

IN THE SUPREME COURT OF PAKISTAN

(Review Jurisdiction)

PRESENT:

MR. JUSTICE QAZI FAEZ ISA, CJ
MR. JUSTICE AMIN-UD-DIN KHAN
MR. JUSTICE ATHAR MINALLAH

CIVIL REVIEW PETITIONS No.266, 267 AND 268 OF 2019 IN SUO MOTU CASE No.7 OF 2017 AND CIVIL MISCELLANEOUS APPLICATIONS No.3575 OF 2019, 3577 OF 2019, 3579 OF 2019, 3582 OF 2019 AND 3610 OF 2019 IN CIVIL REVIEW PETITIONS No.NIL OF 2019 IN SUO MOTU CASE No.7 OF 2017.

Review Petition by the Government of Pakistan through Secretary Ministry of Defence

(Civil Review Petition No.266 of 2019)

Review Petition by intelligence Bureau, through its Director General

(Civil Review Petition No.267 of 2019)

Review Petition by PEMRA through its Chairman

(Civil Review Petition No.268 of 2019)

Review Petition by PTI through its Secretary General

(Civil Miscellaneous Application No.3575 of 2019)

Review Petition by Sheikh Rasheed Ahmed, Chairman, Awami Muslim League

(Civil Miscellaneous Application No.3577 of 2019)

Review Petition by MQM Pakistan through its Members Rabta Committee & other

(Civil Miscellaneous Application No.3579 of 2019)

Review Petition by Muhammad Ijaz ul Haq

(Civil Miscellaneous Application No.3582 of 2019)

Review Petition on Behalf of Election Commission of Pakistan through Secretary

(Civil Miscellaneous Application No.3610 of 2019)

.....Applicants/Petitioners

For the petitioners:
(In CRP No. 266 of 2019 & CRP No. 267 of 2019)

Mr. Mansoor Usman Awan, AGP
with
Ch. Aamir Rehman, Addl.AGP with
Brig.(R) Falak Nawaz (Legal
Advisor M/o Defence).
Lt. Col. Kafeel Khan, Director
Legal M/o. Defence.
Mr. Amjad Iqbal, Dy. Dir. (I.B).

For the petitioner:
(In CRP No. 268 of 2019)

Hafiz S.A Rehman, Sr. ASC with Mr.
M. Tahir, D.G. (Operation) PEMRA.
Mr. Tahir Farooq Tarar, (Legal Head,
PEMRA).

For the applicant:
(In CMA No. 3575 of 2019)

Syed Ali Zafar, ASC.

For the applicant:
(In CMA No. 3577/2019)

Mr. Mehr Khan Malik, AOR.

For the applicant:
(In CMA No. 3579 of 2019)

Sh. Mahmood Ahmad, AOR.

For the applicant:
(In CMA No. 3582/2019)

Mr. M.A Ghaffar-ul-Haq, ASC.

For the applicant:
(In CMA No. 3610/2019)

Malik Qamar Afzal, ASC with
Omar Hamid Khan, Secretary ECP.
Muhammad Arshad, D.G. (Law) ECP.
Masood Sherwani, D.G. Political
Finance ECP.
Falak Sher, Legal Consultant, ECP.
Khurram Shahzad, Addl.D.G (Law).

Date of Hearing:

28 September 2023.

ORDER

1. Civil Review Petition No. 266 of 2019

This Civil Review Petition (**'CRP'**) was filed on 11 March 2019 by the Ministry of Defence seeking review of the judgment dated 6 February 2019. The learned Attorney General for Pakistan (**'the AG'**) states that the Government of Pakistan and its Ministry of Defence do not want to press their CRP.

2. Civil Review Petition No. 267 of 2019

This Civil Review Petition was filed by the Intelligence Bureau on 13 March 2019 seeking review of the Judgment dated 6 February 2019. CMA No. 8270 of 2023 is filed on 26 September 2023 and seeks to withdraw its CRP.

3. Civil Review Petition No. 268 of 2019

This Civil Review Petition was filed on 7 March 2019 by the Pakistan Electronic Media Regulatory Authority (**'PEMRA'**). CMA No. 8288 of 2023 is filed on 27 September 2023 and seeks to withdraw its CRP.

4. Civil Miscellaneous Application No. 3575 of 2019

This application was submitted by the Pakistan Tehreek-e-Insaf (**'PTI'**) on 11 March 2019 seeking to be arrayed as a party. Syed Ali Zafar, ASC representing PTI states that PTI does not want to press its

application, to become party, as upon reflection PTI has realized that the judgment dated 6 February 2019 is in accordance with the law.

5. Civil Miscellaneous Application No. 3577 of 2019

This application was filed on 7 March 2019 by Sh. Rasheed Ahmed wanting to be joined as a party. He was represented by Mr. Amanullah Kanrani, ASC. We are informed by learned AOR that Mr. Amanullah Kanrani has been appointed as Law Minister of the Government of Balochistan and seeks time to engage another counsel or shall himself argue the application on the next date of hearing.

6. Civil Miscellaneous Application No. 3579 of 2019

This application was filed by Muttahida Quami Movement (**'MQM'**) on 7 March 2019. Sh. Mahmood Ahmad, learned AOR states that Mr. Irfan Qadir, learned ASC, represented MQM and he was unable to contact him and does not know if he still represents MQM and thus may be given an opportunity to contact him. We are not concerned with the internal matters of counsel.

7. Civil Miscellaneous Application No. 3582 of 2019

This application was filed on 7 March 2019 by Mr. Muhammad Ijaz ul Haq who sought to expunge something in paragraph 4 of the judgment dated 6 February 2019. However, paragraph 4 refers to a report submitted by ISI (CMA No. 1229 of 2018). Therefore, we inquired from Mr. M. A. Ghaffar-ul-Haq, learned ASC, whether Mr. Muhammad Ijaz ul Haq takes exemption to the report of the ISI or what was observed by this Court, and learned counsel sought time to take instructions and to file an affidavit of Mr. Muhammad Ijaz-ul-Haq.

8. Civil Miscellaneous Application No. 3610 of 2019

This application was filed on 7 March 2019 by the Election Commission of Pakistan seeking to delete certain observations made in paragraph 33. Malik Qamar Afzal, learned ASC, states that he is now under instructions to withdraw the application.

9. During the hearing a number of questions arose, including (a) non-fixation of these applications for a considerably long period of time,

(b) the simultaneous filing and reason for filing the said CRPs and applications, (c) whether constitutional and statutory bodies acted independently in filing the same and (d) whether, as asserted by some, the judgment dated 6 February 2019 has been implemented.

10. Since adjournments have been sought and as certain parties are not in attendance, therefore, they and all are given another opportunity. We note that some have publicly stated that they knew what had happened, yet the judgment did not consider their point of view. This is surprising given that it was noted in paragraph 17 of the judgment that:

‘All the hearings in this case were conducted in open court. We had permitted those aggrieved and those whose interest may be affected to come forward and had also permitted them to file documents and written submission.’

In any event we are providing another opportunity to all to submit in writing through affidavits if they want to disclose facts pertaining to this matter. The learned AG however states that the matter attends to events of a certain period and its scope should not be extended.

11. If any party or any one wants to file anything the same be filed by or before **Friday, 27 October 2023**. Hearing is adjourned to **Wednesday, 1 November 2023**.

CHIEF JUSTICE

JUDGE

JUDGE

Islamabad, the
28th September, 2023.
(Mazhar Javed Bhatti)