

Islamabad, March 31st, 2023

CIRCULAR

Suo Motu Case No. 4/2022 came up for hearing before Special Bench on 15.3.2023 and the Order was passed with ratio of 2:1. With respect to the said order the HCJ has been pleased to observe as under:-

“The observations made in paras 11 to 22 and 26 to 28 of the majority judgment of two to one travel beyond the *lis* before the Court and invokes its suo motu jurisdiction.

The unilateral assumption of judicial power in such a manner violates the rule laid down by a 5 Member judgment of this Court reported as Enforcement of Fundamental Rights with regard to Independence of Press/Media (PLD 2022 SC 306).

Such power is to be invoked by the Chief Justice on the recommendation of an Hon’ble Judge or a learned Bench of the Court on the basis of criteria laid down in Article 184(3) of the Constitution.

The said majority judgment therefore disregards binding law laid down by a larger bench of the Court.

Any observation made in the said judgment, *inter alia*, for the fixation or otherwise of cases is to be disregarded. Accordingly, a circular be issued by the Registrar stating the foregoing legal position for the information of all concerned.”

2. Accordingly. the circular is hereby issued.



(Ishrat Ali)
Registrar

1. The President, Supreme Court Bar Association, Islamabad.
2. The Secretary, Pakistan Bar Council, Islamabad.
3. All AORs at Principal Seat & Branch Registries.
4. Secretary to Hon’ble Chief Justice of Pakistan.
5. PRO to Hon’ble Chief Justice of Pakistan.
6. Senior Private Secretaries/Private Secretaries to the Hon’ble Judges.
7. PA to the Registrar.
8. PA to the Additional Registrar (Judicial).
9. PA to the Additional Registrar (Admn)
10. Deputy Registrar (Judicial)
11. Deputy Registrar (Lahore)
12. Deputy Registrar (Karachi)
13. Assistant Registrar (Peshawar)
14. Assistant Registrar (Quetta)
15. Institution Officer at Principal Seat.
16. Assistant Registrar (C-I)
17. Assistant Registrar (C-II)
18. Assistant Registrar (Criminal)
19. Assistant Registrar (Printing)
20. Director IT (IT Directorate)
21. Notice Board for information of AORs and ASCs at Principal Seats as well as Branch Registries.