from notifying quality premium which was granted in 1999 and no quality premium was paid henceforth.

One of the key issues involved was the interpretation of clause (v) to section 16 of the Act which is reproduced as under:

‘(v) The Provincial Government may direct the Factories to pay quality premium at the end of the crushing season at such rate as may be specified by the Provincial Government in proportion to the sucrose

recovery of factory in excess of the base level sucrose content determined by the Provincial government, from time to time.’

It was held by the Court that quality premium is nothing but an additional price which becomes payable to the growers only when a sugar mill achieves sucrose recovery level that crosses the base recovery level of 8.7%. The reason to fix the base recovery level at 8.7% for the purposes of determining the rate of quality premium is that this 8.7% is also taken as base level for fixing the sugarcane procurement price under the sugarcane price fixation formula. Obviously then the quality premium becomes payable for each 0.1% of excess recovery of sucrose achieved by a sugar mill over and above the base recovery level of 8.7%. In other words it is payable for each decimal point of sucrose content that is recovered beyond the base level of 8.7%. This base level therefore has to remain the same as a constant factor and becomes starting point in the determination of the excess decimal points and this is exactly the mandate of the law itself. The term

'from time to time' contained in Clause (v) of Section 16 of the Act therefore has nothing to do in any manner with the base recovery level which is solely intended to empower the Provincial Government to specify the rate of 'quality premium' from time to time. Thus it is the periodical revision in the rate of quality premium that is intended by the term 'from time to time' and nothing else. One can articulate the mandate of Clause (v) of Section 16 of the Act in the following words 'Factory has to pay quality premium in proportion to the sucrose recovery that is in excess of the base level at a rate specified from time to time.

It was the finding of the court that there is no reason which entitles the sugar mills not to honour the

mandate of the law and deny the growers the fruits of their labour to which they on the principle of equity as well as law are duly entitled. The grant of quality premium being just and fair and based on statutory provision was found to be legally enforceable. The impugned notification was validly issued, hence the appeals were dismissed. It was ordered that in future notifications as per past practice for payment of quality premium should be issued along with the notification of fixation of the minimum procurement price of sugarcane and the same shall be paid to the growers not later than two months after the crushing season comes to an end.

8.16 National Engineering Services Pakistan [NESPAC] (Pvt.) Limited and others Vs. Kamil Khan Mumtaz and others (2018 SCMR 211)

Government of the Punjab initiated the "Lahore Orange Line Metro Train Project (OLMT Project) in order to handle the problem of acute traffic congestion and to meet the present and future transportation requirements of the citizens of Lahore. The original feasibility study for a mass transit system for the city of Lahore was undertaken by a consulting Firm who recommended a network made up of four lines including the OLMT Project: Multan Road to GT Road (Ali Town to Dera Gujran) 2 7. 1 km.

To reduce the cost of the OLMT Project, the Government of Punjab commissioned NESPAC to re-examine the feasibility study prepared by MVA Asia. An addendum to the said study was submitted by NESPAC in the year 2014. According to the proposal submitted by NESPAC, the length of the track as well as its alignment over and under the median of the road remained unchanged. However, in order to reduce the cost of the Project, the underground portion was reduced to 1.7 kilometers which resulted in reduction of the aggregate cost from US \$ 2.00 billion to US \$ 1.6 billion. It was recommended that out of the total 27.1 kilometers length of the route 1.7 kilometers would be a cut and cover segment and the remaining 25.4 kilometers would be an elevated viaduct.

The dispute was raised before the High Court through a Constitution Petition with regard to the impact of the proposed OLMT Project on various heritage sites and special premises as defined in the Antiquities Act, 1975 and the Punjab Special Premises (Preservation) Ordinance, 1985 and the

NOC's/permission letters granted by the concerned departments to undertake the OLMT Project. The Constitution Petition was ultimately accepted in the terms, inter alia, that the original NOCs dated 16.11.2015, 30.11.2015 and all revised NOCs dated 06.05.2016 and all addendum NOCs dated 20.5.2016 under the Act of 1975 and Ordinance of 1985 are set aside being issued without lawful authority and of no legal effect. Consequently, the respondents would not carry out any construction within distance of 200 feet of protected immovable antiquity and special premises mentioned in para 24 of this judgment.

When the matter came up for hearing before this Court, it was clear that the bone of contention between the parties was the credibility and technical reliability of the original reports submitted by NESPAC. Therefore, Mr. Robin Cunningham, a Professor in the Department of Archaeology, University of Durham, United Kingdom and M/s TYPASA - Asian Consulting Engineers (Pvt.) Ltd. JV ("TYPASA") were directed to undertake an exercise of re-verification and provide their opinion on various technical aspects of the report of NESPAC.

Ultimately, with majority of 4 against 1, the Court endorse and approve the NOCs/permission letters issued by the competent authorities and the recommendations of experts relating to execution, mitigation and remedial measures required to be adopted by the executing agency and allow the Project to proceed subject to certain conditioned mentioned therein.

8.17 Tariq Iqbal Vs. DG Military Land and Cantonment Deptt. Ministry of Defense and others (C.P.No.382-K/2017)

The case involved the question of transfer of employees of Ministry of Defence (ML&C Department) Government of Pakistan from posts BS 7 to BS 10, who were posted in different cantonment boards. The controversy revolved around the transfers being against rule 5 of Pakistan Cantonment Service Rules 1954 (hereinafter referred to as Rules of 1954) according to which these were transferable posts empowering the Director General of military land to specify and give orders on postings and transfers. The petitioners agitated on the point that the change in the transfers was only possible if according to section (1) of 280 of the Cantonments Act 1924 the changes/transfers were published which the respondents did not do, hence this change in the rules of transfers cannot be legally upheld.

While considering the legal issue, the petitioners also specified a judgment titled *Purdil Shah vs. The Director General, Military Lands and Cantonments, Rawalpindi and others* wherein it was observed that transfers/postings of the afore-mentioned employees have been declared ultra vires by the Peshawar High Court. In reference to Annexures I and III the Petitioner Tariq Iqbal further asserted that employees being members of "local cadre" cannot be transferred except under mutual agreements. However, it was contended that the judgement cited above was set aside by the Supreme Court in *Director General Military Lands and Cantonment Rawalpindi and others vs. Purdil Shah and another*.

The court while addressing every aspect of controversy observed that under section 280 of the 1924 Act the government is empowered to make rules for carrying out the purposes of the Cantonments Act, acting upon which the central government made the Service Cantonment rules in 1954, known as "The Pakistan Cantonment Servant Rules, 1954" The scrutiny of these rules further reflected that none of them speak about the postings and transfers of the cantonment servants except rule 5 which authorises the Director General to give orders for postings of cantonment servants from one cantonment to another keeping in view the public interest.

While considering the question of Annexure I and III, heavily relied upon by the petitioners, the court further observed that Annexure I is a service policy in respect of Pakistan cantonment servants. On perusal of the policy for the purposes of resolving the controversy, the court observed that there is a division of cadres in the cantonment services into three categories namely, (1) Central cadres, (2) Regional cadres, (3) Local cadres. However, after shedding light upon the definition of local cadres it reflected that the petitioners do not fall under the definition of this category.

The Court further observed that the preamble of annexure III only redefined Central and Regional cadres which specified these two posts to be in the transferable category under rule 5 (1) of the Pakistan Servants Cantonment Rules 1954, therefore the above mentioned posts of the petitioners could be deemed to be "non-transferable"

Supreme Court held that the petitioners solely and heavily relied upon the Annexures to support their case, neither of the Annexure were published or notified in the official gazettes nor under rule 5 of Rules of 1954 and there is no such requirement therefore they were wrong to dispute the change in postings by backing their case on Annexures. Moreover, the Court observed that the Pakistan Cantonment Service Rules were duly published and notified as per section (1) in 280 empowering the Director General to declare a non-transferable post as transferable hence the petitioners' stance that they were never notified about it stood devoid.

Furthermore, the petitioners never questioned the relevant change which involved the question of powers conferred on Director Military Land and Cantonments to issue service policy and specify posts as transferable or not and make modifications. Therefore, the contentions of the petitioners failed. Consequently, no case for leave was made out and the petitions were dismissed.

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 staff in the Court Registry is 830, comprising the Registrar, Additional Registrars, Director General HR Cell, 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 provides 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 Hon'ble Chief Justice and the Hon'ble 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 date of 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 building 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 façade 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 Pakistan Environmental Planning and Architectural Consultant (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 of 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 building, 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. PEPAC served as consultant and interior designers. Civil and electrical work was carried out by Moisons (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 comprises the Chief Justice of Pakistan Chamber, thirty three Judges Chambers and the office of Registrar. It also houses Court Library, which 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.

Administrative Blocks:

The two Administrative 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. A 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 has been completed and these facilities have been made operational.

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 Jilani, 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 Million 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 from there.

Bank:

Besides 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, officers and staff of the Attorney General Office, Advocates General and Prosecutor General, Law & Justice Commission of Pakistan, Pakistan Bar Council and Supreme Court Bar Association are also operating their accounts in the said Branch.

Cafeteria:

A cafeteria is available for public and Advocates in the premises of this Court, which under the supervision of the Supreme Court Bar Association, provides culinary services on standard rates. Another cafeteria has recently been established in the basement, which exclusively provides good quality food and beverages for the officers and staff of this Court including allied departments.

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 online research facility, stamp papers, courts fee stamps and the services of 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. It 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 Registry was initially established in the borrowed wing of the 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 the Registry now consists of five Court Rooms, one Chamber for HCJ, ten Chambers for Hon'ble Judges, a Conference Room, Library, Offices, Bar Room and Bar Library, etc. The building also has Bachelor Accommodation on its rear side where officers of the Court stay while on official tour.

Activities and Functions of Branch Registry:

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

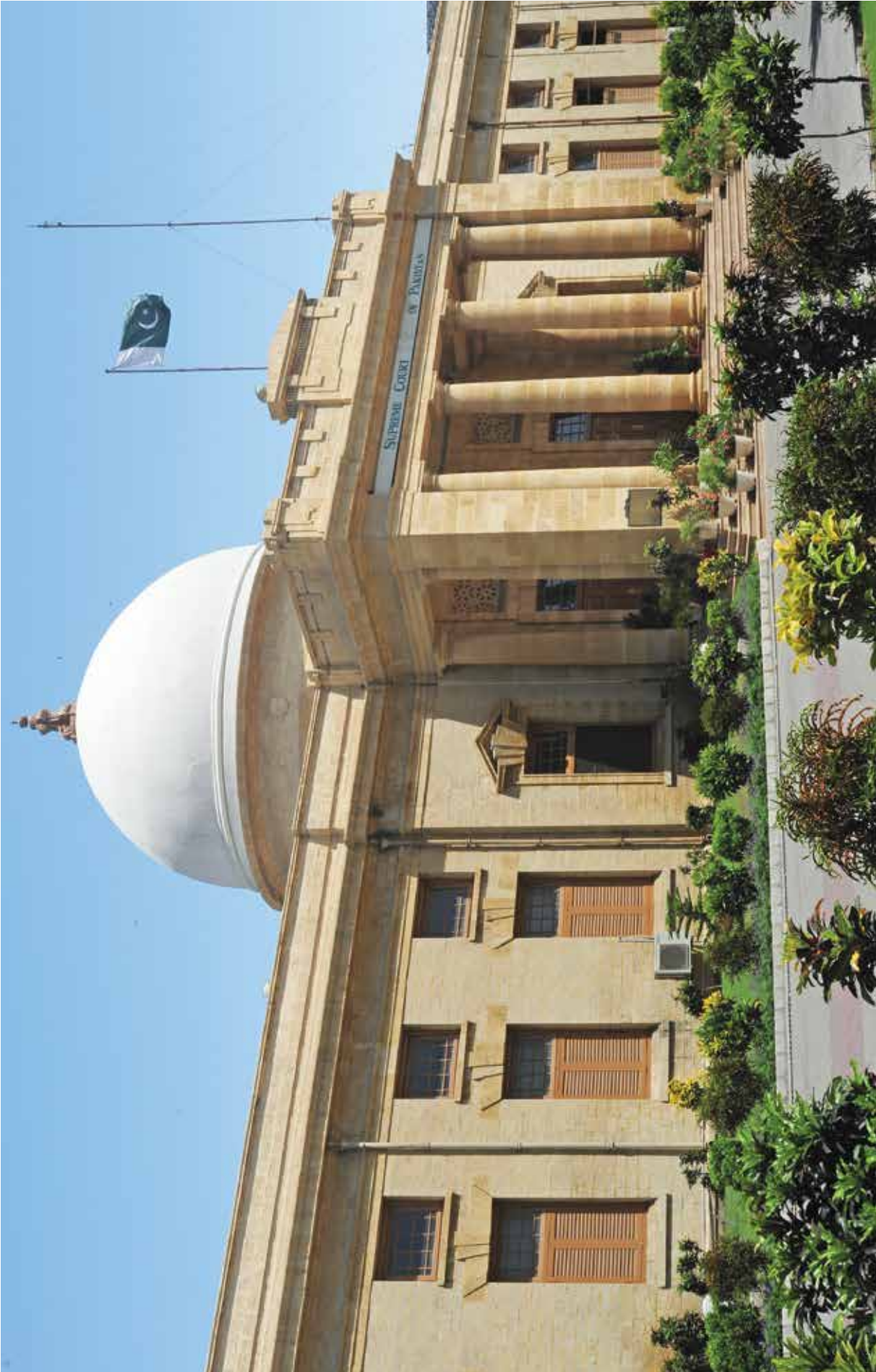
Petitions arising from the orders of the Federal Shariat Court and Constitution Petitions are forwarded to Main Registry for registration and hearing. Furthermore, some appeals/petitions are transferred to the Principal Seat in compliance with the orders of the HCJ passed upon the applications filed 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. 4MBs 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 10,500/- 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.pakistanlaw.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 did a commendable job by transforming it into an exemplary museum. It was then decided to turn Karachi Museum into replica of 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 Registry and appeals arising therefrom except the appeals in taxation, customs and revenue matters are heard in the Registry.

Functions of Branch Registry Karachi:

The Registry has been established with the view to provide easy, inexpensive and rapid justice to the litigants hailing from the province of Sindh. Its Judicial Wing entertains Constitution, Civil and Criminal petitions as well as review petitions arising therefrom. For registration and fixation of these cases, the Judicial Wing has been further divided into various sections where cases are processed for the convenience of general public, litigants 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.

The Registry also has a full functional library having thousands of law books, annual digest, law journals, etc. to facilitate the Hon'ble Judges and court staff. During this year, hundreds of new books have been added in the Library.

The General Section and the Protocol Section of this branch mainly work for the comfort of Hon'ble serving Judges as well as former Judges of this Court. Officials at the General Section look after the administrative work of the Registry and Judges Rest House, maintenance/refurbishment of both the buildings, purchase of general/stationery items and maintenance of official vehicles. This section also processes various utility and medical bills of former Judges for payment from Main Registry. Salary of approximately 27 contingent staff is also being disbursed from this section. The Protocol Section inter alia provides services to the Hon'ble Judges and their families pertaining to their travels and allied matters, etc.

The Registry also has an efficient computer network with Wi-Fi backup. State of the art "Case Flow Management System (CFMS) has been installed to facilitate Judicial Wing. Any new development in any judicial file is immediately updated in the CFMS. To get maximum benefit from CFMS, the Registry has also meted out training for other staff members as well. Cause lists are also being made through this system.

Well trained Special Security Unit (SSU) commandos along with special Branch personnel are deployed at the Branch Registry Karachi for security of the premises. State-of-the-art scanning devices and gates have also been installed to avert any untoward incident. For the purpose of 24/7 surveillance trained



Branch Registry, Peshawar

staff have been deployed in the state-of-the-art control room equipped with security cameras within and outside the premises. In order to effectively

tackle with any unpleasant incident of fire, modern fire detecting system has recently been installed in the Registry along with fire extinguishers.

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 a Bar Room. The Administrative block for the officers and staff consists of 8 Rooms, and a beautiful mosque.

The 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 proper scrutiny are forwarded to the Principal Seat Islamabad.

All the petitions and direct appeals instituted in the 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.

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

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

Petitions arising from the decisions of the Federal Shariat Court and Federal Service Tribunal as well as the Constitution Petitions, after having been properly checked, are forwarded to the Main Registry for registration and hearing. Some appeals/petitions are 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.

The 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.



The under construction building of Branch Registry, Quetta

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 Shakra-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. The construction of building is in progress. In compliance to the directions of the Hon'ble Building Committee, at least 01 Courtroom, 04 Chambers, Bar Room and some offices are expected to be completed in all respects including their electrification and furnishing by end of 2018 so that the Court can hold its hearing in the new building. A Rest House for lodging Judges during Court sessions has been acquired, which is also situated on Shakra-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 counsel, 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 tasks of computer section include in-house application development, maintenance of applications and software for various branches of the Court including Judicial Branches, Human Right Cell and Administrative Branches, monitoring of network connected systems, implementation of network/internet policies for end users, providing support to the users and procurement and maintenance of IT equipment to enable the personnel to leverage technology in their daily work.

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 through VPNs 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.

Website of the Court:

The official website of this Court displays 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 Branch 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 and Gigabit network for all the users of the apex court. Wired and wireless network are being used to access the resources that are placed on the network. In order to avoid inconvenience to the office backup systems are also deployed. To cope up with the e-threats, firewall has been placed for monitoring of traffic.

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 Par II, whereas, every member of the staff is required to weed out 10 cases or 800 pages per day by presuming one case comprises 80 pages. Later on, 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 w.e.f. 01.06.2017 to 31.05.2018

| Year | Number of Weeded out cases | Number of Weeded out Pages |
|-----------|----------------------------|----------------------------|
| 2017-2018 | 2750 | 357345 |

9.9 Court Museum

Globally Museums are an immense source of knowledge. It collects artefacts of cultural, religious and historical importance; preserve them, research into them and pass through to generations to come. Museums not only give knowledge but also unfold our history, culture and civilization. In order to preserve the legal and judicial history of the country, the Supreme Court of Pakistan established its first gallery of its Museum in 2014. Since then these galleries have been raised to three, namely Chief Justice & Judges Gallery, Evolution of Law Gallery and Archives Gallery.

A large number of people from every walk of life visited the Museum and applause this unique idea. Special efforts have been made to encourage and attract more people to the Museum to witness and unfold the rich collection of their past legal and judicial history.

Besides, a state-of-the-art Conservation Laboratory has been established for scientific analysis of artifacts

to ensure their proper conservation. The Laboratory is fully equipped with wide range of treatment options like surveying, cleaning, repairing and stabilizing under the supervision of technical experts. Archival judgments, printed and visual collections – original manuscripts, maps, photographs and court orders are treated in the Laboratory. Similarly a special storage area for the reserve collection of the museum for temporary and permanent storage has been established. The Reserve Collection includes books, photographs, judgments, court dresses, video-audiotapes, and press clippings are also housed here.

The students of schools and colleges who are visiting the Museum are provided with extensive guided tours conducted by the Curator. The Museum piloted a number of innovative services using web and social media to deliver live streaming contents for those students and researchers who couldn't manage to visit.



OATH OF FIRST CHIEF JUSTICE OF PAKISTAN

Oath taking of Hon'ble Mr. Justice Sir Abdul Rashid, First Chief Justice administered by Khawaja Nazim ud Din, Governor General of Pakistan 27th June, 1949



WOLSELEY 1953 MODEL

Personal car of Hon'ble Mr. Justice A.R. Cornelius, former Chief Justice of Pakistan (13th May, 1960- 29th Feb, 1968), donated by Hon'ble Mr. Justice Jawwad S. Khawaja, former HCJ.



Chief Justices & Judges Gallery



Conservation Laboratory



SCULPTURE - LADY OF JUSTICE

Lady of Justice is a common sight on courthouses and legal institutions. She carries a sword, scales and wears a blindfold. She is dressed in a Greco-Roman toga.



Reserve Collections

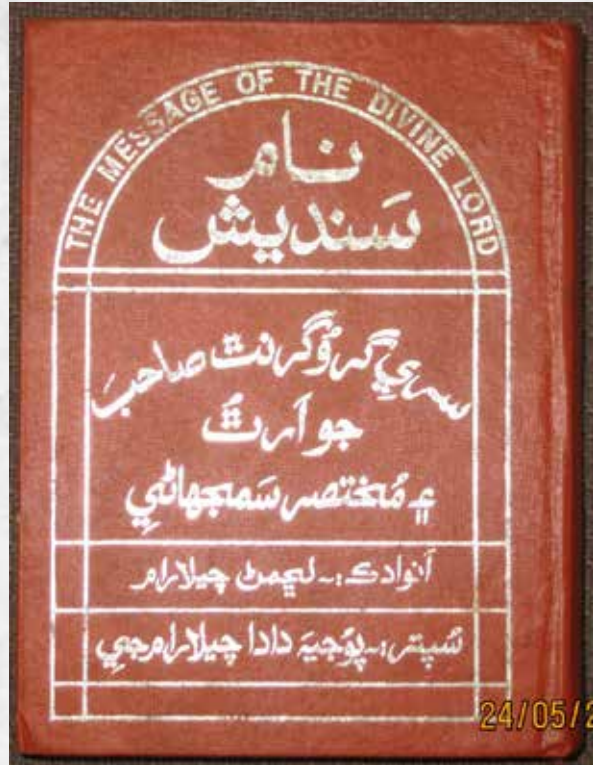


Personal belongings of Hon'ble Mr. Justice Hamoodur Rehman, former Chief Justice of Pakistan



FOUNTAIN PEN

The Fountain Pen used by Mr. Justice Mian Saqib Nisar, Hon'ble Chief Justice of Pakistan to sign the Joint Statement of the 13th meeting of the Presidents of Supreme Courts of Shanghai Cooperation Organization (SCO) Member States on 25th May, 2018 in Beijing China



Abridged sindhi version of Guru Granth Sahib



LAWYERS MOVEMENT

The Lawyers movement was the popular mass protest started by the lawyers of Pakistan against the removal of Chief Justice by the country dictator.

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 statutes, 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.

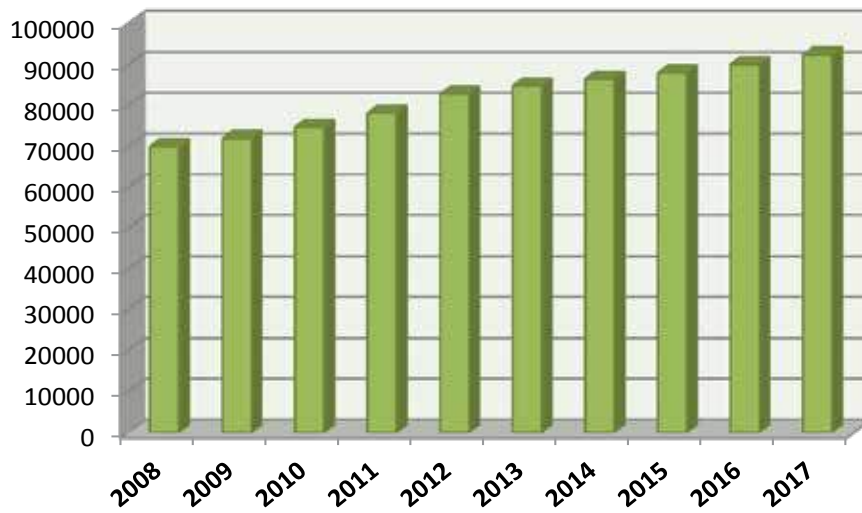
The Court library has maintained a steady pace of development and implementation of new *modus operandi*, set out globally for the information management and library services. In addition to the traditional resources, the Court library responds equally to the digital era in shaping its services and resources. 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 | 2008 | 2009 | 2010 | 2011 | 2012 |
|------------|-------|-------|-------|-------|-------|
| Collection | 70083 | 71906 | 74648 | 78114 | 82819 |

| Year | 2013 | 2014 | 2015 | 2016 | 2017* |
|------------|-------|-------|-------|-------|-------|
| Collection | 84844 | 86546 | 88055 | 90134 | 92363 |



*Upto December 2017

9.11 Allocated Budget & Expenditure of the Court

Statement showing the position of Final Budget & Expenditure Upto **30.06.2018** Financial Year, 2017-18

| S.NO | HEADS OF ACCOUNT. | BUDGET 2017-2018 | EXPENDITURE | % |
|------|------------------------------------|---------------------|-------------|-------|
| 1 | A01101-PAY OF OFFICERS. | 277,892,000 | 270,401,302 | 97.30 |
| 2 | A01102-PERSONAL PAY (OFFICER) | 400,000 | 362,540 | 90.64 |
| 3 | A01103-SPECIAL PAY OFFICER | 600,000 | 561,326 | 93.55 |
| 4 | A01105-QUALIFICATION PAY (OFFICER) | 250,000 | 191,984 | 76.79 |
| 5 | A01151-PAY OF STAFF. | 123,597,000 | 117,105,162 | 94.75 |
| 6 | A01152-PERSONAL PAY (STAFF) | 250,000 | 155,856 | 62.34 |
| 7 | A01153-SPECIAL PAY STAFF | 250,000 | 13,200 | 5.28 |
| 8 | A01201-SENIOR POST ALLOWANCE | 286,000 | 223,571 | 78.17 |
| 9 | A01202-HOUSE RENT ALLOWANCE | 26,570,000 | 13,345,640 | 50.23 |
| 10 | A01203-CONVEYANCE ALLOWANCE | 28,177,000 | 15,873,739 | 56.34 |
| 11 | A01207-WASHING ALLOWANCE | 255,000 | 202,875 | 79.56 |
| 12 | A0120D-INTEGRATED ALLOWANCE | 1,261,000 | 958,833 | 76.04 |
| 13 | A0120K-SPECIAL JUDICIAL ALLOWANCE | 144,729,000 | 139,640,288 | 96.48 |
| 14 | A0120M-CAR ALLOWANCE | 4,601,000 | 4,220,826 | 91.74 |
| 15 | A0120N-SPL.ALL.@20% OF BASIC PAY | 300,000 | 120,480 | 40.16 |
| 16 | A0120X-AD-HOC ALLOWANCE 2010 | 5,147,000 | 19,208 | 0.37 |
| 17 | A01211-HILL ALLOWANCE | 12,000 | 9,600 | 80.00 |
| 18 | A01212-TELECOMMUNICATION ALLOWANCE | 1,401,000 | 1,148,391 | 81.97 |
| 19 | A01216-QUALIFICATION ALLOWANCE | 450,000 | 389,355 | 86.52 |
| 20 | A01217-MEDICAL ALLOWANCE | 35,128,000 | 27,464,191 | 78.18 |
| 21 | A0121J-TRANSPORT MONETIZATION | 10,820,000 | 9,231,854 | 85.32 |
| 22 | A0121P-SUPERIOR JUDICIAL ALLOW. | 82,001,000 | 69,495,733 | 84.75 |
| 23 | A0121Q-AUDIT & ACCOUNTS ALLOW. | 1,200,000 | 770,475 | 64.21 |
| 24 | A0121T-AD-HOC ALLOWANCE 2013 | 6,000 | 3,934 | 65.57 |
| 25 | A0121Z-AD-HOC ALLOWANCE 2014 | 6,000 | 3,183 | 53.05 |
| 26 | A01224-ENTERTAINMENT ALLOW. | 498,000 | 355,295 | 71.34 |
| 27 | A01226-COMPUTER ALLOWANCE | 771,000 | 649,692 | 84.27 |
| 28 | A01228-ORDERLY ALLOWANCE | 2,588,000 | 2,359,613 | 91.18 |
| 29 | A0122C-AD-HOC ALLOWANCE 2015 | 6,000 | 2,396 | 39.93 |
| 30 | A0122L-MOBILE PHONE ALLOWANCE | 1,800,000 | 937,206 | 52.07 |
| 31 | A0122M-AD-HOC ALLOWANCE 2016 | 23,229,000 | 19,047,494 | 82.00 |
| 32 | A0122N-SPECIAL CONVEYANCE AL | 101,000 | 58,000 | 57.43 |
| 33 | A0122W-RESIDENTIAL TEL. ALL. | 2,501,000 | 2,012,703 | 80.48 |
| 34 | A0122Y-AD-HOC ALLOWANCE 2017 | 27,001,000 | 23,243,322 | 86.08 |
| 35 | A01236-DEPUTATION ALLOWANCE | 1,472,000 | 1,372,121 | 93.21 |
| 36 | A01238-CHARGE ALLOWANCE | 200,000 | 125,780 | 62.89 |
| 37 | A01239-SPECIAL ALLOWANCE | 8,780,000 | 3,681,513 | 41.93 |
| 38 | A01241-UTILITY ALLOWANCE | 59,922,000 | 47,158,667 | 78.70 |
| 39 | A01248-JUDICIAL ALLOWANCE | 109,943,000 | 74,983,809 | 68.20 |

| S.NO | HEADS OF ACCOUNT. | BUDGET 2017-2018 | EXPENDITURE | % |
|------|-------------------------------------|---------------------|-------------|-------|
| 40 | A01270-OTHERS | 1,385,000 | 1,206,130 | 87.09 |
| 41 | A01271-OVERTIME ALLOWS. | 7,000,000 | 6,865,580 | 98.08 |
| 42 | A01272-NIGHT DUTY ALLOWS. | 100,000 | - | - |
| 43 | A01273-HONORARIUM. | 160,000,000 | 138,300,656 | 86.44 |
| 44 | A01274-MEDICAL CHARGES. | 30,000,000 | 18,470,528 | 61.57 |
| 45 | A01277-PAY OF CONGT/ STAFF. | 150,740,000 | 99,209,563 | 65.82 |
| 46 | A01278-LEAVE SALARY. | 50,000 | - | - |
| 47 | A03201-POSTAGE & TELEGRAPH | 3,000,000 | 1,001,000 | 33.37 |
| 48 | A03202-TELEPHONE CHARGES. | 28,200,000 | 13,770,427 | 48.83 |
| 49 | A03205-COURIER SERVICES. | 2,500,000 | 2,235,751 | 89.43 |
| 50 | A03301-GAS CHARGES. | 100,000 | - | - |
| 51 | A03302-WATER CHARGES | 100,000 | - | - |
| 52 | A03303-ELECTRICITY CHARGES. | 500,000 | - | - |
| 53 | A03304-HOT & COLD W/ CHARGES. | 198,000 | - | - |
| 54 | A03305-PURCHASE OF DIESEL | 1,000 | - | - |
| 55 | A03370-OTHERS | 1,000 | - | - |
| 56 | A03402-RENT OF OFFICE BUILDING | 20,071,000 | 19,269,000 | 96.00 |
| 57 | A03403-RENT OF RES. BUILDING. | 66,000,000 | 39,511,889 | 59.87 |
| 58 | A03407-RATES & TAXES. | 2,000,000 | 258,892 | 12.94 |
| 59 | A03805-TRAVELLING ALLOWS. | 57,000,000 | 47,012,744 | 82.48 |
| 60 | A03806-TRANSPORTATION OF GOODS | 1,000,000 | 52,820 | 5.28 |
| 61 | A03807-P.O.L.CHARGES. | 31,000,000 | 16,124,674 | 52.02 |
| 62 | A03808-CONVEYANCE HIRE CHARGES | 3,500,000 | 396,000 | 11.31 |
| 63 | A03901-OFFICE STATIONERY. | 11,000,000 | 8,550,829 | 77.73 |
| 64 | A03902-PRINTING CHARGES. | 5,000,000 | 4,192,759 | 83.86 |
| 65 | A03904-HIRE OF VEHICLES. | 1,000,000 | - | - |
| 66 | A03905-PURCHASE OF BOOKS. | 7,000,000 | 1,901,084 | 27.16 |
| 67 | A03906-UNIFORM & LIVERIES. | 5,000,000 | 50,800 | 1.02 |
| 68 | A03907-ADVERTISEMENT CHARGES. | 3,000,000 | 155,691 | 5.19 |
| 69 | A03913-ANNUAL SUBSCRIPTION. | 3,000,000 | 799,266 | 26.64 |
| 70 | A03917-LAW CHARGES. | 31,000,000 | 25,590,470 | 82.55 |
| 71 | A03919-SERVICES RENDERED | 13,000,000 | 119,220 | 0.92 |
| 72 | A03970-OTHERS. | 9,000,000 | 3,282,366 | 36.47 |
| 73 | A04106-MEDICAL CHARGES (PENSIONERS) | 15,000,000 | 10,242,077 | 68.28 |
| 74 | A04114-ENCASHMENT OF LPR | 35,677,000 | 32,041,582 | 89.81 |
| 75 | A05216-ASSISTANCE (FAMILY) | 1,500,000 | - | - |
| 76 | A05219-ASSISTANCE (EDU) | 500,000 | 48,000 | 9.60 |
| 77 | A05220-ASSISTANCE (residence) | 500,000 | 16,956 | 3.39 |
| 78 | A05224-ASSISTANCE (PLOT) | 5,500,000 | - | - |
| 79 | A05225-ASSISTANCE (MARRIAGE) | 2,500,000 | 800,000 | 32.00 |
| 80 | A06301-ENTERTAINMENT CHARGES. | 2,000,000 | 1,410,829 | 70.54 |
| 81 | A09501-PURCHASE OF TRANSPORT | 20,000,000 | 17,382,000 | 86.91 |

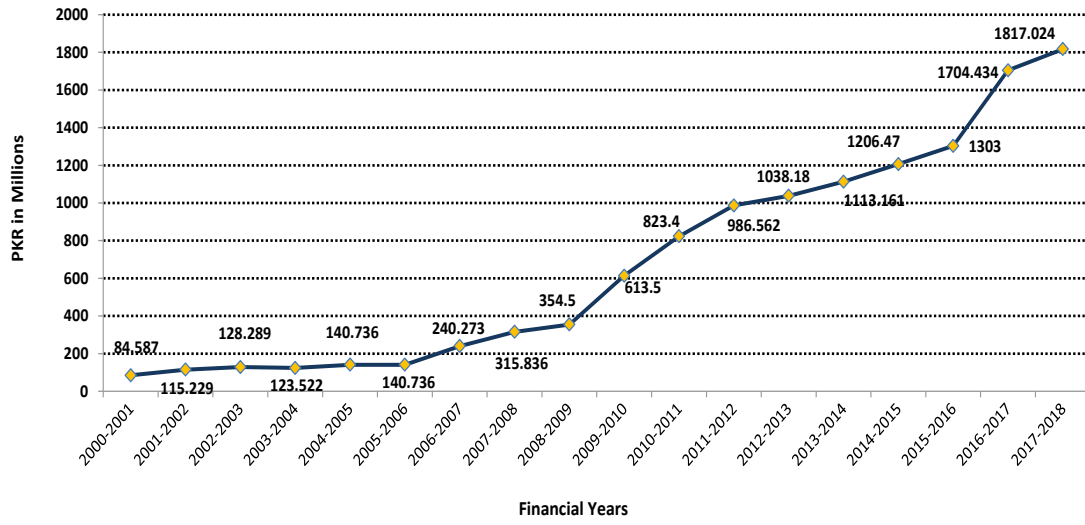
| S.NO | HEADS OF ACCOUNT. | BUDGET 2017-2018 | EXPENDITURE | % |
|------|------------------------------|----------------------|----------------------|-------|
| 82 | A09601-PURCHASE OF MACHINERY | 20,000,000 | 13,835,175 | 69.18 |
| 83 | A09701-PURCHASE OF FURNITURE | 10,000,000 | - | - |
| 84 | A09899-PURCHASE OF OTHERS. | 2,000,000 | - | - |
| 85 | A13001-R&M OF TRANSPORT. | 16,000,000 | 9,269,393 | 57.93 |
| 86 | A13101-R&M OF MACHINERY. | 10,000,000 | 727,830 | 7.28 |
| 87 | A13201-R&M OF FURNITURE. | 2,000,000 | - | - |
| 88 | A13301-R&M OF OFFICE BUILD | 15,000,000 | 4,475 | 0.03 |
| 89 | A13303-R&M OF REST HOUSES. | 10,000,000 | - | - |
| 90 | A13370-R&M OF BUILDING | 2,000,000 | - | - |
| 91 | A13801-MAINT OF GARDENS. | 10,000,000 | - | - |
| | GRAND TOTAL:- | 1,817,024,000 | 1,382,007,613 | 76.06 |

**Share of the Supreme Court of Pakistan in the Federal Budget since 2000-2001 to 2017-2018
(PKR in Million)**

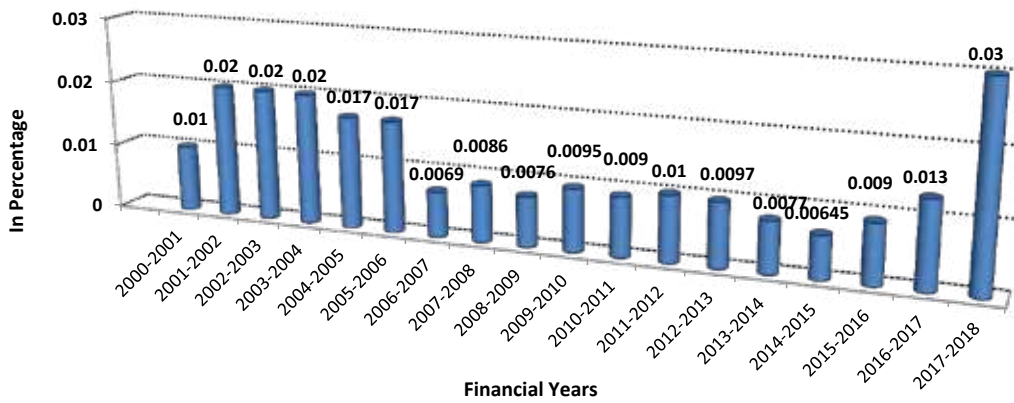
| Year | Total Budget | Supreme Court Budget | Percentage* |
|-----------|---------------|----------------------|-------------|
| 2000-2001 | 686,104 | 84.587 | .01 |
| 2001-2002 | 741,959 | 115.229 | .02 |
| 2002-2003 | 747,674 | 128.289 | .02 |
| 2003-2004 | 743,028 | 123.522 | .02 |
| 2004-2005 | 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 |
| 2017-2018 | 5512924 | 1817.024 | 0.03 |

* 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.

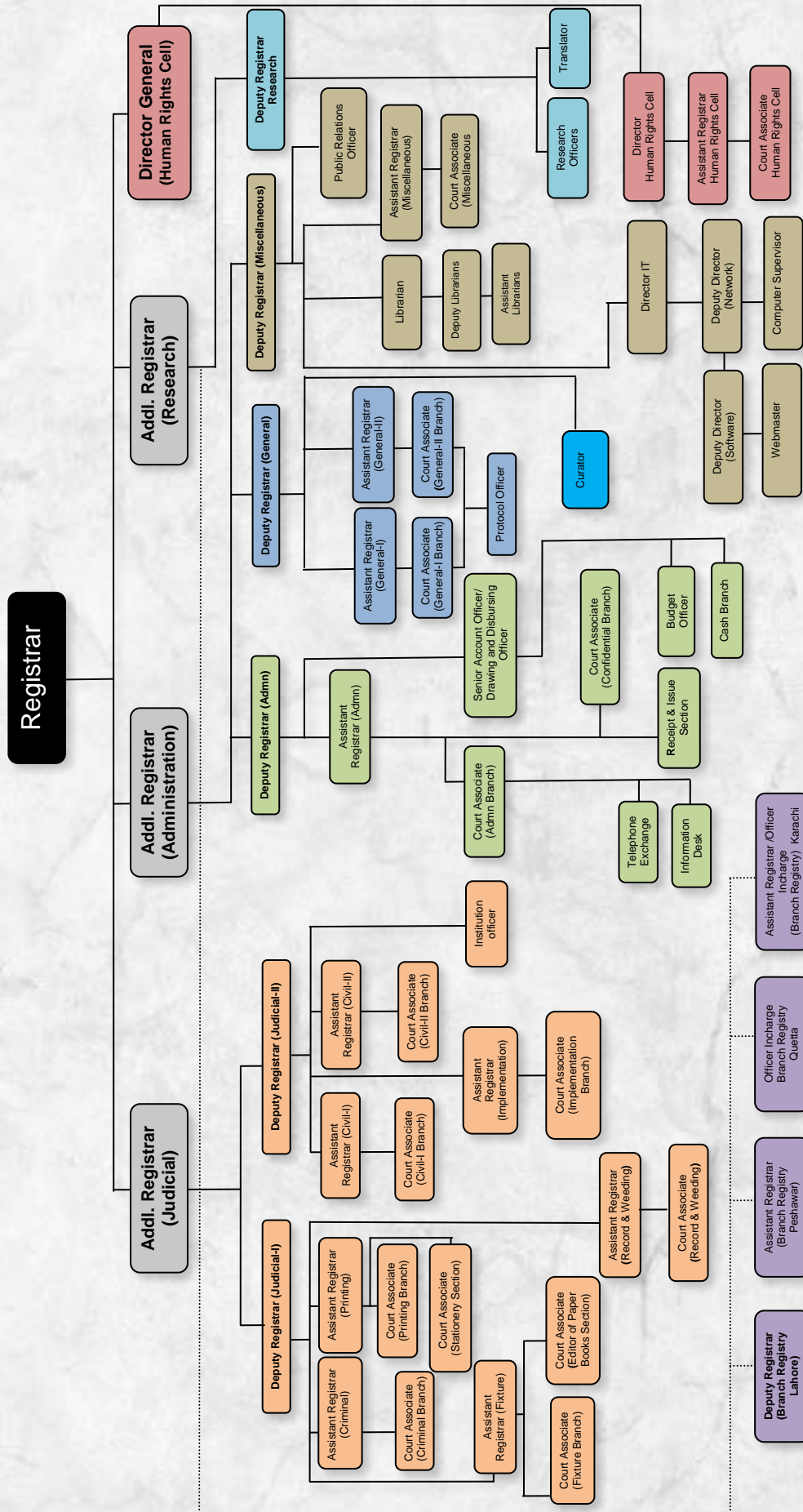
As per policy the Staff Welfare Fund is being used for repayable loans to be given to staff and in some special cases, financial aid is also given in deserving cases on special order.

| S.No | Name of Beneficiary | Amount | Remarks |
|------|--|-------------|--|
| 1 | To Run Staff Canteen given refundable Loan | Rs.25,000/- | Refundable Loan |
| 2 | Widow of Late Muhammad Abbas, Ex-EPB | Rs.50,000/- | Funeral expenses on the death of Muhammad Abbas Ex-EPB |

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

| Official Categories | Nos. | Assistance Granted |
|---------------------|------|--------------------|
| Qasid | 2 | 50,000 |
| Naib Qasid | 2 | 45,000 |
| Pak PWD (officials) | 8 | 210,000 |
| Daftry | 1 | 25,000 |
| LDC | 1 | 20,000 |
| Driver | 1 | 25,000 |
| Waiter | 1 | 50,000 |

9.14 Organizational Chart of the Court



CHAPTER

10

PICTORIAL PRESENTATION OF EVENTS



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 AT SUPREME COURT OF PAKISTAN



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



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER A CEREMONY OF NEW JUDICIAL YEAR 2017-2018 AT SUPREME COURT OF PAKISTAN



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



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER MEETING OF THE REGISTRARS OF THE ALL HIGH COURTS AND ALL INSPECTOR GENERALS OF POLICE AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESIDING OVER FULL COURT REFERENCE ON THE SAD DEMISE OF LATE MR. JUSTICE RASHID AZIZ KHAN, FORMER JUDGE SUPREME COURT OF PAKISTAN



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



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



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



THE HON'BLE MR. JUSTICE EJAZ AFZAL KHAN TAKING OATH OF OFFICE AS ACTING CHIEF JUSTICE OF PAKISTAN FROM HON'BLE MR. JUSTICE SH. AZMAT SAEED 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 SYED MANSOOR ALI SHAH, CHIEF JUSTICE LAHORE HIGH COURT, AS JUDGE, 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 MUNIB AKHTAR, JUDGE, HIGH COURT OF SINDH, AS JUDGE, SUPREME COURT OF PAKISTAN



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



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADMINSTRERING THE OATH TO MR. JAVAID JEHANGIR AS ACTING AUDITOR GENERAL OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADDRESSING THE CHAIRMEN AND PRESIDING OFFICERS OF THE ADMINISTRATIVE TRIBUNALS & SPECIAL COURTS AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ALONG WITH HON'BLE JUDGES, SUPREME COURT OF PAKISTAN AT THE INAUGURAL SESSION OF 8TH JUDICIAL CONFERENCE , 2018 AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADDRESSING THE PARTICIPANTS AT THE INAUGURAL SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT SUPREME COURT OF PAKISTAN



THE HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN ADDRESSING THE PARTICIPANTS AT THE INAUGURAL SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT SUPREME COURT OF PAKISTAN



THE PARTICIPANTS AT THE INAUGURAL SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT SUPREME COURT OF PAKISTAN



THE PARTICIPANTS ATTENDING A LECTURE OF 8TH JUDICIAL CONFERENCE, 2018 AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ALONGWITH THE PARTICIPANTS ATTENDING A LECTURE OF 8TH JUDICIAL CONFERENCE, 2018 AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE HON'BLE JUDGES SUPREME COURT OF PAKISTAN ALONG WITH THE PARTICIPANTS AT THE CONCLUDING SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ADDRESSING THE PARTICIPANTS AT THE CONCLUDING SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN ADDRESSING THE PARTICIPANTS AT THE CONCLUDING SESSION OF 8TH JUDICIAL CONFERENCE, 2018 AT FEDERAL JUDICIAL ACADEMY, ISLAMABAD



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 RETIREMENT OF THE HON'BLE MR. JUSTICE DOST MUHAMMAD KHAN



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 RETIREMENT OF THE HON'BLE MR. JUSTICE EJAZ AFZAL KHAN



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 EJAZ AFZAL KHAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN AND HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN PRESENTING SOUVENIR TO HON'BLE MR. JUSTICE EJAZ AFZAL KHAN ON THE EVE OF HIS RETIREMENT AT SUPREME COURT OF PAKISTAN



HIS EXCELLENCY MR. YAO JING, AMBASSADOR OF CHINA TO PAKISTAN CALLED ON HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A MEETING WITH HON'BLE CHAIRMAN SENATE MR. MIAN RAZA RABBANI AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A MEETING WITH HON'BLE PRIME MINISTER OF PAKISTAN MR. SHAHID KHAQAN ABBASI AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A MEETING WITH THE DELEGATION FROM CHINA AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN IN A GROUP PHOTO WITH DELEGATION OF OUTGOING AND NEWLY ELECTED CABINET OF SUPREME COURT BAR ASSOCIATION OF PAKISTAN 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 ISLAMABAD 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 108TH NATIONAL MANAGEMENT COURSE 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 LAW STUDENTS OF SHAIKH AHMAD HASSAN SCHOOL OF LAW, LAHORE UNIVERSITY OF MANAGEMENT SCIENCES AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN PRESENTING SOUVENIR TO SYED TAHIR SHAHBAZ, WAFAQI MOHTASIB (OMBUDSMAN) OF PAKISTAN AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE MIAN SAQIB NISAR, CHIEF JUSTICE OF PAKISTAN ALONG WITH HON'BLE JUDGES OF SUPREME COURT OF PAKISTAN PLANTING A SAPLING OF CHINAR IN SUPREME COURT OF PAKISTAN



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

Following is the summary of activities of Hon'ble Chief Justice of Pakistan and the Hon'ble Judges of the Supreme Court during the period:

- A. Activities of the Hon'ble Chief Justice of Pakistan and Hon'ble Judges of Supreme Court of Pakistan at Federal Judicial Academy, Islamabad from 1st June, 2017 to 31st May, 2018.**
1. **CJP presided over the 41st Meeting of FJA's BoG:** The Hon'ble Chief Justice of Pakistan, Mian Saqib Nisar, had chaired the 41st meeting of FJA's Board of Governors held on 12th December, 2017. In addition to the participation of all members of the Board of Governors, the two member administrative Committee of the Federal Judicial Academy comprising Hon'ble

Mr. Justice Asif Saeed Khan Khosa and Hon'ble Mr. Justice Umar Ata Bandial also attended the meeting. During the BoG meeting, besides discussing other agenda items, the Hon'ble Chief Justice of Pakistan appreciated the work of Federal Judicial Academy and recommended the Academy should now consider to broaden its horizon and its work to the next level par excellence whereby a wider spectrum of audience from judicial sector, including judges of the senior judiciary could also benefit from its facilities, courses and programs;

2. **CJP visited the Phase II Complex of FJA:** The Hon'ble Chief Justice of Pakistan visited FJA's Phase II Complex on 28th March 2018, to inspect the status of the building. He was accompanied by Hon'ble Mr. Justice Asif Saeed Khan Khosa, Hon'ble Mr. Justice Mushir Alam, Hon'ble Mr. Justice Umar Ata Bandial, and the Registrar Supreme Court of Pakistan. After inspecting the building, the Hon'ble Chief Justice of Pakistan had directed the senior representatives of Pak PWD and NESPAK expedite the completion of outstanding work on the building at the earliest. DG Pak PWD assured the Hon'ble Chief Justice of Pakistan to complete the task within a fortnight;
3. **Hon'ble Mr. Justice Mushir Alam graced a course concluding ceremony:** Hon'ble Mr. Justice Mushir Alam was invited as the Chief Guest by the Federal Judicial Academy to preside over a certificate awarding ceremony at the conclusion of a one week training course for District & Sessions Judges from across Pakistan, Azad Jammu and Kashmir and Gilgit Baltistan. The topic of the course was "New Laws." The ceremony was held on 23rd September 2017;
4. **Hon'ble Mr. Justice Qazi Faez Isa honoured a course concluding ceremony:** Hon'ble Mr. Justice Qazi Faez Isa was invited as the Chief Guest by the Federal Judicial Academy at the concluding ceremony of comprehensive Tailor-Made course that was specially designed for members of different Balochistan Bars. The ceremony was held on 17th February 2018.

B. Activities of the Chief Justice of Pakistan in the Punjab Judicial Academy, Lahore from 1st June, 2017 to 31st May, 2018

| | 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 on 2 nd Women Judge Conference. | 15-10-2017 |
| 2 | The Chief Justice of Pakistan Hon'ble Mr. Justice Mian Saqib Nisar has visited the Academy on the eve of ADR Accreditation Ceremony. | 17-12-2017 |

C. Activities of the Chief Justice of Pakistan in the Khyber Pakhtunkhwa Judicial Academy, from 1st June, 2017 to 31st May, 2018

| | Description | Date of Visit |
|----|--|---------------|
| 1. | The Chief Justice of Pakistan Hon'ble Mr. Justice Mian Saqib Nisar has visited the Academy and addressed the participants of the Pre-Service Training for Newly Recruited Civil Judges/Judicial Magistrates. | 19-04-2018 |

11.2 Law and Justice Commission of Pakistan

The Law and Justice of Pakistan (LJCP) is a Federal Government institution, established under the Law and Justice Commission of Pakistan Ordinance, 1979 (Ordinance No. XIV of 1979). The Commission is headed by the Chief Justice of Pakistan as ex-officio Chairman and comprises of 13 other members including Chief Justice, Federal Shariat Court, Chief Justices of the High Courts, Attorney General for Pakistan, the Secretary, Ministry of Law and Justice, Chairperson, National Commission on the Status of Women and four other members, one from each Province.

The National Judicial (Policy Making) Committee (NJPMC) (Committee) is constituted under an Ordinance (LXXI) of 2002. The Chief Justice of Pakistan is Chairman of the Committee and the Chief Justice, Federal Shariat Court and Chief Justices of the High Courts are its members. The Secretary, Law & Justice Commission of Pakistan is designated as the Secretary to the Committee. The Secretariat of the Commission provides secretarial support to the Committee.

The Government of Pakistan has established Rs.1479 million Access to Justice Development Fund (AJDF) as a statutory endowment to address the issue of chronic budgetary constraints facing the Justice Sector institutions. Access to Justice Development Fund is a demand driven expenditure characterized by a unique funding mechanism to sustain and deepen reforms in the justice sector. The Fund is located in LJCP and being administered by Governing Body comprising the Hon'ble Chief Justice of Pakistan/Chairman, LJCP, the Chief Justices of High Courts, the Secretary, Ministry of Finance, the Secretary, Ministry of Law and Justice, Islamabad and the Secretary, Law and Justice Commission of Pakistan as members.

Summary of Activities:**Law and Justice Commission of Pakistan:****Meeting of the Law and Justice Commission of Pakistan**

During the period under reference, the Law and Justice Commission of Pakistan met once under the Chairmanship of the Hon'ble Chief Justice of Pakistan / Chairman LJCP on 25th January 2018 at Islamabad. The Commission considered various important issues related to administration of justice. The summary of Agenda items and decisions thereon is as under:-

1. The Commission reviewed the implementation status of Law Reform Reports and discussed way forward to ensure timely implementation of non-implemented reports. The Commission took serious note of the delay in implementation of its recommendations and urged the governments to expedite the process of implementation.
2. Reviewed law reform proposals received from the judicial academies, law officers and Islamabad High Court on the following subjects:
 - (i) Delay reduction;
 - (ii) Amendments in procedural laws to ensure inexpensive and expeditious dispensation of justice;
 - (iii) Strategies to clear backlog;
 - (iv) Elimination of multiplicity and overlapping of laws to ensure effective enforcement of laws.

After deliberation, referred the proposals to

the members of LJCP for their feedback for consideration in its next meeting.

In addition, the Commission discussed at length various proposals for expeditious dispensation of justice as dictated in the Constitution of Islamic Republic of Pakistan and resolved that:

- (i) The High Courts may initiate process for filling up of all vacant positions of judicial officers and judges in their respective High Courts.
- (ii) The High Courts to consider the proposal for framing uniform recruitment rules.
- (iii) The Secretary, LJCP to prepare a proposal to amend the Oath Act as suggested by Mr. Riaz Ahmed, Senior Advocate Supreme Court of Pakistan/Member LJCP for placing before the Commission in its next meeting.
- (iv) The judicial academies may be activated to develop and implement training programmes for capacity building and updating the knowledge of the judicial officers.
- (v) Process for automation of courts may be expedited to ensure use of latest technology and techniques for curtailing the processes and delays.
- (vi) The Secretary to consider a proposal for establishment of Police Ombudsman to hear complaints against police highhandedness.

Access to Justice Development Fund (AJDF)

The Judiciary in Pakistan has historically suffered serious under resourcing which severely impacted on the quality of justice services. The Access to Justice Development Fund (AJDF) is an independent source of income for judiciary to invest in the neglected areas to strengthen the professional functionality of the courts and its service delivery components and legal empowerment. The principal amount of Rs.1421 is meant for investment in the Government approved investment schemes to generate income to meet the purposes of the Access to Justice Development Fund. By establishing Access to Justice Development Fund, Government of Pakistan has provided an innovative, independent and flexible extra-budgetary support to the justice sector reforms.

The seven (7) windows of Access to Justice Development Fund (AJDF) are given below:

1. Provincial Judicial Development Fund (60.3%)
2. Judicial & Legal Research (4.5%)
3. Judicial Academies (4.5%)
4. Innovation in Legal Education (4.5%)
5. Legal Empowerment (13.5%)
6. Underdeveloped Regions (10%)
7. Fund Management (2.7%)

- **Provincial Judicial Development Fund (60.3%)**

The Hon'ble Chief Justice of Pakistan / Chairman, Law and Justice Commission of

Pakistan accorded approval for release of funds amounting to Rs.58,601,933/- (rupees fifty-eight million, six hundred one thousand, nine hundred thirty-three) to the Peshawar High Court being a part of Provincial Judicial Development Fund share. The approved amount was released on September 21, 2017.

- **Special Projects in Underdeveloped Regions (SPUR)**

The Hon'ble Chief Justice of Pakistan/ Chairman, Governing Body accorded approval for release of an amount of Rs.2,561,995/- (rupees two million, five hundred sixty-one thousand, nine hundred ninety-five) to the Peshawar High Court for further allocation to the designated Underdeveloped Regions of the Khyber Pakhtunkhwa Province. The Underdeveloped Regions/ Districts include Buner, Karak, Hangu, Tank, Torghar, Shangla, Kohistan and Chitral.

- **District Legal Empowerment Committees (DLECs)**

With the approval of the Hon'ble Chief Justice of Pakistan/ Chairman, Law and Justice Commission of Pakistan, an amount of Rs.25,000,000/- (twenty-five million rupees) was released to the District Legal Empowerment Committee (DLECs) in July 2017. DLECs are funded under Legal Empowerment Fund, a sub-window and currently functional in 108 districts of the country under the Chairmanship of the District & Sessions Judge, for providing free legal aid to the destitute/deserving litigants who are unable to pursue their genuine cause before court of law.

- **Investments of the Access to Justice Development Fund**

During the period under reference ten (10) investments were made in the Market Treasury Bills with His Lordship's approval. A profit of Rs.176,564,806 (rupees one hundred seventy six million, five hundred sixty four thousand, eight hundred six) earned during the period from 01-06-2017 to 31-05-2018 for allocation and disbursement to seven AJDF windows.

National Judicial (Policy Making) Committee:

The NJPMC is required to coordinate and harmonize judicial policy within the court system, and in coordination with the Law & Justice Commission of Pakistan, ensure its implementation.

The Committee is mandated to:

- Improving the capacity and performance of the administration of justice
- Setting performance standards for judicial officers and persons associated with performance of judicial and quasi-judicial functions
- Improvement in the terms and conditions of service of judicial officers and court staff, to

- ensure skilled and efficient judiciary
- Publication of the annual or periodic reports of the Supreme Court, Federal Shariat Court, High Courts and courts subordinate to High Courts and Administrative Courts and Tribunals.

Summary of the activities of the Hon'ble Chief Justice of Pakistan and the Hon'ble Judges of the Supreme Court of Pakistan in the National Judicial (Policy Making) Committee (NJPMC), National Judicial Automation Committee (NJAC) and other events held under auspices of the Committee during the period from 1st June 2017 to 31st May 2018.

A) Following two meetings of NJPMC were held during the period:

i. NJPMC meeting dated 13.01.2018:

The meeting was chaired by the Hon'ble Mr. Justice Mian Saqib Nisar, Chief Justice of Pakistan. In addition to the members of the NJPMC, the meeting was also attended by the Hon'ble Mr. Justice Faisal Arab Judge Supreme Court and Hon'ble Mr. Justice Sajjad All Shah Judge Supreme Court on special invitation. The committee deliberated upon the following agenda items:

(a) Pendency, institution and disposal of cases in High Courts and subordinate judiciary

During the meeting, it was decided that the High Courts should continuously monitor the pendency, institution and disposal figures of cases in the sub-ordinate courts.

(b) Submission of challans

The Secretary NJPMC to convene a meeting of the prosecution & investigation agencies in order to consider proposals for improvement in the professional standards of prosecution & investigation agencies.

(c) Delay Reduction in Disposal of Cases

The High Courts should submit proposals for developing an effective mechanism regarding execution of decrees within 14 days and should submit proposals for quick disposal of rent, succession and like cases within 14 days. The Federal Shariat Court, Islamabad High Court, High Court of Sindh and High Court of Balochistan will provide their views regarding delay reduction initiatives with 14 days. The High Courts should reactivate the Provincial Justice Committees.

(d) Performance review of Special Courts and Administrative Tribunals

It was resolved that the Secretary NJPMC to convene a one day meeting of all the Chairpersons/Presiding Officers of the administrative Tribunals/Special Court.

Secretary NJPMC shall call six months performance report of the Administrative Tribunals and Special Courts for submission to the Hon'ble Chairman NJPMC.

ii. Special Meeting of the Committee to discuss the issues related to China Pakistan Economic Corridor (CPEC) dated 3.2.2018:

The meeting was Chaired by the Hon'ble Mr. Justice Mian Saqib Nisar, Chief Justice of Pakistan. In addition to the members of the NJPMC, the meeting was also attended by the Hon'ble Mr. Justice Mushir Alam Judge Supreme Court on special invitation.

Meeting of NJPMC was arranged to share the views of the stakeholders about disputes likely to arise out of CPEC investment projects and their resolution mechanism.

During the meeting, it was resolved that the High Courts should advise the civil courts not to issue ex-parte stay orders in respect of CPEC related projects. The Secretary Planning may designate a focal person to liaise with Deputy Registrar (Admin) Supreme Court of Pakistan if any support is required in respect of CPEC related matters.

B) Meeting with the Chairmen & Presiding Officers of Administrative Tribunals dated 3.2.2018:

The meeting was held under the Chairmanship of the Hon'ble Chief Justice of Pakistan. During meeting, the Hon'ble Chief Justices of the High Courts informed the committee about institution, disposal, pendency of cases and status of vacant posts in the Administrative Tribunals/ Special Courts in 2017 and following recommendations were made:

The Hon'ble Chief Justice Lahore High Court suggested that the location of all ex-cadre courts may be shifted to divisional headquarters, ex-cadre courts be entrusted with ordinary cases, the ex-cadre courts may be brought under the supervisory control of High Courts and the infrastructure of ex-cadre courts be improved.

The Hon'ble Chief Justice Peshawar High Court recommended that work of more than one special court could be assigned to a single judge for effective utilization of human resource, a special judge could tour various areas for adjudication, the presiding officers of special courts should have administrative control of their staff and the administrative tribunals/special courts should be brought under administrative purview of the High Court.

The Hon'ble Chief Justice High Court of Sindh recommended that the vacant posts of presiding

officers of administrative tribunals may be filled upon the advice of the Chief Justice, the power of appointments in administrative tribunals/special courts should be given to the High Court and the number of prosecutors in the special courts may be increased.

The Hon'ble Chief Justice of Pakistan/Chairman NJPMC recommended that in case the presiding officers of the administrative tribunals/special courts have any issues regarding their pay perks and privileges then the same may be communicated to the high courts. The infrastructure of the administrative tribunals/ special courts requires improvement and all the special courts should be located in one place and staff of the special courts should be under the administrative control of the presiding officers.

C) National Judiciary Automation Committee (NJAC)

The NJAC is a Sub-committee of National Judicial (Policy Making) Committee (NJPMC) which was reconstituted on 2 September 2016 with the mandate:

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

The Committee is headed by Hon'ble Mr. Justice Mushir Alam Judge Supreme Court of Pakistan and other members include Hon'ble Judges from the Federal Shariat Court and High Courts. Two meetings of the NJAC were held during the period and presided over by the Hon'ble Mr. Justice Mushir Alam, Judge Supreme Court of Pakistan / Chairman NJAC.

In the meeting of NJAC held on 3-6-2017, it was resolved that there should be mandatory IT trainings for judicial officers and courts staff and also for promotions. PC-I may be submitted by LJCP to government for funds to form National Judicial Automation Unit (NJAU). A Subcommittee under Chairmanship of Hon'ble Mr. Justice Mian Shakirullah Jan Former Judge Supreme Court of Pakistan was formed for framing Rules for unified service cadre for IT staff of superior courts/LJCP.

In the meeting of NJAC held on 27-1-2018, the Chairman of the Sub-committee Mr. Justice Mian Shakirullah Jan former Judge Supreme Court of Pakistan submitted draft service rules

before the NJAC and it was resolved that all the courts would send their feedback at the earliest. It was decided that the case categorization should also be made operational at district level and all courts should make efforts for making their websites bilingual prior to the next meeting of NJAC.

D) 8th International Judicial Conference:

The 8th Judicial Conference was held at Islamabad on 4-5 May 2018 under the conference theme "Towards Regional Economic Integration". The Conference was organized by Law and Justice Commission of Pakistan (LJCP) under the auspices of NJPMC. Holding of Judicial Conferences is an annual event and is an opportunity for the stakeholders to join hands with us to propose measures for transition & reformation of Justice System.

The inaugural and concluding sessions of the conference were presided over by the Hon'ble Chief Justice of Pakistan/Chairman, Law and Justice Commission of Pakistan. National and International Researches, Members of Academia, Judges, Lawyers and Professional experts deliberated upon the following thematic groups of the conference which were chaired by the Hon'ble Judges of the Supreme Court of Pakistan.

- i. Regional, Economic Integration and Effective Dispute Resolution Mechanism in the Context of China Pakistan Economic Corridor (CPEC)

Chaired by Hon'ble Mr. Justice Gulzar Ahmed, Judge Supreme Court of Pakistan and Co-Chaired by Hon'ble Mr. Justice Faisal Arab, Judge Supreme Court of Pakistan.

- ii. Alternative Dispute Resolution Methodologies and Deterring Factors

Chaired by Hon'ble Mr. Justice Sh. Azmat Saeed, Judge Supreme Court of Pakistan and Co-Chaired by Hon'ble Mr. Justice Ijaz ul Ahsan, Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Mazhar Alam Khan Miankhel, Judge Supreme Court of Pakistan

- iii. Strategy for Delay Reduction and Expeditious Disposal of Backlog of Cases

Chaired by Hon'ble Mr. Justice Asif Saeed Khan Khosa, Judge Supreme Court of Pakistan and Co-Chaired by Hon'ble Mr. Justice Sardar Tariq Masood, Judge Supreme Court of Pakistan.

- iv. Legal Education and Uniform Selection Criteria for Judicial Officers in Pakistan

Chaired by Hon'ble Mr. Justice Maqbool Baqar,

Judge Supreme Court of Pakistan and Co-Chaired by Hon'ble Mr. Justice Syed Mansoor Ali Shah, Judge Supreme Court of Pakistan.

v. Relationship of Political and Economic Stability with Revamping of Criminal Justice System

Chaired by Hon'ble Mr. Justice Qazi Faez Isa, Judge Supreme Court of Pakistan and

Co-Chaired by Hon'ble Mr. Justice Manzoor Ahmad Malik, Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Sajjad Ali Shah, Judge Supreme Court of Pakistan.

The recommendations of thematic groups were presented by the Chairperson of each thematic

group in the concluding session and the same were approved by the house as the Islamabad Declaration 2018. The Hon'ble Chief Justice of Pakistan/ Chairman NJPMC in his concluding speech announced to form a Committee to ensure implementation of the recommendations given in the Islamabad Declaration 2018. The Committee comprises Hon'ble Mr. Justice Asif Saeed Khan Khosa, Senior Puisne Judge, Supreme Court of Pakistan as Chairperson and Hon'ble Mr. Justice Gulzar Ahmed, Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Sh. Azmat Saeed, Judge Supreme Court of Pakistan, Hon'ble Mr. Justice Qazi Faez Isa, Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Maqbool Baqar, Judge Supreme Court of Pakistan as its members.

11.3 Foreign Tours of the Chief Justice and Judges

| Name | Official Visit | Dates |
|--|--|--------------------------|
| Hon'ble Mr. Justice Mian Saqib Nisar, HCJP | 1. Participated in the 14 th SAARC LAW Conference and the 11 th SAARC Chief Justices Conference in Sri Lanka held on 27 – 29 October, 2017. | 27.10.2017 to 31.10.2017 |
| | 2. Participated in the 25 th Anniversary of the adoption of the Constitution of the Russian Federation, International Conference and the VIII St. Petersburg International Legal Forum (SPILF) at the Constitutional Court of the Russian Federation in St. Petersburg held in Russia | 15.05.2018 to 19.05.2018 |
| | 3. Participated in the 13 th Conference of President of the Supreme Courts of Shanghai Cooperation Organization (SCO) Member Countries and Exhibition of Judicial Culture of SCO Member Countries held in China | 23.05.2018 to 27.05.2018 |
| Hon'ble Mr. Justice Asif Saeed Khan Khosa | 1. Participated in the 17 th Conference of Chief Justices of Asia and the Pacific, Tokyo, Japan | 16.09.2017 to 22.09.2017 |
| Hon'ble Mr. Justice Gulzar Ahmed | 1. Participated in the 12 th Session of the Supreme Courts of Shanghai Cooperation Organization (SCO) Member States, Tashkent held on 24-27 October, 2017. | 22.10.2017 to 29.10.2017 |
| Hon'ble Mr. Justice Sh. Azmat Saeed | 1. Participated in the 13 th Conference of President of the Supreme Courts of Shanghai Cooperation Organization (SCO) Member Countries and Exhibition of Judicial Culture of SCO Member Countries in China | 23.05.2018 to 27.05.2018 |
| Hon'ble Mr. Justice Umar Ata Bandial | 1. Participated in the 13 th Conference of President of the Supreme Courts of Shanghai Cooperation Organization (SCO) Member Countries and Exhibition of Judicial Culture of SCO Member Countries in China | 23.05.2018 to 27.05.2018 |

| | | |
|-----------------------------------|--|---|
| Hon'ble Mr. Justice Faisal Arab | <ol style="list-style-type: none"> 1. Participated in the 13th Regional Workshop for Judges, Prosecutors and Police Officers in South Asia on Engaging Communities and Criminal Justice Officials in Developing Joint Strategies to Counter Violent Extremism and Incitement, Bangkok, Thailand from 09 to 11 January, 2018 2. His lordship, as Member of the International Hague Network of Judges (IHNJ), had also been nominated by Hon'ble Chief Justice of Pakistan to participate in the Global Conference in Hong Kong to be held from 18 to 20 April, 2018 with the title "HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World" with particular focus on family issues and child protection. | <p>06.01.2018 to 12.01.2018</p> <p>18.04.2018 to 20.04.2018</p> |
| Hon'ble Mr. Justice Ijaz ul Ahsan | <ol style="list-style-type: none"> 1. Participated in the 56th Anniversary of the Turkish Constitutional Court with an International Conference held on 25-28 April, 2018 in Turkey. | 24.04.2018 to 29.04.2018 |

11.4 Nominations of Hon'ble Serving/Formers 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 |
| Mr. Justice Gulzar Ahmed | Chairman, Disciplinary Tribunal, Pakistan Bar Council Chairman Enrolment Committee, Pakistan Bar Council, Islamabad. |
| Mr. Justice Sh. Azmat Saeed | Member, Committee for Enhancing Environmental Justice (CEEJ) Chairman, Disciplinary Committee, Pakistan Bar Council, Islamabad. |
| 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 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. Member, Pakistan Medical & Dental Council Member of Board of Governors, NUML, Islamabad. |
| Mr. Justice Tariq Parvez, Hon'ble former Judge | Member, Board of Governors, Air University, Islamabad |



CHAPTER

11

SUPREME COURT OF PAKISTAN AND THE MEDIA

SUPREME COURT OF PAKISTAN AND THE MEDIA

Judiciary is one of the most important organ 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 and delegation meetings. 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, 2017 to 31st May, 2018 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

ادویات مناسب قیمت ملانی چاہئیں غیر معمولی اجازت نہیں دے سکتے سپریم کورٹ

انسانی جان بچانے والی ادویات کی قیمتوں میں من مانے اضافے کے ذریعے 1.78 ارب روپے پر 4 ملزمان کی درخواست ضمانت پر فیصلہ محفوظ، والدہ کے قاتل کی سزائے موت عمر قید میں تبدیل

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ نے کہا ہے کہ ملک میں عام صارف کو ادویات مناسب قیمت پر ملنی چاہئیں اور منافع کا مار جن بھی قانون کے مطابق ہونا چاہیے، ڈریپ حکام ادویات کی قیمتوں میں غیر معمولی اضافہ کی اجازت نہیں دے سکتے، جسٹس اجازت افضل خان اور جسٹس اجازت الحسن پر مشتمل بینچ نے ایکسٹریکٹ 78 کروڑ روپے کی کرپشن میں ملوث ڈرگ ریگولیٹری اتھارٹی کے 14 افسران کی ضمانت کی درخواستوں پر فیصلہ محفوظ کر لیا، ملزمان ڈرگ انسپکٹرز کو سہ سلطان احمد، سابق ممبر پرائس کنٹرول ڈیپارٹمنٹ ڈاکٹر محمد علی، سابق ایڈیشنل سیکرٹری ارشد فاروق نعیم اور سلیم عشرت حسین نے درخواستیں دائر کی ہیں، نیب کے وکیل نے بتایا کہ ملزمان نے انسانی جان بچانے والی ادویات کی قیمتوں میں من مانے اضافے کی اجازت دے کر اختیارات کا ناجائز استعمال کیا اور بڑے پیمانے پر کرپشن کی، اس سیکنڈل میں ملوث بعض کمپنیوں نے پٹیا ہارگین کے تحت 70 کروڑ 50 لاکھ روپے واپس کر دیئے ہیں، نیب نے ان ملزمان کو گزشتہ سال حراست میں لیا تھا، قاضی بینچ نے اسلام آباد ایئر پورٹ پر مسافروں سے رشوت لینے کے الزام میں نوکری سے جبری ریٹائر کئے گئے کشمیر پولیس کے سپاہی حسن رضا کی اپیل پر فیصلہ محفوظ کر لیا، عدالت میں ملزم کی رشوت مانگنے کی ویڈیو چلا کر دکھائی گئی تو عدالت میں موجود 50 سالہ ملزم کا کہنا تھا کہ ویڈیو میں وہ نظر آرہے ہیں تاہم رشوت مانگنے کے بارے میں سنا ہی دینے والی آواز ان کی نہیں، عدالت کا کہنا تھا کہ اگر ملزم نے کچھ غلط کیا تو سزا ملنی چاہیے، جسٹس اجازت الحسن نے کہا کہ ویڈیو میں ملزم صاف نظر آرہا ہے، تصویر پر اوروں الفاظ سے زیادہ بولتی ہے، جسٹس آصف سعید کھوسہ کی سربراہی میں بینچ نے سگی والدہ کے قاتل کی سزائے موت کو عمر قید میں تبدیل کر دیا، ملزم کے وکیل وحید احمد چودھری نے دلائل پیش کیے ہوئے کہا کہ مقدمہ میں کوئی وجہ عیاں ثابت نہیں ہوئی اور گواہان کے بیانات میں تضاد ہے، ملزم عمران نے 2005ء میں گوجرانوالہ کے چک فلیل میں والدہ زریں بیٹی کو قتل اور بہن جمیلہ کو زخمی کر دیا تھا، سپریم کورٹ کے حکم کے باوجود تین برس گزرنے کے بعد معصوم بچے کی موت کا سبب بننے والے ڈاکٹروں اور ہسپتال کینڈا کے کارروائی نہ ہونے پر درخواست گزار نے دوبارہ عدالت عظمیٰ سے رجوع کر لیا، علیحدگی مری کے طاہر محمود نے رازی ہسپتال راولپنڈی میں لاپرواہی برتنے والے ڈاکٹروں کینڈا سپریم کورٹ میں درخواست دی تھی، چیف جسٹس کے نام درخواست میں طاہر محمود نے استدعا کی ہے کہ اس رپورٹ کو عام کیا جائے اور درخواست گزار کو بھی نقل فراہم کی جائے تاکہ رازی ہسپتال اور ڈاکٹروں کینڈا کارروائی کیلئے متعلقہ فورم سے رجوع کیا جاسکے۔

The Daily Express 03-06-2017

SC asks ministry to ensure 40% quota for private Hajj operators

Syed Sabeehul Hussain

ISLAMABAD: The Supreme Court of Pakistan on Friday observed that the citizens' fundamental right of trade could be interpreted to restrain the government from carrying on any activity or providing services except through law creating monopoly in its favor.

"The said Article (Article 18 and Article 253 (b) of the Constitution) cannot be interpreted in the manner to restrain the government, federal or provincial, from carrying on any activity or providing any service except, through a law creating a complete or partial monopoly in its favor," the top court observed in its order in the Hajj quota case.

A five-judge larger bench, headed by Justice Gulzar Ahmed, heard several appeals before issuing a six-page written order in the matter. Deputy

Attorney General Sohail Mahmood appeared before the SC on behalf of the Ministry of Religious Affairs. Abid Zubairi represented the Hajj Organisation Association of Pakistan (HOAP) and Azhar Siddique argued on behalf of the new Hajj tour operators.

"Even otherwise, while for the appellant Haj Group Organisers (HGOs) making arrangements for Hajjis may be a commercial activity, but for the government it is perhaps a facility provide to its citizens for the fulfillment of their religious obligations," the bench further observed in its order, which was authored by Justice Gulzar Ahmed.

The top court also upheld its earlier order and asked the federal government to distribute 40 percent quota to all private tour operators.

Following the top court's 2013 verdict, the government had allocated 40 percent Hajj

quota to only 742 operators. It did not consider 2,033 new operators. The same was done this year.

In 2013, a three-judge bench headed by Justice Ejaz Afzal Khan had directed the ministry to reframe the policy for distribution of 40 per cent quota to private Hajj organisers and to set up a panel for formulating criteria for them, including third-party evaluations.

Earlier, the court had issued an 18-page verdict in a contempt case against the ministry for not allocating quotas to the new operators in view of its August 27, 2013 decision.

The verdict had stated that non-quota holder operators were being denied quotas on the pretext that the government had no surplus quota.

"The quota allocated by the Kingdom of Saudi Arabia to Pakistan is for the people of

Pakistan and not for any particular group, segment or association. The quota for Pakistan is bifurcated by the government of Pakistan into two segments: one under the government Hajj Scheme and the other for Private Hajj Scheme," the verdict had stated.

Later, the ministry and private tour operators moved appeals against the court's order. The ministry requested the top court to set aside the contempt order and allow it to devise fresh formula.

The new formula or criteria will be applicable both on existing and newly-enrolled tour operators for Hajj 2018.

The top court while disposing of the matter directed the ministry to ensure that the 40 percent quota is allocated to private Hajj operators including the new ones according to guidelines laid down in 2013 judgment.

The Daily Time 10-06-2017

معاشرہ اتنا کمزور ہو گیا لوگ سچ نہیں بولتے لیکن عدل مانگتے ہیں

عدالت پر تنقید لیکن کوئی گریبان میں جھانکنے کو تیار نہیں: جسٹس کھوسہ، گواہی نہ دینے کی وجہ سے

ترمیم کی جارہی ہیں: حکومتی وکیل

تحقیقاتی ادارے فوجی عدالتوں کے بعد کسی اور آپشن کی طرف دیکھنے لگ جائیں گے: جسٹس

دوست محمد، ملزم کی سزائے موت عمر قید میں تبدیل

اسلام آباد (آن لائن) سپریم کورٹ نے قتل کے ملزم اورنگزیب کی سزائے موت وچ عناد ثابت نہ ہونے پر عمر قید میں تبدیل کر دی جبکہ دوران سماعت قاضی جج جسٹس آصف سعید کھوسہ نے ریمارکس دیئے کہ معاشرہ اتنا کمزور ہو گیا ہے کہ لوگ سچ نہیں بولتے لیکن عدل مانگتے ہیں، ملزم بری ہو جائے تو عدالت پر تنقید کی جاتی ہے لیکن کوئی اپنے گریبان میں جھانکنے کو تیار نہیں کہ ملزم کیوں بری ہو گیا، یاد رہے کہ ٹرائل کورٹ اور ہائی کورٹ نے ملزم کو سزائے موت کا حکم دیا تھا، ملزم اورنگزیب پر 2008 میں ہری پور میں محمد دین کو قتل کرنے کا الزام تھا، کیس کی سماعت جسٹس آصف سعید کھوسہ کی سربراہی میں جسٹس دوست محمد خان اور جسٹس قاضی قاضی عیسیٰ پر مشتمل تین رکنی بنچ نے کی، عدالت نے ملزم کی سزائے موت کو عمر قید میں تبدیل کرتے ہوئے قرار دیا کہ پراسیکیوشن کی تحقیقات اور گواہوں کے بیانات درست ہیں، وچ عناد ثابت نہ ہونے پر سزا عمر قید میں تبدیل کی گئی، حکومتی وکیل نے موقف اختیار کیا کہ لوگ گواہی کے لیے تیار نہیں ہوتے جس کے لیے آئین میں ترمیم کی جارہی ہیں، اس کے لیے فوجی عدالتیں بنائی گئیں، جسٹس دوست محمد خان نے استفسار کیا کہ کیا تحقیقاتی اداروں کو مزید ڈھیل دے دیں تاکہ وہ ریاست کے بے کار پرزے بن جائیں، تحقیقات کرنے والے کوئی سائنسی طریقہ استعمال نہیں کرتے، فوجی عدالتوں کے بعد کسی اور آپشن کی طرف دیکھنے لگ جائیں گے، جسٹس آصف سعید کھوسہ نے ریمارکس دیئے کہ عدالت کبھی بھی جھوٹا گواہ نہیں سنے گی اور قانون کے مطابق انصاف کرے گی۔

The Daily Dunya 10-06-2017

حجرت اللہ کو جو بیدہ فیصلے آئین قانون مطابق ہونے چاہئیں؟ سپریم

فوجی افسر انوار کاروں سے ڈرے گا تو دشمن سے کیسے لڑے گا، بازیابی کے 5 ماہ بعد بھی بیان نہیں دیا: جسٹس کھوسہ

گلگتہ ٹرائل کورٹ نے احترام میں سزا سنائی، ہائیکورٹ کو حقائق کا جائزہ لینا چاہیے تھا: ریمارکس، دو ملزم بری

اسلام آباد (سپیشل رپورٹر) سپریم کورٹ کے تین رکنی بینچ نے فوجی افسر کے انوار میں ملوث 2 ملزمان کو حکم کا قاعدہ دیکر بری کرتے ہوئے کہا ہے کہ بازیابی کے 5 ماہ بعد تک معوی نے کوئی بیان نہیں دیا اور ملزم کے خلاف ایک بھی شہادت موجود نہیں، دوران سماعت جسٹس آصف سعید کھوسہ نے ریمارکس دیتے ہوئے کہا کہ تمام ججز اللہ تعالیٰ کو جواب دہ ہیں اور تمام فیصلے آئین اور قانون کے مطابق ہونے چاہئیں، فوجی افسر 5 ماہ انوار کاروں سے کیوں ڈرتا رہا، تاثر کھیل رہا ہے کہ جیسے ہم نے جیلوں کے دروازے کھول دیئے، لوگ سمجھتے ہیں ہم ملزم بری کرنے کیلئے بیٹھے ہیں، اس مقدمہ میں ملزمان کے خلاف انوار اور تاوان کا کوئی ثبوت نہیں، کتنے بری ہوئے کتنے نہیں اس گنتی میں نہیں جانا چاہتے۔ اگر فوجی انوار کاروں سے ڈرے گا تو دشمن سے کیسے لڑے گا، گلگتہ ٹرائل کورٹ اور ہائی کورٹ نے فوج کے احترام میں ملزمان کو سزا سنادی، کم از کم ہائی کورٹ کو حقائق کا جائزہ لینا چاہیے تھا، عدالت نے ملزمان کو حکم کا قاعدہ دے کر بری کر دیا اور کہا ہے کہ استغاثہ اپنا کیس ثابت کرنے میں بری طرح ناکام رہا ہے، ملزمان ارسلان خان اور نور محمد پر 2006 میں کیپٹن عاطف اور اسکے بھتیجے کو انوار کرنے کا الزام تھا۔

The Daily Dunya 17-06-2017

عدالتیں قانون کو سامنے رکھتی ہیں ذاتی پسند ناپسند پر فیصلے نہیں کرتے

دلیل پر فیصلہ موجودہ نظام عدل کی خوبی ہے، برعکس، جس بیجا کے مقدمہ میں خیبر پختونخوا پولیس کے انسپکٹر کی سزا کا عدم

حج کو نہ کیس میں فیصلہ کی عدم تعمیل پر توہین عدالت کی درخواست دائر، نل شیخ آج ڈاکٹر عاصم کی اپیل پر سماعت کرے گا

اسلام آباد (خصوصی خبر نگار) قائم مقام چیف جسٹس آصف سعید خان کھوسہ نے کہا ہے کہ عدالتیں معاشرے کو سامنے رکھ کر نہیں بلکہ قانون کے مطابق فیصلہ کرتی ہیں، موجودہ نظام عدل کی خوبی یہی ہے کہ ذاتی پسند ناپسند کے بجائے دلیل پر فیصلہ کیا جاتا ہے، قائم مقام چیف جسٹس آصف سعید خان کھوسہ اور جسٹس دوست محمد خان پر مشتمل دورگنی شیخ نے خیبر پختونخوا سے تعلق رکھنے والے انسپکٹر اسماعیل کی سزا کی خلاف اپیل کی سماعت کی۔ جسٹس آصف سعید کھوسہ نے حقائق کا جائزہ لینے کے بعد آہر ویشن دی کہ پشاور ہائی کورٹ نے فیصلہ میں وجوہات بتائے بغیر ملزم کو سزا سنائی۔ مدعی مقدمہ کے وکیل کا کہنا تھا کہ تحصیل کونسل اور ڈیپارٹمنٹ نے تحقیقات میں انسپکٹر کو قصور وار قرار دیا جس پر قائم مقام چیف جسٹس کا کہنا تھا کہ کیا اب عدالتیں تحصیل کونسل کو بنیاد بنا کر فیصلے کریں گی؟ انکا کہنا تھا کہ عدالتیں معاشرہ کو دیکھ کر نہیں قانون کو دیکھ کر فیصلہ کرتی ہیں، موجودہ نظام عدل کی خوبی یہی ہے کہ دلیل پر فیصلہ کیا جاتا ہے، ذاتی پسند ناپسند پر فیصلے نہیں کئے جاتے۔ بعد ازاں عدالت نے ملزم کی ہائی کورٹ کے فیصلے کی خلاف اپیل منظور کر لی۔ یاد رہے کہ ملزم پر حامد خان نامی شخص کو جس بیجا میں رکھنے اور گھر میں توڑ پھوڑ کا الزام تھا۔ ٹرائل کورٹ نے عدم شواہد کی بنا پر ملزم کو بری کیا تھا تاہم مدعی کی اپیل پر پشاور ہائی کورٹ نے انسپکٹر اسماعیل کو چھ ماہ قید کی سزا سنائی تھی لیکن سپریم کورٹ نے ملزم کو بری کر دیا۔ نئے رجسٹر ہونے والے جج نور آپریش نے حکومت کی طرف سے عدالت عظمیٰ کے فیصلہ پر عملدرآمد نہ ہونے پر توہین عدالت کی درخواست دائر کر دی۔ پرائیویٹ جج کو نہ کی تقسیم کے حوالے سے جج گروپ و پبلیسیٹرز آرگنائزیشن نے توہین عدالت کی درخواست میں وفاقی وزیر سردار یوسف، وزیر مملکت، چیرمین اسمنٹس اور سیکرٹری مذہبی امور خالد مسعود کو فریق بنایا ہے۔ درخواست گزار نے موقف اپنایا کہ پرائیویٹ جج کو نہ دینے میں سپریم کورٹ کے احکامات کو نظر انداز کیا گیا ہے اور عدالت کے فیصلے کی روشنی میں جج کو نہ نہیں دیا گیا، سپریم کورٹ نے اپنے فیصلے میں پرانے اور نئے رجسٹرز کو جج کو نہ برابر تقسیم کرنے کا کہا ہے تاہم وزارت کے حکام سپریم کورٹ کے فیصلے کو نظر انداز کر کے من پسند کمپنیوں کو کو نہ دے رہے ہیں لہذا ان کی خلاف توہین عدالت کی کارروائی کی جائے۔ سابق وفاقی وزیر اور ہٹی پز پارٹی کے رہنما ڈاکٹر عاصم حسین کی بیرون ملک علاج کی اجازت کیلئے دائر درخواستیں آج سماعت کیلئے مقرر کر دی گئی ہیں۔ جسٹس اعجاز افضل کی سربراہی میں جسٹس دوست محمد خان اور جسٹس قاضی فائز میمنی پر مشتمل نل شیخ سماعت کرے گا۔

The Daily Express 06-07-2017

Enough is enough

Supreme Court slams 'poor administration' in Sindh

Judges say billions of rupees spent yet no work being done by govt officials

NAEEM SAHOUTARA
KARACHI

The Supreme Court (SC) expressed on Friday its extreme displeasure at the poor state of administration in Sindh, observing that billions of rupees were going 'here and there' but on the ground no work was being done.

"Of Rs100, Rs90 go here and there and only Rs10 are spent," remarked Justice Caltar Ahmed, who headed a two-judge bench hearing a suo motu case regarding contamination of water in the Manchar Lake.

The judge remarked that work can be done if at least 60% of the allocated funds are utilised. His remarks came after the irrigation department's secretary admitted that two reverse osmosis plants installed to supply clean drinking water to the residents of the fishermen settlement near the Manchar Lake were lying non-functional.

The deputy attorney-general informed the court that the federal and provincial governments had agreed on completing the remaining portion of the Right Bank Outfall Drain (RBOD) I, II and III projects.

The provincial irrigation secretary informed the court that the federal government had approved the project and hoped that the required funds will be released soon.

This led the bench members to believe that the provincial government was getting funds from the Centre so that it could award contracts.

The judges told the secretary that his department's role had just become to receive and disburse funds, adding that this was what



TAKE ACTION: The bench directed the irrigation secretary to get the out of order RO plants functional and submit a report within one month. PHOTO: IIL

was actually happening in Sindh.

The bench members inquired from the advocate-general, Barrister Zamir Ghumro, who will clear up this mess. He replied that the Sindh government was clearing the mess in order to resolve the issues.

Justice Ahmed told the law officer that the problems will not be resolved by merely collecting funds and said work should also be done practically.

The irrigation secretary informed the bench that 23 ROs plants were installed at Manchar Lake, but only two of them were not functioning. The residents complained that the contaminated water had resulted in an outbreak of hepatitis and other diseases, but no fresh water was being discharged in the freshwater reservoir.

Justice Ahmed told the officers that a case will be lodged against the government officers concerned, if a single person died from typhoid. He observed that the cases should be registered against every corrupt officer, as this was the only remedy to the ailment. The judge told the irrigation secretary to resolve the problems being faced by the residents.

The secretary said the water level will expectedly rise in the Sukkur Barrage in a few days, adding that water will be released into the Manchar Lake from the Arhal Canal by August 7.

The bench directed the irrigation secretary to get the out of order RO plants functional and submit a report within one month.

The court said the residents will be at liberty to start litigation against the provincial

Justice Ahmed told the officers that a case will be lodged against the government officers concerned if a single person died of typhoid

government if they failed to perform their duties.

Secretary's irresponsible attitude

The same bench, meanwhile, asked AG Ghumro to inform the provincial chief minister about the 'irresponsible' attitude of the land utilisation department secretary. He was also directed to submit a report on the CM's response to the secretary's irresponsible attitude towards his job.

The bench was hearing a case regarding alleged encroachments of 24 acres of

land in Karachi's District West of Karachi. The court had issued a notice to the secretary of the land utilisation department to submit a report in this regard.

During Friday's proceedings, the secretary, Aftab Memon, appeared in the court. The bench members inquired from the secretary why his department had failed to save the land in question and what steps were taken to end encroachments.

However, the secretary was unaware of the facts and could not give any satisfactory answer to the court's queries. This attitude visibly irked the judges, who told the advocate-general to check the level of competency and sense of responsibility among the government officers.

AG Ghumro tried to rescue the secretary and kept apologising to the apex court's

bench, Justice Ahmed observed that it seems that the civil service had been flattered in Sindh.

He observed that the level of competency was that an officer, who was serving in grade-22, was not aware of anything about his own department.

The judges directed the AG to inform the chief minister about the 'irresponsible attitude' of the secretary and also convey the court's displeasure over the conduct of the senior officer of his stature. AG Ghumro undertook to do so.

The judges further directed him to submit a report to the court about the CM's response to the secretary's attitude. The law officer was also directed to submit a report about the actual ownership of the 24 acres of land in question, which was allegedly under illegal occupation.

The Express Tribune 05-08-2017

Compulsory deduction

Corporate trusts, pension funds liable to pay Zakat: SC

Top court rejects plea of Pakistan Telecommunication Corporation Employees Trust

A HASNAAT MALIK
ISLAMABAD

The Supreme Court has ruled that trusts, formed by companies and corporations for their employees' pension funds, are liable to compulsory Zakat deduction.

The three-judge bench of the apex court, headed by Chief Justice Mian Saqib Nisar, on Monday rejected a plea from the Pakistan Telecommunication Corporation Employees Trust challenging the Zakat deduction.

The Pakistan Telecommunication Corporation Employees Pension Fund had invested various amounts in banks and other schemes.

The Zakat and Ushr Department deducts Zakat under Section 3 of the Zakat and Ushr Ordinance of 1980.

The appellant challenged such deductions through a constitutional petition before the Islamabad High Court on the ground that the appellant was not Sahib-e-Nisab and thus, could not be made subject to compulsory deduction of Zakat. The writ petition was, however, dismissed.

The appellant's intra-court appeal was also dismissed by a division bench of the high court vide an impugned judgment. On November 5, the SC admitted hearing of PTET employees.

After four years, the court conducted the hearing of the matter and announced its judgment last week.

According to the court order, the Pakistan Telecommunication Corporation Employees Pension Fund is a Sahib-e-Nisab and the pension fund is an asset owned and possessed by it, therefore, the appellant is liable to compulsory payment of Zakat under the Ordinance.

"This Court has held in various judgments that pension is not a bounty, but is a right acquired in consideration of past services. The right to pension is a well-earned right subject to fulfilment of conditions provided in the law."

The court also rejected the argument of the counsel for the appellant that Zakat is payable on assets and not liabilities

The court also observed that the trust was an independent and autonomous body, not wholly-owned, directly or indirectly, by the federal government.

The order stated that mere creation by a notification issued by the federal government under Section 44 of the Act did not mean that the trust was wholly-owned by the federal government. It could acquire and hold property, both moveable and immovable, and could sue and be sued in its own name.

It also observed that the trust was man-

aged by a board, free to take decisions by a simple majority, and just because half of its members were appointed by the federal government, "one cannot conclude that the trust is owned by the federal government".

"For all its actions, it is neither required to obtain prior permission nor is it bound to get the same validated from the federal government, apart from the framing of rules for the management and conduct of business of the Trust in accordance with Section 44(9) of the Act.

"We find that this single factor is not sufficient to establish whole ownership of the federal government. Furthermore, as is clear from Section 45(1) of the Act, a pension fund was created, albeit by the federal government through a notification in the official gazette, and all assets of Pakistan Telecommunication Corporation (PTC) Employees Pension Fund created by a trust deed dated April 2, 1994."

The court also rejected the argument of the counsel for the appellant that Zakat is payable on assets and not liabilities, and that the pension fund is entirely a liability.

"Accepting this contention would mean that all banks and financial institutions, which hold non-charitable funds and endowments, would also be exempt from Zakat (just because) such funds and endowments are liabilities held for depositor, account holder or beneficiary."

The Express Tribune 08-08-2017

پولیس قتل مقدمات پر ایسے لیکر خراب کرتی تھے تفتیشی نظام ٹھیک نہیں گیا جا رہا ہے

استغاثہ کے نظام میں پولیس نے مدعی یا ملزم کی حمایت نہیں کی تلاش کرنا ہوتا ہے لیکن جمہوریت گواہیاں ہانکی جاتی

ہیں

بعض مقدمات میں ملزم بچ بول رہا ہوتا ہے لیکن پولیس جھوٹ بولتی ہے: فوجداری ایبلوں میں ریمارکس، قتل کے 3 ملزم بری

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ نے فیرٹ کے نام پر 10 مئی 2005 کو حلف آہد میں ایک نوجوان محسن علی اور لڑکی فوزیہ کے قتل میں سیدہ طور پر ملوث 3 ملزمان اعجاز احمد، شاہد اقبال اور محمد اقبال کو 12 سال بعد بری کر دیا، خرائف کورٹ نے ملزم اعجاز احمد کو سزائے موت جبکہ دیگر 2 ملزمان کو عمر قید کی سزا سنائی تھی تاہم لاہور ہائی کورٹ نے اعجاز احمد کی سزائے موت کو عمر قید میں تبدیل کر دیا تھا، عدالت نے دیگر 2 ملزمان کی بریت کی اپیل خارج کر کے ہونے عمر قید بحال رکھی تھی تاہم سپریم کورٹ نے قرار دیا کہ استغاثہ کیس ثابت کرنے میں ناکام رہا ہے، عدالت نے آبرو ویشن دی کہ قتل کے مقدمات میں استغاثہ کا رویہ نامناسب ہے، ایک ہی واقعہ کے 2 مقدمات کیسے درج کر دیئے گئے، حقائق سے ظاہر ہوتا ہے کہ پولیس تفتیش کے نظام میں بہتری کیلئے تیار نہیں ہے، جنس آصف سعید خان کھوسہ کی سربراہی میں جنس دوست محمد خان اور جنس قاضی فائز مبینی پر مشتمل فلٹینج نے سماعت کی، ڈپٹی پراسیکیوٹر ہفتاب محمد جعفر کا کہنا تھا کہ نوجوان محسن اور فوزیہ کے قتل 2 مختلف قانونوں کی حدود میں ہوئے اسلئے 2 الگ مقدمات دائر کرنا چاہئے، جنس آصف سعید کھوسہ کا کہنا تھا کہ استغاثہ کے نظام میں پولیس نے مدعی یا ملزم کی حمایت نہیں کی تلاش کرنا ہوتا ہے لیکن بدقسمتی سے خرابی یہ ہے کہ پولیس مدعی کے ساتھ مل جاتی ہے اور ایف آئی آر میں دیئے موقف کو ثابت کرنے کیلئے جمہوریت گواہیاں اکٹھی کرتی ہے، جھوٹے گواہ ہائے جاتے ہیں، ایسے واقعات میں انسانی جانیں چلی جاتی ہیں اور کوئی سچ بولنے کو تیار نہیں ہو چھوڑتا ہی پولیس سچ تلاش کرنے کی کوشش کرتی ہے، اصل خرابی پولیس کے طریقہ کار سے پیدا ہو جاتی ہے اور ملزمان جھوٹ جاتے ہیں، فاضل جج نے محکمہ پراسیکیوٹن کو ہدایت کی کہ پولیس افسران کی تربیت کیلئے ان کو اپنے تجربات سے آگاہ کیا جائے کہ کن خامیوں کی وجہ سے ملزمان بری ہوتے ہیں تاکہ آئندہ مقدمات کی تفتیش میں وہ غلطیاں نہ دہرائیں، جنس آصف کھوسہ کا کہنا تھا کہ استغاثہ کے نظام کو بہتر بنانے کیلئے ضلعی کمیٹیاں ہانکی گئیں لیکن کوئی نتیجہ برآمد نہیں ہو سکا، جنس قاضی فائز مبینی نے کہا کہ استغاثہ کا کنڈکٹ درست نہیں ہے، پولیس قتل کے مقدمات میں پیسے لے کر کیس خراب کرتی ہے بعض مقدمات میں ملزم بچ بول رہا ہوتا ہے لیکن پولیس جھوٹ بول رہی ہوتی ہے، پولیس تفتیشی نظام میں بہتری کیلئے کچھ بھی کرنے کو تیار نہیں، عدالت نے ایک اور مقدمہ میں ملزم شہروز کی بریت کیخلاف طارق محمود کی درخواست خارج کر دی، ملزم پر پھوال میں سیدہ ذکیتی کے دوران گھر میں موجود خاتون ساجدہ پروین کو قتل کرنے کا الزام تھا، عدالت نے تیسرے مقدمہ میں راولپنڈی میں سیدہ طور پر 80 سالہ خاتون کے قتل میں ملوث ملزم محمد یوسف کی بریت کیخلاف محمد اقبال کی درخواست بھی خارج کر دی، چوتھے مقدمہ میں فاضل جج نے نشیات سرنگانگ کے مجرم نبی گل کی عمر قید کی سزا برقرار رکھتے ہوئے بریت کی درخواست مسترد کر دی، مجرم سے کوہاٹ میں 6 کلوچرس اور 10 کلوایون برآمد ہوئی تھی۔

The Daily Express 19-08-2017

عبدالرشید پٹیل کی موت کے بعد پاکستان کی عدالتوں کی کارکردگی

21 کروڑ آبادی میں کون صادق و امین ہے، اگر کوئی ہوا تو جنگل میں ہی ہو گا اور دنیا سے ملنا جانا نہیں چاہتا ہو گا: جسٹس دوست محمد

خدا کرے حضرت علیؑ کی حکومت ملک میں آجائے، گریٹ فریڈ کے بااقتیاد سرکالے جائیں: عدالت، جملہ سازی کا طرم
اعاطہ عدالت سے گرفتار

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ نے آئرویشن وی ہے کہ بلا استثنا اور بے رحمانہ احتساب کے ذریعے ملک سے کرپشن کا خاتمہ کیا جاسکتا ہے، عدلیہ اور پارلیمنٹ ہاتھ ملائیں اور ”گھڑے“ ہو جائیں تو ملک سے کرپشن کا خاتمہ ممکن ہے۔ جسٹس دوست محمد کی سربراہی میں نئے جج نے فیڈرل کورٹ میں 42 لاکھ روپے کی جملہ سازی کے طرم محمد ریاض کی سزا کے خلاف اپیل مسزود کر دی، فاضل جج نے ریڈرکس دینے کے پورا معاشرہ تک آلود ہو گیا ہے، ایک وقت تھا جب لوگ رشوت خوروں اور بددیانت افراد کا معاشرتی ہانپکات کرتے تھے لیکن اب تو خوف خدا پھرتا، قانون کا کرپشن کے خاتمے کیلئے بے رحمانہ احتساب کی ضرورت ہے، طرم کے وکیل نے کہا کہ یہ کام احتساب کے ذریعے ہی ہو سکتا ہے۔ جسٹس دوست محمد نے کہا عدلیہ اور پارلیمنٹ آپس میں ہاتھ ملائیں تو یہ ہو سکتا ہے، جسٹس قاضی فائز مینٹی نے کہا کہ احتساب کی ضرورت نہیں، اگر ہر آدمی خود اپنے ساتھ انصاف کرے گا تو انصاف پر جی معاشرہ قائم ہو گا۔ جسٹس دوست محمد نے کہا کہ سزادوسروں کو سبق دینے کیلئے دی جاتی ہے، ایک ڈکٹیٹر کے دور میں الگ بینکنگ قانون اس لئے نافذ کرنا پڑا کہ بینک ملازمین کی طرف سے جملہ سازی میں بے حد اضافہ ہو گیا تھا، عدالت نے اس میں ہانگورٹ کی مدد طلب نہ کرنے کی ہدایت حالات کو دیکھتے ہوئے دی۔ بینک آف فیڈرل کو تو عدلیہ نے ہمایا حالانکہ مذکورہ بینک کے ایکٹ میں اسے فنی تحویل میں دینے کی حق موجود ہے۔ فاضل جج نے ٹوپ ٹیک سنگھ میونسپل کارپوریشن انتخابات سے متعلق ہائی کورٹ کے فیصلے کیلئے مخالف اپیل مسزود کر دی۔ مسزودوں کی نشست پر منتجب ہونے محبوب علی نے سپریم کورٹ سے رجوع کیا تھا اور خواست گزار کے وکیل نے کہا کہ حقیقتات کے بغیر کسی کو سیٹ سے نہیں ہٹایا جاسکتا، ہانگورٹ نے اپنے فیصلہ میں انکے موکل کے خلاف فیصلہ صادر اور فیرا مین ہونے کے بارے میں لکھا ہے، جسٹس فائز مینٹی نے کہا کہ فیصلہ میں لفظ صادق اور امین آپ کے خلاف استعمال نہیں ہوا، آپ کو مسزود نہ ہونے پر سیٹ سے ہٹایا گیا۔ جسٹس دوست محمد نے ریڈرکس دینے ہوئے کہا کہ ملک کی 21 کروڑ آبادی میں کون صادق اور امین ہے، اگر کوئی صادق اور امین ہو تو وہ جنگل میں ہی ہو گا اور دنیا سے ملنا جانا نہیں چاہتا ہو گا۔ عدالت نے کراچی میں سرکاری زمین اپنے نام کرانے والے فنی تعمیراتی کمپنی کے مالک محمد اظہار کی عبوری ضمانت کی درخواست مسزود کر دی جس کے بعد طرم کو اعاطہ عدالت سے گرفتار کر لیا گیا، طرم نے کراچی کے علاقہ 3 کھوار میں اربوں روپے کا پلاٹ 60 کروڑ روپے میں خریدے اور صرف 4 کروڑ 80 لاکھ بیع کر دیا، اپنے نام کر دیا، جسٹس دوست محمد نے کہا کہ یہ کراچی میں 3 کھوار کیا عوام کے کانٹے کیلئے بنائی گئی۔ طرم کے وکیل لطیف کھوسو نے کہا کہ ہمیں یہ حضرت علیؑ کی حکومت کی نسبت سے ہے، جسٹس دوست محمد نے کہا کہ خدا کرے حضرت علیؑ کی حکومت ہمارے ملک میں آجائے اور کرپٹ لوگوں کے بااقتیاد سرکالے جائیں، طرم ہانگورٹ اسی لئے 2 سال عبوری ضمانتوں پر رہ گیا، اگر کوئی فریب آدمی ہو تو کیا عدالتیں اسکو 2 سال کی عبوری ضمانت دیتیں؟ آپ کے دانستہ اور کانٹے والی چھری کند ہو چکی ہے، اگر عدالت نے اسکو عبوری ریلیف بھی دیا تو یہ شاید اگلی عید تک بھی نہیں نہ ہو۔ اس ملک کے وزیر اعظم، وزراء نے اعلیٰ و ذرا سمیت پتہ نہیں کتنے بڑے لوگ جیل چاہتے ہیں۔

The Daily Express 31-08-2017

CJP hints at promoting ‘non-traditional ways’ for speedy justice

By Zaheer Mahmood Siddiqui

LAHORE: Chief Justice of Pakistan Justice Mian Saqib Nisar has hinted at promoting “non-traditional ways” for quick dispensation of justice.

“The Alternative Dispute Resolution (ADR) system seems to be the only way to address delays in settlement of cases. We should embrace model courts if they are not at the cost of delaying ordinary litigation and if they provide privilege to those who need it,” Justice Nisar said in his keynote speech at the concluding session of the second Punjab Women Judges Conference at a hotel on Sunday.

The chief justice advised every judge to know the law and apply it, saying that adherence to the due process of law must be ensured to improve quality of justice. “There is no difference between a civil judge first class and a Supreme Court judge. Both are meant to dispense justice according to law and no one can do it according to his or her own will,” he said.

The chief justice said the Constitution guaranteed equal rights to all citizens, adding that women and children had been given prerogative in this regard for protection of their rights.

“We are lucky that we are governed by a written constitution which enshrines fundamental rights that make no discrimination between male and female. Unfortunately, in rural areas there may be situations where women aren’t treated well. But in cities I feel that women are in quite better condition,” said Justice Nisar, praising Lahore High Court Chief Justice Mansoor Ali Shah for highlighting gender-based violence.

He also appreciated efforts made for arranging courses and trainings that provide an opportunity to judicial officers to benefit from rich experience of international speakers.

Earlier, LHC Chief Justice Mansoor Shah pointed out that 1.2 million cases had been pending before courts across Punjab. He said that 3,651 of the 5,446 cases had been decided through ADR centres, while 11,113 cases had been decided in civil model courts and 4,274 in criminal model courts.

Justice Shah advised female judges to fight against elements that perpetuated violence against women. “Violence faced by women takes physical, verbal, psychological and economic forms,” he said, acknowledging the need for providing women better access to justice through impartiality in

adjudication.

Justice Ayesha A. Malik urged female judges to encourage a women-friendly non-discriminatory environment within their courtrooms to restore women’s faith in the judiciary. She said that the recommendations discussed during the conference would be instrumental in formulating policies for more gender-sensitive conduct and environment in courts across the country.

In the earlier session, Punjab Commission on the Status of Women (PCSW) Chairperson Fauzia Viciar informed the participants that about 7,313 cases of violence against women had been reported by the IGP office last year.

Justice Susana Medina, President of International Association of Women Judges (IAWJ), said a domestic violence office had been established in Argentina’s apex court which operated throughout the year. She proposed that such a system be introduced in Pakistan.

Justice Eusebia Munuo of the Court of Appeal in Tanzania said that “economic violence” had been a major problem faced by widows in rural communities in her country.

Justice Saida Chebili, President of the Court of Sousse in Tunisia, emphasised that barriers faced by women in pursuing legal cases must be overcome through rights-based awareness campaigns and education for the masses.

Justice Ann Walsh Bradley of the Supreme Court of Wisconsin, USA, said that children advocacy centres had been established in her country to provide psychological and other support services and restraining orders could be obtained for entire families in violent situations.

In the session on sexual violence, Mehreen Siddiqi of the PCSW pointed out that some 1,365 cases of rape had been reported during the Jan-June period this year. However, data collected by the PCSW revealed a staggeringly low conviction rate in these cases, she said.

Additional District and Sessions Judge Shazib Saeed highlighted a widespread bias among law enforcement agencies that deters women and girls from seeking justice.

Ms Anne Goldstein and Justice Eusebia Munuo highlighted IAWJ’s role in eliminating child sexual abuse in Ghana and collaborating with medical practitioners, legal professionals and local community leaders to support women victims of violence.

Dr Robyn Layton, a former judge of the Supreme Court in South Australia, shared her experience of conducting gender sensitivity training with the district judiciary of the province.

The Dawn 16-10-2017

مارگلہ پارک عدالتوں میں درخت کی کٹائی، تعمیر آبپاشی، پمپنگ اور دیگر کاموں کے لیے

اسلام آباد انتظامیہ، سی ڈی اے ذمہ داران کیخلاف فوری کارروائی کریں، عدالت کا خود نوٹس کیس میں تحریری حکم جاری

فصل کیس میں 2 ملزمان بری، ایک کی سزائے موت برقرار، ڈاکٹر عاصم کی بیرون ملک اجازت کی درخواست سو موہا کو مقرر

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ نے مارگلہ نیشنل پارک کی حدود میں غیر قانونی تعمیرات اور درختوں کی کٹائی سے متعلق از خود نوٹس کیس کا تحریری حکم جاری کر دیا ہے۔ جسٹس شیخ عفتت سعید اور جسٹس قاضی فائز عیسیٰ پر مشتمل بینچ نے 2 نومبر کو سماعت کی تھی۔ جمعہ کو جاری تحریری حکم میں سپریم کورٹ نے حکم امتناعی برقرار رکھتے ہوئے کہا ہے کہ مارگلہ نیشنل پارک، زون تھری و دیگر ممنوعہ علاقوں میں درختوں کی کٹائی اور تعمیرات پر پابندی ہے، حکم عدولی کرنے والوں کیخلاف توہین عدالت کی کارروائی کی جائے گی۔ عدالت نے کہا متعلقہ ادارے قوانین پر سختی سے عملدرآمد کریں، ذمہ داروں کا تعین کر کے ان کیخلاف انضباطی کارروائی کی جائے۔ عدالت نے سی ڈی اے اور آئی سی ٹی کو ذمہ داروں کیخلاف فوری کارروائی کرنے کا حکم دیا ہے جبکہ ایجنسی روڈ کی توسیع کیلئے درختوں کی کٹائی کے حوالے سے مفصل رپورٹ طلب کر لی ہے۔ عدالت نے سی ڈی اے جی ایف آئی اے کو ہدایت کی کہ وہ اگواڑی کریں کہ درختوں کی کٹائی میں کس کا کیا کردار ہے؟ عدالت نے وفاقی دارالحکومت کے ممنوعہ علاقوں میں زمین کے لین دین پر مکمل پابندی عائد کرتے ہوئے آہر ویشن دی کہ عدالتی حکم کی خلاف ورزی پر متعلقہ ریونیو افسران ذمہ دار ہوں گے، قانون پر عملدرآمد کرانے کی ذمہ داری وفاقی حکومت، آئی سی ٹی، سی ڈی اے پر ہے۔ سپریم کورٹ کے سینئر جج جسٹس آصف سعید کھوسہ نے فصل کے مقدمہ میں ریبارکس دیتے ہوئے کہا ہے کہ بیرون ملک مقیم پاکستانی ملک کی بڑی خدمت کرتے ہیں لیکن بد قسمتی ہے کہ جب دو وطن واپس آتے ہیں تو انہیں ایئر پورٹ پر یا گھر پہنچنے پر لوٹ لیا جاتا ہے، فاضل جج نے یہ ریبارکس اس وقت دیئے جب ڈپٹی پرائیویٹ جرنل پنجاب محمد عثمان نے عدالت کو بتایا ملزمان کینیڈا سے وطن واپس آنے والے شہری کے گھر ڈیکھتی کیلئے داخل ہوئے اور اس دوران دوا فراہم کر کے ہو گئے۔ عدالت عظمیٰ نے اس مقدمہ میں ایک مجرم کی سزائے موت برقرار رکھی جبکہ دو کو بری کر دیا۔ جسٹس آصف سعید خان کھوسہ کی سربراہی میں تین رکنی بینچ نے ملزمان محمد زوار، شبیر احمد اور نصیر علی کی اپیلوں کی سماعت کی۔ 2007ء میں قصور میں ڈیکھتی کے دوران محمد اقبال اور طارق محمود قتل اور ایک شخص زخمی ہو گیا تھا، ملزمان کا ایک ساتھی زہیر چیمہ بھی اپنے ساتھیوں کی فائرنگ سے زخمی ہوا تھا جو بعد میں چل بسا۔ ملزمان کیلئے ریاست کی طرف سے مقرر خاتون وکیل عائشہ تنسیم نے بتایا کہ مرکزی ملزم نصیر علی کو مقدمہ میں نامزد کیا گیا تھا لیکن دیگر دو کا نام بعد میں شامل کر کے کہا گیا کہ ملزم نصیر نے واردات کے دوران ان کے نام لئے تھے۔ عدالت نے دو ملزمان محمد زوار عرف زہیری اور شبیر علی کی سزائیں کا اہدم قرار دیتے ہوئے ریبارکس کا حکم دے دیا جبکہ مرکزی ملزم نصیر علی کی سزا برقرار رکھتے ہوئے قرار دیا کہ یہ مسلح ڈیکھتی کا مجرم ہے، اس واقعہ میں دو معصوم شہری جاں بحق ہوئے اور ایک شہری زخمی ہوا، اس طرح کے ملزم کا آزاد ہونا معاشرے کیلئے خطرناک ہوگا۔ فراڈ کے حوالے سے ایک اپیل میں وکیل نے کیس ملتوی کرنے کی درخواست کی تو جسٹس آصف سعید کھوسہ نے کہا کیس ملتوی نہیں کیا جائے۔ فاضل جج نے وکیل سرانج احمد کو کہا کہ آپ وکالت کا فائدہ لیتے ہوئے غلط مقدمہ بازی میں کسی کو گھینٹے رکھنا چاہتے ہیں، یہ معاشرے کو خراب کرنے کی کوشش ہے، فاضل جج نے کہا جس مقدمہ میں وکیل خود مدعی ہو اس میں وکیل کی وردی میں پیش نہیں ہو سکتا، وکیل نے اس پر معذرت کرنی۔ پاکستان پیپلز پارٹی کے رہنما ڈاکٹر عاصم کا نام ای سی ایل سے نکالنے کی درخواست سماعت کیلئے مقرر کر دی گئی۔ جسٹس مشیر عالم اور جسٹس قاضی فائز عیسیٰ پر مشتمل بینچ سو موہا 13 نومبر کو درخواست کی سماعت کرے گا۔

The Daily Express 11-11-2017

Judges, not litigants, are required to point out correct laws: SC

By Nasir Iqbal

ISLAMABAD: The Supreme Court has observed that it is not the obligatory duty of the litigant to point out to the court the correct law in a case; rather it's the duty of the judges to apply the appropriate and applicable law.

"The parties to a case are even not under obligation to hire the services of lawyers for pleading their cases because the primary duty to do justice and to apply the correct law to the facts of a case is the exclusive duty of the judges," wrote Justice Dost Muhammad Khan in an order he authored.

Justice Khan made the observation while rejecting a plea moved by the Khyber Pakhtunkhwa government that had challenged the grant of remission to an inmate from whose prison cell a mobile phone was recovered.

The judge was a member of the two-member Supreme Court bench headed by Justice Mushir Alam that had taken up an appeal of the provincial government.

"This petition is found without legal merits and is dismissed," said the judgment that denied the leave to appeal.

The provincial government had challenged the May 9 order of the Peshawar High Court (PHC) which had allowed the benefit of Section

382-B of the Criminal Procedure Code (CrPC) along with general and special remissions earned during the period of imprisonment. The benefit of Section 382-B means that the period spent in detention is deducted from the sentence awarded by the court.

Feeling aggrieved over PHC's order, the provincial government approached the apex court with the plea that a cellular phone (without a Sim) was recovered from the possession of Mehmood Khan inside the prison, as a result of which he was denied remissions.

The Khyber Pakhtunkhwa government through Additional Advocate General Farooq Adam argued that if any court did not grant the benefit of remission the same could not be sought through an independent petition because that would amount to reviewing the original judgement which was not permissible under criminal law and the criminal justice system.

The Supreme Court recalled that before amendment Section 382-B of the CrPC required recording of reasons for awarding of benefit of detention period pending trial. However, after amendment in the same section the court was required to record reasons only if it refused such concessions.

Justice Khan said that in the present case the high court, while partly accepting the appeal against the death sentence awarded under Section 302 of the PPC to Mehmood Khan, the high

court had reduced it to life imprisonment.

But the division bench of the PHC conveniently ignored the mandatory provision of Section 382-B of the CrPC, which was an omission of technical nature and not substantive one, which would not attract any bar to amend the original judgement.

Any inadvertent omission on the part of the court should not deprive the party to a relief if the law requires the judge to grant the same in clear terms, Justice Khan observed adding that this principle had a legitimate background based on well-entrenched maxim that "law is written on the sleeves of the judges and they are supposed to know each and every law by heart".

Thus extension of benefit of deduction of pre-conviction period from the court's sentence is mandatory, the order observed adding that refusal to grant the concession should be backed up by cogent, strong and convincing reasons.

In the present case, Justice Khan said, it was a simple omission on the part of the high court that could be rectified at any stage.

Even the jailer in whose custody the prisoner was undergoing the sentence was bound to award such benefit even if the judgement was silent unless the court had expressly barred grant of such a benefit.

The Dawn 19-11-2017

Quaid's promise

SC is the custodian of minorities' rights: CJP

Three-member bench hears suo motu case on Katas Raj Temples

OUR CORRESPONDENT
ISLAMABAD

The Supreme Court is the custodian of the rights of minorities, in line with the promise made by Quaid-i-Azam Muhammad Ali Jinnah that the rights of all minorities in the country would be safeguarded, Chief Justice of Pakistan (CJP) Mian Saqib Nisar observed on Thursday.

The CJP made these remarks during the hearing of a suo motu case on the Katas Raj Temples.

The fabled pond near the temple complex is said to be

drying up because of huge water consumption in nearby cement factories through more than 100 drill bores, depleting subsoil water level.

Moreover, almost all households in Katas Waulah and the town of Choa Saidan Shah are drilling deep bore-holes to ensure proper water supply. The problem is worsened by unreasonable plantation of eucalyptus trees in the region.

During the apex court proceedings, a three-judge bench served notices on all factories situated in the area, besides seeking a report from the

Punjab government on steps taken to overcome the water shortage.

The bench was informed that the provincial government had formed two committees to examine the environmental and water issues in the area. The bench will also examine if NOCs given to factories was legal or not.

The chief justice also observed that the court would itself look into the matter.

Meanwhile, the apex court took strong exception to the alleged mismanagement of

the Evacuee Trust Property Board (ETPB), ordering its chairman to appear on the next hearing.

PML-N lawmaker Dr Ramesh Kumar stated that the board's chairman was still occupying the post beyond the end of his tenure, adding that he was appointed because he was a party loyalist. He also said the board did not provide any jobs to members of the Hindu community, adding that 15 persons were working at Katas temple but no one was from the Hindu community.

Dr Ramesh also stated that he had personally built a Hindu temple in Karak as the Evacuee Trust did not provide fund in this regard, adding that all over the world, Evacuee Trust fund were spent on the welfare of minorities, but not so in Pakistan.

The bench asked the lawmaker to submit his grievances in writing and sought a detailed report from the chairman of the Board regarding its properties and details of litigations. The bench also questioned the qualification of the chairman of the Board.

The Express Tribune 01-12-2017

In public interest

'Judiciary will step in if govt doesn't act'

SC summons chief minister tomorrow to explain steps taken to improve sanitation in Sindh

NAEEM SAHOUTARA
KARACHI

The judiciary will have to intervene if the government fails to discharge its responsibilities, observed Chief Justice of Pakistan Mian Saqib Nisar.

In a democratic system, the judiciary plays the role of custodian and if any state institution fails to perform its duties, the Supreme Court will question it, the top judge said, expressing dismay over the failure of the Sindh government to provide clean drinking water and sanitation conditions across the province.

A three-member bench, which also comprised justices Faisal Arab and Sajid Ali Shah, took up a case on Monday regarding the implementation of recommendations of an SC-appointed judicial commission to provide clean drinking water, improve sanitation conditions and save the environment.

"During the course of [the] hear-

ing, we find it expedient that in order to seek the implementation of the report submitted by the commission and to determine whether positive steps have been taken by the government in this context and, since a satisfactory reply in this regard is not forthcoming on behalf of the government of Sindh, therefore, we direct that the chief minister be present before this court on the next date of hearing," ordered the bench.

The provincial advocate-general informed that the CM would be in Islamabad today (Tuesday), which is the next hearing, the bench directed the provincial chief "to ensure his presence before the court on December 5 [tomorrow]."

The apex court wondered why 88% of the people in Larkana, the political base of the ruling party, were being supplied filthy drinking water. Expressing his dismay over the state of affairs in Sindh, the CJP

remarked that the performance of the elected representatives was beyond his understanding.

He made it clear that the court was not against anyone. We do not want to issue any order to which someone might say 'Why I was ousted,' he said, making an oblique reference to former prime minister Nawaz Sharif's speeches targeted at the apex court since his disqualification in the Panama Papers case.

He told the law officer that the court will pass an order according to the law after hearing everyone.

The CJP told the law officer that the matter related to the lives of the people, which cannot be ignored, adding that if the lives of the people were exposed to danger and the court could not remain silent.

The bench said the CM will be asked to explain what steps he had taken to resolve the problems related to supply of potable drink-

ing water and sanitation, adding that the CM's presence in court will lead towards the resolution of these problems.

The top judge declared that serious problems like air and water pollution cannot be compromised on

At the outset of the hearing, the petitioner, Advocate Shahab Usro, said that according to the commission's report, up to 80% people in Karachi, 85% in Hyderabad, 88% in Larkana and 78% in Sialkot were drinking polluted water.

He told the judges that the toxic and hazardous sewage as well as the waste produced by hospitals and industries was being dumped into water tributaries. Also alleged

that the residents of the province's 20 districts were being forced to drink polluted water.

Justice Nisar observed that water and air are the two major blessings on Earth without which life cannot exist. "It is the duty of the state to discharge its responsibility in protecting [these blessings]," the top judge observed. "But, we have desecrated these blessings," he remarked with concern.

He noted that the pollution generated by factories was seriously affecting people's lives, be it in Sindh or Punjab, adding that air pollution was resulting in fatal diseases like cancer. The top judge declared that serious problems like air and water pollution cannot be compromised on. He observed that the judiciary had to intervene when the government failed to discharge its obligations.

The bench inquired from the provincial advocate-general and

chief secretary as to the volume of funds that had been released by the provincial government for development schemes. It asked why those responsible for resolving these public issues were not resolving them.

The upset top judge questioned why those who go to the public and make tall claims and see the problems being faced by the people cannot provide clean drinking water to the citizens.

Usro said 80,000 people were suffering from hepatitis in Sindh. He said the government had set up the North Sindh Urban Services Corporation (NSUSC) to provide clean drinking water and improve sanitation conditions in six cities of the province but 800 appointments in the corporation were made on the basis of political affiliations.

Justice Nisar said the authorities concerned in the NSUSC will be held accountable for spending

public money.

The bench members observed that the apex court warned children of the province to get clean drinking water. They remarked that if the chief secretary was unable to resolve these problems, the court may summon the chief minister to answer its queries.

The bench members also expressed their displeasure over failure of the Sindh Assembly speaker to show members of the House a video made during inspections of various cities by the commissioner's head that depicted filth on the streets, sewage and industrial and hospital waste being dumped into the water bodies.

Justice Nisar said the court could order the Pakistan Electronic Media Regulatory Authority to air the video on television channels if the authorities were not interested in showing the same to the legislators.

The Express Tribune 05-12-2017

لوگوں کی زندگیوں کھیلنے کی اجازت نہیں دی جائے گی؟ چیف جسٹس

چیف سیکرٹری سندھ سمیت دیگر عدالت میں پیش، افسران کو دو دن کی مہلت دے رہے ہیں اپنا قبلہ درست کر لیں، سپریم کورٹ

کراچی (ماہنامہ جنگ، جنگ نیوز) سپریم کورٹ کراچی رجسٹری میں سمندر میں ماحولیات آلودگی صنعتی اداروں کی فضلہ آلودگی اور ٹریڈنٹ پلانٹ سے متعلق درخواستوں کی سماعت کے دوران عدالت پیش کی جانے والی رپورٹ پر عدم اکتفا کا اظہار کرتے ہوئے چیف جسٹس ثاقب نثار نے سخت برہمی کا اظہار کرتے ہوئے کہا کہ افسران کو ایک، دو دن کی مہلت دے رہے ہیں وہ

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اقتداات نہ کرنے پر سخت برہمی کا بھی اظہار کیا، چیف جسٹس ثاقب نثار نے ریمارکس دیے کہ افسران کو ایک دو دن کی مہلت دے رہے ہیں وہ اپنا قبلہ درست کر لیں یہ انسانی جانوں اور بچوں کی صحت کا معاملہ ہے غفلت برداشت نہیں کریں گے لوگوں کی زندگیوں سے کھیلنے کی اجازت نہیں دی جائے گی، سپریم کورٹ کراچی رجسٹری میں چیف جسٹس ثاقب نثار کی سربراہی میں تین رکنی بنچ نے درخواستوں کی سماعت کی، چیف جسٹس نے چیف سیکرٹری کی رپورٹ پر عدم اکتفا کا اظہار کیا اور فضلہ ٹھکانے لگانے سے متعلق غصوں طلب کرتے ہوئے سماعت ملتوی کر دی۔

The Daily Jang 06-12-2017

چیف جسٹس شکر گزار آپ کی سے کالگے بڑھ میں اپنی بہی پر شرمندہ

وفاقی حکومت کے تعاون سے 5 ٹریڈنٹ پلانٹ لگا رہے ہیں، تکمیل کیلئے 36 ارب درکار، وفاق 3

کروڑ 90 لاکھ درگا: چیف سیکرٹری

گندے پانی سے سمندر کالا ہو گیا، صنعتی فضلہ ٹھکانے لگانے، آلودگی ختم کرنے کے اقدامات کی

رپورٹ پیش کریں: عدالت عظمیٰ

کراچی (سٹاف رپورٹر) سپریم کورٹ کے چیف جسٹس میاں ثاقب نثار کی سربراہی میں تین رکنی بنچ کی صنعتی فضلہ ٹھکانے لگانے سے متعلق کیس کی سماعت کے دوران چیف سیکرٹری سندھ نے کہا ہے کہ صوبائی حکومت وفاق حکومت کے تعاون سے 5 ٹریڈنٹ پلانٹ لگا رہی ہے، ان منصوبوں کو مکمل کرنے میں کوتاہی ہوئی ہے، اب تکمیل کے لیے 36 ارب روپے کی رقم درکار ہے، وفاق اپنے حصے کے 13 ارب 90 کروڑ روپے ہی ادا کرے گا، باقی رقم سندھ حکومت خرچ کرے گی۔ چیف سیکرٹری نے چیف جسٹس سے مخاطب ہو کر کہا کہ آپ کی وجہ سے کام آگے بڑھ رہے ہیں، ہم آپ کے شکر گزار اور اپنی نااہلی پر شرمندہ ہیں۔ چیف جسٹس میاں ثاقب نثار چیف جسٹس فیصل عرب اور جسٹس سجاد علی شاہ پر مشتمل تین رکنی بنچ نے کہا کہ 45 کروڑ گیلن گندے پانی سمندر میں داخل ہو رہا ہے، اس گندے پانی کی وجہ سے سمندر کالا ہو گیا ہے، آلودگی سے لوگوں کا جینا محال ہو چکا ہے، شہریوں کے بنیادی حقوق کے معاملے میں کوتاہی برداشت نہیں کی جائے گی۔ عدالت نے حکم دیا کہ صنعتی فضلہ ٹھکانے لگانے اور ماحولیاتی آلودگی ختم کرنے کے اقدامات کی تفصیلی رپورٹ 23 دسمبر تک پیش کی جائے۔ عدالت عظمیٰ نے اپنی آبزرویشن میں کہا کہ یہ قومی سطح کا مسئلہ ہے، وفاق اور صوبائی حکومتیں کوتاہیوں کو چھوڑ دیں اور عملی طور پر منصوبوں کو مکمل کرنے کے اقدامات کر لیں، بصورت دیگر عدلیہ اپنے اختیارات کا استعمال کرے گی۔

The Daily Dunya 06-12-2017

Judiciary won't become part of any plan: CJ

Terms pronouncement of Hudaibya and disqualification verdicts same day a coincidence

By Wajih Ahmad Sheikh

LAHORE: In the wake of criticism by politicians from ruling and opposition parties and a recent statement of National Assembly Speaker Ayesz Sadiq that he saw a "greater plan" that may restrict the life of assemblies, Chief Justice of Pakistan Mian Saqib Nisar on Saturday advised people not to doubt the integrity of the judiciary as it would never become "part of any plan".

The CJ's response came at a seminar a day after the Supreme Court absolved Pakistan Tehreek-i-Insaf chief Imran Khan of all allegations of corruption, but disqualified his party's secretary general Jahangir Tareen under Article 62(1) (f) of the Constitution.

The same day, another SC bench dismissed an appeal of the National Accountability Bureau seeking reopening of the Hudaibya Paper Mills reference involving the Sharif family, especially Punjab Chief



REFERRING to analysis on television channels every day, Chief Justice Mian Saqib Nisar says people discuss merits of judgements without carefully reading them.

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Masses should determine if rulers are honest, says SC verdict: Page 16

Minister Shahbaz Sharif. Speaking at the seminar organised by the Pakistan Bar Council (PBC) here, CJ Nisar explained that he had no prior knowledge that the judgement in Hudaibya Paper Mills reference was also fixed for announcement on Friday — the day he announced the judgement on the petition of a

PML-N leader seeking disqualification of Imran Khan and Mr Tareen.

He said it was a coincidence as he had believed in announcing reserved verdicts within a month and there was also a judgement on this point.

"You should be proud of the independence judges are enjoying within the judiciary," he said, adding that the decision of the Hudaibya Paper Mills case could have been different if anyone was able to exert pressure on judges.

"Every judge is independent and taking his own decisions," he said, making it clear that there was no one who could influence or dictate the judgements.

Expressing serious annoyance with the perception that the judiciary had become part of any bigger plan or design, the CJ maintained, "No one has been born yet who could pressure the judiciary".

Likening the role of the judiciary to a "baba" (an elderly person in villages), CJ Nisar said, "This judiciary is your baba, do not doubt its integrity." The baba had not and would not become part of any plan, he added.

He said the judges made decisions with full honesty and a clear conscience. He said criticism could be made

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Judiciary won't become part of plan

Continued from Page 1

on the reasoning of decisions but not against the judges. "Do not hurl abuses at judges if a decision comes against you." Referring to everyday analysis on television channels, the CJ expressed disappointment, saying people discussed merits of judgements without carefully reading them. He also strongly rejected an impression given in the media that there was a division among the judges of the Supreme Court.

He said democracy was the main component of the Constitution and "we [judges] have taken an oath to protect the Constitution". And the existence of the Constitution was linked to democracy, he added. "We will never let down our posterity."

He regretted that burden of high-profile political litigation in the Supreme Court had been delaying justice in cases of the general public.

"I wish cleaning of political dirt from the Supreme Court's laundry may take some rest and I could dispense quick justice among common citizens," CJ Nisar said while narrating a case of a poor lady who got her inherited property after spending the prime of her life.

The chief justice also hit out at the legal fraternity while responding to the problems pointed out by the bar's leaders. He asked the leaders to name any lawyer who had ever refused a frivolous brief of his client.

He lamented that lawyers used to file frivolous petitions only to take fee from their clients and complained with judges when they dismissed those petitions with cost. He confessed that the delay was the

bigger menace of our judicial system and unfounded litigation multiplied this.

He also condemned frequent adjournment requests by lawyers on petty grounds and unnecessary strikes being observed by the bars. He pointed out with surprise that the bar also observed a strike to celebrate the victory of the Pakistan cricket team.

The CJ admitted that wrongs were on both sides — the bench and the bar — and that he was determined to make them right. He said there must be good training programmes for the judges and urged the bar to come up with suggestions for law reform.

Responding to the bar's reservation on the appointment process of judges in the higher judiciary, CJ Nisar said the bar leaders had been wrongly interpreting the words "meaningful consultation". He also rejected an allegation of the bar levelled on the integrity of some of the new appointees.

Senior puisne judge of the Supreme Court Justice Asif Saeed Khan Khosa, Justice Ijazul Ahsan and Lahore High Court Chief Justice Syed Mansoor Ali Shah were present on the occasion.

PBC Vice Chairman Ahsan Bhoon, Supreme Court Bar Association President Pir Kabeem Khurshid and Azam Nair Tarar represented the bar and shared problems of the legal fraternity with the top judges.

Later at a seminar held in the Punjab Judicial Academy, CJ Nisar hailed the newly introduced alternative dispute resolution system in Punjab. He said the system was the need of the hour and could be helpful to minimise burden of litigation on the courts.

The Dawn 17-12-2017

Judicial Complex issue

CJP orders Multan courts shifted back to old place

By Wajih Ahmad Sheikh

LAHORE: A day after visiting the new Judicial Complex in Multan to hear out the anguished lawyers, Chief Justice of Pakistan Mian Saqib Nisar on Thursday reprimanded the registrar of the Lahore High Court for a lack of facilities in the building and directed him to move the sessions court back to the old place within 10 days.

Conducting suo motu proceedings at the Lahore registry, a three-judge Supreme Court bench headed by CJP Nisar scolded LHC Registrar Khurshid Anwar Rizvi for misleading the authorities on the issue of shifting of Multan sessions courts to the new place.

"You also brought me an incorrect report last (Wednesday) night," the CJP said while telling the registrar off and asked him about the reasons for what he said the haphazard shifting of the sessions courts to the new complex. The chief justice snubbed the registrar when he tried to explain his position and asked him to only answer the queries of the bench.

"What made you shift courts to a place having no basic facility," the CJP asked and pointed out that even his motorcade took more than 20 minutes to reach the new complex from the city.

The bench also having Justice Umar Ata Bandial and Justice Ijazul Ahsan noted that the new complex lacked the most basic facilities for lawyers and

litigants such as covered chambers, Bar room, canteen and seating areas. It regretted that the sessions judge of Multan also misled the court on the issue.

The CJP held the high court registrar responsible for the blunder and remarked, "We are surprised at your wisdom." He ordered the registrar to move the sessions courts back to the previous place within 10 days and make all the requisite facilities available at the judicial complex within three months. He also directed the registrar to comply with the order in letter and spirit or be ready to face the consequences.

On Wednesday, the chief justice paid a visit to the judicial complex on Mattital Road. Representatives of the Pakistan Bar Council and many senior lawyers joined the chief justice and apprised him of the problems the lawyers and litigants have been facing since shifting of courts. The CJP had promised the lawyers that he would help solve their issues after consulting LHC Chief Justice Syed Mansoor Ali Shah.

A group of lawyers had been protesting against shifting of the sessions courts from Kutchery Chowk to the new place last month. During the course of one such protest the lawyers went violent and ransacked the furniture and other valuables at the new complex and some of them later courted arrest following registration of cases.

The Dawn 22-12-2017

Rebuffing detractors

Not bothered by criticism, will protect rights: CJP

Justice Saqib Nisar says he is not a politician nor is he willing to become a leader

BY NAEEM SAHOUTARA
KARACHI

Stressing that it is responsibility of the judiciary to protect the fundamental rights of citizens guaranteed under the Constitution, Chief Justice of Pakistan (CJP) Mian Saqib Nisar has said he is not bothered by any criticism and is determined to carry out his responsibility.

"The purpose of my visit [to the Lahore's Mayo Hospital] was to ensure protection of

"the purpose of my visit [to the Lahore's Mayo Hospital] was to ensure protection of human lives

CJP Mian Saqib Nisar

human lives," he said on Friday, while referring to the criticism over his visit.

"I am neither a politician nor willing to become a



leader," he clarified, adding that he would go to any extent for protection of fundamental rights.

The CJP was heading a five-

judge special bench, which unusually conducted hearing on Saturday, the day-off for superior judiciary, of a 24-year-old case relating to environmental pollution in the city's coastal areas and poisoning due to untreated release of industrial and municipal waste into the sea.

Justice Nisar, who also faced criticism over his recent remarks in which he likened role of the judiciary to that of an elder 'baba', said the ruling

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Not bothered by criticism, will protect rights: CJP

REBUFFING DETRACTORS, FROM PAGE 1

class was responsible for the worsening state of affairs. Taking on the past and present rulers, he said heads of the state institutions were responsible for the current crises. "No labourer or driver has ever done any harm to the country. Those who have been in power are responsible," he added.

The CJP noted that it was written twice in the Constitution - in Article 199 and Article 184 - that the courts could step in for protection of the fundamental rights of citizens. "Action will be taken against heads of the concerned departments if anyone is found delinquent towards his duties," he warned.

On the last hearing, the court had directed the provincial and federal authorities to submit reports about their future plans as well as implementation of the planned projects for disposal of industrial and municipal

wastes, their financial implications and timeframe of their completion.

During the Saturday's proceedings, the court directed the provincial chief secretary to submit by next Saturday a list of all officers who were associated with the matter.

He also directed the Additional Attorney General, Salman Talibuddin, to approach the attorney general for Pakistan and the prime minister to make sure all-out help and support was extended to the Sindh government in addressing the issue.

The CJP also told him to make sure the Executive Committee of the National Executive Council (ECNEC) approved release of funds from the federal government's share for the project to install five combined effluent treatment plants in Karachi and rest of the province.

Talibuddin was also told to submit a report by next Saturday.

The Express Tribune 24-12-2017

SC orders unregistered medical colleges to stop admission process

CJP Nisar concerned over deteriorating standard of medical profession and health facilities

By Wajih Ahmed Sheikh

LAHORE: Hearing a suo motu case regarding the inflated fee structure of private medical and dental colleges, Chief Justice of Pakistan Mian Saqib Nisar on Tuesday ordered all the unregistered colleges in the country to immediately stop the process of admissions and also summoned the president of the Pakistan Medical & Dental Council (PMDC), the regulator of the medical profession.

The CJP was heading a two-judge bench at the Lahore registry. The other member was Justice Ijazul Ahsan.

Advocate General for Punjab (AGP) Shakilur Rehman Khan, PMDC Registrar Waseem Hassan Hashmi, Lahore High Court Registrar Khurshid Anwar Rizvi and Pakistan Bar Council Vice Chairman Ahsan Ikhon were present on the court's call.

During the hearing, the CJP expressed concern over deteriorating standard of medical profession and health facilities, asking a number of questions from the AGP about the government's efforts to improve the health sector.

He asked the AGP to name any public hospital established in the province for the growing patients of cancer.

CJP Nisar regretted that he was unable to remember that any big health facility had been established in Punjab

during the past five years.

Expressing concern over an exorbitant fee structure of medical colleges, the CJP said to the reader of his court, "Just forget it, your son cannot become a doctor."

The CJP vowed to decide the case within two or three months by holding day-to-day hearings.

He summoned CEOs of all 14 private medical & dental colleges in Lahore with the direction to submit their affidavits about meeting the criteria laid down by the PMDC.

The CJP also ordered the colleges to furnish details of their bank accounts and the amount of fee they charged for the present session from students.

The colleges were also directed to submit their prospectus, number of seats available and how many of them had been filled on merit and quota basis and the charges collected from students besides fee fixed by the PMDC.

Restraining all unrecognised private medical colleges from carrying out admission, the chief justice observed, "If any admission is made by these colleges, their chief executives or administrative body shall personally be held responsible for violating the order of this court."

The CJP said an inquiry would be conducted if any attempt was made to mention the admission even in back dates.

The bench also issued notice to the Pakistan Association of Private Medical & Dental Institutions and sought personal appearance of PMDC President Prof Dr Shabbir Ahmad Lehri. It directed the LHC registrar to submit details of all cases pending before the court relating to the PMDC and medical colleges.

The hearing was adjourned for today (Wednesday).

The Dawn 27-12-2017

CJ suggests uniform education system across country

Says if we cannot enforce Article 25A in its true spirit then it's a mere showpiece in the Constitution

By Our Staff Reporter

ISLAMABAD: The growing disparity and discrimination in the education system caught the attention of the Supreme Court when Chief Justice Mian Saqib Nisar questioned on Tuesday why the concept of "one textbook, one school bag and one uniform" in our educational institutions cannot be launched.

"If we cannot enforce Article 25A of the Constitution in its true spirit then it's a mere showpiece in the green book," regretted the chief justice while holding the Constitution in his left hand.

The chief justice was heading a three-judge bench.

Article 25A of the Constitution obligates the state to provide free and compulsory education to all children of the age of five to 16 years.

The observation came when senior counsel Mohammad Akram Sheikh argued before the court that the students of A-level system should not be given preferential treatment because the indigenous education system would blow up since such students already had two opportunities for getting admission in the medical colleges by taking the entry test or fall in the 15 per cent quota reserved for them.

The counsel was representing the Pakistan Medical and Dental Council (PMDC) in an appeal against the Dec 7, 2017, judgement of the Lahore High Court (LHC) which had struck down PMDC's admission regulations, 2016, introduced for the merit-based admission process.

Another senior counsel Latif Khosa, who was sitting in the courtroom, said that according to his assessment around 30 million children in the country did not go to schools.

The chief justice wondered whether anybody had ever done research what system in Japan was in place. Innocent children should not be discriminated against because it was not their fault. Children belonging to the affluent class could afford a different education standard that broadened their intellectual horizons, but then it would be unequal

competition for other students, the chief justice observed, adding that there should be fair competition among the students.

At this the counsel emphasised that the competitions should be among equals, adding that even if his grandchildren wanted to get admission to the University of Oxford because they could afford it, they would still have to abide by the criteria. He highlighted 90pc literacy rate among the children between the age brackets of five to 16 years old in Sri Lanka and said feudal lords in Pakistan discouraged opening of schools in their areas.

CJ Saqib Nisar, however, hastened to add that the court was not deprecating the students merely because they were seeking the Cambridge education system. They were very hard-working students, but there should be a uniform system of education for our children because it was the right of every child that he should be given ample opportunity by the state to get quality education.

Some legislation had to be brought to do away with such a menace, the chief justice observed, adding that he would soon invite the legislators and other stakeholders to fight together this menace because parliament was the supreme body and it fell within their domain to find out solutions to rectify such a state of affairs.

The chief justice recalled how former judge Prof Aharon Barak argued in his book *The Judge in a Democracy* about the role of the judiciary for the enforcement of fundamental rights in democracy.

The biggest jewel a parent can give to his children is education to inculcate the skill to differentiate between the vices and to earn his livelihood in a decent manner, the chief justice said.

The hearing of the case will again be taken up on Wednesday when Dr Asim Hussain, a close confidant of former president Asif Zardari will appear in person before the court.

On Monday last the court had issued a notice when Akram Sheikh had accused Dr Hussain of regulatory capture of the PMDC under his leadership as being the PMDC president and vice chancellor of the Ziauddin Medical and Dental College.

It was during Dr Hussain's time that the private medical colleges were affiliated with the council in such a large number that these colleges overwhelmed the independent professionals from the longstanding public medical colleges, the counsel had argued.

The Dawn 10-01-2018

Long delayed

Chief justice takes steps to lighten pending caseload

Reforms to mitigate miseries of litigants

OUR CORRESPONDENT
ISLAMABAD

Accepting the challenge of reducing huge pendency, Chief Justice of Pakistan Mian Saqib Nisar on Wednesday decided to introduce judicial reforms to mitigate miseries of the litigants.

After several months of delay, the chief justice, being chairman of the Law and Justice Commission of Pakistan (LJCP), appointed Dr Abdul Rahim Awan as new secretary LJCP recently. The appointment is significant to introduce new reforms. Till December 15, 37,694 cases are pending in the apex court.

Likewise, the CJP has chaired a meeting on judicial reforms in the Supreme Court that was attended by Lahore High Court Chief Justice Justice Syed Mansoor Ali Shah, officers of the Supreme Court, Lahore High Court and Law & Justice Commission of Pakistan. The chief justice took the briefing from Justice

Syed Mansoor Ali Shah on judicial reforms in Punjab.

Justice Shah gave an overview of the reforms recently brought in the provincial judiciary, especially in terms of delay reduction, minimisation of backlog, e-facilitations to public litigants and lawyers to ensure easy access to courts, introduction of information technology in courts so as to facilitate public, effective court and case management, promotion of ADRS (alternative dispute resolution), training of judges, law officers and staff, categorisation of courts, etc., to provide inexpensive and expeditious justice to the general public.

The chief justice praised recent reforms in the Punjab judiciary and treated it as a road map for the rest of the judiciary for which his lordship is also going to head all chief justices conference on Saturday (Jan 13) at the Supreme Court Branch Registry Karachi to take stock of overall perfor-

Conference will deliberate different ways to streamline smooth functioning of the current judicial system

mance of the judicial system, especially in terms of delays in the system.

The conference will also deliberate upon different ways and strategies to bring reforms, innovation and improvements to streamline smooth functioning of the current judicial system.

According to the official statement, the forum will also deliberate upon different aspects to make the Law & Justice Commission an effective body to lead the reforms of law and justice institutions to be fair and inclusive; strengthening organisational capacities and accountability to be effectively responsive to citizens' security and justice needs and

wellbeing; and empowering citizens to assert their rights and claim their entitlements and exercise their duties and obligations. Likewise, the chief justice has constituted benches in Supreme Court for a period of one month as part of judicial reforms to ensure expeditious disposal of cases and to facilitate litigants and lawyers to make their arrangements in advance. Moreover, on every Friday two-member benches have been constituted to hear fresh petitions that are being filed in large numbers.

Meanwhile, it is learnt that the chief justice has constituted a four-member bench, headed by himself to hear the PCO judges pleas on Friday against the issuance of contempt notice to them for violating November 3, 2007 restraining order and took oath under the PCO. Legal experts are appreciating the chief justice to introduce reforms to overcome the miseries of litigants.

The Express Tribune 11-01-2018

CJP vows to ensure protection of fundamental rights of people

Shrugs off criticism of his visit to hospital; vows to inspect private medical colleges every Sunday if possible

Our correspondent

ISLAMABAD: Chief Justice of Pakistan (CJP) Mian Saqib Nisar on Thursday expressed his resolve for ensuring protection of fundamental rights of the people and reiterated his commitment for the improvement of health and education sector in the country.

"Wherever there is an issue of basic right to live and protection of basic fundamental rights, I will be there to ensure and this step should not be taken as an interference with anyone else's power," the CJP remarked.

He gave these remarks while heading a three-member bench hearing the suo moto case regarding private medical colleges charging the exorbitant fee from the students in the name of donation as well as petition of PMDC against private medical colleges.

Reacting to the criticism made on his recent visit to Mayo Hospital in Lahore, the Chief Justice vowed for improving the health sector

adding that he would continue visiting hospitals for ensuring fundamental rights of the people and provision of adequate medical facilities.

At the same time, the Chief Justice said that if needed he will also visit every Sunday medical colleges to examine if these medical institutions are established as per legal requirement and according to the relevant criteria.

Earlier, Barrister Syed Ali Zafar, counsel for private medical and dental colleges through Pakistan Association of Private Medical & Dental Institutions (PAMI), commenced his arguments on the constitutional validity of the Council of PMDC and the legality of the Regulations framed by it.

He said that the present Council of PMDC is illegal and functioning unlawfully because it was created under PMDC (Amendment) Ordinance, 2015 which lapsed on April 25, 2016, therefore the Council and all acts done and Regulations passed by it were also unlawful.

The News 12-01-2018

Outmoded

Laws not serving today's needs: CJP

Advises judges to grasp reasons for delays in cases

● NAEEM SAHOUTARA
KARACHI

Emphasising the need for amending the existing laws in the country, the Chief Justice of Pakistan (CJP), Mian Saqib Nisar, has said the current laws are not compatible with today's needs.

"I firmly believe that the parliament is the supreme legislative body; hence legislation is not the prerogative of the judiciary and the responsibility to make the law more effective rests with the parliament," said Justice Nisar, while addressing a meeting of the National Judicial



"Good speaking and legally correct decisions at the trial court level will also reduce the load upon appellate courts to a large extent

CJP Mian Saqib Nisar

[Policy-Making] Committee (NJPMC) at the Supreme Court's Karachi Registry.

"However, the judiciary can strive to dispense justice by playing its role provided in the Constitution," he added.

The meeting was attended by Federal Sharia Court Chief Justice Sheikh Najamul Hassan, chief justices of the provincial high courts - Justice Mansoor Ali Shah, Justice Ahmed Ali M Sheikh,

Justice Yahya Afridi, Justice Mir Noor Meskanazai and Islamabad High Court Chief Justice Anwar Khan Kasli.

The apex court's judges Justice Faisal Arab and Justice Syed Sajjad Ali Shah as well as the Law and Justice Commission member Justice (retd) Mian Shakirullah Jan also attended the meeting on special invitation.

Justice Nisar, who is also the chairman of the NJPMC, said the courts are overburdened. In Punjab, a single judge has a caseload of more than 660 cases, he added. OUTMODED, PAGE 8

Laws not serving today's needs: CJP

OUTMODED, FROM PAGE 1

However, he continued, the judiciary is doing its best for dispensation of the justice and endeavouring to resolve issues of delays within its limited resources.

The CJP said the purpose of the meeting was to introduce reforms in the judicial sector for provision of speedy justice to the people of Pakistan as the commission examined reports highlighting reasons for delays in the disposal of civil and criminal cases.

The chief justice emphasised that the judicial officers should use all their expertise with full dedication to address the problem of backlog and delays in accordance with law. "Moreover, good speaking and legally correct decisions at the trial court level will also reduce the load upon appellate courts to a large extent," he added.

He urged chief justices of the high courts and the Shariat Court to grasp the reasons for delays at the subordinate courts and advised that such reasons should be resolved by using available resources.

The CJP emphasised that disputes of the general public could also be resolved in a timely and

cost-efficient manner through recourse to alternate dispute resolution methodologies.

The committee also examined reports related to submission and approval of challan by the police and the prosecution within statutory periods which is the main cause of backlog and delays in the criminal cases.

It is underscored that investigating and prosecuting agencies should improve their standards. Moreover, the standard forensic laboratories should be set up throughout the country, it noted.

CJP Nisar stressed the need for upgrading the judicial academies for training of judges and publication of bench books for readily referring to basic principles of civil and criminal law. He also emphasised the need of formation of expert courts/special dedicated courts, which could adjudicate specific type of cases such as rent/family/child care etc.

He said according to a decision of the SC the district judiciary should pass judgments within 30 days. The committee also examined the importance of the role of information technology in the legal arena.

Highlighting the need for using modern technology in

the court processes, Justice Nisar said the Lahore High Court had adopted information technology in its working in a very useful manner which could be adopted by other courts as model which may be instrumental in providing relief to the general public.

He also put emphasis on the usefulness of bench-bar liaison.

The Law and Justice Commission of Pakistan Secretary Dr Raheem Awan presented reports highlighting the latest institution, pendency and disposal status of cases in the superior and district judiciary.

CJP Nisar said the SC had called a meeting of IGPs for improving process serving, and desired that secretary may propose suggestions for improvements in the process serving. "The National Judicial Automation Committee may submit proposals for improvement of automation of judiciary," he added.

The secretary said the National Judicial Automation Committee's meeting has already been called on January 27 and these directions will be considered in the meeting.

The chairman advised that the cases in which stay orders had been given should be decided

within six months. He also desired that the high courts may submit proposals for effective mechanism regarding the process of execution of decrees which will be presented in the next meeting of NJPMC.

Similarly, proposals for devising a mechanism for quick disposal of rent and succession cases may be submitted by the high courts in the next NJPMC meeting which will be conducted within one month.

The chairman also directed the NJPMC secretary to convene a meeting of presiding officers of administrative tribunals/special courts posted throughout the country.

He said the meeting may be attended by chief justices of the high courts. The high courts may provide the LJCP Secretariat with performance reports of the aforesaid administrative tribunals/special courts for the last six months.

This was the first time male and female representative judges from all districts, provinces and Islamabad were invited to attend the NJPMC meeting to share the ideas and experience of district judiciary with this highest forum.

The Express Tribune 14-01-2018

Sunday hearing

CJP vows to shut down Sindh tanker mafia

Justice (retd) Muslim to probe govt's failure to provide clean water

NAEEM SAHOOTARA
KARACHI

Chief Justice of Pakistan Mian Saqib Nisar made history by holding a hearing into the high-profile case relating to non-supply of potable drinking water and sanitation in Sindh at the Supreme Court's Karachi Registry on Sunday - a weekly holiday.

A three-judge bench, also comprising justices Faisal Arab and Sajjad Ali Shah, appointed a retired SC judge Justice Amir Hani Muslim as the new head of one-man judicial commission probing into the failure of authorities in providing clean drinking water and sanitation in the province.

At the outset, the top judge thanked the federal and provincial governments' law officers, officers and others for appearing in court on their weekly off. However, he made it clear that he was not conducting hearing on an off day to seek any publicity.



"You should fear Allah. What kind of government is this, selling water to residents?"

Chief Justice of Pakistan
Mian Saqib Nisar

Advocate General Barrister Zamir Ghumro requested the bench to separate the matters relating to water and sanitation, and pollution.

However, CJP Nisar asked him to explain as to what action was being taken against the water tankers. He also inquired that when residents were not getting water from pipelines, then how tankers were getting the same.

Karachi Water and Sewerage Board (KWSB) Managing Director Syed Hashim Raza Zaidi said, "Different projects to meet water shortage are underway at the moment as only some localities have water supply pipelines."

CJP Nisar inquired as to who was the mayor of Karachi and wondered whether the mayor was aware of the fact that residents were not receiving water. He ordered to call the mayor.

Justice Shah inquired from Zaidi as to what steps were being taken to stop

sewage from mixing with drinking water.

Zaidi replied that the Clifton locality did not fall under the jurisdiction of the metropolitan corporation.

The chief justice remarked that he was unable to understand where these tankers were getting water from.

Zaidi replied that there was no difference in demand and supply.

Making indirect reference to the real estate tycoon and philanthropist Malik Riaz's residential project, Justice Shah remarked that major water share was being taken away by the 'philanthropists'. He further remarked that a common man could not afford potable water at Rs4,000 per tanker.

Coming down hard on the KWSB MD and other officials, CJP Nisar remarked: "You should fear Allah. HEARING ON A SUNDAY, PAGE 8

CJP vows to shut down Sindh tanker mafia

HEARING ON A SUNDAY, FROM PAGE 1

What kind of government is this, selling water to residents? Even blessings like water and air have been snatched. No one cares about the poor."

He made it clear to the concerned authorities that "the court will solve the problem".

"Everyone should get water," the CJP said. "Tankers will be shut down at any cost."

He told the KWSB MD to resign if he was not able to resolve the people's problems regarding water shortage.

"Fulfil your obligations or quit," remarked CJP Nisar, asking the water utility's chief to inform the court about the hurdles. "We will deal with the tanker mafia," he added.

Former administrator Faheem-uz-Zaman claimed

that 150 illegal water hydrants were still operating in the city and highly influential people were in cahoots with the tanker mafia.

Petitioner Shahab Usto had proposed appointing Justice (retd) Muslim as the new head of the one-man judicial commission in place of Justice Muhammad Iqbal Kalhoro of the Sindh High Court.

The apex court also conferred powers of the judge of high court on Justice (retd) Muslim to conduct proceedings for implementation of the SC orders.

The appointment of the retired judge visibly upset the advocate general and all other provincial government officers present in the courtroom.

CJP Nisar asked AG Ghumro as to why he was upset, which led to a blast of laugh-

ter in the courtroom.

The bench directed Sindh Chief Secretary Muhammad Rizwan Memon to provide security and other facilities to the judicial commission's head in accordance with the law.

"We will not let the work stop. We will even donate our salary to keep the schemes running in case the Sindh government falls short of funds

CJP Saqib Nisar

The bench also directed Memon to ensure supply of uninterrupted electricity to the water schemes.

The chief justice said first time in the history of the

country the Supreme Court was working on its day off.

"We want to correct things in six months," he told the chief secretary.

Addressing the provincial government officials, the top judge said: "We will not let the work stop. We will even donate our salary to keep the schemes running in case the Sindh government falls short of funds."

The bench also directed Karachi Mayor Wasim Akhtar to submit within one week his suggestions on how to resolve the issues related to shortage of potable drinking water and sanitation in the city.

Adjourning the matter for two weeks, CJP Nisar said the next hearing will also be conducted on Saturday and Sunday - both days when no judicial work is done in courtrooms.

The Express Tribune 15-01-2018

Katas Raj case

SC determined to resolve issues of minorities: CJP

Asks Pakistan Hindu Council to submit in writing grievances of the Hindu community

OUR CORRESPONDENT
ISLAMABAD

Hearing the suo motu case about drying up of a pond at Hindus' sacred Katas Raj temple, Chief Justice of Pakistan (CJP) Mian Saqib Nisar has expressed determination to also resolve issues being faced by the Sikh and Christian communities in Pakistan.

"Protection of minorities is part of Islam," the CJP, heading a three-judge bench, noted on Thursday. He also asked the Pakistan Hindu Council representative Dr Ramesh Kumar to submit in writing the grievances of the Hindu community.

The bench also issued notices to four factories, which are situated near the Katas Raj. The residents of that place claim that the underground water in the area is receding due to functioning of these factories.

Punjab's Additional Advocate

The residents of that place claim that the underground water in the area is receding due to functioning of these factories

The bench also issued notices to four factories, which are situated near the Katas Raj

General Asma Hamid submitted reports on behalf of different provincial government departments. The reports said the Katas Raj pond had been refilled up to eight feet, to which the CJP remarked that the water level had to remain at that level at all times.

The pond — believed to be created from the teardrops of the Lord Shiva — is said to be drying up because of the nearby cement factories which have allegedly drilled hundreds of bores, severely reducing the subsoil water level.

The apex court also sought complete financial details of the Evacuee Property Trust Board's (EPTB) properties and income, generated by them and expressed annoyance over non-appearance of the EPTB Chairman Sidiq ul Farooq.

"Why the chairman should not be removed and the court take over the board?" it asked. Later, the bench warned that if information about the properties and

income is not provided to the court, the chairman may have to leave his post.

The bench noted that a person occupying a high-level post had to be vigilant on all things including the legal aspects but the current chairman had been appointed on the basis of political affiliation.

During the hearing, Dr Ramesh Kumar told the bench that in Israel, the head of a similar body is a member of the minority community. However, the bench asked him why he as a member of the ruling party did not attempt to form similar legislation in Pakistan.

Obliquely commenting on the Pakistan Tehreek-e-Insaf chief Imran Khan's derogatory comments on parliament, the CJP said regardless of what somebody says about parliament, the SC believes that the parliament is the supreme body. The case was later adjourned for 15 days.

Bench noted a person occupying top post has to be vigilant on all things but current chairman has been appointed on the basis of political affiliation

The Express Tribune 20-01-2018

Key to progress

Honest leadership can change the fate of nation: CJP

Justice Saqib Nisar vows not to let democracy derail

BY RANA YASIF
LAHORE

A day after calling parliament the supreme institution, Chief Justice of Pakistan (CJP) Mian Saqib Nisar on Saturday vowed that the judiciary would not let democracy derail.

"The judiciary will not allow democracy to be derailed. There will be rule of law in the country. Everyone will have to work for dispensation of justice to the common people," the CJP said while addressing a seminar organised by the Lahore



High Court Bar Association (LHCBA).

He said judiciary is an independent institution and everyone should be proud of it. "The country cannot

"Judiciary is playing its constitutional role to protect the fundamental rights of people in accordance with law

CJP Mian Saqib Nisar

move towards progress until there is education, an honest leadership and independent judiciary. An honest leadership can change the fate of the people," he added.

Justice Nisar said the coun-

try was faced with huge problems, but the nation should face them with unity rather than getting panicked. "Nations do come across challenges, but honest leadership steers the people out," he said.

"The judiciary is playing its constitutional role to protect the fundamental rights of people in accordance with law. The judiciary is like a watchdog whose duty is to eliminate fitna [mischief] from the country," he added.

The CJP laid stress on judges SUPREME INSTITUTION, PAGE 8

Honest leadership

SUPREME INSTITUTION, FROM PAGE 1

to become what he called, 'Qazi' who dispensed justice to the needy, adding that if a judge "deems himself superior, he is wrong".

He made clear that no judge could hand down a decision based on his liking or disliking. "Such judges can go home if they cannot dispense justice to the people," he added.

"The judiciary is not here to enjoy the status but to dispense justice to people in accordance with law," he said. "I have no right to sit on my seat and I should go home if I am not doing my job with devotion and in accordance with law," he said.

Justice Nisar said the bar and the bench "are indispensable to each other's integrity and the crippling

of either of the two cripples the whole institution". He called it the duty of the judiciary to eliminate discord and provide justice as their duty, and not to favour anyone.

Lamenting the exiting state of affairs, he said the pensioners required 'sifarish [recommendation]' to draw pension from the institution they served their whole lives. "Those who are responsible for the downtrodden are not able to cater to them properly," he added.

The CJP also called on the lawyers to serve the community. "Those bar representatives who are elected by the lawyer's votes should work for the betterment of lawyer's community rather than making money," he added.

The Express Tribune 21-01-2018

Apex court urged to disqualify all backers of election law

Case is being heard not against a particular individual but in a generalised manner, court observes

By Nasir Iqbal

ISLAMABAD: One of the petitioners who challenged the controversial Elections Act of 2017 startled the Supreme Court on Friday when he sought disqualification of all those legislators who voted or supported the law when it was taken up for passage in parliament.

"It is most respectfully requested before the Honourable Supreme Court that all those members who voted in favour of Section 203 of the Elections Act [that allows a disqualified person to become the head of the political party] may kindly be disqualified and also declare Section 203 null and void," pleaded Advocate Gohar Nawaz Sindhu who had moved the petition to challenge the controversial law in person.

"May be the legislation is wrong but how can the court disqualify the members for voting in favour of the law," wondered Chief Justice Mian Saqib Nisar.

The chief justice was heading a three-judge SC bench hearing a set of petitions challenging the Elections Act 2017, mainly filed by Pakistan Tehreek-i-Insaf chief Imran Khan, Awami Muslim League chief Sheikh Rashid Ahmed, the Pakistan Peoples Party and 10 others.

The counsel argued that the lawmakers who supported the passage of the law in fact worked against the country's integrity and by voting in its favour also compromised the dignity of Pakistan since the passage of the law had sent a wrong message to the world that a person who had been disqualified by the highest court could become head of a political party.

At this, Justice Ijaz-ul-Ahsan asked the counsel what he meant by the country's integrity but then explained himself that this meant solidarity and cohesiveness.

The counsel elaborated that loyalty to the state under Article 5 of the Constitution was the basic obligation of all citizens but those who voted in favour of the law seemed not loyal to the country. They could be disqualified under Articles 62 and 63 of the Constitution, he said.

In a lighter note, however, the court

observed that if the petitions were dismissed, a heavy cost could be imposed on him as the court wanted to curtail the trend of moving frivolous petitions. The chief justice also hinted at laying down certain norms for the court to maintain its dignity.

Earlier, Sheikh Ehsanuddin, representing the Pakistan Justice and Democratic Party, alleged that the unrelenting jibe of former prime minister Nawaz Sharif at different public meetings indicated that he allegedly had become an individual with unsound mind. He said Article 63 (a) suggested that a person could be disqualified from being elected or a parliament member if he was of unsound mind and had been so declared by a competent court of law.

The court, however, observed that it was not hearing a case against a particular individual but in a generalised manner.

The counsel highlighted that under Section 5(1) of the Political Party Order 2002, no person was entitled to be appointed or to serve as office-bearer of a political party if he was not qualified under Article 62 or was disqualified under Article 63 of the Constitution. If a disqualified person was allowed to hold a party office, the entire election process and political party formation would be affected badly, he argued.

He said the words such as *sadiq*, *amr* and righteous persons should be interpreted in accordance with the preamble of the Constitution.

As political party formation and the right of association are subject to public morality, both Articles 62 and 63 should be interpreted with reference to the public morality, according to the counsel. Mr Sharif's election to head the ruling PML-N after being disqualified by the apex court was in negation of the July 28 verdict of the five-judge SC bench, the counsel argued.

He contended that the Elections Act came into force on Oct 2, 2017, whereas Mr Sharif had already been disqualified on July 28, 2017.

Meanwhile, the court asked Tariq Asad, the counsel for another petitioner, Wadood Qureshi, to approach the Federal Shariat Court (FSC) if he wanted to challenge the law under Islamic injunctions.

The court told him that his petition could be separated to be heard later.

The proceeding was then adjourned till Monday when Salman Akram Raja will present PML-N's point of view after which Attorney General Ashtar Ausaf will advance his arguments.

The Dawn 10-02-2018

چیف جسٹس کا پنجاب میں پولیس مقابلوں کا ازخود نوٹس رپورٹ طلب

آئی جی پنجاب ایک ہفتے میں رپورٹ پیش کریں کہ پولیس مقابلوں میں کتنے بندے مارے گئے، چیف جسٹس میاں ثاقب نثار

لاہور (انکسپریس) چیف جسٹس میاں ثاقب نثار نے پنجاب میں پولیس مقابلوں کا ازخود نوٹس لینے ہوئے آئی جی پنجاب کو تمام پولیس مقابلوں کی رپورٹ ایک ہفتے میں عدالت میں پیش کرنے کا حکم دیا۔ اتوار کو سپریم کورٹ لاہور رجسٹری میں صاف پائی کی عدم قراہی اور سزاؤں کی بندش سے متعلق کیس کی سماعت کے دوران چیف جسٹس نے پنجاب میں پولیس مقابلوں کا ازخود نوٹس لیا۔ چیف جسٹس نے آئی جی پنجاب کو حکم دیا کہ

وہ تمام پولیس مقابلوں کی رپورٹ عدالت میں ایک ہفتے میں پیش کریں اور بتائیں کہ مقابلوں کے دوران کتنے بندے مارے گئے ہیں۔ آئی جی پنجاب کی جانب سے استدعا کی گئی کہ انہیں تمام مقابلوں کی رپورٹ جمع کروانے کے لیے 10 روز کا وقت دیا جائے جس پر عدالت نے ریجسٹری سے کہہ دیا کہ آپ کو ان تمام مقابلوں کا علم نظر نہیں ہے ہونا چاہیے۔ بعد ازاں عدالت نے آئی جی پنجاب کی استدعا کو مسترد کرتے ہوئے انہیں 7 روز کے

اندہ تمام پولیس مقابلوں کی رپورٹ جمع کرانے کا حکم دے دیا۔ گزشتہ سماعت کے دوران چیف جسٹس پاکستان میاں ثاقب نثار نے آئی جی پنجاب پولیس کمیشن (ر) مارف نواز سے شہر میں سکاؤٹوں کی سرکاری تصدیقات طلب کیں تھیں جبکہ اس معاملے پر چیف سیکرٹری پنجاب کو بھی طلب کیا گیا تھا۔

The Daily Jang 12-02-2018

Job of parliament

Top judge admits need for revamp of judicial system

Issues notices to federal govt on a petition seeking improvement in administration of justice

OUR CORRESPONDENT ISLAMABAD

The Chief Justice of Pakistan (CJP) Mian Saqib Nisar has observed that there is a need to revamp the judicial system, adding that it is for parliament to legislate in this regard.

Justice Nisar, heading a three-judge bench, made these remarks on Monday while hearing a constitutional petition seeking the apex court's directions for improving the capacity and performance of administration of justice.

The petition was moved by five young lawyers - Umer Gilani, Hadiya Aziz, Muhammad Haider Imdiaq, Arsanah Hakim Kundi and Raheel Ahmed - under Article 184(j) of the Constitution, nominating as respondents all registrars of high courts, the federal government, provincial government and others.

During the hearing, the bench appreciated the petitioners for drafting a good petition and highlighting important issues in it, adding that it is true public interest litigation. The court, however, gave orders to petitioners either to delete the respondents departments which fall under the CP or fix their case before another bench for hearing.

Gilani said the bench that

they are willing to delete those respondent departments which are under the administration of the chief justice. The hearing of case was later adjourned for two weeks.

The petitioners submitted that being the citizens of Pakistan and legal practitioners enrolled under the Legal Practitioners and Bar Councils Act, 1973, they are personally aggrieved by the lack of enforcement of the fundamental right of access to justice which is the subject matter of their petition.

As members of the legal profession, they are aggrieved by the loss of reputation of judicial system in the eyes of the people of Pakistan as the loss is a direct result of the lack of acts and omissions.

The petition said access to justice must be considered a fundamental right because it is an essential corollary of all the rights granted under the Constitution.

It said studies by eminent social scientists provided evidence that "at present the right of access to justice is being violated in Pakistan in a systematic manner, and all kinds of litigants, seeking enforcement of their rights through courts, face inordinately delays that cannot be reasonably predicted".

The petition said it is responsibility of each organ of state to ensure delivery of "inexpensive and expeditious justice" to all citizens.

The World Justice Index - a scientific study of 113 countries carried out by a worldwide network of independent researchers - has ranked Pakistan at 106 in terms of Access to Justice.

The World Bank (WB) Ease of Doing Business Survey is a study of more than 190 countries of the world which ranks Pakistan at 147. According to the WB study, the average time taken for enforcement of a contract in the business sector is more than 1,000 days in Karachi and 1,005 days in Lahore - almost three years, says the petition.

Under the guidance of the former CJP Justice (retd) Iftikhar Muhammad Chaudhry, it was determined that in a case where the parties chose to avail all legal remedies up to the Supreme Court level, it took an average of 25 years to conclude litigation, it said.

The petition said under Article 19(d) of the Constitution, it is the responsibility of each and every organ

of the state to ensure delivery of "inexpensive and expeditious justice" to all citizens.

But, from the general scheme of the 1973 Constitution, it appears that the primary responsibility of enforcing the fundamental right of access to justice is that of "the judiciary" - the organ of state defined in Part VII of the Constitution.

"In other words, the primary responsibility for ensuring access to justice falls upon, inter alia, Supreme Court of Pakistan, the high courts, the courts established through laws enacted in pursuance of Article 175 and the tribunals established through law enacted under Article 212 of the Constitution," it said.

"Under Article 209 of the Constitution, it is the duty or obligation of high courts to supervise and control all courts subordinate to them. It is relevant to highlight that the word used in Article 209 is 'shall' which indicates a job that must be performed."

"When Article 209 is read together with Article 19(d), it is clear that the high courts are constitutionally bound to take all such steps as are necessary for ensuring that the courts subordinate to them are dispensing inexpensive and expeditious justice," it said.

The Express Tribune 20-02-2018

SC raises minimum pension of banks' employees to Rs8,000

To subject a pensioner to a life of penury is a violation of his fundamental rights

By Our Staff Reporter

ISLAMABAD: The Supreme Court on Tuesday raised minimum pension of banks' employees to Rs8,000 per month with an observation that subjecting a pensioner to a life of penury and impoverishment was a clear violation of his fundamental rights to life and dignity.

The observation came in a detailed verdict authored by Chief Justice Mian Saqib Nisar while deciding a set of suo motu proceedings taken on a number of complaints submitted to the Human Rights Cell of the Supreme Court by retired employees of different departments complaining about the non-payment of their pension benefits. The applications seeking directions against different government departments came from the retired employees of Privatisation Commission, Local Government Department, Sindh, etc.

Later some of the applicants / petitioners, retirees of the United Bank Limited (UBL), Allied Bank Limited (ABL) as well as the Habib Bank Limited (HBL) also approached the Supreme Court with the grievance that

they were receiving meagre amounts by way of pension while the banks were not granting increase in the post-retirement benefits for the past several years.

While using discretion, the court ordered raising minimum pension paid to any pensioner, including their widows, to Rs8,000 per month with immediate effect. Earlier, the banks have volunteered to increase the minimum pension to Rs5,250 per month.

During the proceedings senior counsel Makhdoom Ali Khan was appointed as amicus curiae (friend of the court) by the court whereas Advocate Ayesha Hamid represented different pensioners of the banks, Tariq Mehmood Khokhar represented pensioners from the ABL, Salman Aslam Butt represented management of the UBL, Barrister Ali Zafar represented the HBL, etc.

In a 30-page verdict, the chief justice observed that if a man serves his employer for a number of years, during the prime of his life and gives of his honest labour to his employer and where he was promised pension, whether under statute, common law or contract then he should be able to plan his financial future for his declining years keeping in mind such promises of a pension.

And when that pension is given but is of a sum which is illusory and by no amount of prudent budgeting can it be used to sustain a man independently and forces him to turn to his children or other relatives or sources for help,

offends against his dignity, the chief justice observed.

To subject a pensioner to a life of penury and impoverishment is a clear violation of his fundamental rights to life and dignity as enshrined in Articles 9 and 14, respectively.

The entitlement to pension is not a fundamental right but must be duly earned, the verdict said, adding that once this right had been perfected and earned, as has been by the petitioners in this case, it was no longer a question whether they were entitled to the pension or not.

The fundamental right that is to be enforced is that the pension given to such pensioners must be of a level which allows them to keep body and soul together, the verdict said.

The judgement, however, appreciated that on being called upon and encouraged by the court, the boards of the banks showed generosity, magnanimity, great sense of corporate social responsibility to come up with a scheme whereby there will be an immediate and substantial increase in the minimum pension paid to the pensioners.

The judgement ordered the banks to increase the pension of their retired employees by five per cent to all the three categories of pensioners like the original retirees, those whose pensions were linked to basic pay but frozen in past years and in the case of UBL to retrenched employees, including those who had served the bank for more than 10 years on the date of retrenchment.

The Dawn 28-02-2018

Top court takes notice of advert campaigns by provinces

Asks govts in K-P, Sindh and Punjab to provide details of promotional advertisements

OUR CORRESPONDENT
ISLAMABAD

The Supreme Court on Wednesday took a suo motu notice of the advertising campaigns run on national media by three provinces — Khyber-Pakhtunkhwa, Punjab and Sindh — to highlight their projects and asked the provincial governments to submit details of these campaigns within a week.

Heading a three-judge bench, Chief Justice of Pakistan (CJP) Mian Saqib Nisar asked whether spending huge amounts on media campaigns by provincial governments was not pre-poll rigging.

The bench noted that the provincial governments, through such advertisements, were doing self-projection and aggrandisement under the garb of informing the public about the projects completed or undertaken by them.

“Such advertisements and paid content contain photographs of prominent politicians and leaders of political parties in power. Such profligacy which is obviously undertaken at the government’s expense and taxpayers’ money should not be burdening the public exchequer,” it said.

According to the bench, such campaigns not only cause wastage of public funds — which can otherwise be utilised for public welfare — but also results in an unfair advantage to the ruling party in the elections. “Moreover, being an election year this may be tantamount to pre-poll rigging,” the order said.

The bench also directed the information secretaries of each province to submit details of all expenditure incurred on such advertisements with separate details relating to electronic and print media.

The details must include identity of the print and electronic media houses paid to publish such advertisements; names of newspapers, magazines, TV channels and radio stations which have run such advertisements; and aggregate

amounts paid in the last three months.

The secretaries were also directed to provide names of government departments, government companies, semi-government entities and other organisations that were directed to pay such amounts or through which such amounts have been paid.

They were also ordered to provide a summary of the aggregate amount spent so far by each province in such extravagant displays and self-projection by the respective provincial governments.

“A detailed report containing the above information be submitted under the signatures of the respective secretaries information of each province which shall be countersigned by chief secretary of each province,” the order said.

The bench said the chief secretaries shall also submit sworn affidavits, with each report confirming that all information had been checked and rechecked for accuracy and supported by the relevant record and that no information was concealed, misstated or withheld.

The Express Tribune 01-03-2018

انصاف اور انصاف کی ذمہ داری جو ہمیں ملنا چاہیے

محکم دلائل سے
برہنہ ہے

شہریوں کو اپنے بنیادی حقوق کا علم نہیں، ہم لوگوں کی دادرسی کریں تو کہتے ہیں، مداخلت ہو رہی ہے

عوام کا تحفظ انتظامیہ کی ذمہ داری، بدینتی کے مظاہرے پر عدلیہ ہر صورت مداخلت کریگی، تقریب سے خطاب

لاہور (نمائندہ جنگ) آئی این ٹی (چیف جسٹس میاں صاحب) نے کہا ہے کہ ہم لوگوں کی دادرسی کریں تو کہتے ہیں، مداخلت ہو رہی ہے لوگوں کی دادرسی عدلیہ نہیں تو کون کرے گا؟ انصاف اور انصاف کی ذمہ داری ہے جو نہیں مل رہا بدینتی سے رشوت دے کر ہی محکموں میں کام چل رہا ہے۔ عدلیہ عوام کے بنیادی حقوق کی محافظ ہے اور عدلیہ کے تمام ججز ہیرے ہیں جو انصاف کی فراہمی کرتے ہیں، انتظامیہ کی ذمہ داری ہے کہ عوام کے بنیادی حقوق کا تحفظ کرے، جب عدلیہ مداخلت کرتی ہے تو انہیں برا لگتا ہے، لاہور ہائیکورٹ کے جسٹس شاہد کریم کے والد جسٹس (ر) فضل کریم کی کتاب "جوڈیشل ریویو آف پبلک ایکشن" کی کتاب کے دوسرے ایڈیشن کی تقریب رونمائی تھی اور ان میں منصف ہوئی، تقریب سے خطاب میں چیف جسٹس پاکستان میاں صاحب نے کہا کہ ہاں میں داخل ہونے تک سوچنا رہا کہ آخر مجھے کیوں بلایا گیا، آئین اور شہریوں کے بنیادی حقوق کا تحفظ کرنا عدلیہ کی ذمہ داری ہے، لوگوں کو بنیادی حقوق نہ ملنے سے معاشرے میں شراہیں پیدا ہو رہی ہیں، انسانک بات یہ ہے کہ ملک میں شرح خواتین کی بہت کم ہے جس کی وجہ سے شہریوں کو اپنے بنیادی حقوق کا علم نہیں، اگر انہیں اپنے حقوق کا علم ہو جائے تو وہ خود ہی اپنے حقوق لے لیں گے، علم کے بغیر کوئی قوم ترقی نہیں کر سکتی، جسٹس میاں صاحب نے کہا کہ اگر انتظامیہ بدینتی کا مظاہرہ کرتے ہوئے عوام کے حقوق کا تحفظ نہیں کرے گی تو وہ عدلیہ کے پاس آئیں گے، بدینتی سے اداروں کا حال یہ ہے کہ لوگوں کو رشوت دے کر ہی محکموں میں کام کروانا پڑتا ہے، بلکہ ایٹمی ڈی اے میں جان بوجھ کر اس کے نیٹے کچھ زیادہ ہی دینا پڑتا ہے، شہریوں کو میرٹ پر نوکریاں نہیں مل رہی اور جن کے پاس نوکریاں ہیں انہیں بلا جواز نکال دیا جاتا ہے، لوگوں کی دادرسی عدلیہ نہیں کرے گی تو اور کون کرے گا، اگر ہم لوگوں کی دادرسی کرتے ہیں تو کہتے ہیں، مداخلت ہو رہی ہے، بنیادی حقوق کی خلاف ورزی پر عدلیہ ہر صورت عوام کی دادرسی کرے گی، چیف جسٹس پاکستان نے جسٹس (ر) فضل کریم کی عدلیہ کیلئے خدمات کو سراہا۔ تقریب میں سپریم کورٹ کے سینئر ترین جج جسٹس آصف سعید کھوسہ، چیف جسٹس لاہور ہائیکورٹ محمد یادوہی، سپریم کورٹ کے جسٹس

محمد طاہر، یاسین، جسٹس سید منصور علی شاہ سمیت دیگر نے انوار الحق، جسٹس مامون الرشید، چیف جسٹس فرخ عرفان خان، جسٹس قاسم خان، جسٹس سید مظاہر علی اکبر نقوی، جسٹس امیر جمالی، جسٹس عائشہ اے ملک، جسٹس شاہد کریم، جسٹس شاہد وحید، جسٹس طاہر محمود، جسٹس شاہد باال حسن، جسٹس شہرام سرور، چوہدری جسٹس طارق سلیم، چیف جسٹس علی اکبر قریشی، جسٹس امجد جاوید، گورنل، رجنسٹرار ہائیکورٹ بہادر علی خان، جی جی من فیڈرل سروس ٹریبیونل جسٹس (ر) سید زاہد مسین، سابق چیف جسٹس ہائیکورٹ ظلیل الرحمن خان، سابق صدر ہائیکورٹ ہارماہ خان، ایڈیشنل ایڈووکیٹ جنرل شان گل، مظفر اقبال کاناوری ایڈووکیٹ، سر فراز حسین چیمہ سمیت دیگر سینئر وکلاء نے تقریب میں شرکت کی۔ تقریب کے شرکاء سے سپریم کورٹ کے سینئر ترین جج جسٹس آصف سعید کھوسہ، جسٹس (ر) ناصرہ اقبال، سپریم عدلیہ مظفر آباد کٹر اسامہ صدیقی اور پروفیسر مارٹن لیو نے بھی اظہار خیال کیا۔

No provision in Constitution for judicial martial law, says CJP

Remarks by top SC judge come after calls for judicial intervention with regards to a caretaker set-up prior to elections

By Zaheer Mahmood Siddqui

LAHORE: Chief Justice of Pakistan Mian Saqib Nisar on Friday dismissed rumours of a threat to democracy in the country, saying that there is no legal provision in the Constitution that allowed for "judicial martial law".

"As long as I hold this office, we will not allow democracy to be derailed," CJP Nisar said in his address at a Pakistan Day ceremony organised at Cathedral School — his alma mater — here on Friday. The chief justice said the judiciary would not allow any deviation from the Constitution. "The country has to function in accordance with the Constitution and the rule of law."

Earlier in his address, he said that good health, education and peace were blessings from God, and added: "We are lucky to have been born in a free country." However, it wasn't enough to have freedom, there was also the responsibility to protect it, he said.

Speaking in reference to calls for judicial intervention with regards to a caretaker government set-up prior to elections, CJP Nisar said that no extra-constitutional measure would be tolerated.

Earlier, Sheikh Rashid of the Awami Muslim League had asked CJP Nisar to impose a 90-day "judicial martial law" in the run-up to

the forthcoming general elections.

"Rest assured that there will be no martial law, within or from outside (the judiciary), as far as I am in office. My fellow judges and I have taken an oath to protect the Constitution, and one of the salient features of the Constitution is democracy," he said.

CJP Nisar said he hoped the general elections would be independent and that the next government would be formed in accordance with the Constitution.

Calling for "justice without bias", the chief justice said this was the need of the hour. "The role of a judge is to dispense justice without fear... Indiscriminate dispensation

LDA starts work to restore park near Dar house: Page 3

of justice should be visible. Law is the same for all, be it the poor or the rich," he said.

For a country to progress, it needed strong quality leadership, an independent judiciary and impartial dispensation of justice, said the chief justice, adding that this was necessary for strengthening society. "The day we will get credible and effective leaders, you will see your fortunes change."

He recalled that he became a student at the Cathedral School towards the end of 1959, and said that his teachers had placed a lot of emphasis on discipline and mutual respect for members of the opposite gender. "I am proud of being a student of the Cathedral and Government College... my teachers and heads of schools have made me what I am today," he recalled fondly, adding that they had instilled in him respect for discipline and rules.

The Dawn 24-03-2018

CJP seeks record of public firms bosses' salary structure

By Our Staff Reporter

LAHORE: Chief Justice of Pakistan Mian Saqib Nisar on Saturday lambasted the Punjab government for running most of the province's affairs by establishing public companies and summoned complete record of the salary structure of the officers leading such companies.

"It seems that the whole province has been nationalised," the chief justice observed, adding that the taxpayers' money had been used for unfair distribution.

A two-judge Supreme Court bench was hearing a suo moto notice of appointment of a retired officer as head of Strategic

Management and Internal Policy Unit on a salary package much higher than even the salary being drawn by Punjab chief secretary.

The chief justice said the appointment of retired officers against basic salaries to run the public sector companies proved that the government's departments had failed to deliver.

When asked about his salary, Chief Secretary Zahid Raza told the court that he had been drawing around Rs209,000 as salary.

Chief Justice Nisar lamented that the big boss of the provincial bureaucracy was getting a salary much lower than a retired officer compensated for a public company.

"Who is behind this policy?" he asked the chief secretary and put

the advocate general of Punjab on notice to submit a reply on the government's behalf in defence of this discriminatory policy.

The CJP also directed the chief secretary to give the court a comprehensive presentation on the functioning of all the 56 public sector companies in Punjab and the salary structure of the officers appointed to them.

He observed that the retired officers should volunteer their services for the betterment of the system rather than accepting high-salary jobs.

The chief justice also directed the Punjab Drug Testing Laboratory to clear its backlog within 15 days and submit a compliance report.

AIR PHILLY/TPN: The chief jus-

tice on Saturday summoned members of a commission formed by the Lahore High Court on the issue of smog and environmental pollution.

Earlier, Environment Secretary Saif Anjum presented his reports before a two-judge bench of the Supreme Court about causes of air pollution and steps being taken to control it. He said 90 per cent of pollution could be minimised within next five years by taking certain steps.

The secretary stated that a commission headed by Prof Dr Pervez Hameed formed by the LHC was about to finalise its recommendations on the solution to the environmental pollution.

The chief justice adjourned hearing and directed the commission members to appear before the court.

The Dawn 25-03-2018

Efforts on to bring back foreign money of Pak citizens, SC told

Sohail Khan

ISLAMABAD: The Supreme Court (SC) was informed on Monday that a suitable mechanism for offering incentives to Pakistani citizens to voluntarily declare their foreign assets and bringing them back to Pakistan has been proposed.

A three-member bench of the apex court headed by Chief Justice Mian Saqib Nisar resumed hearing in the suo moto case about foreign bank accounts held by Pakistani citizens.

Additional Attorney General Waqar Hana informed the court that Terms of Reference (ToRs) were proposed for the committee constituted by the apex court to prepare guidelines and evolve effective strategy to encourage the people to withdraw their money from foreign banks and bring it back to Pakistan.

Justice Saqib Nisar had constituted a committee comprising the chairman FBR, governor State Bank of Pakistan and secretary Ministry of Finance

to prepare guidelines and evolve effective strategy to encourage the people to bring back their money stashed in foreign bank accounts.

The law officer read out the ToRs proposed for the said committee that has suggested various measures for the matter in hand. It was suggested that a suitable mechanism must be introduced for Pakistani citizens to voluntarily declare their foreign assets and bring them back to Pakistan or pay suitable amount of taxes if they intend to keep such assets abroad so that they could contribute to national exchequer.

It proposed to conduct diagnostic analysis and lay out the current landscape related to outflow of foreign exchange from Pakistan resulting in accumulation of assets abroad by Pakistani citizens, besides examining existing legal regime and practice (especially related to foreign exchange and taxation), bilateral treaties and multilateral conventions that can be used to stem the unregulated outflow of foreign ex-

change from Pakistan and trace undeclared assets held abroad by Pakistani citizens and retrieve such assets, especially the ones generated with proceeds of crime. It was further proposed to study the steps taken by other countries to trace and retrieve assets of their citizens in foreign countries.

The committee also suggested administrative actions and measures that can be taken to achieve the objectives outlined under the existing legislative regime, besides identifying gaps and limitations in the existing legislative framework and suggesting suitable amendments for establishment of a robust regime that is (a) transparent, unambiguous and does not create undue hardships for law abiding citizens (b) adequate and effective to enable relevant government agencies and departments to stem the unregulated outflow of foreign exchange from Pakistan in future and trace the undeclared assets held abroad by Pakistani citizens.

The News 27-03-2018

Deputation case

SC takes notice of bone marrow transplant unit closure reports

Chief justice seeks from CADD secretary within three days

OUR CORRESPONDENT
ISLAMABAD

Chief Justice of Pakistan Mian Saqib Nisar has taken suo moto notice of reported closing down of Bone Marrow Transplant Centre (BMT) at Pakistan Institute of Medical Sciences (PIMS), Islamabad. The notice was taken on application by parents of the children getting treatment.

They have stated that bone marrow transplant is the only cure available to children with thalassemia major and around 500 children are on the waiting list for transplants.

It further stated that doctors, nurses and staff at the centre have not been paid their salaries since July 2017 and they have now been told that their contracts will not be extended owing to administrative issues.

The transplant at a private

LOW CHARGES

1m

rupees is the cost of BMT at Pims of which Rs0.6m is donated by PBM

hospital costs around Rs3 million, while it costs Rs1 million at Pims of which Rs0.6m is donated by Pakistan Baitul Mal.

The application also asserted that there is apprehension of closure of the Cardiac Centre, while the liver transplant unit at Pims has already been closed and the same is apparently for the benefit of private hospitals that are charging for more than the average citizen can afford.

Taking notice of the issue, the Chief Justice has called for a report from Secretary Ministry of Capital Administration and Development Division (CADD) within three days.

Deputation Issue

Separately, the CJ hearing the issue of deputationists said till the final decision on repatriation of health officials who were merged in federal hospitals no one will be sent back to their parent department.

The CADD presented the report to the court about health-care providers from provinces who were appointed on deputation in federal hospitals but merged their services in the hospitals. The Chief Justice said until the court does not hear the complete matter doctors and other health officials will not be sent back.

There are many doctors working in different hospitals who were not repatriated despite court orders in 2016 when the officials of other departments were sent back to their institutions.

The report categorised them into five types and recommended to repatriate all health professionals to their parent departments. But it advised those lady doctors who come under the wedlock policy can't be repatriated.

The Express Tribune 30-03-2018

CJP explains why SC interferes in executive work

Apex court takes up nine cases of public interest at Karachi registry; chides health secretary for washing his hands of infant deaths in Thar

By Tahir Siddiqui

KARACHI: In remarks that could be viewed as a response to former prime minister Nawaz Sharif's recent comments about him, Chief Justice of Pakistan Justice Mian Saqib Nisar said on Saturday that he did not intend to interfere in the work of the executive but was compelled to do so due to the poor state of affairs.

Conducting suo motu proceedings on the death of children in Tharparkar, the CJP said while addressing Senator Raza Rabbani, "When we do interfere it is said that we are so foolish as to interfere in the work of the executive."

Referring to a video clip that showed the poor state of a hospital in Larkana, he said that he felt "embarrassed" and wanted to visit the city to oversee the state of affairs there.

CJP Nisar was heading a three-judge bench at the Karachi registry of the

apex court where he took up nine cases of public interest pertaining to promotion of doctors, inconvenience to passengers in baggage handling at airports, death of infants at the Civil Hospital in Mithi, a makeshift school on the footpath in Clifton, shifting of Sharjeel Memon from jail to hospital, provision of drinking water and better sanitation facilities, privatisation of the Pakistan International Airlines and merger of the Sindh Bank with the Summit Bank.

Children's death case

Rejecting a Sindh government report on the matter, the SC bench directed the chief executive of the Aga

Infection, malnutrition claim six more infant lives: Page 3

Khan University Hospital to get an inquiry conducted by experts to ascertain the causes of death of infants in Mithi and Nawabshah and submit a report in one month.

As the bench took up the suo motu case pertaining to the children's death, Sindh Health Secretary Fazalullah Pechhu submitted a report which attributed the deaths to child marriages among other reasons and said that 50 per cent of the children had died due to pneumonia or diarrhoea.

"According to the report, it seems that you weren't at fault at all. You have just written that underweight children die," the CJP chided the health secretary.

PIA privatisation

The apex court's bench that also comprised Justice Faisal Arab and Justice Sajjad Ali Shah directed the federal government, the PIA chairman and the defence ministry to file comments on an application against the privatisation of the national flag carrier in a week.

Taking suo motu action on the application, the bench also directed the respondent authorities to tell the court if the government had the intention of privatising the PIA.

The respondents were also directed to inform the court if certain profitable routes of the PIA had recently been given to other airlines, including Air Blue.

The bench restrained the authorities from making fresh recruitment in the PIA till further orders.

The apex court would hear the matter at its principal seat in Islamabad in the week beginning on April 9.

Footpath school

The apex court's larger bench directed the Sindh government to resolve the matter pertaining to a footpath school in the Clifton

Continued on Page 5

CJP explains why SC interferes in executive work

Continued from page 1

area of Karachi in one week and submit a report to the court.

Syeda Anfas Ali Shah Zaidi, who has been running the footpath school near the Abdullah Shah Ghazi shrine for the past three years, had accused Sindh Education Foundation managing director Naheed Durrani of issuing threats and asking for the closure of the school in two days.

CJP Nisar said, "The children should not study on footpaths. I don't want the children to continue to study on footpaths."

He ordered construction of a building for the school and provision of adequate facilities to its students.

On February 17, the chief justice had forbidden action against the footpath school until alternative space was provided for its relocation.

Sharjeel's shifting

The three-judge bench of the apex court disposed of the suo motu proceedings on the shifting of Pakistan Peoples Party leader Sharjeel Memon from jail to hospital and ruled that the high court bench hearing his bail plea might get a new medical board constituted for his medical examination.

The bench gave the ruling after an independent medical board formed on the orders of the apex court informed the judges that there were contradictions in the medical reports of Mr Memon and it could not give its opinion unless the board members themselves checked him.

The Dawn 01-04-2018

CJP questions KP govt claims of change

Regrets not a single standard hospital or school set up in Peshawar in five years

By Wasim Ahmad Shah

PESHAWAR: A Supreme Court bench headed by Chief Justice Mian Saqib Nisar on Thursday expressed dissatisfaction over the performance of the Khyber Pakhtunkhwa government in the social sector — including health, education and provision of potable water — and requested that not a single standard hospital or school had been set up in the provincial capital by the government over the past five years.

CJP Nisar, who is on his first two-day official visit to Peshawar, summoned KP Chief Minister Pervez Khattak and told him that he had heard a lot about their good governance but the situation on the ground was different.

Almost all administrative heads of different departments, including Chief Secretary Azam Khan, appeared before the three-judge bench, also comprising Justice Umar Ata Bandial and Justice Syed Mansoor Ali Shah, to explain the performance of

their departments.

"It is your duty to serve the people who will in return give respect to you," the chief justice observed, adding that some people had been saying that the vote should be given respect, but they should realise that the real respect of the vote was to honestly serve the people.

Chief Minister Khattak claimed that his government had improved the existing infrastructure and increased budget for the social sector, including health and educa-

Federal, KP govts get notices over APS carnage: Page 7

tion, manifold.

But when the chief justice asked which new hospital was set up in the provincial capital, the chief minister had no reply, only saying that when they had assumed power in 2013 all institutions were in shambles and they had focused on improving them instead of creating new structures.

The chief justice observed that the population of Peshawar had increased to around six million and it was astonishing that no new health facility had been set up for the last many years.

Provincial Health Secretary Abdul Majeed informed the court that there were around 1,570 health facili-

ties across the province, including eight medical teaching institutions (MTIs) which were autonomous with no interference from the government. Three of the MTIs — Lady Reading Hospital, Khyber Teaching Hospital and Hayatabad Medical Complex — were in Peshawar, he said.

At this, the chief justice said none of these hospitals were established by the present government, adding: "You should be thankful to Lady Reading who had established LRH before partition."

CJP Nisar said that earlier in the day he had visited Lady Reading Hospital but was not satisfied with the provision of facilities there.

The bench directed the health secretary to follow the judgement handed down a few weeks ago by the apex court wherein directives were issued regarding provision of different facilities in hospitals, especially at emergency wards.

The court suggested that Article 25-A of the Constitution guaranteeing education to all children below 16 years of age had not been enforced in the province.

Mr Majeed, who is also in-charge of elementary and secondary education, said that last year they had

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CJP questions KP govt claims of change

Continued from Page 1

conducted a survey which showed that around 1.8 million children were out of school — 64 per cent girls and 36pc boys.

Chief Minister Khattak said his government had recruited 57,000 teachers and provided missing facilities to all the existing schools.

CJP Nisar regretted that most of the sewerage water was dumped into canals posing serious threat to human health, adding that no water treatment plants were established to check contamination in these canals.

On a court query, Chief Secretary Azam Khan said that 75MW of electricity was generated by power units set up in the province.

At this, the chief justice recalled that the KP government had made tall claims that it would set up several power generation units and would be exporting electricity to other provinces, but the performance was unsatisfactory here.

The chief secretary complained that the federal government had not

been cooperating with them and in this regard he had also submitted a report to the court.

The court directed the federal government to submit a reply to the report and the matter would be taken up later. The bench ordered KP Food Safety Authority Director General Riaz Mehsud to conduct tests of all bottled water available in the market.

The bench directed the inspectors general of police of the four provinces and Islamabad to withdraw security provided to unauthorised persons by Friday.

Earlier in the day, the bench asked KP Inspector General Salahuddin Mehsud how many police personnel had been performing security duties.

The IG said that around 3,000 personnel had been deputed with different persons of which around 70pc were not entitled under rules.

Later in the day, IG Mehsud again turned up and informed the court that he had issued directives for withdrawal of police personnel from unauthorised persons.

The court directed other IGPs to also issue such orders and submit a compliance report.

Litigants' misery

Addressing representatives of the Khyber Pakhtunkhwa Bar Council, Peshawar High Court Bar Association and other bar associations in the province at the high court, CJP Nisar said the judiciary had to put its own house in order for provision of justice to people and in the existing legal framework judges should strive to reduce time period of litigations.

He said the job of the judiciary was not to amend or introduce a law, but to interpret it.

"People have been criticising us for delay in disposal of cases. I can't improve this system alone and it is also your responsibility to help me in this regard," he told the lawyers.

The litigants, he said, had been passing through a miserable time just like patients in a hospital and it was "our prime responsibility to minimise their miseries".

The Dawn 20-04-2018

On death row for 27 years

CJP suspends execution of mentally-ill prisoner

Takes exception to appointment of Punjab CM's former principal secretary as WTO envoy

● OUR CORRESPONDENT
LAHORE

Chief Justice of Pakistan (CJP) Mian Saqib Nisar indefinitely suspended the execution of a mentally ill woman who had been on death row for past 27 years and directed the authorities concerned to submit a medical report.

The CJP, who is heading a two-member bench at the Supreme Court Lahore Registry, heard several cases. The CJP asked the authorities concerned to submit Kanizan Bibi's medical examination report on the day of the hearing in Islamabad.

He also sought a similar report in the case of Imdad Ali, another schizophrenic prisoner, who is also on death row.

In a separate case, he took exception to the appointment of Punjab Chief Minister Shehbaz Sharif's former principal secretary Dr Syed Tauqir Shah as ambassador and permanent representative to the World Trade Organisation (WTO) in Geneva and

also summoned him on a date yet to be fixed.

He was given this assignment shortly after the Model Town killings.

The CJP also ordered the withdrawal of unauthorised security provided to different people and ordered the inspector general of police in Punjab to submit final compliance report in this regard.

According to an initial report submitted by Punjab Police chief Arif Nawaz, as many as 4,600 police personnel had been withdrawn.

The report stated that 1,347 policemen had been withdrawn from politicians, 1,094 from civil administration and police officers, 626 from lower judiciary, 153 from media persons and media houses, 39 from lawyers, 296 from religious leaders and 1,075 from various other persons, including representatives of various local bodies.

Over the appointment of Syed Tauqir Shah, the Chief Justice of Pakistan issued notice to the officer, and ordered Punjab chief secretary Capt (retd) Zahid Saeed to submit the notification of his appointment at the World Trade Organisation.

During the hearing of a suo motu case on the appointment of vice chan-

The CJP asked the authorities concerned to submit Kanizan Bibi's medical examination report on the day of the hearing in Islamabad

cellors at public sector medical universities, the CJP Nisar asked the chief secretary, "Where is Dr Tauqir Shah nowadays?"

The chief secretary said that the federal government had appointed Shah as permanent representative to the WTO in Geneva.

"Is he so brilliant that the government has appointed him in a foreign mission?" the Chief Justice of Pakistan asked.

Provincial Health Minister Khawaja Salman Rafiq, who also attended the hearing, said that sometimes living abroad becomes necessary. The CJP observed that they would determine how transparent his appointment to the post was.

The bench ordered the secretary establishment to submit the record of the appointment in question and served a notice on Shah through Pakistan embassy in Switzerland.

The Express Tribune 22-04-2018

CJP for revamping justice system

● OUR CORRESPONDENT
ISLAMABAD

Chief Justice of Pakistan (CJP) Mian Saqib Nisar has called for revamping of both the limbs of the criminal justice system - investigation agencies as well as criminal courts - for peace and revival of the economy.

"The implementation of law and guarantee of safety of person, business and property are essential for restoring the faith of investors in a country's economy.

At the root of political and economic stability lies the criminal justice system, which provides the foundation for the state and the economy to thrive. "For this, both the limbs of the criminal justice system must be revamped, the investigation agencies as well as the criminal courts.

Previously formulated policies in this regard must be reexamined," said the CJP on Friday while addressing at the Inaugural Ceremony of the 6th Judicial Conference.

Justice Nisar said local businesses and individuals, as well as foreign entities and individuals that have chosen Pakistan for their investment activities, are entitled to security and effective dispute resolution mechanisms with respect to intellectual property as well as their investments. "I would like to point out that small businesses are expected to receive a boost from the economic opportunities of CPEC.

"Therefore, effective ADR [alternative dispute resolution] mechanisms must be developed and encouraged to optimise the utility of the same at all levels of the economy.

"It is often the small and medium level businesses which are attracted by the cost-saving benefits of ADR, not to mention the attraction of avoiding prolonged litigation," he added.

The CJP said that another important theme of this conference is one that is close to his heart - the problem of delays and the backlog of cases in our legal system. "I use the words 'legal system' instead of 'judicial system' because I believe that the bar and judiciary are equally responsible for the same. It is only when we join hands to eradicate such problems that we can rid the nation of this menace.

"We are all familiar with the issue of chronic delays in the dispensation of justice. Being head of the judiciary of Pakistan, I am committed to revamping the system through various modes

including judicial reforms. However, this issue needs to be addressed by adopting a holistic and synchronised approach."

The CJP said investor confidence and transfer of technology are directly proportionate to the protection of intellectual property rights needs special attention.

"Our friend and CPEC partner China has one of the five largest Patent Registration Offices in the World. Pakistan is in the process of reexamining its legal regime and institutions in this area. But much needs to be done. We must ensure that adequate legal information is available to our citizens and business entities when it comes to venturing into business with citizens and corporations of other countries."

The Express Tribune 05-05-2018

Judicial moot says enforced disappearances are a crime

Recommends those guilty of committing this offence as well as extrajudicial killings should be prosecuted as criminals

By Nasir Iqbal

ISLAMABAD: The declarations passed at the eighth annual Judicial Conference on Saturday centred on themes pertaining to the China-Pakistan Economic Corridor (CPEC), as well as enforced disappearances and extrajudicial killings, with jurists and legal experts stressing that custo-



CHIEF Justice Saqib Nisar addressing the concluding session of the eighth Judicial Conference on Saturday.—APP

dial killings are a crime and those guilty of committing it should be prosecuted as criminals.

The declaration highlighted the need to enforce the Anti-Terrorism Act (ATA), and added that terror suspects as well as terrorist organisations must be declared proscribed without delay. Such organisations must not be allowed to hold meetings or propagate their views or contest elections. Those claiming to be members of these proscribed organisations would be prosecuted in accordance with the ATA, it added.

The declaration also called for a counter-terrorism narrative to fight extremist ideology. The narrative must be developed and widely disseminated, it emphasised, adding that suspects who were on trial for committing an act of terror or had been convicted

would have to be weaned off from extremist ideology. Similarly, media platforms that broadcast or propagated the views of terrorist organisations would also have to be prosecuted in accordance with the law, the declaration said.

Speaking at the concluding ceremony of the conference organised by the Law and Justice Commission of Pakistan, Chief Justice of Pakistan Mian Saqib Nisar constituted a committee to oversee the implementation of the recommendations discussed at the conference over the next four months. Justice Asif Saeed Khosa will head the committee comprising judges, jurists and experts from various professional fields.

"We will never disappoint the

Continued on Page 5

Judicial moot

Continued from Page 1

masses by violating our oath," the chief justice said, adding that they were custodians of fundamental rights of the people, and were thus duty-bound to secure such rights at all cost. Whenever fundamental rights like health and education were violated by the executive or the legislature, the courts had powers of judicial review to intervene, he explained. "If fundamental rights are violated, we as judges are left with no choice but not to interfere," he stressed.

Earlier, senior judges of the Supreme Court — Justice Asif Saeed Khosa, Justice Gulzar Ahmed, Justice Sheikh Asmat Saeed and Justice Qazi Faez Isa — presented declarations adopted by each of the thematic groups they had presided over separately.

Referring to regional, economic integration and an effective dispute resolution mechanism in the context of CPEC, the declaration suggested developing multimodal transport law and infrastructure to increase the significance of Pakistan's position as a transit state for trade between Central Asian Republics, specifically, modernisation of the law on carriage of goods by sea. It also asked for the creation of a multilateral investment guarantee agency at a regional level, similar to the one established under the World Bank (MIGA). The declaration discussed the establishment of a multi-tier Regional Arbitration Centre, aimed at resolving disputes that may arise.

It also called for amendment of Article 8 of the agreement between China and Pakistan in order to avoid double taxation and prevent fiscal evasion with respect to income tax on. The idea is to make the distribution of tax revenue between both countries more equitable, and to explicitly allocate fiscal rights of both signatories to the agreement. It also called for higher environmental standards on all CPEC projects based on a harmonised set of policies between the two countries. It called for cooperation and exchange of skill between all provincial environmental protection agencies.

According to the declaration, the criminal justice system should operate to engender confidence in those investing in the economy and safeguarding their life and property. It called for properly trained law enforcement and prosecution agencies to gather evidence scientifically, using DNA testing, fingerprints and forensic techniques to solve crimes. It called for a specialised police which would be held accountable and should have operational autonomy and functional specialisation in investigation.

Likewise, priority should be given to criminal trials. Once trial commences, it must proceed without being adjourned, the declaration suggested. In terror cases where witnesses may be vulnerable, mechanisms should be developed to ensure witness protection, while all evidence must be recorded promptly. Regarding delays in disposal of cases, the declaration said a three-tier system should be introduced — trial, appeal and constitutional stages — where purely legal issues should be adjudicated.

The Dawn 06-05-2018

سپریم کورٹ نے دوسری ایف آئی آر کو پولیس گرفتاری سے روک دیا

کسی واقعہ پر نیا موقف آنے پر دوسری ایف آئی آر کا جواز نہیں، جسٹس آصف سعید کھوسہ کے مقدمہ قتل مسین ریسارکس

فیصلے کی منتقلی آئی جیز پولیس کو بھجوانے، تقاضوں کے انصران کو اس سے آگاہ کرنے اور عملدرآمد یقینی بنانے کی ہدایت

کہ تقاضا شاپدرہ ٹاکن لاہور کے سابق ایس ایچ اور انسپکٹر میاں ذوالفقار اور دیگر پولیس اہلکاروں نے ایک میڈیہ جہلی پولیس مقابلے کا ڈرامہ رچاتے ہوئے اس کے جواں سال بیٹے حسن حسین کو بدترین تشدد کا نشانہ بنانے کے بعد ایک میڈیہ جہلی پولیس عاہر کر کے اسے گولیاں مار کر ہلاک کر دینے کے بعد منتقلی ہی کے خلاف پولیس مقابلہ کی جھوٹی ایف آئی آر درج کر لی تھی اور وہ کئی سال سے انصاف کی تلاش میں بھٹک رہی ہے۔ جس پر قاضی چیف جسٹس نے معاملہ مذکورہ بالا سات رکنی بنچ کو بھجوا دیا تھا۔ قاضی بنچ نے اس نظر اوی کیس کے ساتھ ساتھ ایک ہی مقدمہ کی دو الگ الگ ایف آئی آر درج ہونے یا نہ ہونے کے قانونی نکتہ پر قانونی معاونت طلب کرتے ہوئے وفاقی وصوبائی حکومتوں سے اس حوالے سے موقف طلب کیا تھا اور بیرسٹر سلمان صفدر کو لٹیکیس کیورائے (عدالتی معاون) مقرر کر دیا تھا تاہم تمام حکومتوں اور عدالتی معاون نے بھی رائے دی تھی کہ ایک مقدمہ کی ایک ہی ایف آئی آر درج کی جاسکتی ہے۔

لاہور بنچ نے بدھ کے روز فیصلہ جاری کیا جو 6 مئی کو کیس کی سماعت مکمل ہونے کے بعد فیصلہ محفوظ کر لیا تھا۔ جسٹس آصف سعید خان کھوسہ نے فیصلہ مکمل عدالت میں پڑھ کر سنایا جس میں عدالت نے قرار دیا ہے کہ تحقیقات کے دوران تفتیشی افسر نیا پہلو سامنے آنے پر متعلقہ شخص کا بیان تصدیق کر کے مقدمہ کے تمام پہلوؤں کی تحقیقات کر کے سچ کو سامنے لائے۔ اندراج مقدمہ کا مقصد سچ سامنے لا کر اصل ملزمان کو پکڑنا ہے۔ مقدمہ کی تحقیقات مکمل ہونے پر چالان ٹرائل کورٹ میں داخل کیا جائے۔ قاضی عدالت نے متعلقہ آفس کو عدالتی فیصلے کی منتقلی تمام پولیس سربراہان (آئی جی پولیس) کو بھجوانے اور انہیں (آئی جی حضرات) کو ملک بھر کی پولیس کو فیصلے سے آگاہ کرنے اور اس پر من و عن عملدرآمد یقینی بنانے کی ہدایت کی ہے۔ یاد رہے کہ لاہور میں میڈیہ جہلی پولیس مقابلے میں قتل ہوئے والے نوجوان حسن حسین کی والدہ مصطفیٰ بی بی نے چند ہفتے قبل سپریم کورٹ کی لاہور برانچ رجسٹری کے سامنے چیف جسٹس آف پاکستان مسٹر جسٹس میاں طاہر ثار کی کار کے سامنے آ کر راستہ روک کر فریادی تھی

اسلام آباد (خبرنگار) سپریم کورٹ نے ایک ہی مقدمہ کی دو الگ الگ ایف آئی آر درج ہونے یا نہ ہونے کے قانونی نکتہ سے متعلق محفوظ کیا گیا فیصلہ جاری کرتے ہوئے قرار دیا ہے کہ ملک بھر کی پولیس ایک کیس میں پہلی ایف آئی آر کے اندراج کے بعد کسی بھی قسم کی دوسری ایف آئی آر درج نہیں کر سکتی ہے، کسی مقدمہ پر نیا موقف سامنے آنے پر ہی ایف آئی آر کے اندراج کا کوئی جواز نہیں ہے جبکہ ایف آئی آر کے اندراج کے باوجود جب تک ملزم کے خلاف ثبوت شواہد یا مواد نہ آئے اس وقت تک اسے گرفتار نہیں کیا جاسکتا ہے۔ قاضی عدالت نے مدعیہ مصطفیٰ بی بی کے بیٹے حسن حسین کے میڈیہ جہلی پولیس مقابلے میں قتل کے حوالے سے متعلقہ ٹرائل کورٹ کو 4 ماہ کے اندر فیصلہ جاری کرتے ہوئے سپریم کورٹ کے رجسٹرار آفس کو رپورٹ جمع کروانے کا حکم بھی جاری کیا ہے۔ قائم مقام چیف جسٹس آصف سعید خان کھوسہ کی سربراہی میں جسٹس مشیر عالم، جسٹس متیول باقر، جسٹس منظور احمد ملک، جسٹس طارق مسعود، جسٹس مظہر عالم میاں ٹیبل اور جسٹس سجاد علی شاہ پر مشتمل 7 رکنی

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 |
| Mr. Justice Dr. Fida Muhammad Khan |
| Mr. Justice Mehmood Maqbool Bajwa |
| Mr. Justice Syed Muhammad Farooq Shah |
| Mr. Justice Shaukat Ali Rakhshani |

| Lahore High Court |
|---|
| Present Composition |
| Chief Justice, 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 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 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

Present Composition

| |
|---|
| Chief Justice Mr. Justice Ahmed Ali M. Sheikh |
| Mr. Justice Irfan Saadat Khan |
| Mr. Justice Aqeel Ahmed Abbasi |
| 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 Aziz-ur-Rehman |
| Mr. Justice Aftab Ahmed Gorar |
| Mr. Justice Salahuddin Panhwar |
| Justice Mrs. Ashraf Jehan |
| 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 |
| Justice Mrs. Kausar Sultana Hussain |
| Mr. Justice Irshad Ali Shah |
| Mr. Justice Shamsuddin Abbasi |
| Mr. Justice Amjad Ali Sahito |
| Mr. Justice Adnan Iqbal Chaudhry |
| Mr. Justice Agha Faisal |

| 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 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 Khan Kakar |
| Mr. Justice Muhammad Ejaz Swati |
| Mr. Justice Muhammad Kamran Khan Mulakhail |
| 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 | Total |
|--|-------|
| District & Sessions Judges | 156 |
| Addl. District & Sessions Judges | 483 |
| Senior Civil Judges and Judge, Small Cause Court | 110 |
| Civil Judges-cum-Judicial Magistrates | 1014 |

Sindh *

| Title | Sanctioned Strength | Working Strength |
|---------------------------------------|---------------------|------------------|
| District & Sessions Judges | 27 | 27 |
| Addl. District & Sessions Judges | 144 | 102 |
| Senior Civil Judges | 137 | 124 |
| Civil Judges-cum-Judicial Magistrates | 309 | 309 |

*(as on 14.11.2018)

Khyber Pakhtunkhwa

| Title | Sanctioned Strength | Working Strength |
|---------------------------------------|---------------------|------------------|
| District & Sessions Judges | 27 | 24 |
| Addl. District & Sessions Judges | 103 | 103 |
| Senior Civil Judges | 34 | 27 |
| Civil Judges-cum-Judicial Magistrates | 312 | 293 |

Balochistan

| Title | Sanctioned Strength | Working Strength |
|--------------------------------------|---------------------|------------------|
| District & Sessions Judges | 32 | 30 |
| Addl. District & Sessions Judges | 41 | 32 |
| Senior Civil Judges | 15 | 15 |
| Women Judges Family Courts) | 15 | 7 |
| Civil Judges /Judicial Magistrates | 125 | 95 |
| Qazi | 33 | 32 |
| Special Judge, Anti-Terrorism Courts | 9 | - |

Islamabad Capital Territory

| Designation | Islamabad West | | Islamabad East | |
|----------------------------------|----------------|---------|----------------|---------|
| | Sanctioned | Working | Sanctioned | Working |
| District & Sessions Judges | 1 | 1 | 1 | 1 |
| Addl. District & Sessions Judges | 15 | 7 | 15 | 5 |
| Senior Civil Judges | 3 | 3 | 3 | 3 |
| Civil Judge | 26 | 21 | 26 | 19 |

13.3 Strength of Law Officers in the office of Attorney General for Pakistan

| Designation | Total Strength | Working Strength |
|-------------------------------|----------------|------------------|
| Attorney General for Pakistan | 1 | 1 |
| Additional Attorney General | 8 | 7 |
| Deputy Attorney General | 39 | 37 |
| Assistant Attorney General | 98 | 95 |

13.4 Strength of Law Officers in the office of Advocates General

| Designation | Balochistan | Khyber Pakhtunkhwa | Punjab | Sindh | Islamabad |
|-----------------------------|-------------|--------------------|--------|-------|-----------|
| Advocate General | 1 | 1 | 1 | 1 | 1 |
| Additional Advocate General | 6 | 17 | 23 | 14 | - |
| Assistant Advocate General | 4 | 15 | 45 | 28 | - |
| Advocate on Record | - | 1 | 2 | - | - |
| Law Officer | - | 1 | - | - | - |

13.5 Strength of Law Officers in the office of Prosecutor General / Director General (Prosecution)

Punjab

| Designation | Sanction Strength | Working Strength |
|--------------------------------------|-------------------|------------------|
| Prosecutor General | 01 | 01 |
| Additional Prosecutor General | 26 | 19 |
| District Public Prosecutor | 52 | 39 |
| Deputy Prosecutor General | 88 | 68 |
| Deputy District Public Prosecutor | 406 | 191 |
| 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 |
|-----------------------------|-------------------|------------------|
| Regional Director | 07 | 0 |
| District Public Prosecutor | 25 | 23 |
| Senior Public Prosecutor | 15 | 13 |
| Public Prosecutor | 44 | 16 |
| Deputy Public Prosecutor | 62 | 36 |
| Assistant Public Prosecutor | 219 | 172 |

Balochistan

| Designation | Sanction Strength | Working Strength |
|--------------------------------------|-------------------|------------------|
| Prosecutor General | 01 | 01 |
| Additional Prosecutor General | 14 | 08 |
| Deputy Prosecutor General | 05 | 05 |
| District Public Prosecutor | 31 | 19 |
| Deputy District Public Prosecutor | 39 | 13 |
| Assistant District Public Prosecutor | 79 | 23 |

13.6 Advocates on the rolls of the Supreme Court

| Senior Advocates | Advocates | Advocates-on-Record | Total |
|------------------|-----------|---------------------|-------|
| 337 | 4899 | 252 | 5488 |

Advocates enrolled during the period from 01.06.2017 to 31-05-2018.

| Senior Advocates | Advocates | Advocates-on-Record | Total |
|------------------|-----------|---------------------|-------|
| 1 | 48 | - | 49 |

13.7 Strength of Advocates enrolled with the Bar Councils

| | Punjab | Sindh | Khyber Pakhtunkhwa | Balochistan | Islamabad |
|-------------|--------|-------|--------------------|-------------|-----------|
| High Courts | 67310 | 17180 | 7466 | 2500 | 2790 |

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 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 |

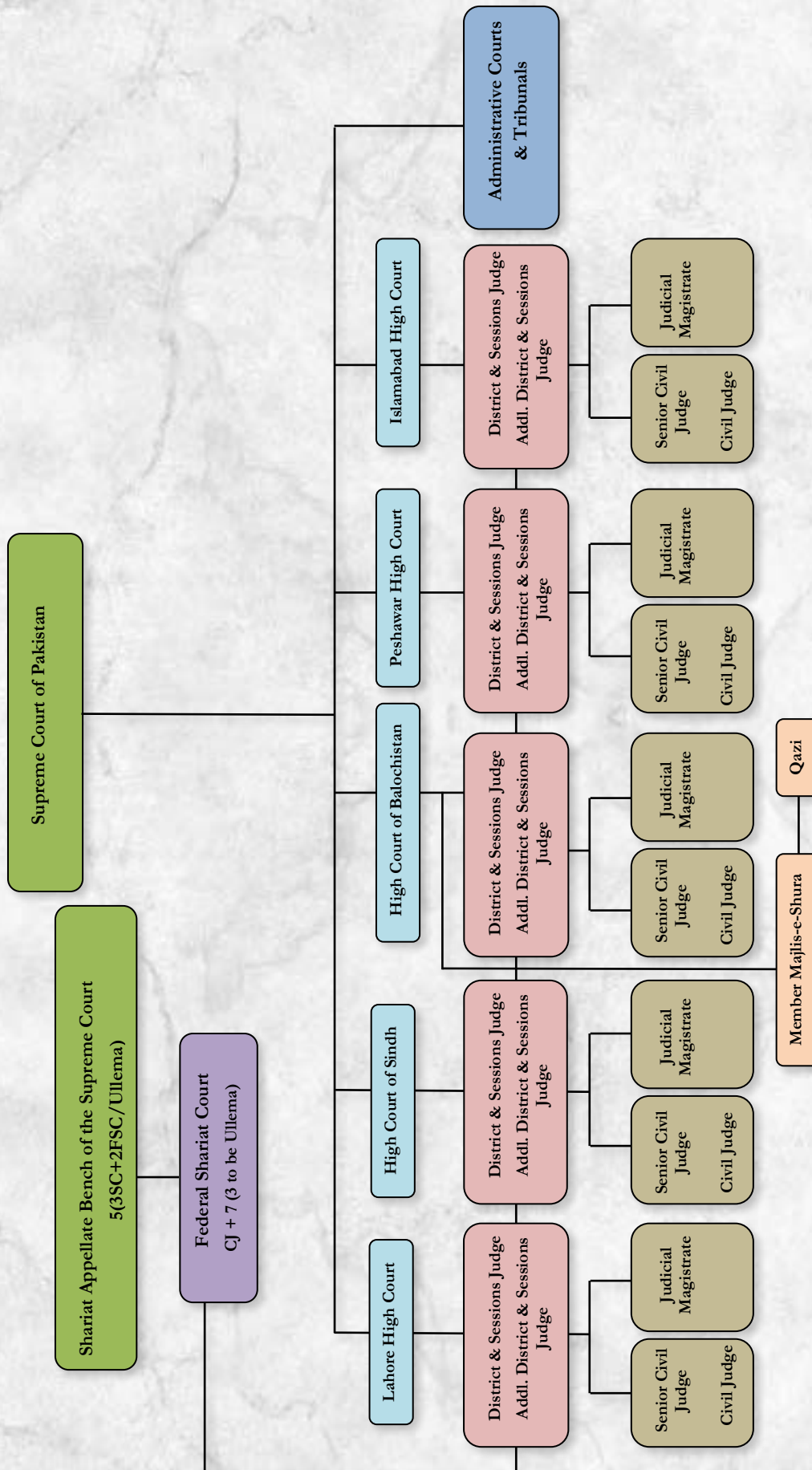
| University Name | Affiliated Colleges |
|--|--|
| University of Punjab, Lahore | 22. Gabriel Law College, Opp. Seven Ways Restaurant, Phalia Road, Mandi Bahauddin 23. The College of Law, 1-KM, Kanjrur Road, Narowal 24. Quaid-e-Azam law College, Karmanwala Town, G.T.Road, Okara. 25. Rawalpindi Law College, D-31, 6 th 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 Sheikhupura 33. Punjab Law College, 3-KM, Sargodha Road, Sheikhupura 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 | 1. Govt. Shaheed Zulfiqar Ali Bhutto Law College, Memon Goth, Malir Karachi |
| The University of Peshawar, Peshawar | 1. Abbott Law College, Mansehra 2. Ayub Law College, Haripur 3. Frontier Law College, Peshawar 4. Islamia Law College, Peshawar 5. Jinnah Law College, Peshawar 6. Justice Law College, Abbotabad 7. Kohat Law College, Kohat 8. Mardan Law College, Mardan 9. Muslim Law College, Swat 10. Peshawar Law College, Peshawar 11. Quaid-e-Azam Institute of Legal Studies, Nowshera 12. Supreme Law College, Peshawar 13. Sawabi Law College, Swabi 14. Karakorum Law College, Gilgit 15. Edwardes College, Peshawar |
| Gomal University, D.I, Khan | 1. Frontier Law College, D.I.Khan 2. Danish Kada Law College, Outside Miryan Gate, Bannu 3. Luqman College of Law, Daraban Road, Near Zakarya Masjid, D.I. Khan |
| International Islamic University, Islamabad | Faculty of Shariah & Law, IIUI |

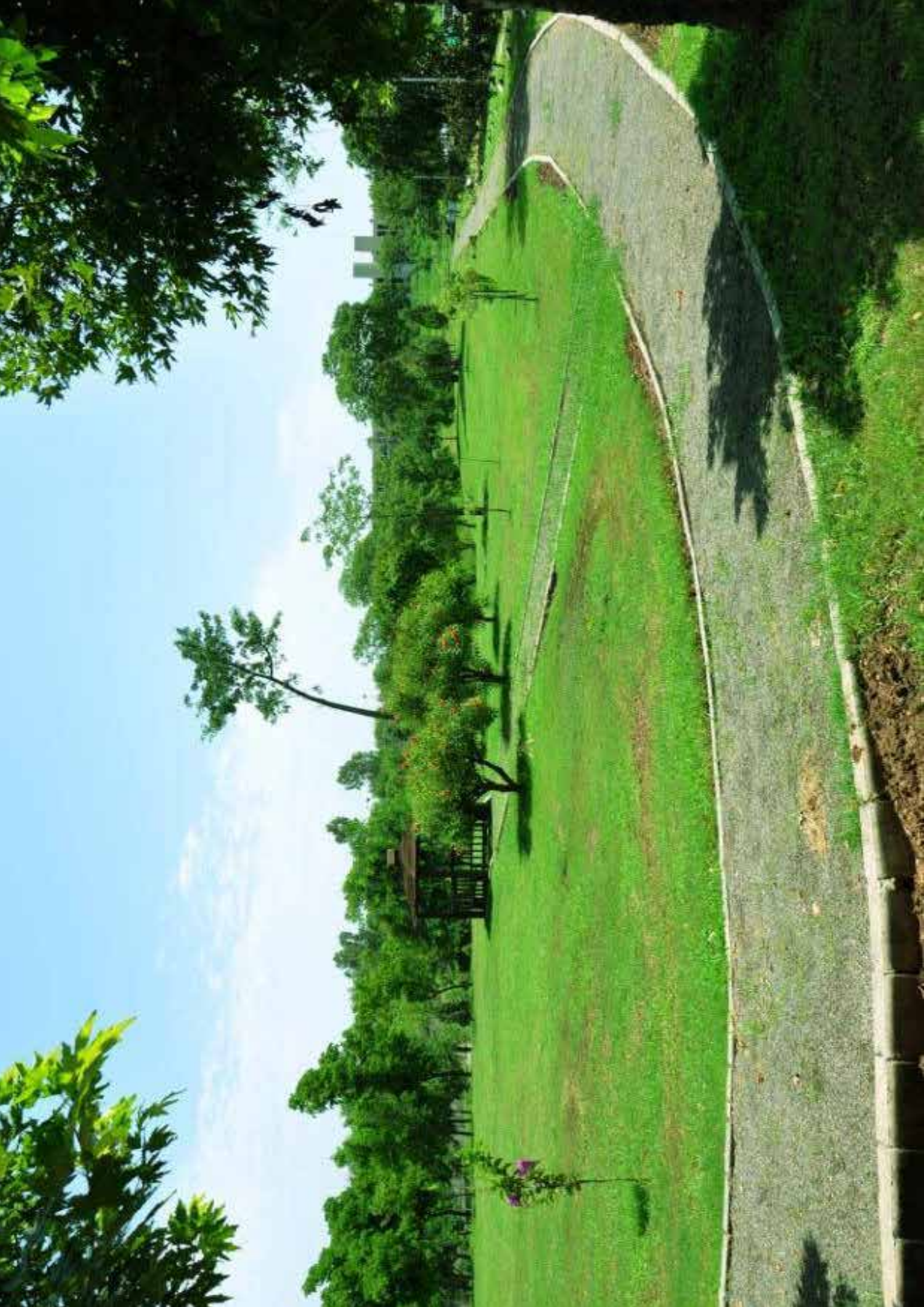
| University Name | Affiliated Colleges |
|--|--|
| Shah Abdul Latif University, Khairpur | <ol style="list-style-type: none"> 1. Govt. Law College Khairpur, Distt. Khairpur Mirpurs 2. Govt. A.B.D Law College, Sukkur, Distt Sukkur 3. Govt. Shaheed Benazir Bhutto Law College, Larkana 4. Law College Ghotki, Distt. Ghotki 5. Haji Moula Bux Soomro Law College, Shaikarpur 6. Sardar Noor Muhammad Khan Bejarni Law College, Kandhkot, Distt. Kashmore 7. Shah Abdul Latif University, Constituent Law College, Naushehro Feroze 8. Sain Dino Law College, Jacobabad 9. Al-Falah Law College Kashmore, Taluka Kashmore 10. Abdul Wahid Soomro Law College, Taluka Kashmore 11. Mirza Khan Law College, Pano Akil, Sukkur 12. Qazi Mian Ahmed Qureshi Law College, Moro Naushero Feroze 13. Bilawal Bhutto Zardari Law College, Jocababad 14. Bilawal Bhutto Zardari Law College, Kamber, Distt. Kamber Shahdadkot 15. Faiz Muhammad Sahito Law College Kandiaro, Taluka Kandiaro, Distt. Naushero Feroze 16. Mashal Law College, Daharki, Taluka Ubauro, Gohtki |
| University of Karachi, Karachi | <ol style="list-style-type: none"> 1. Govt. S.M. Law College, Dr. Ziauddin Road, Karachi 2. Govt. Islamia Law College, Allama Shabbir Ahmed Road, Karachi |
| 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 Complex, 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 road Sargodah 18. Cambridge Law College, Spal Coloy, G.T Road, Wazirabad |

| University Name | Affiliated Colleges |
|--|--|
| 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 |
| 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 Alfah 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 |

| University Name | Affiliated Colleges |
|---|---|
| Bahauddin Zakaria University, 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, Gulgash East Colony, Multan. |

13.9 Judicial Hierarchy





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 – 05.07.2014 |
| 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 |
| 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 |

| | Name of Judge | Title | Tenure |
|----|-----------------------------------|----------------|-------------------------|
| 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 |
| 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 |

| | Name of Judge | Title | Tenure |
|-----|--|--------------|-------------------------|
| 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 |
| | | 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 Jillani,. | 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 |
| 102 | Mr. Justice Raja Fayyaz Ahmed | Judge | 14.09.2005 – 31.05.2011 |
| | | Judge | 14.09.2006 – 19.10.2009 |
| 103 | Mr. Justice Ghulam Rabbani | Ad hoc Judge | 20.10.2009 – 19.10.2011 |
| | | Judge | 14.04.2009 – 28.02.2011 |
| 104 | Mr. Justice Sayed Zahid Hussain | Judge | 14.04.2009 – 28.02.2011 |

| | Name of Judge | Title | Tenure |
|-----|--|--------------|-------------------------|
| 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 Jafferi | Judge | 07.09.2009 – 21.11.2010 |
| 111 | Mr. Justice Tariq Parvez | Judge | 20.10.2009 – 14.02.2013 |
| | | Ad hoc Judge | 13.12.2015 – 13.12.2016 |
| 112 | Mr. Justice Sarmad Jalal Osmany | Judge | 14.02.2011 – 12.10.2015 |
| 113 | Mr. Justice Amir Hani Muslim | Judge | 14.02.2011 – 31.03.2017 |
| 114 | Mr. Justice Muhammad Ather Saeed | Judge | 17.11.2011 - 28.09.2014 |
| 115 | Mr. Justice Ijaz Ahmed Chaudhry | Judge | 17.11.2011 – 14.12.2015 |
| 116 | Mr. Justice Ejaz Afzal Khan | Judge | 17.11.2011 – 07.05.2018 |
| 117 | Mr. Justice Iqbal Hameedur Rahman | Judge | 25.02.2013 – 23.10.2016 |
| 118 | Mr. Justice Dost Muhammad Khan | Judge | 31.01.2014 – 19.03.2018 |

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 (Current Charge) | 10.01.1995 – 05.10.1996 |
| 08 | Mr. Mohammad Zakaullah (Additional 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 – 21.11.2007 |
| 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
Constitution Avenue Islamabad
and Branch Registries at
Lahore, Karachi, Peshawar and Quetta