

SUPREME COURT OF PAKISTAN



ANNUAL REPORT
June 2015 - May 2016

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Supreme Court of Pakistan

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Court Room - 1



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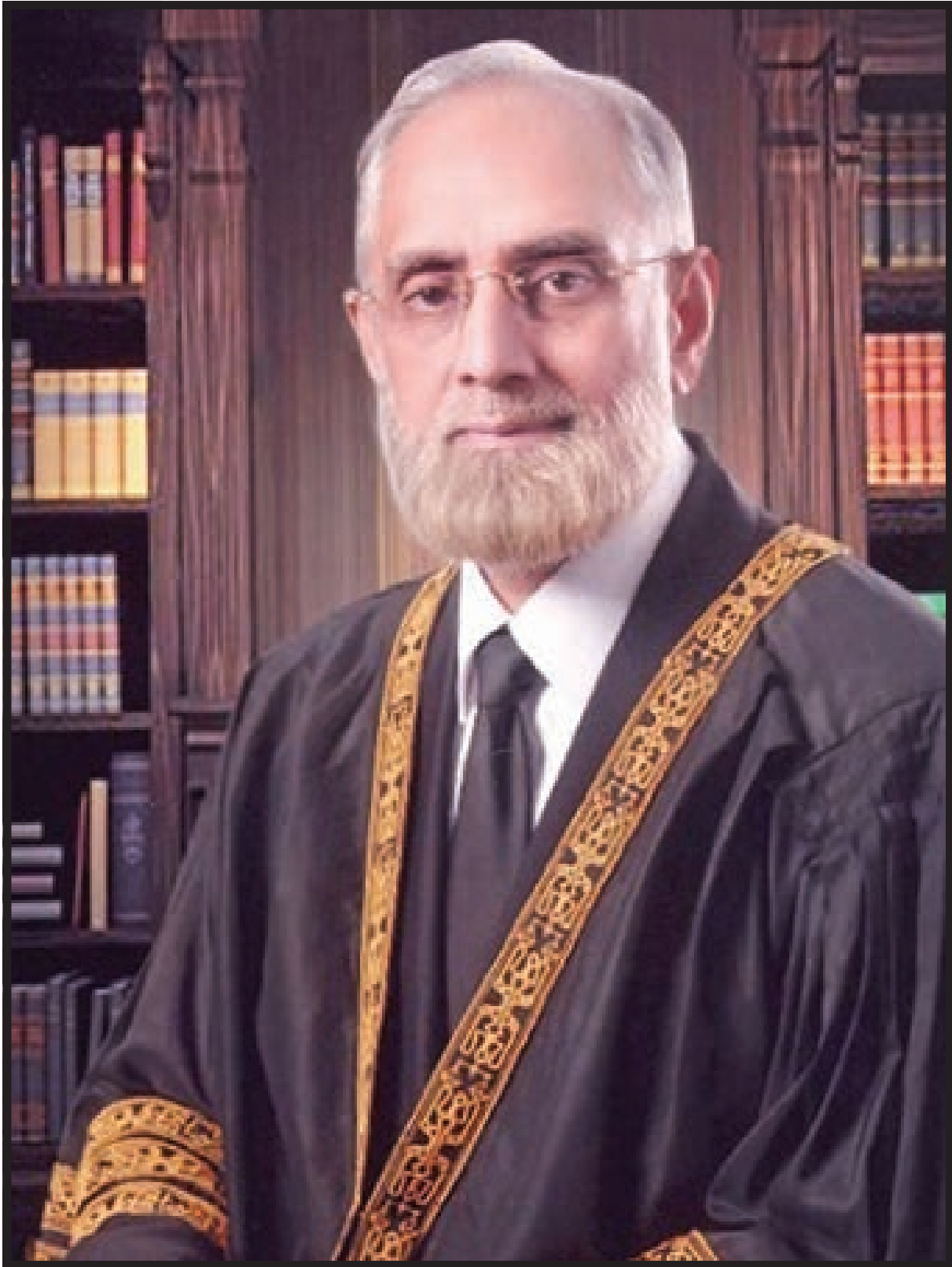
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Justice for All

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



Mr. Justice Anwar Zaheer Jamali
Chief Justice of Pakistan

Foreword by the Chief Justice of Pakistan

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

The publication of Annual Report by now is a regular feature of the working of this Court. The Report furnishes essential information about the composition, jurisdiction, functioning of the Court and its offices; mode of appointment of Judges and important decisions pronounced during the period under report, etc. It also exhibits the performance of the Court, through the statistical data, in a simple yet comprehensive manner and highlights the achievements made in the course of its working.

Almost every court system in any modern State is confronted with the issue of heavy backlog of cases. Ours is no exception. It is a chronic problem, which continues to haunt the system of administration of justice. The issue is aggravated by an ever increasing litigation. This calls for a concerted effort on the part of all the stakeholders – the Judges, lawyers, litigants, witnesses and, most importantly, the State functionaries in various branches of the Government. Myself and my brother Judges are conscious of the magnitude and gravity of the problem. In our formal as well as informal interactions, we have been discussing these issues and attempting to find solutions thereof. The issue of ever increasing backlog made us to explore all available means within the framework of Constitution and the law. In this very context, we requested two of our former colleagues, namely, Mr. Justice Tariq Parvez and Mr. Justice Khilji Arif Hussain to re-join us as ad-hoc Judges. With their addition, the Court indeed made a significant improvement in the disposal of cases (more than 17,000 cases). To facilitate the litigant public and to provide justice to them at their door step in line with the mandate of the Constitution, Benches were constituted from time to time at the Branch Registries at provincial capitals. In their zeal for expeditious disposal of cases, the Judges volunteered to work during summer as well as winter vacations. However, despite higher disposal rate during the period under report as compared to the previous years, the backlog could not be brought down for a variety of reasons, including highest ever institution of cases (more than 20,000 cases).

It is noteworthy that a large number of important constitutional cases were decided by the Court after lengthy hearings by the Full Court spreading over months. Besides, Larger Benches of five Judges were constituted to hear and decide cases involving questions of great legal importance where conflicting judgments had been rendered. These also included cases of first impression which called for authoritative pronouncement in view of the peculiar facts and circumstances of each case. A

number of Judges remained busy in conducting proceedings of the Inquiry Commissions constituted by the Government to resolve issues of great national importance, in the meetings of the Judicial Commission for appointment of Judges as well as in the proceedings of the Supreme Judicial Council pertaining to complaints filed against the Judges of the Superior Courts.

During the period under report, two Hon'ble Chief Justices – Mr. Justice Nasir-ul-Mulk and Mr. Justice Jawwad S. Khawaja – laid down the robes on attaining the age of superannuation. Two of the Hon'ble Judges, namely, Mr. Justice Sarmad Jalal Osmani and Mr. Justice Ijaz Ahmed Chaudhry also laid down the robes. All of us greatly appreciate their legal acumen and the great services rendered by them to the cause of justice and the constitutionalism. During this period, Hon'ble Mr. Justice Manzoor Ahmad Malik, Mr. Justice Sardar Tariq Masood and Mr. Justice Faisal Arab were elevated as Judges of the Supreme Court. These appointments resulted not only in the Court having its full strength of 17 Judges but also in achieving the target of higher rate of disposal of cases.

It is my firm belief that rule of law is the essence of good governance. An efficient judicial system is obliged to ensure rule of law, which is pivotal for the subsistence of socio-economic and political justice. With the ever changing socio-economic and political conditions at national and international levels, the Courts are called upon to perform their functions more actively and be a useful part of the system of checks and balances.

We cannot remain oblivious of the aspirations of the people to lead their lives in accordance with the principles and teachings of Islam as reflected in the Constitution of Pakistan, the Preamble whereof provides, inter alia, that it is the will of the people of Pakistan to establish an order ... wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed. The judiciary as an apparatus of the governance system, under the mandate of the Constitution, is committed to uphold the rule of law and ensure that the ideals set out in the Constitution are vigorously pursued and the benefits of law are accrued to the masses.

Justice Anwar Zaheer Jamali
Chief Justice of Pakistan

Registrar's Report

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

This report aims to share information about the functioning and achievements of the Supreme Court and the goals achieved during the year 2015-16. It gives a detailed account of the efforts made by the Hon'ble Judges and the Court staff to improve its working, prompt processing and disposal of matters that come before it.

In order to devise effective mechanisms and innovative methods to ensure the provision of inexpensive and expeditious justice to the litigants, the matter was discussed in Full Court meetings. With consensus of the Hon'ble Judges, policies were framed and practical measures taken. 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. To streamline the categorization of cases and its fixation, a special "Categorization Cell" was established in the Court. Special benches were constituted to decide the main categories of cases i.e. civil, criminal, service and banking cases. Unnecessary adjournments were avoided and discouraged. On the request of the Bar Association and in order to facilitate advocates, proposed cause lists were issued in advance. In response, the Bar Council and Bar Associations expressed great satisfaction over the measures adopted for court administration and fixation of cases.

On 1st June, 2015 pendency of the cases in the Court stood at 23834. From 1st June, 2015 to 31st May, 2016, 20679 new cases were filed, which raised the pendency figures to 44513. However, during this period some 17186 cases were decided, thereby reducing the overall pendency to 27327.

During the period, Human Rights Cell received applications/complaints from the poor, downtrodden and vulnerable segments of society. On 1st June 2015 pendency of cases in Human Right Cell stood at 11,883 and during the reported period 29,490 new applications/ complaints were received, which raised the pendency figures to 41,373 out of which 31,470 were disposed of and overall pendency stood at 9,903.

During this period, many important events took place including the retirement of Mr. Justice Nasir-ul-Mulk, former Chief Justice of Pakistan who laid down his robes on 16.8.2015. Mr. Justice Jawwad S. Khawaja, former Chief Justice of this Court retired on 9.9.2015. Mr. Justice Sarmad Jalal Osmany, former Judge of this Court also laid down the robes of his office on 12.10.2015 and Mr. Justice Ijaz Ahmed Chaudhry, Hon'ble former Judge also retired on 14.12.2015. Three new judges namely Mr. Justice Manzoor Ahmad Malik and Mr. Justice Sardar Tariq Masood from Lahore High Court, and Mr. Justice Faisal Arab from High Court of Sindh were elevated to the Supreme Court of Pakistan.

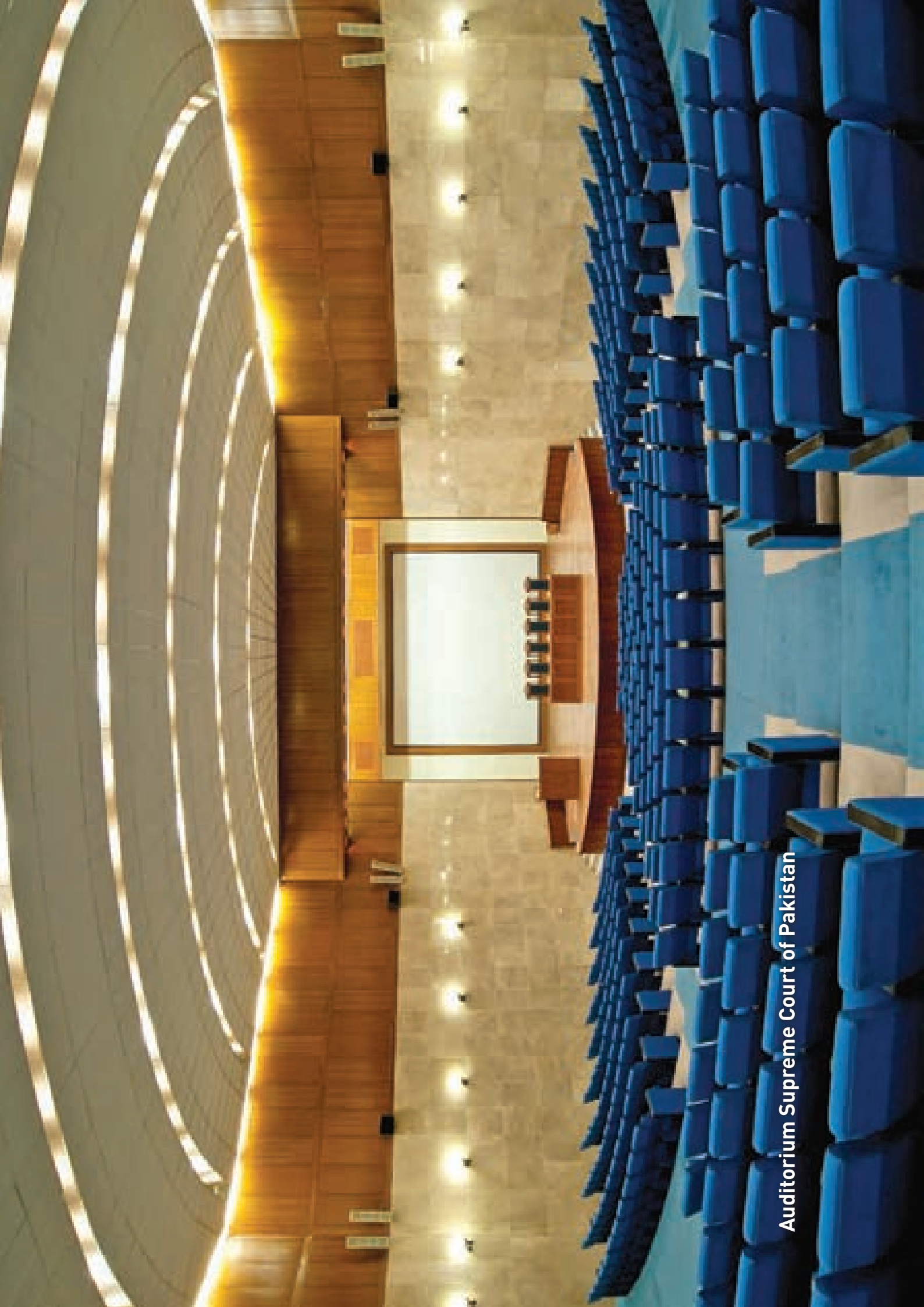
Renovation work of the Supreme Court Building at principal seat as well as the branch registry Lahore was carried out. New building structures of Bachelor Hostel and Police Line at Branch Registry Lahore were added to the Building of the Court Registry. Work on the Supreme Court museum was speeded up which has almost been completed and its inaugural ceremony will be held soon. Its collection exhibits judicial history of the country and provides insight into the evolution and development of the legal and judicial system. The construction of Supreme Court Quetta Branch has been undertaken and it will be completed in the next 18 months. PC-1 of the proposed parking to be established in adjacent plot of the Branch Registry, Karachi has also been approved. The Building Committee of this Court closely monitored the construction works to ensure quality work and timely completion of projects.

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 15 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 and SJC Enquiry Rules, 2005, it disposed of 26 cases during the period under report. Besides, soon after framing the Supreme Court Establishment Service Rules, 2015, recruitment to the various posts in 07 different categories starting from BS-1 to BS-18 was initiated. Screening/written tests were conducted through National Testing Services, Islamabad and candidates were interviewed by the Selection Board under the Chair of Hon'ble Senior Judge of the Supreme Court. Pre-service training for new entrants was conducted in the various branches at the principal seat, Islamabad. The Committee on Appointment of Law Clerks recommended 14 fresh graduates as Law Clerks for legal assistance to the Hon'ble Judges of the Court.

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

Arbab Muhammad Arif
Registrar



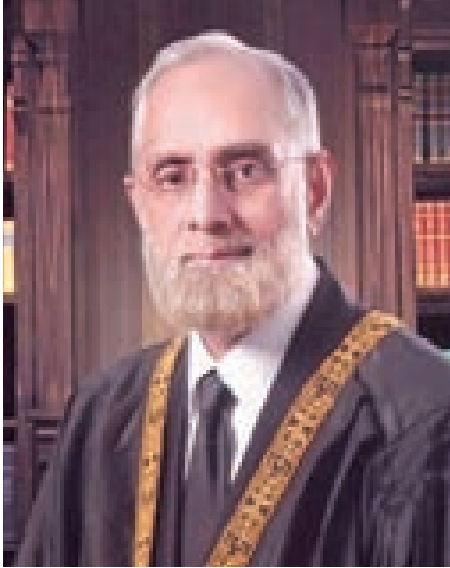
Auditorium Supreme Court of Pakistan

CHAPTER

3

PROFILE OF THE CHIEF JUSTICE AND JUDGES

3.1 Profile of the **Chief Justice of Pakistan**



**MR. JUSTICE
ANWAR ZAHEER JAMALI**

Hon'ble Mr. Justice Anwar Zaheer Jamali hails from a noble religious family belonging to the *Chishtia* order of Mystics. He was born at Hyderabad (Sindh) Pakistan on 31.12.1951; completed his Bachelor's Degrees in Commerce and Law from the University of Sindh in the years 1971 and 1973 respectively; enrolled as an Advocate of lower Court on 10.1.1975; High Court on 13.11.1977 and Supreme Court on 14.5.1987. Elevated as Judge High Court of Sindh on 26th May 1998, and Chief Justice High Court of Sindh on 27.8.2008. He was elevated as Judge Supreme Court of Pakistan on 3.8.2009. His lordship was appointed as Hon'ble Chief Justice of Pakistan on 10.09.2015.

3.2 Profile of the Judges of the **Supreme Court of Pakistan**



**MR. JUSTICE
MIAN SAQIB NISAR**

Hon'ble Mr. Justice Mian Saqib Nisar was born on 18.01.1954 at Lahore; passed his Matriculation from Cathedral High School, Lahore and Graduation from Government College, Lahore, Bachelor of Law was done from the University of Punjab in the year 1979-80; joined legal profession as an Advocate on 02.05.1980, was enrolled as an Advocate of the High Court in 1982 and as Advocate of the Honorable Supreme Court of Pakistan in 1994, was elevated as the Judge of the High Court on 22.05.1998 and of the Supreme Court of Pakistan on 18.02.2010. His lordship was member of a delegation representing Pakistan in "International Youth Conference" held in Libya, Tripoli in 1973.

His lordship had been practising in Civil, Commercial, Tax and Constitutional Law; had appeared in large number of important constitutional cases both in the High Court and the Supreme Court. His lordship was elected as Secretary General of Lahore High Court Bar Association in the year 1991; was appointed Federal Law Secretary on 29.03.1997 and it is for the first time in the history of the country that someone from the Bar had been appointed to such post.

His lordship represented the Pakistan in International Conference held in Wilton Park, U.K on the subject of "**Pakistan and India at Fifty**". His lordship led Pakistan delegation to Manila, Philippines in a conference of the Minister level on the subject "**Asia Region Transitional Crimes**" and also led Pakistan delegation on Human Rights to Switzerland, besides in February, 2009 has participated in conference held in Oslo, Norway under the auspices of Pakistan community in collaboration with the Norwegian Ministry of Foreign Affairs on the subject of "Islam and Democracy" and read the paper on the "Role of the Courts in Islamic Democratic Society." His lordship also has been a part time lecturer at Punjab Law College and Pakistan College of Law, where he taught Civil Procedure Code and the Constitution.



MR. JUSTICE ASIF SAEED KHAN KHOSA

Name:

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. Articles and research papers on diverse constitutional and legal issues published in major law reports and newspapers of the country:
- 'Qualifications for candidates: a constitutional puzzle' (PLD 1988 Journal 272) (PLJ 1988 Magazine 160)
- 'The Judge who opens his mouth -- ' (PLD 1989 Journal 32) (PLJ 1989 Magazine 32)
- after the Eighth Amendment of the Constitution' (PLJ 1992 Magazine 1)
- 'Suo motu exercise of writ jurisdiction' (PLD 1993 Journal 87) (PLJ 1993 Magazine 222)
- 'High Courts and expeditious justice' (PLD 1993 Journal 97) (PLJ 1993 Magazine 204)
- 'Legislature, Executive and Judiciary: conflicts and cohesion' (PLD 1994 Journal 64) (PLJ 1994 Magazine 65)
- 'Justice Shafiur Rehman: a valedictory note' (PLJ 1994 Magazine 124)
- 'Independence of Judiciary: a constitutional challenge' (PLD 1994 Journal 101) (PLJ 1994 Magazine 116)
- 'Four hats on a judicial head: an unconstitutional practice' (PLJ 1994 Magazine 307)
- 'A constitutional vacuum in the law relating to offences against human body' (PLD 1994 Journal 165) (PLJ 1994 Magazine 322)
- 'Spotlight on some constitutional obscurities in relation to the office of the President' (PLD 1995 Journal 6) (PLJ 1995 Magazine 1)
- 'Islamic provisions in the Constitution of Pakistan, 1973' (PLD 1995 Journal 17)
- 'Constitutional force of a Speaker's ruling' (PLD 1995 Journal 22) (PLJ 1995 Magazine 77)
- 'Judiciary's role towards promotion of social, economic and political justice: the Pakistan experience' (PLD 1995 Journal 79) (PLJ 1995 Magazine 104)
- 'Role of independent Judiciary in criminal justice system'
- 'Harnessing the capabilities of Judiciary to meet challenges for expeditious delivery of justice'
- 'A citizen's quest for provincial autonomy'
- 'Acting appointment: a constitutional quagmire'
- 'Absence of a Chief Minister creates a constitutional vacuum'
- 'The unaccomplished constitutional agenda'

'Redundancies in the Constitution'
(PLJ 1996 Magazine 8)

'Constitutional and legal issues involved in the acquittal of Sh. Rashid Ahmad, MNA'

'The 'Judges Case' and its implications'
(PLJ 1996 Magazine 27)

'Personal use' of the constitutional process'
(PLJ 1997 Magazine 105)

'Chief Justice of Pakistan and the Supreme Judicial Council'
(PLD 1996 Journal 17)
(PLJ 1996 Magazine 57)

'Cleansing the fountainhead: a constitutional recipe for elimination of corruption'
(PLJ 1996 Magazine 126)

'Appointment of a care-taker Cabinet after dissolution of the National Assembly'

'Swapping of roles between the Legislature and the Executive'
(PLJ 1997 Magazine 48)

' "I do solemnly swear" '
(PLJ 1997 Magazine 61)

'Independence of Judiciary: The Final Frontier'
(PLD 2007 Journal 1)

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

Decided about fifty thousand cases over a period of more than eighteen years so far

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

International Law Association's Conference on 'The Right to Food' held at Islamabad, Pakistan in 1990

First SAARCLAW Conference held at Colombo, Sri Lanka in 1991

Second SAARCLAW Conference held at Karachi, Pakistan in 1992

Third SAARCLAW Conference held at New Delhi, India in 1994

Asia Law Conference on Social Development held at Hyderabad, India from February 17 to 19, 1995

Joint Seminar on 'Contemporary Issues Concerning Criminal Justice: A Comparative Perspective' conducted by the National Police Academy, Islamabad in collaboration with the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo held at Rawalpindi, Pakistan from March 12 to 16, 1995

Fourth SAARCLAW Conference held at Kathmandu, Nepal from March 31 to April 2, 1995

Seminar on 'Civil Services of Pakistan: Challenges and Opportunities' conducted by the Civil Services Academy, Lahore, Pakistan on September 17, 1995

Workshop on 'Human Rights Education' held by the National Institute of Public Administration (NIPA),

Lahore, Pakistan on August 18, 1997

Sixth SAARCLAW Conference held at Karachi, Pakistan from October 3 to 5,

Human Rights Conference of the International Bar Association held at Lahore, Pakistan from March 29 to 31, 1998

Presided over and conducted three workshops at Islamabad, Lahore and Multan, Pakistan in 2004 attended by District & Sessions Judges, Additional District & Sessions Judges and Senior Civil Judges of all the Districts of the Province of the Punjab on the topics of 'Judicial Ethics' and 'Delay Reduction'

Third Biennial Meeting of Commonwealth Judicial Educators organized by the Commonwealth Judicial Education Institute (CJIEI), Canada in collaboration with the Canadian International Development Agency (CIDA) in New Delhi and Bhopal, India from March 12 to 19, 2005

Golden Jubilee ceremonies of the Punjab and Haryana High Court at Chandigarh, India in December, 2005

Intensive Study Programme for Judicial Educators conducted by the Commonwealth Judicial Education Institute, Halifax, Canada from June 3 to 24, 2006 at Halifax, Ottawa and Toronto, Canada

International Judicial Conference held at Islamabad, Pakistan from August 11 to 14, 2006 in connection with the Golden Jubilee ceremonies of the Supreme Court of Pakistan

International Conference on 'Criminal Justice under stress: Transnational Perspectives' held by the Indian Law Institute at New Delhi, India from November 24 to 25, 2006 in connection with its Golden Jubilee celebrations

Intensive Study Programme for Judicial Educators conducted by the Commonwealth Judicial Education Institute, Halifax, Canada from June 3 to 23, 2007 at Halifax, Ottawa and Toronto, Canada

Commonwealth Judicial Education Institute's Biennial Meeting of Judicial Educators held at Arusha and Lake Manyara, Tanzania from October 29 to November 2, 2008

Course on Judicial Administration conducted by the Royal Institute of Public Administration (RIPA) at

London, United Kingdom from May 26 to June 5, 2009

Judicial Conference on 'Enhancing the Justice System under the Rule of Law' held in Mauritius from September 22 to 25, 2009 by the Mauritius Judiciary in collaboration with the Honourable Society of Middle Temple, London, United Kingdom and the Commonwealth Judicial Education Institute, Halifax, Canada

Biennial Meeting of the Commonwealth Judicial Education Institute, Halifax, Canada alongwith a Judicial Conference on 'Developing Judicial Education Programmes to respond to Contemporary Needs' held at Kuala Lumpur, Malaysia from March 23 to 27, 2010

Mauritius International Arbitration Conference held in Mauritius from December 13 to 14, 2010

Keynote address on February 15, 2011 at Maiduguri, Borneo State, Nigeria in connection with the New Legal Year commencement and the Nigerian Bar Association Maiduguri and Biu Branch Bar Week ceremonies

South Asia Conference on Environmental Justice held at Bhurban, Pakistan from March 24 to 25, 2012

International Judicial Conference held at Islamabad, Pakistan under the auspices of the Law and Justice Commission of Pakistan and the National Judicial (Policy Making) Committee from April 13 to 15, 2012

International Judicial Conference held at Islamabad, Pakistan under the auspices of the Law and Justice Commission of Pakistan from April 19 to 21, 2013

Conference held at Ankara and Fethiye, Turkey from September 19 to 23, 2013 on the subject of 'National & International Dimensions of the Conflicts of Jurisdiction and the Court of Jurisdictional Disputes'

Serious Crime Seminar at Warwick, United Kingdom from September 23 to 24, 2013

Led a delegation of Directors of four Judicial Academies of Pakistan on a Judicial Study Tour of the Judicial Institute for Scotland, the Judicial Training Programme of the Republic of Ireland and the Judicial College, London from September 25 to 27, 2013

Workshop on 'Prisoners' Vulnerability: Lacking Awareness' organized in the Federal Judicial

Academy, Islamabad by the Law and Justice Commission of Pakistan in collaboration with the Supreme Court of Pakistan on November 2, 2013

International Judicial Conference held under the auspices of the Law and Justice Commission of Pakistan at Islamabad from April 18 to 19, 2014

Biennial Meeting of the Commonwealth Judicial Education Institute, Halifax, Canada alongwith a Judicial Conference held in Bermuda from May 12 to 14, 2014

Witness Security Symposium held at Bhurban, Pakistan from June 22 to 24, 2014 organized by the Law and Justice Commission of Pakistan in collaboration with the British High Commission, Islamabad

International Symposium on the 70th Anniversary of the Court of Jurisdictional Disputes of the Republic of Turkey held in Ankara, Turkey on June 11, 2015

Commencement ceremony of the New Legal Year of the Supreme Court of the Turkish Republic of Northern Cyprus on September 16, 2015

Seminar held at Lahore, Pakistan by the Supreme Court Bar Association of Pakistan on January 16, 2016 on "Our Values & Conduct: A Dialogue between the Gavel and the Robe"

Open Briefing of the Counter-Terrorism Committee of the Security Council of the United Nations on 'The Effective Adjudication of Terrorism Cases' held at the United Nations Headquarters, New York, United States of America on March 10, 2016

Panel discussion of the Chief Justices and Judges of the Supreme Courts of the SAARC countries held at the New York University, School of Law on March 11, 2016

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 since 2016



**MR. JUSTICE
AMIR HANI MUSLIM**

Father's Name: (late) Muhammad Bashir Ahmed
 Date & Place of Birth: 1st April, 1952, Kotri, District Dadu, Sindh.
 Religion: Islam
 Nationality: Pakistani
 Marital Status: Married
 Academic Qualification: B.Sc., L.L.B.

Full Particulars:

- Enrolled as Advocate of Subordinate Courts on 26-5-1981.
- Enrolled as Advocate of High Court on 7-11-1983.
- Enrolled as Advocate of Supreme Court on 18-5-2000.

Experience:

- Appointed as "Assistant Advocate General, Sindh" on 24-3-1994.
- Appointed as "Additional Advocate General, Sindh" on 17-7-1995.
- Resigned from the office of the "Additional Advocate General, Sindh" on 24-11-1996.
- Appointed as "Deputy Attorney General for Pakistan" at Karachi on 12-1-2002.
- Elevated to the Bench on 27th August, 2002.
- Elevated to the Supreme Court of Pakistan on 14th February, 2011.



**MR. JUSTICE
EJAZ AFZAL KHAN**

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



**MR. JUSTICE
GULZAR AHMED**

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

Elevated as Judge of the High Court of Sindh on 27.08.2002. Remained Member Board of Governors BESTECH, NED University of Engineering & Technology, Sir Syed University of Engineering & Technology, Iqra University, Ahmed E.H. Jaffer Foundation and Agha Khan University, Karachi. Remained Chairman, Enrollment Committee of Sindh Bar Council, Karachi. Also remained Chairman of the Development Committee & I.T. Committee of the High Court of Sindh, Karachi. Attended 2009 Study Tour for Pakistani Judicial Officials on International Cooperation in Terrorist Cases sponsored by the United Nations Office on Drug and Crime at Vienna, Bonn and Berlin. Attended Intensive Study Programme for Judicial Educators conducted by Commonwealth Judicial Education Institute, Canada with sessions at Halifax, Ottawa and Toronto and conferred Fellowship by the Institute. Notified as Senior Puisne Judge of the High Court of Sindh on 14th February, 2011. Elevated as Judge of the Supreme Court of Pakistan on 16th November, 2011 and took office on 17th November, 2011. Attended International Judicial Conference held at Islamabad on 19-21 April, 2013 as Co-Chair for thematic group "Parental Child Abduction & Transnational Jurisdiction". Notified as Member, Building Committee of the Supreme Court of Pakistan, Islamabad. Attended Workshops of Federal Judicial Academy, Islamabad. Participated in the "Competition Law Workshop for Asia Pacific Judges" held on 15th to 17th October, 2014 at Seoul, Korea. Gave an informal lecture on "Judiciary and Judicial System of Pakistan" at the Seattle University, School of Law, USA, on 27th October, 2014, with question and answer session.



MR. JUSTICE SH. AZMAT SAEED

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

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

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

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

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

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

Appointed as Deputy Prosecutor General, NAB

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

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

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

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

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

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

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



MR. JUSTICE IQBAL HAMEEDUR RAHMAN

Hon'ble Mr. Justice Iqbal Hameedur Rahman is a scion of a noble family that has its roots in the legal fraternity since pre-partition of Indo-Pak Subcontinent. His paternal uncle, late Maudoodur Rahman was a barrister, who later became a Judge of the Chief Court Calcutta. His maternal grandfather late Mr. Ashraf Ali Khan was a barrister and a practicing Advocate in Calcutta High Court. He was also a member of the Bengal Legislative Assembly in Calcutta and was later elected as Deputy Speaker of the said Assembly before partition. His illustrious father late Hon'ble Mr. Justice Hamoodur Rahman was appointed as Advocate General of East Pakistan in 1953, from where he was elevated to the Bench as judge of the Dhaka High Court in 1954. In addition he remained as the Vice Chancellor of Dhaka University (1958-60). He was appointed as judge of the Supreme Court of Pakistan in 1960 and was made the Chief Justice of Pakistan in 1968. He was one of those widely respected individuals in the history of Pakistan, who through his exalted character and dedication to this country had left such imprints, which will be followed by the generations unborn with dignity and pride. He was author of the "Hamoodur Rahman Commission Report" which inquired into the circumstances leading to the breakup of Pakistan in 1971. Besides revealing the causes of the dismemberment of Pakistan, the said report gave an honest and courageous account of the events that led to the said tragedy. He was also the Chairman of Presidential Commission on Education (1964), Chairman Law Reform Commission (1967), member United Nations Committee on Crime Prevention and Control (1972-73) and Chairman of the Council of Islamic Ideology (1974-77).

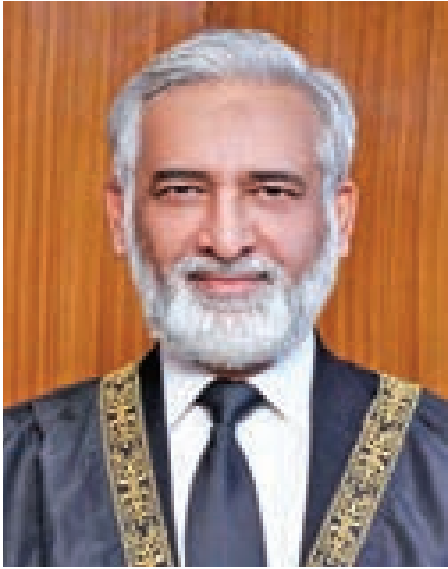
Hon'ble Mr. Justice Iqbal Hameedur Rahman was born in Dacca in 1956. On the elevation of his illustrious father as judge of the Supreme Court of Pakistan, the family shifted to Lahore in 1960, where Mr. Iqbal Hameedur Rahman started his primary education from St. Anthony High School, Lahore. After doing his Matriculation from the said institution, he joined Government College Lahore, from where he did his Intermediate in 1973 and Graduation in 1975. He obtained his professional degree of LL.B. from the Punjab University, Law College, Lahore in 1980. In addition he also obtained diploma in Labour Laws from the Punjab University Lahore.

He started his professional career as an Advocate in 1981 from the District and Civil Courts in Lahore

and was enrolled as an Advocate High Court in 1983 and an Advocate Supreme Court in 1997. In 1998, he was elected as the Secretary Lahore High Court Bar Association. In 2006, he was elevated as an Additional Judge of the Lahore High Court and was confirmed as a permanent Judge of the Lahore High Court on 27.10.2007.

After the promulgation of Provisional Constitutional Order 2007, he was asked to take oath under the PCO. Like his courageous counterparts, he stood for the rule of law in order to preserve the dignity and honor of his institution and the Constitution of Pakistan and refused to take oath under the PCO. He and his counterparts were subjected to an insurmountable mental anguish but no inducement or threat could deter him from his chosen path. He sacrificed his tenure of eleven years of judgeship at the altar of truth and rule of law with such dignity that the soul of his noble father would always be proud of him. He and his brother judges ignited such flame in the heart of this nation that not only led to a great social awakening but also bound this society with the rule of law.

In 2009, an unfortunate incident happened in Gojra in which certain members of the Christian Community were burnt alive by a mob. He was entrusted with One Man Tribunal of Inquiry in respect of Gojra incident in the year 2009. His dignified stature not only stopped the communal violence but his report also chalked out certain objective guidelines for the protection of the rights of minorities in the country. He was appointed as a member of the inquiry commission in respect of the plot to assassinate the Chief Justice Khawaja Mohammad Sharif. He has been a member of the Election Commission of Pakistan. After passing of the 18th Amendment and establishment of Islamabad High Court, he was elevated as the first constitutional Chief Justice of the Islamabad High Court on 03.01.2011. He also remained member of Judicial Commission constituted by the Supreme Court of Pakistan to inquire into Memorandum Scandal, popularly known as Memo Commission. He was elevated as Judge of the Supreme Court of Pakistan on 25.02.2013.



**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 Gawaliar 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 absconsion, checked fraudulent litigation & impersonation. Established 1st Research, Reform & Development Branch in Sindh High Court.

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

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

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

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



**MR. JUSTICE
DOST MUHAMMAD KHAN**

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

EDUCATION

Matriculation: Government High School No.1, Bannu.

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

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

PROFESSIONAL CAREER

Enrolled Advocate of the Lower Courts:- Year 1977

Enrolled Advocate of the High Court:- Year 1981

Enrolled Advocate of the Supreme Court of Pakistan:- 1998

ACTIVITIES AT BAR

Elected President of District Bar Association, Bannu:- Year 1986-87

Elected President of Peshawar High Court Bar Association D.I.Khan Bench:- year 1999-2000

JUDICIAL CAREER

- Elevation to the Bench as Additional Judge:- 10th September, 2002
- Confirmation as permanent Judge of the Peshawar High Court:- 10th September, 2003
- Remained Presiding Judge Banking Court, Peshawar High Court and Company Judge, Peshawar High Court:- 2003-2004 and 2005-2006 respectively.
- Monitoring Judge, Anti-Terrorism Courts, KPK:- 2009-2010
- Member Administration Committee and Security In-charge Judge of the Building of Peshawar High Court, Judicial Complexes Peshawar and all the District Courts in KPK.

APPOINTMENTS

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

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

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

TRAINING AND CONFERENCES

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

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

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

CONTRIBUTION

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

ACHIEVEMENTS AS CHIEF JUSTICE

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

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

A large research and resource wing equipped with digital library on web server containing statutory and precedent law of Pakistan and of seven other leading countries of Asia, Europe and United States. The Academy was linked through video channel, on Skype with seven world leading centers of judicial excellence and universities. The academic staff, consisted of Ph.D scholars, LL.M, Psychologists and psychiatrists, retired Chief Secretaries to prepare modules and themes for imparting judicial knowledge, education and training to the Judges of the District Judiciary, lawyers, investigators of all ranks and departments, Prosecutors, Prison Authorities, medicolegal officers and probation and parole officers. Since its inception the academy was taken to

high pedestal. The HEC recognized it, added in its schedule and awarded status of highly placed teaching institution, permitting it to provide admission in LL.M., M.Phil and LL.B and authorized it to award degree awarding status.

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

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

- (c) With the assistance of UNDP, a modern and spacious Mobile Court Bus was arranged, highly trained Judges, Lawyers were deputed and during several visits to remote areas of Peshawar this project achieved remarkable target within no time. It received appreciation at world level and in the NJPMC meeting too its services were highly acknowledged.
- (d) The inactive human rights cell in the Peshawar High Court was upgraded to the Directorate and in a record period of 10 months 7900 complaints/cases were decided, both pending and fresh and in 75% cases, relief was given to the aggrieved parties, including destitutes, within a week time or fortnight.

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

- (e) Fund of Billions of rupees was got sanctioned

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

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

- (f) 2600 missing persons (forced disappearance) were got freed through judicial interference, land grabbed, measuring almost 2500-Kanals of graveyards and government owned was retrieved from 'Qabza Mafia' and was handed over to the "Auqaf" department, KPK.
- (g) A crusade was launched against spurious drugs/medicines. Drug Inspectors and Health Department were fully activated and the KPK was cleared from fake and spurious drugs/medicines.

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

- (h) The Japan-Pakistan Friendship, Kohat Tunnel, which was badly damaged due to bomb blast carried out by the militants, was restored to its original shape through injunction order within two months, with lighting and exhaust system of international standard and allied facilities. For pollution free environment in Peshawar and in other districts of KPK all authorities were activated and remarkable achievements were made in this regard.
- (i) Green Belt with 10,000 sapling/plants was established on G.T. Road upto University Road.

- (j) Neglected "Regi Lalma Housing Scheme" was taken notice of, natural gas, electricity and drinkable water facilities were provided and now hundreds and hundreds houses/ bungalows have been constructed by the public after providing full security.
- (k) Almost 140 Additional District & Sessions Judges were provided 13cc GLI, Corolla Cars with 150 Litters POL and drivers, free of cost to raise their dignity and life style and to eradicate corruption. Para-legal staff's salary was doubled besides upgrading their posts to eradicate corruption. The salaries of all judicial officers were increased 3 times.
- (l) Annual repairs and renovation funds for each District Court in KPK was enhanced from Rs.500000/- to Rs.50,00000/- (Rs.5 million).

JUDGE OF SUPREME COURT

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



**MR. JUSTICE
UMAR ATA BANDIAL**

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

Justice Umar Ata Bandial established his law practice at Lahore dealing mostly with commercial, banking, tax and property law matters. After 1993 until his elevation, Justice Umar Ata Bandial also handled international commercial disputes. He appeared in arbitration matters before the Supreme Court of Pakistan and also before foreign arbitral tribunals in London and Paris. He remained professionally associated in the Hitachi-Rupali dispute (1998), the Hubco-GoP dispute (2000), the Ghazi Barotha Contractors-WAPDA dispute (2001) and the Bayinder NHA dispute (2004).

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 board of the largest bank of Pakistan, of 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 after advertising them 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 at Islamabad with his wife who he's been married to for 33 years. Both his son and daughter are married and he is blessed with a granddaughter.



**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.

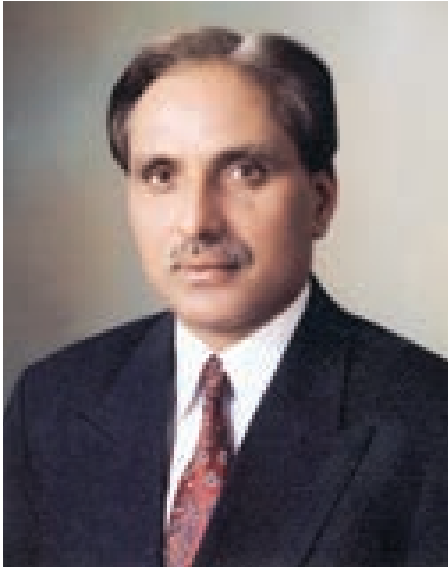


MR. JUSTICE FAISAL ARAB

Hon'ble Mr. Justice Faisal Arab, one of the most esteemed judges, hails from Matli, a town in District Badin, Sindh. In order to provide better education to children, his parents shifted to Karachi where he was born on 5th November, 1955. He had the privilege of living urban as well as rural life. His lordship after attaining early education from a boarding school of Karachi, (Jack & Jill), matriculated from Gulistan Shah Abdul Latif Bhattai School in the year 1973 and graduated in commerce from Government College of Commerce & Economics, Karachi in the year 1978. He completed his LL.B course from S.M. Law College, Karachi in the year 1988, where-after he was enrolled as an Advocate of the lower courts in 1990. As Advocate High Court he was enrolled in the year 1992 and as Advocate Supreme Court in July, 2005. Justice Faisal Arab commenced his journey as a lawyer of high caliber and took internship in 1989 with a leading lawyer of his times, a former Judge of the Supreme Court Mr. Justice (Retd) Fakharuddin G. Ebrahim. When Mr. Fakharuddin G. Ebrahim became Governor of Sindh, his lordship joined the law firm of Karachi, Surr ridge & Beecheno in February 1990 and when Mr. Fakharuddin G. Ebrahim rejoined his profession after resigning, his lordship joined him again in October 1990 and worked with him upto the year 2000 whereafter his lordship established his own Law firm in the name of Faisal Arab & Associates (closed after elevation to the High Court). He also worked for Federation of Pakistan as Standing Counsel from 1st October, 2004 till 25th October, 2005, before being elevated to bench as Additional Judge of the Sindh High Court. He was confirmed as permanent Judge of the High Court of Sindh on 25th October, 2006.

It is truly remarkable to note that Justice Faisal Arab was amongst 20 Judges of the Sindh High Court who withstood all pressure and temptation to take oath under the PCO in November 2007 and only joined the judiciary under the constitutional regime. During the period he remained Judge of the High Court, he also held various offices. On 21st November, 2009 he was appointed as Member, Election Commission of Pakistan; on 16th June 2011 he was appointed as Member Federal Review Board; on 20th November 2013 he was assigned the responsibilities of President, Special Court for trying the offence of high treason under the High Treason (Punishment) Act, 1973. Justice Faisal Arab's true reflection as a Judge of high esteem is evident from the fact that he conducted the High treason trial in the most fair and unbiased manner possible.

On 17th February 2015, he 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, where he continues to strive to provide justice.



**MR. JUSTICE
TARIQ PARVEZ**

Hon'ble Mr. Justice Tariq Parvez was born on 15th February, 1948 in the capital city of Khyber Pakhtunkhuwa; received his education and graduated from Peshawar; graduated in Law in 1971 from the Faculty of Law, University of Peshawar also did his Masters in Political Science in 1975 from the same university. His lordship's track record is full of co-curricular activities and distinctions. Enrolled as Advocate at the District Courts of Peshawar in 1972 and was licensed to practice at the High Court in 1975. After completing 11 years of practice, he was enrolled as Advocate of Supreme Court in 1983.

During career at the Bar, his lordship not only excelled professionally but also manifested his leadership role; Elected as President, Young Lawyers Association in 1978, Vice President of Peshawar High Court Bar Association in 1980 and President of the High Court Bar Association Peshawar in 1996.

His lordship's elevation to the Bench in February, 1997 was an acknowledgement of his professional capabilities. During tenure as Judge of the Peshawar High Court, remained Member of the Administration Committee of the Peshawar High Court, Member of the Peshawar University Syndicate. Chairman NWFP Bar Council's Enrollment Committee, Member of the Election Tribunal, Member and then Chairman of the Subordinate Judiciary Service Tribunal, respectively.

His lordship has a deep insight on major legal issues and as follow up of his academic pursuits, he is a visiting faculty member of the Federal Judicial Academy; delivered discourses at different workshops and seminars including Provincial Judicial Conferences. Elevated as Chief Justice of the Peshawar High Court in April, 2005; refused to take oath on 3rd November, 2007, under the PCO. However, was re-appointed as Chief Justice of Peshawar High Court on 5th of September, 2008 with seniority amongst the Chief Justices of the four provinces.

His lordship also attended and represented Pakistan in International Seminar held on 'Delay Reduction in disposal of cases' held in the capital city of Bangladesh (Dhaka). His lordship also attended 50th Refugee Law Course in March, 2009 at Sanremo (Italy) held under the auspices of International Institute of Humanitarian Law, European Union and United Nations High

Commissioner for Refugees. He also attended a programme on Judicial Administration organized by RIPA International, London in May-June, 2009. He was actively involved in pursuing the projects funded by and under the Access to Justice Program of Asian Development Bank. Elevated as Judge of the Supreme Court on 20th October, 2009.

His lordship retired from the Supreme Court of Pakistan on 14.2.2013 after attaining the age of superannuation. Before the General Elections, 2013 he was appointed Caretaker Chief Minister of the Province of KPK from 19.3.2013 to 31.5.2013.

In the year 2015, he was appointed as Chairman, Sacked Employees Re-instatement Board, Establishment Division, Cabinet Secretariat,

Islamabad from 20.3.2015 to 13.12.2015. On 29.4.2015, the Hon'ble Chief Justice of Pakistan appointed his lordship as Member, Judicial Commission of Pakistan for a term of two years. Besides, his lordship also remained on the Board of Governors, Air University in 2015. Since 13.10.2015, he served as the Chairman, Election Committee of the Pakistan Medical and Dental Council. He was appointed as Member of the Pakistan Medical and Dental Council, from the date of his nomination i.e. 13th October, 2013 for a period of four years.

Keeping in view his lordship's meritorious services for judiciary in Pakistan, he was appointed on 13.12.2015 to serve another term of one year as Adhoc Judge on the Bench of the Supreme Court.



MR. JUSTICE KHILJI ARIF HUSSAIN

Hon'ble Mr. Justice Khilji Arif Hussain, was born on 13th April 1949; enrolled as an Advocate on 15.11.1996, and as an Advocate of High Court on 20.06.1998, admitted as an Advocate of Supreme Court in the year 1993.

His Lordship was elected as Honorable Joint Secretary High Court Bar Association Karachi in the year 1984-85. Secretary 1987-89, 1992-93 and 1993- 94. Elected as Member Pakistan Bar Council for the term 1995-2000. Elected as Chairman Executive Committee of Pakistan Bar Council in the year 1997.

Mr. Justice Khilji Arif Hussain was elevated as Judge of High Court of Sindh on 27.08.2002. As Member/Chairman of Rule Making Committee of Sindh High Court drafted Sindh High Court (Original Side) Rules, Alternative Dispute Resolution Rules.

Mr. Justice Khilji Arif Hussain was elevated as Judge of Supreme Court on 05.09.2009. His lordship retired from the Office of the Judge, Supreme Court of Pakistan on 12.4.2014 after attaining the age of superannuation. Thereafter, Hon'ble Mr. Justice Khilji Arif Hussain delivered various lectures in the Federal Judicial Academy and the Sindh Judicial Academy regarding Capacity Building of the Judges. On 14.12.2015, Hon'ble Justice Khilji Arif Hussain re-elevated as Adhoc Judge of the Supreme Court of Pakistan in recognition of his lordship's services rendered in the judiciary.

3.3 Chief Justices & Judges Retired during June 2015 to May 2016



MR. JUSTICE NASIR-UL-MULK
Judge, Supreme Court of Pakistan
(05.04.2005 – 05.07.2014)

Chief Justice of Pakistan
(06.07.2014 – 16.08.2015)

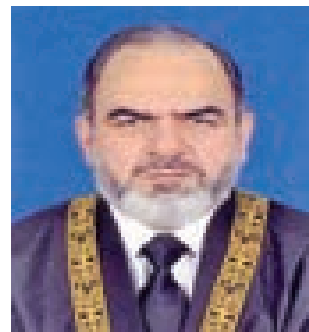


MR. JUSTICE JAWWAD S. KHAWAJA
Judge, Supreme Court of Pakistan
(05.06.2009 – 16.08.2015)

Chief Justice of Pakistan
(17.08.2015 – 09.09.2015)



MR. JUSTICE SARMAD JALAL OSMANY
Judge, Supreme Court of Pakistan
(14.02.2011 – 12.10.2015)



MR. JUSTICE IJAZ AHMED CHAUDHRY
Judge, Supreme Court of Pakistan
(17.11.2011 – 14.12.2015)

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.

Branch Registry at Lahore

When the Main Registry was moved to Rawalpindi in 1974, a Branch Registry was established at Lahore in a borrowed wing of the Lahore High Court building at Lahore. Later, the old State Bank Building located at Nabha Road was acquired and renovated to house the Branch Registry. The new building has three courtrooms, Chief Justice chamber, six other chambers, library, conference room, bar room and Registry offices. A Rest House for lodging Judges during Court sessions has also been acquired, which is situated on 12-C, Aikman Road, GOR-I, Lahore. All petitions instituted in the Branch Registry are heard at Lahore, subject to any special order by the Court. Petitions, appeals and miscellaneous applications are instituted in the Branch Registry arising out of judgments and decisions of:-

1. Lahore High Court excluding those of the Rawalpindi Bench;
2. The Federal Shariat Court at Lahore;
3. The Federal Service Tribunal at Lahore;
4. The Punjab Service Tribunal.

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.

Branch Registry at Karachi

This Registry was established on 14th October 1957 in a borrowed wing of the building of the High Court of Sindh. The Registry remained housed, for some time, in Karachi Development Authority (KDA) Rest House, Stadium Road opposite PTV Centre and later the old State Bank building situated at M.R. Kayani Road, was acquired and renovated to house the Registry. All petitions instituted in the Branch Registry are heard at Karachi, subject to any special order by the Court. 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 Sindh;
2. Federal Shariat Court at Karachi;
3. Federal Service Tribunal at Karachi; and
4. Sindh Service Tribunal.

As a special measure, it has been provided that the cases which may be instituted and heard at the Branch Registry at Quetta may also be instituted and heard at the Branch Registry at Karachi due to the shortage of Advocates-on-Record at Quetta.

Branch Registry at Peshawar

The Registry at Peshawar was established on 28th October 1960 in a borrowed wing of the building of the Peshawar High Court. With the passage of time it was felt that there should be an independent and self-sufficient building for housing the Peshawar Branch Registry at Peshawar. To fulfill this need it was decided to construct a suitable building for the Branch Registry at the site of old Radio Pakistan Building located on Khyber Road. The foundation stone of the building was laid on 17th, November 2001. The building was completed in February, 2004 and Branch Registry was shifted to the new building on 11th September 2004. This new building contains two Court rooms; six judges chambers; one library room; one conference room; one Bar Room; eight staff rooms; a servant block and one mosque for prayer. A rest house for lodging judges during court sessions at Peshawar has also been built.

All petitions instituted at the Branch Registry are heard at Peshawar, subject to any special order by the Court. 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 at the Branch Registry when they arise out of judgments and decisions of:

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

Branch Registry at Quetta

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

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

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

4.4 Composition of the Supreme Court: June 2015 - May 2016

The Chief Justice of Pakistan

Name	Date of Birth	Date of Elevation	Date of Retirement
Mr. Justice Anwar Zaheer Jamali	31.12.1951	03.08.2009 (as Judge) 10.09.2015 (as HCJP)	30.12.2016

The Judges of the Supreme Court

Name	Date of Birth	Date of Elevation	Date of Retirement
Mr. Justice Mian Saqib Nisar	18.01.1954	18.02.2010	17.01.2019
Mr. Justice Asif Saeed Khan Khosa	21.12.1954	18.02.2010	20.12.2019
Mr. Justice Amir Hani Muslim	01.04.1952	14.02.2011	31.03.2017
Mr. Justice Ejaz Afzal Khan	08.05.1953	17.11.2011	07.05.2018
Mr. Justice Gulzar Ahmed	02.02.1957	17.11.2011	01.02.2022
Mr. Justice Sh. Azmat Saeed	28.08.1954	01.06.2012	27.08.2019
Mr. Justice Iqbal Hameedur Rahman	25.09.1956	25.02.2013	24.09.2021
Mr. Justice Mushir Alam	18.08.1956	20.09.2013	17.08.2021
Mr. Justice Dost Muhammad Khan	20.03.1953	31.01.2014	19.03.2018
Mr. Justice Umar Ata Bandial	17.09.1958	17.06.2014	16.09.2023
Mr. Justice Qazi Faez Isa	26.10.1959	05.09.2014	25.10.2024
Mr. Justice Maqbool Baqar	05.04.1957	17.02.2015	04.04.2022
Mr. Justice Manzoor Ahmad Malik	01.05.1956	06.11.2015	30.04.2021
Mr. Justice Sardar Tariq Masood	11.03.1959	06.11.2015	10.03.2024
Mr. Justice Faisal Arab	05.11.1955	14.12.2015	04.11.2020
Mr. Justice Tariq Parvez, Adhoc Judge	15.02.1948	14.12.2015 as Adhoc Judge for a period of one year	13.12.2016
Mr. Justice Khilji Arif Hussain, Adhoc Judge	13.04.1949	14.12.2015 as Adhoc Judge for a period of one year	13.12.2016

Ad hoc Members, Shariat Appellate Bench

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

Registrar

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

4.5 Jurisdiction of the Supreme Court

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

Original Jurisdiction

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

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

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

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

Appellate Jurisdiction

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

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

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

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

Advisory jurisdiction

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

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

Power to Transfer Cases

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

Issue and execution of processes of the Supreme Court

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

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

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

Review of Judgments of Orders by the Supreme Court

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

Decision of the Supreme Court binding on other courts

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

Action in aid of the Supreme Court

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

Rules of Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

Contempt of Court**Article 204.**

(2)

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

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 Anwar Zaheer Jamali Chief Justice of Pakistan	Chairman
Mr. Justice Mian Saqib Nisar Judge, Supreme Court of Pakistan	Member
Mr. Justice Asif Saeed Khan Khosa Judge, Supreme Court of Pakistan	Member
Mr. Justice Amir Hani Muslim Judge, Supreme Court of Pakistan	Member
Mr. Justice Ejaz Afzal Khan Judge, Supreme Court of Pakistan	Member
Mr. Justice Javed Iqbal Former Judge, Supreme Court of Pakistan	Member
Mr. Zahid Hamid Federal Minister for Law and Justice Government of Pakistan	Member
Mr. Ashtar Ausaf Ali Attorney General for Pakistan	Member
Mr. Muhammad Yasin Azad Nominee of the Pakistan Bar Council	Member

4.9 Judicial Commission of Pakistan Rules, 2010

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

- 1. Short title and commencement.** — (1) These rules may be called the Judicial Commission of Pakistan Rules, 2010.
(2) These rules shall come into force at once.
- 2. Definitions.** – (1) In these rules, unless the context otherwise requires,-
 - (a) “Chairman” means Chairman of the Commission;
 - (b) “Commission” means the Judicial Commission of Pakistan, established under Article 175A of the Constitution of the Islamic Republic of Pakistan;
 - (c) “Committee” means a Committee constituted by the Chairman from amongst the members of the Commission;
 - (d) “Member” means a member of the Commission; and
 - (e) “Secretary” means the Registrar Supreme Court or any other person authorized as such by the Chairman.
- 3. Nominations for Appointments.** (1) For each anticipated or actual vacancy of a Judge in the Supreme Court or the Chief Justice of Federal Shariat Court or the Chief Justice of a High Court, the Chief Justice of Pakistan shall initiate nominations in the Commission for appointment against such vacancy.
(2) For each anticipated or actual vacancy of a Judge in the Federal Shariat Court or Judge in the High Court, the Chief Justice of the respective Court shall initiate and send nomination for appointment against such vacancy to the Chairman for convening meeting of the Commission.
- 4.** The Chairman shall regulate the proceedings of the Commission.

5. Proceedings of the Commission.-

(1) Whenever a nomination is received under Rule 3, the Chairman shall call a meeting of the Commission on a date, time and place determined by him and notified by the Secretary to each member.

(2) The Commission may call for any information or record required by it from any person or authority for the purposes of carrying out its functions.

(3) The Secretary shall forward the nominations made by the Commission to the Secretary of the Parliamentary Committee constituted under clause (9) of Article 175A of the Constitution.

(4) The proceedings of the Commission shall be held in camera. A record of the proceedings shall be prepared and maintained by the Secretary duly certified by the Chairman under his hand.

6. The Chairman may constitute one or more committees of members for such purpose as may be deemed necessary.

7. A retired Chief Justice or retired Judge Supreme Court and a retired Chief Justice or a retired Judge of High Court, while attending a session of the Commission, shall be entitled to TA/DA and accommodation as admissible to Judge of Supreme Court, or Judge of High Court, as the case may be.

8. **Relaxation of Rules.-** Without prejudice to the foregoing, the Chairman may relax strict application of these rules in the public interest.

4.10 Oath of Office

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

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

[Articles 178 and 194]



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

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

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

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

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

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

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

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

4.11 The Supreme Judicial Council of Pakistan

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

Article 209. Supreme Judicial Council:-

- (1) There shall be a Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.
- (2) The Council shall consist of:-
 - (a) The Chief Justice of Pakistan;
 - (b) The two next most senior Judges of the Supreme Court; and
 - (c) The two most senior Chief Justices of High Courts.

“Explanation.—For the purpose of this clause, the inter se seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice otherwise than acting Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of any of the High Courts.”
- (3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council or a member of the Council is absent or is unable to act due to illness or any other cause, then:-
 - (a) If such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and
 - (b) If such member is the Chief Justice of a High Court, the Chief Justice of another High Court who is next in seniority amongst the Chief Justices of the remaining High Courts, shall act as a member of the Council in his place.
- (4) If, upon any matter inquired into by the Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.
- (5) If, on information from any source, the Council or the President is of the opinion that a Judge of the Supreme Court or of a High Court;
 - (a) May be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or
 - (b) May have been guilty of misconduct,
 the President shall direct the Council to, or the Council may, on its own motion, inquire into the matter.
- (6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion:-
 - (a) That the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and
 - (b) That he should be removed from office,
 the President may remove the Judge from office.
- (7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.
- (8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

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

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

NOTIFICATION

Islamabad, the 2nd September, 2009

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

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

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

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

To be a living embodiment of these powers, functions, and obligations calls for possession of the highest qualities of intellect and character. Equally, it imposes patterns of behavior, which are the 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.

By order of the Council,
Sd/-
 DR. FAQIR HUSSAIN,
Secretary.

4.13 The Supreme Judicial Council Procedure of Enquiry, 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.

By order of HCJ/Chairman,

Sd/-
(Dr. Faqir Hussain)
Secretary

4.14 Supreme Judicial Council – Reference No. 205 and 215-SJC of 2014 (Complaint against Muhammad Akhtar Buland Rana, Auditor-General of Pakistan)

Complaints against the Auditor-General of Pakistan, containing serious allegations of misconduct including misuse of official position and harassment of officers, were received from Mr. Muhammad Riaz, Speaker, National Assembly Secretariat, Islamabad and one Mr. Irfan Jahangir Wattoo, PA&AS, and the same were placed before the Chief Justice of Pakistan/Chairman, Supreme Judicial Council. The Hon Chairman after obtaining opinion of Hon'ble Member of SJC, decided to proceed against the Respondent under Article 209 read with sub Article 5 of Article 168 of the Constitution of Pakistan. The comments of the Respondent on the subject complaint were called and after examination of the same the Complaint was placed before Supreme Judicial Council for regular proceedings under the SUPREME JUDICIAL COUNCIL PROCEDURE OF ENQUIRY RULES 2005. On 11.9.2014 the Council in its 1st meeting decided to issue Notice to Attorney General for Pakistan for assistance and further decided to issue Show Cause Notice to the Respondent as required under Rule 9(1) of the Enquiry Rules. On 24.9.2014, a Show Cause Notice containing almost 20 serious allegations was served upon the Respondent and in response; on 15.10.2014 the Respondent filed a para wise reply to the allegations. The Hon'ble Chairman convened meeting of the Council as required Under Rule 9(2) of the Enquiry Rules. The Council met on 27.11.2014 in Court Room No. 7 of Supreme Court Building, Islamabad presided by Hon'ble Justice Nasir-ul-Mulk, CJP and Justice Jawwad S. Khawaja,

Justice Anwar Zaheer Jamali, Justice Muhammad Anwar Khan Kasi and Justice Maqbool Baqar were present as Members of the Council. Later on, Justice Mazhar Alam Khan MianKhel joined the Council as a Member owing to elevation of Justice Maqbool Baqar to the Supreme Court of Pakistan. The Law Officers and Legal team of Attorney General for Pakistan comprising Mr. Waqar Rana, Additional AGP, Mr. Afnan Karim Kundi and Khawaja Ahmed Hussain, DAG, assisted the Council. The Respondent was represented by Rana Muhammad Zahid, ASC and later on by Mr. Munir Ahmed Paracha, ASC. The Complainant side produced 13 witnesses alongwith their affidavits and statements while the Respondent produced 6 witnesses in his defence. The Council recorded statements of all the witnesses and provided just opportunity of examination in Chief and cross examination as well. Both sides produced 351 documents in support and against the reference and same were affirmed as Exhibits by the Council accordingly. The Council conducted proceedings of the References and met 11 times. The Council after hearing arguments of the Law Officers and learned Counsel for the Respondent concluded its proceedings on 21.4.2015 and formed its opinion under Rule 12 of Enquiry Rules, 2005 and sent the same to the President on 22.5.2015 for action under Article 209(6) of the Constitution. The President agreed with the opinion formed by the Council and the Respondent was removed from the office of Auditor-General of Pakistan.

4.15 Role and Functions of the Chief Justice

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 important cases.
- **Presides Meetings**

The Chief Justice presides Full Court meetings and leads in taking important policy decisions.
- **Court Supervisions**

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 operation 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

Tendency towards increasing institution of cases in all courts of Pakistan shows restoration of confidence of the masses on all courts of Pakistan. They have always preferred to approach the legal forums for resolution of their disputes. Supreme Court of Pakistan, being the highest court of the country has always strived for providing complete justice to the people of Pakistan. During the period under report two honorable chief justices laid down their robes and the incumbent Chief Justice of Pakistan while presiding over his first full court meeting had focused upon the matter of pendency of cases and suggested to evolve a mechanism for quick disposal of the pending cases. It was observed that the raising institution was partly on account of disposal of cases in large number by the High Courts, due to increase in their strength and was also indicative of the public trust in the capacity of this Court to grant relief and redress grievances. It was discussed that categorization of cases and their fixation before specific Benches will greatly facilitate disposal of cases, therefore, benches may be constituted with this objective in view. It was lastly resolved that every effort will be made to discourage and avoid adjournments.

In the next Full Court Meeting, it was observed that pendency of cases at Lahore Branch Registry is on the higher side hence priority needs to be given for early disposal of cases and usually a bench of two Hon'ble Judges are constituted; therefore appeals are not taken up. A proposal to constitute a three members bench to hear appeals at Lahore Registry was also put forward.

In a subsequent meeting the Full Court while expressing satisfaction that the disposal was higher than the institution, stressed upon the need to adopt different ways and means to clear the backlog and reduce the pendency without compromising the quality of justice. It was also noticed that institution of cases has picked up pace at the Lahore Registry. The Hon'ble Chief Justice expressed his confidence that after the arrival of the two adhoc judges pendency of cases will be reduced further.

For providing expeditious justice to the people of Pakistan the court's focus remained throughout the year, in clearing huge backlog of pending cases. For this purpose many benches were constituted at main registry as well as in the branch registries including the larger benches which were specially constituted at main registry Islamabad in order to give authoritative judgments on the law points which were referred to the larger bench during the last few years. Even during vacations at least 3 or 4 benches of court remained functioning at each registry. During this year Supreme Court of Pakistan overall disposed of 17186 cases while in this period record number of 20679 cases were instituted.

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 2015 - May 2016

Principal Seat Islamabad

	Working Period			Days	Benches	Special Benches		Larger Benches	
1	01-06-2015	to	04-06-2015	4	7	2	(04-06-2015)	1	(FC)
2	05-06-2015			1	7	1		-	
3	08-06-2015	to	12-06-2015	5	3	-		-	
4	15-06-2015			1	6	-		-	
5	16-06-2015	to	18-06-2015	3	7	-		1	(FC)
6	19-06-2015			1	6	-		-	
7	22-06-2015	to	26-06-2015	5	7	2	(26-06-2015)	1	(FC)
8	29-06-2015	to	30-06-2015	2	7	-		-	
9	01-07-2015	to	02-07-2015	3	7	1	(02-06-2015)	-	
10	03-07-2015			1	6	-		-	
11	06-07-2015	to	10-07-2015	5	6	-		-	
12	13-07-2015			1	2	-		-	
13	14-07-2015	to	16-07-2015	3	1	-		-	
14	22-07-2015	to	24-07-2015	3	2	-		-	
15	29-07-2015	to	31-07-2015	3	1	-		-	
16	03-08-2015	to	04-08-2015	2	1	-		-	
17	05-08-2015	to	07-08-2015	3	2	-		-	
18	10-08-2015	to	13-08-2015	4	6	-		-	
19	17-08-2015			1	6	-		-	
20	18-08-2015	to	21-08-2015	4	3	-		-	
21	24-08-2015	to	26-08-2015	3	2	-		-	
22	27-08-2015	to	28-08-2015	2	2				
23	31-08-2015	to	04-09-2015	5	2	-		-	
24	07-09-2015	to	09-09-2015	3	5	-		-	
25	10-09-2015	to	11-09-2015	2	5	-		-	
26	14-09-2015	to	18-09-2015	5	4	1	(17-09-2015)	-	
27	21-09-2015	to	23-09-2015	3	1	-		-	
28	28-09-2015			1	5	-		-	
29	29-09-2015	to	02-10-2015	4	5	1	(01-10-2015)	-	
30	05-10-2015	to	09-10-2015	5	6	2	1,1 (07 & 09-10-2015)	-	
31	12-10-2015			1	6	-		-	
32	13-10-2015			1	5	1		-	
33	14-10-2015	to	16-10-2015	3	5	1	(14-10-2015)	-	
34	19-10-2015	to	20-10-2015	2	4	-		-	
35	21-10-2015	to	22-10-2015	2	3	-		-	
36	26-10-2015	to	30-10-2015	5	5	7	1,3,2,1(26,27,28 & 29-10-2015)	-	
37	02-11-2015	to	06-11-2015	5	5	3	1,1,1(02,04 & 05-11-2015)	-	
38	09-11-2015			1	2	-		-	
39	10-11-2015			1	5	-		-	

	Working Period		Days	Benches	Special Benches		Larger Benches	
40	11-11-2015	to 12-11-2015	2	6	-	-	-	-
41	13-11-2015		1	5	-	-	-	-
42	16-11-2015	to 20-11-2015	5	6	2	1,1(16 & 19-11-2015)	-	-
43	23-11-2015	to 27-11-2015	5	2	-	-	-	-
44	30-11-2015	to 01-12-2015	2	2	-	-	-	-
45	02-12-2015	to 04-12-2015	3	3	-	-	-	-
46	07-12-2015	to 09-12-2015	3	5	5	2,2,1(7,9 & 10-12-2015)	-	-
47	10-12-2015	to 11-12-2015	2	6	-	-	-	-
48	14-12-2015		1	6	-	-	-	-
49	15-12-2015		1	5	-	-	-	-
50	16-12-2015		1	7	-	-	-	-
51	17-12-2015	to 18-12-2015	2	5	-	-	-	-
52	21-12-2015	to 23-12-2015	3	2	-	-	-	-
53	28-12-2015	to 01-01-2016	5	1	-	-	-	-
54	04-01-2016	to 08-01-2016	5	6	-	-	2	1,1(06 & 07-01-2016)
55	11-01-2016	to 13-01-2016	3	5	1	(13-01-2016)	-	-
56	14-01-2016	to 15-01-2016	2	3	-	-	-	-
57	18-01-2016	to 22-01-2016	5	6	1	(19-01-2016)	-	-
58	25-01-2016	to 27-01-2016	3	6	1	(26-01-2016)	-	-
59	28-01-2016	to 29-01-2016	2	5	-	-	-	-
60	01-02-2016	to 04-02-2016	4	6	-	-	-	-
61	08-02-2016	to 12-02-2016	5	6	-	-	-	-
62	09-02-2016		1	5	-	-	1	-
63	12-02-2016		1	4	-	-	1	-
64	15-02-2016	to 19-02-2016	5	5	1	(5 days)	1	(5 days)
65	22-02-2016	to 26-02-2016	5	8	-	-	1	(5 days)
66	29-02-2016	to 04-03-2016	5	7	-	-	1	(5 days)
67	07-03-2016	to 08-03-2016	2	3	-	-	-	-
68	09-03-2016	to 11-03-2016	3	4	-	-	-	-
69	14-03-2016	to 18-03-2016	5	7	-	-	1	(5 days)
70	21-03-2016	to 22-03-2016	2	4	-	-	-	-
71	24-03-2016	to 25-03-2016	2	5	1	(24-03-2016)	-	-
72	28-03-2016	to 01-04-2016	5	5	-	-	-	-
73	04-04-2016	to 08-04-2016	5	7	1	(07-04-2016)	1	(5 days)
74	11-04-2016	to 15-04-2016	5	7	3	1,1,1(12, 13 & 14-04-2016)	-	-
75	18-04-2016	to 22-04-2016	5	6	-	-	-	-
76	25-04-2016	to 29-04-2016	5	6	3	1,1,1 (26, 27 & 28-04-2016)	-	-
77	02-05-2016	to 06-05-2016	5	6	1	(03-05-2016)	-	-
78	09-05-2016	to 13-05-2016	5	7	1	(09-05-2016)	-	-
79	16-05-2016	to 20-05-2016	5	6	4	2,1,1(17, 18 & 19-05-2016)	-	-
80	23-05-2016	to 25-05-2016	3	5	-	-	-	-
81	26-05-2016	to 27-05-2016	2	5	-	-	-	-
82	30-05-2016	to 31-05-2016	2	7	-	-	-	-
	Total		252	393	47		12	

Branch Registry Lahore

	Working Period		Days	Benches	Special Benches	Larger Benches	
1	08-06-2015	to	09-06-2015	2	1	-	-
2	10-06-2015	to	12-06-2015	3	2	-	-
3	13-07-2015			1	2	-	-
4	14-07-2015	to	16-07-2015	3	1	-	-
5	22-07-2015	to	24-07-2015	3	1	-	-
6	27-07-2015	to	28-07-2015	2	1	-	-
7	29-07-2015			1	1	-	-
8	30-07-2015			1	1	-	-
9	03-08-2015	to	04-08-2015	2	1	-	-
10	05-08-2015	to	07-08-2015	3	1	-	-
11	18-08-2015	to	21-08-2015	4	1	-	-
12	24-08-2015	to	26-08-2015	3	2	-	-
13	31-08-2015	to	04-09-2015	5	1	-	-
14	21-09-2015	to	23-09-2015	3	1	-	-
15	09-11-2015			1	3	-	-
16	23-11-2015	to	27-11-2015	5	2	-	-
17	30-11-2015	to	04-12-2015	5	4	-	-
18	07-12-2015	to	11-12-2015	5	1	-	-
19	21-12-2015	to	23-12-2015	3	3	-	-
20	28-12-2015	to	01-01-2016	5	1	-	-
21	04-01-2016	to	08-01-2016	5	1	-	-
22	11-01-2016	to	15-01-2016	5	2	-	-
23	25-01-2016	to	29-01-2016	5	1	-	-
24	01-02-2016	to	04-02-2016	4	1	-	-
25	07-03-2016	to	08-03-2016	2	2	-	-
26	09-03-2016	to	11-03-2016	3	2	-	-
27	21-03-2016	to	25-03-2016	5	2	-	-
28	28-03-2016	to	01-04-2016	5	1	-	-
29	16-05-2016	to	20-05-2016	5	1	-	-
30	23-05-2016	to	27-05-2016	5	1	-	-
	Total			104	45	0	0

Branch Registry Karachi

	Working Period			Days	Benches	Special Benches	Larger Benches
1	08-06-2015	to	10-6-2015	3	1	-	-
2	11-06-2015	to	12-6-2015	2	2		
3	13-07-2015			1	2	-	-
4	14-07-2015	to	16-07-2015	3	2	-	-
5	22-07-2015	to	24-07-2015	3	2	-	-
6	27-07-2015	to	28-07-2015	2	2	-	-
7	30-07-2015	to	31-07-2015	2	3	-	-
8	03-08-2015	to	04-08-2015	2	2	-	-
9	05-08-2015	to	07-08-2015	3	2	-	-
10	18-08-2015	to	21-08-2015	4	2	-	-
11	24-08-2015	to	26-08-2015	3	2	-	-
12	31-08-2015	to	04-09-2015	5	2	-	-
13	14-08-2015	to	18-09-2015	5	1	-	-
14	21-09-2015	to	23-09-2015	3	3	-	-
15	21-10-2015	to	22-10-2015	2	1	-	-
16	09-11-2015			1	1	-	-
17	13-11-2015			1	1	-	-
18	21-12-2015	to	23-12-2015	3	1	-	-
19	28-12-2015	to	01-01-2016	5	1	-	-
20	14-01-2016			1	2	-	-
21	15-01-2016			1	3	-	-
22	07-03-2016	to	08-03-2016	2	2	-	1 (2 days)
23	09-03-2016	to	11-03-2016	3	1	-	-
24	21-03-2016			1	1	-	-
25	22-03-2016			1	2	-	-
26	28-03-2016	to	01-04-2016	5	1	-	-
27	18-04-2016	to	22-04-2016	5	1	-	-
28	25-04-2016	to	29-04-2016	5	1	-	-
29	02-05-2016	to	06-05-2016	5	1	-	-
30	23-05-2016	to	25-05-2016	3	1	-	-
31	26-05-2016	to	27-05-2016	2	2	-	-
	Total			87	51		1

Branch Registry Peshawar

	Working Period			Days	Benches	Special Benches	Larger Benches
1	15-12-2015			1	2	-	-
2	17-12-2015	to	18-12-2015	2	2	-	-
3	28-03-2016	to	01-04-2016	5	1	-	-
Total				8	5	0	0

Branch Registry Quetta

	Working Period			Days	Benches	Special Benches	Larger Benches
1	23-11-2015	to	24-11-2015	2	2	-	-
2	25-11-2015	to	27-11-2015	3	1	-	-
Total				5	3	0	0

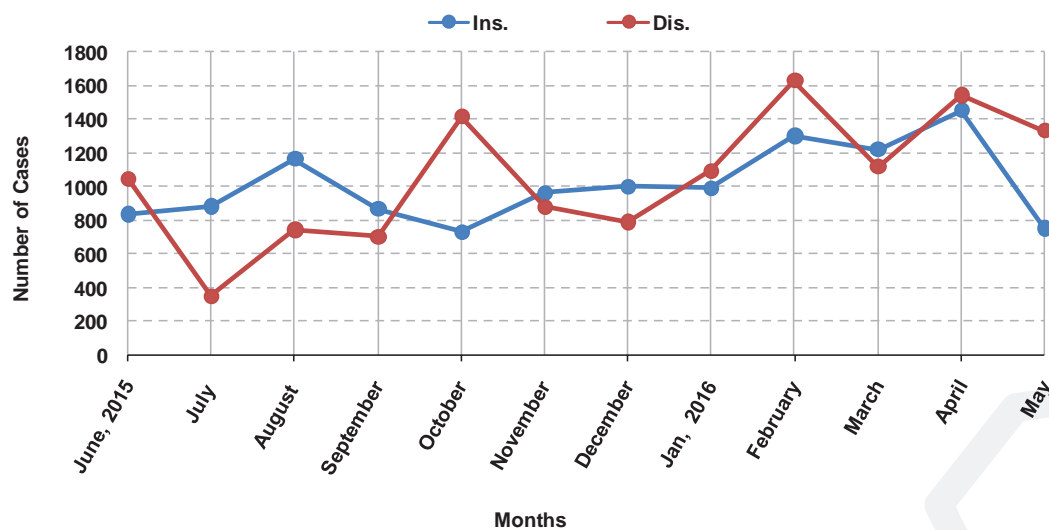
5.3 Institution and Disposal of Cases

from June 2015 – May 2016

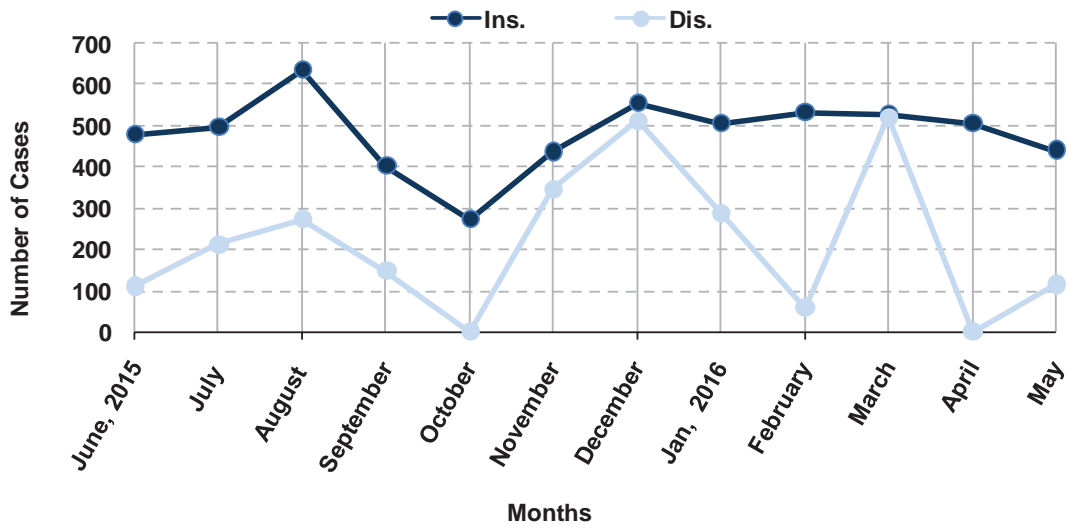
Month-wise Institution (Ins.) and Disposal (Dis.) of cases at the Main Registry as well as at the Branch Registries for the reported period.

	Islamabad		Lahore		Karachi		Peshawar		Quetta		Total	
	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.	Ins.	Dis.
June, 2015	839	1048	479	110	80	303	94	0	32	0	1524	1461
July	884	353	496	213	113	166	98	0	38	0	1629	732
August	1163	746	636	273	102	204	139	0	35	0	2075	1223
September	867	705	403	147	76	94	56	0	36	0	1438	946
October	733	1418	273	0	110	20	33	0	53	0	1202	1438
November	965	881	437	348	79	128	60	0	22	91	1563	1448
December	999	793	557	515	124	95	103	174	52	0	1835	1577
Jan, 2016	990	1096	506	289	155	61	69	0	34	0	1754	1446
February	1298	1631	532	57	97	0	85	0	9	0	2021	1688
March	1221	1119	529	522	153	262	77	40	12	0	1992	1943
April	1450	1545	505	0	101	120	92	0	22	0	2170	1665
May	753	1335	441	114	183	170	76	0	23	0	1476	1619
Total	12162	12670	5794	2588	1373	1623	982	214	368	91	20679	17186

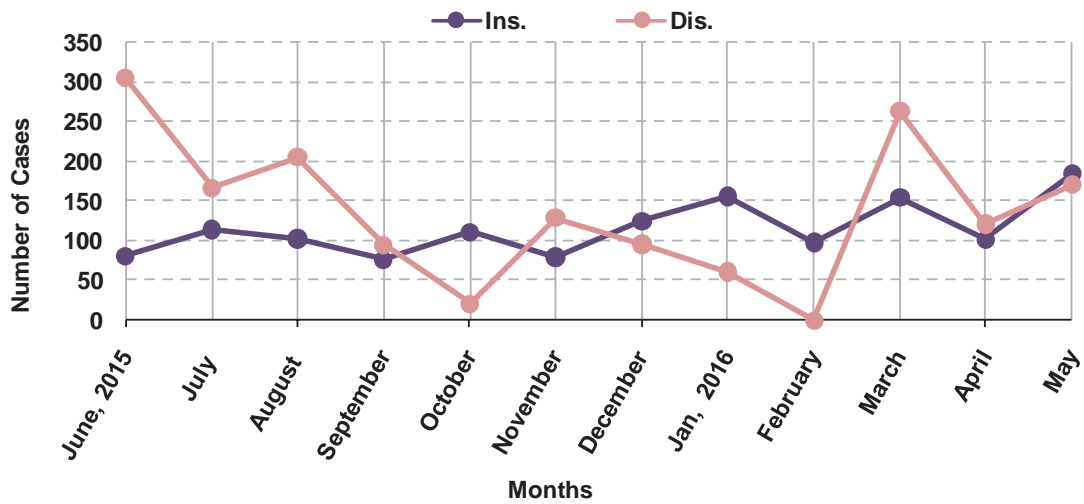
Institution and Disposal of Cases at Islamabad



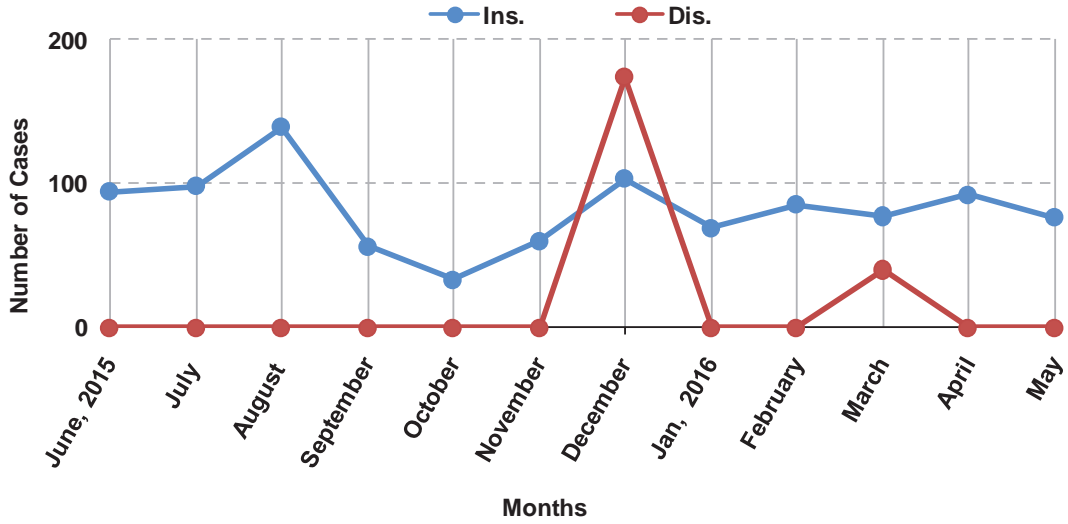
Institution and Disposal of Cases at Lahore



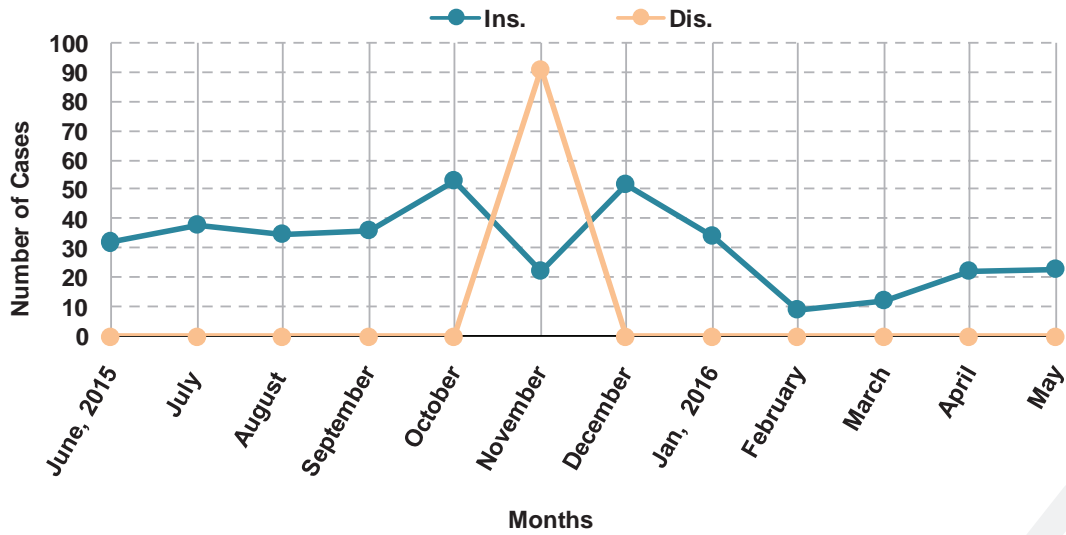
Institution and Disposal of Cases at Karachi



Institution and Disposal of Cases at Peshawar



Institution and Disposal of Cases at Quetta

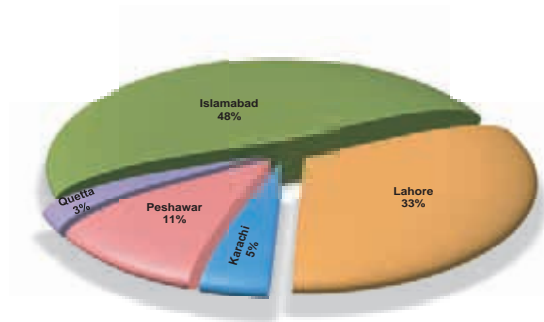


5.4 Pendency of cases

On 1st June, 2015 some 23834 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
11567	7834	1106	2637	690	23834

Pendency Position

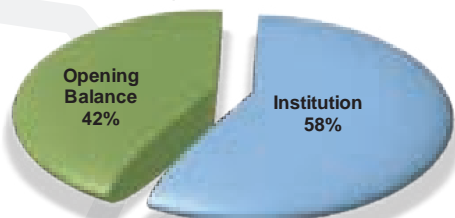


5.5 Institution and Disposal of Petitions & Appeals

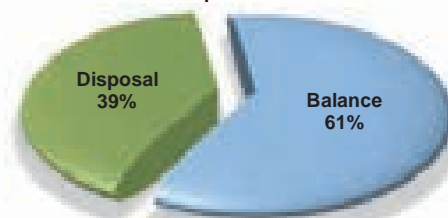
Civil Petitions at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Islamabad	1499	5533	7032	4938	2094
Lahore	3943	3460	7403	1119	6284
Karachi	333	880	1213	813	400
Peshawar	1674	687	2361	316	2045
Quetta	488	241	729	183	546
Total	7937	10801	18738	7369	11369

Opening Balance & Institutions

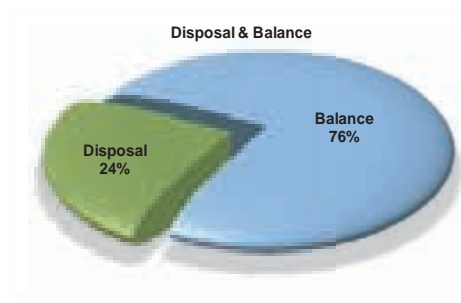
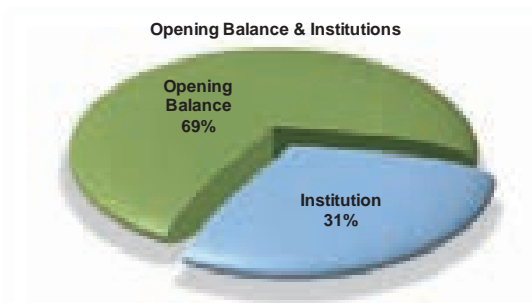


Disposal & Balance



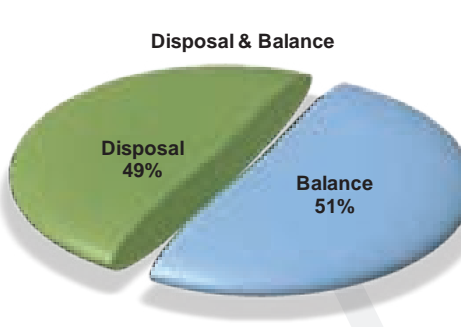
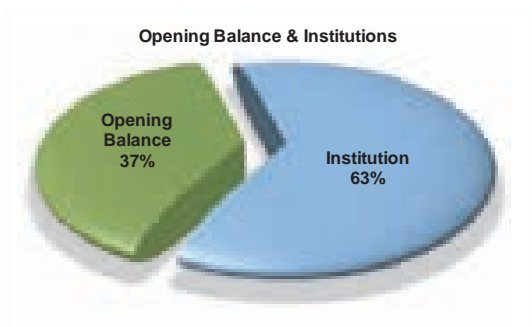
Civil Appeals at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Islamabad	5173	2722	7895	2137	5758
Lahore	1899	428	2327	217	2110
Karachi	231	232	463	251	212
Peshawar	621	157	778	162	616
Quetta	92	27	119	33	86
Total	8016	3566	11582	2800	8782



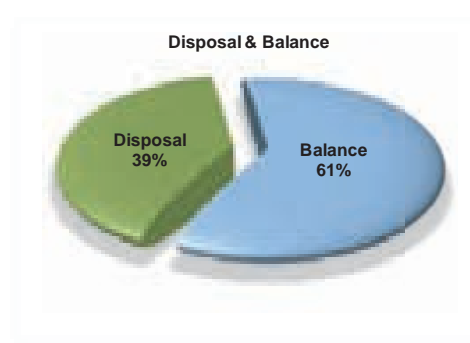
Criminal Petitions at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Islamabad	168	1446	1614	1154	460
Lahore	1352	1522	2874	1177	1697
Karachi	27	94	121	83	38
Peshawar	286	97	383	52	331
Quetta	101	77	178	60	118
Total	1934	3236	5170	2526	2644



Criminal Appeals at the Principal Seat and Branch Registries

Branches	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Islamabad	1628	617	2245	1082	1163
Lahore	585	29	614	73	541
Karachi	17	39	56	26	30
Peshawar	95	12	107	13	94
Quetta	26	5	31	4	27
Total	2351	702	3053	1198	1855



5.6 Consolidated Statement of Cases

Consolidated Statement of Cases at Islamabad

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	1499	5533	7032	4938	2094
Civil Appeals	5173	2722	7895	2137	5758
Criminal Petitions	168	1446	1614	1154	460
Criminal Appeals	1628	617	2245	1082	1163
Total	8468	10318	18786	9311	9475

Consolidated Statement of Cases at Lahore

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	3943	3460	7403	1119	6284
Civil Appeals	1899	428	2327	217	2110
Criminal Petitions	1352	1522	2874	1177	1697
Criminal Appeals	585	29	614	73	541
Total	7779	5439	13218	2586	10632

Consolidated Statement of Cases at Karachi

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	333	880	1213	813	400
Civil Appeals	231	232	463	251	212
Criminal Petitions	27	94	121	83	38
Criminal Appeals	17	39	56	26	30
Total	608	1245	1853	1173	680

Consolidated Statement of Cases at Peshawar

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	1674	687	2361	316	2045
Civil Appeals	621	157	778	162	616
Criminal Petitions	286	97	383	52	331
Criminal Appeals	95	12	107	13	94
Total	2676	953	3629	543	3086

Consolidated Statement of Cases at Quetta

Cases	Opening Balance 01.06.2015	Institution	Total	Disposal	Balance 31.05.2016
Civil Petitions	488	241	729	183	546
Civil Appeals	92	27	119	33	86
Criminal Petitions	101	77	178	60	118
Criminal Appeals	26	5	31	4	27
Total	707	350	1057	280	777

CHAPTER

6

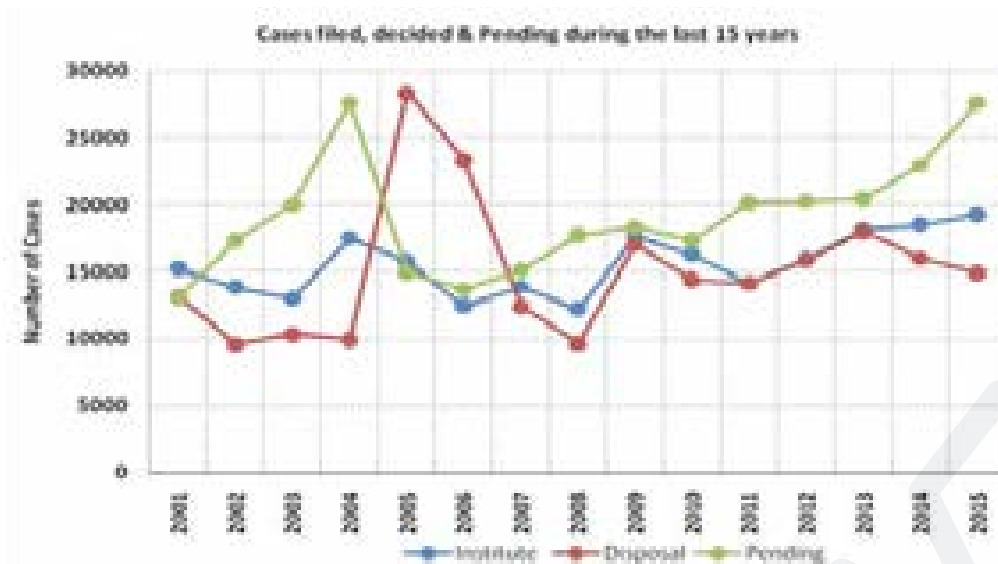
STATISTICAL DATA ANALYSIS

STATISTICAL DATA ANALYSIS

6.1 Trend in Institution, Disposal and Pendency of Cases from 2001 to 2015

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

Comparison of Institution, Disposal and Pendency of Cases



Trend of Institution of Cases from 2001 to 2015

2001	2002	2003	2004	2005	2006
15243	13847	12990	17521	15802	12424
2007	2008	2009	2010	2011	2012
13874	12189	17661	16291	14164	15939
2013	2014	2015			
18154	18520	19302			



Trend of Disposal of Cases from 2001 to 2015

2001	2002	2003	2004	2005	2006
13171	9547	10329	9938	28433	23364

2007	2008	2009	2010	2011	2012
12412	9621	17056	14416	14170	15853

2013	2014	2015
17988	16021	14914



Trend of Pending Cases from 2001 to 2015

2001	2002	2003	2004	2005	2006
13070	17370	20031	27614	14984	13724

2007	2008	2009	2010	2011	2012
15186	17754	18359	17410	20228	20314

2013	2014	2015
20480	22979	27639



6.2 Institution, Disposal and Pendency of Appeals in the Supreme Court of Pakistan from 1950 to December, 2015

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
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

Year	Last Balance	Fresh Institution	Total	Disposal	Pending
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

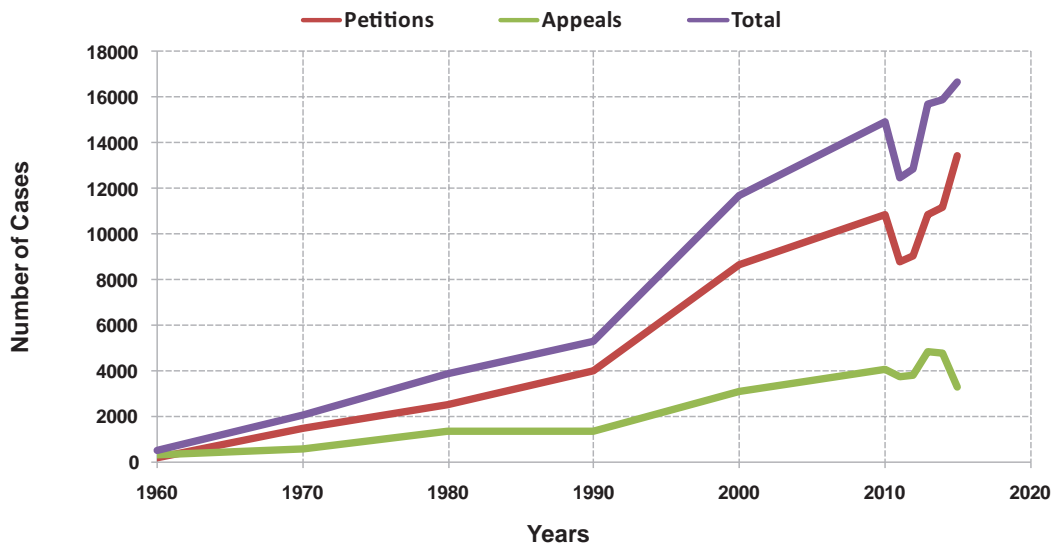
6.3 Institution, Disposal and Pendency of Petitions in the Supreme Court of Pakistan from 1950 to December, 2015

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

6.4 Institution of Petitions and Appeals over the last six decades

Cases	1960	1970	1980	1990	2000	2010	2011	2012	2013	2014	2015
Petitions	199	1478	2519	3999	8647	10857	8783	9066	10877	11164	13433
Appeals	288	541	1334	1301	3055	4054	3700	3754	4811	4753	3231
Total	487	2019	3853	5300	11702	14911	12483	12820	15688	15917	16664



CHAPTER

7

HUMAN RIGHTS CELL



HUMAN RIGHTS CELL

7.1 Human Rights Cell (HRC)

The highest value of human life is best reflected in the recognition of fundamental rights, and enabling people to enjoy and exercise such rights to the extent that preserves their humanity and respects their civility.

Proliferation of international human rights instruments is of no use till there is a fair degree of actual observance and enforcement. The gap is found ever widening. In a developing country like ours, where it is not perceived to be in the priorities of the governments, beside vested interests of socio-economic and religious groups, executive branches enjoy extensive governing privileges and manifestly tend to misuse their authority and abuse their powers. What still worsens the matter is the incapacity of the institutions and departments. Non Governmental Organizations, which otherwise have proved to be instrumental worldwide as integral part of the system to take up a just cause and help the victim in seeking effective redress are not effective. The legal mechanism cannot by fiat alone abolish prejudices, liberate the oppressed and check the autocracies of public functionaries.

In this backdrop and because vacuum is always filled as a natural phenomenon, the courts in our country had to take up a pro-active role. Walking on and around the line of judicial activism on one hand and the judicial restraint on the other, the Supreme Court of Pakistan during about last three decades has developed many a principles necessitated by time.

Since the Benazir Bhutto case (PLD 1988 SC 388) till recent directions given in the Margalla Hills case (SMC: 20 of 2007), many exceptions have been identified and established. The Benazir Bhutto case was the first case to introduce the principle of relaxation of strict procedural requirements as to *locus standi* in the matters affecting the rights of a segment of people/society, providing easy access to justice and extending even the scope to the cases involving individual rights, of like nature.

The Benazir Bhutto case thus evolved a "tool" for entertaining complaints of individual rights reflecting a general trend, which led to the establishment of the Supreme Court HRC. It was conceived with the aim to stand by Constitutional promises, provide easy and inexpensive access to justice especially to the downtrodden, the under-privileged and the weaker segments by making public functionaries accountable, ensuring speedy redress and enforcing the rule of law.

The HRC, in attaining its objectives has instilled public confidence in the use of judicial institutions to attended to neglected public interests and basic human rights, ranging from basic health care to environment issues, enhancing transparency in public action and making illiterate and weaker sections conscious of their fundamental rights.

Many other state institutions are also working to achieve the goal but still there is so much that needs to be done in the areas including but not limited to clean water, food, housing, health facilities, respect for minorities, vulnerability of women, children and down-trodden, arbitrary and unlawful detention, high handedness of law enforcement agencies and fair trial.

Composition and Organization of HRC

The HRC is supervised by Hon'ble Chief Justice of Pakistan himself. It is headed by the Director General assisted by a Director, Court Associates, Law Officers, law-interns and supporting staff. On average, it receives 2500 applications every month. Most of the complaints are on administrative inaction, corruption, nepotism, favouritism and slackness, police despotism, environmental pollution and threats, tyrannies by so-called powerful class, threats to minorities and their places of worship, cases of Karo Kari and Wani, and illegal detention.

Expatriate Complaint Wing was established in January, 2014 taking notice of the plight of Pakistanis living abroad to look after and safeguard their rights and interests in Pakistan.

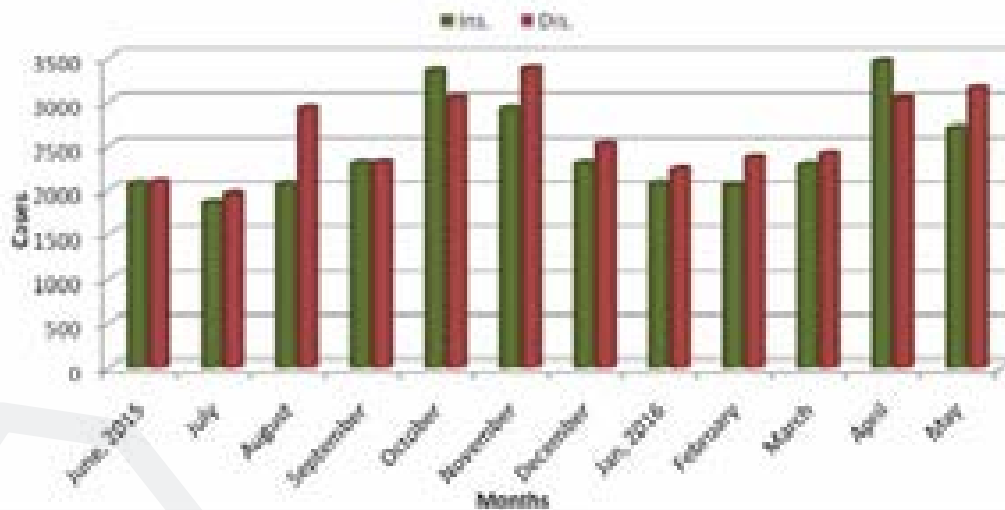
During a recent review of the performance of the HRC by Chief Justice Mr. Anwar Zaheer Jamali, his lordship showed satisfaction over performance in general, the DG-HRC was directed to ensure proper and timely compliance of the Court directions by the public functionaries making reference to the position that despite specific directions by the Court, (in HRC No.5/2009) to ensure timely process of pension cases, there still are frequent complaints of delay in release of pension.

7.2 Institution, Disposal and Balance of Cases from June 2015 – May 2016

Pending Process	Institution	Disposal	Balance
11883	29490	31470	9903

Month-wise Institution and Disposal of Cases from June 2015 – May 2016

Months	Opening Balance	Institution	Disposal	Balance
Jun-15	11883	2081	2095	11869
Jul-15	11869	1862	1956	11775
Aug-15	11775	2076	2934	10917
Sep-15	10917	2302	2311	10908
Oct-15	10908	3348	3054	11202
Nov-15	11202	2928	3380	10750
Dec-15	10750	2299	2523	10526
Jan-16	10526	2082	2228	10380
Feb-16	10380	2060	2372	10068
Mar-16	10068	2284	2413	9939
Apr-16	9939	3460	3044	10355
May-16	10355	2708	3160	9903
		29490	31470	

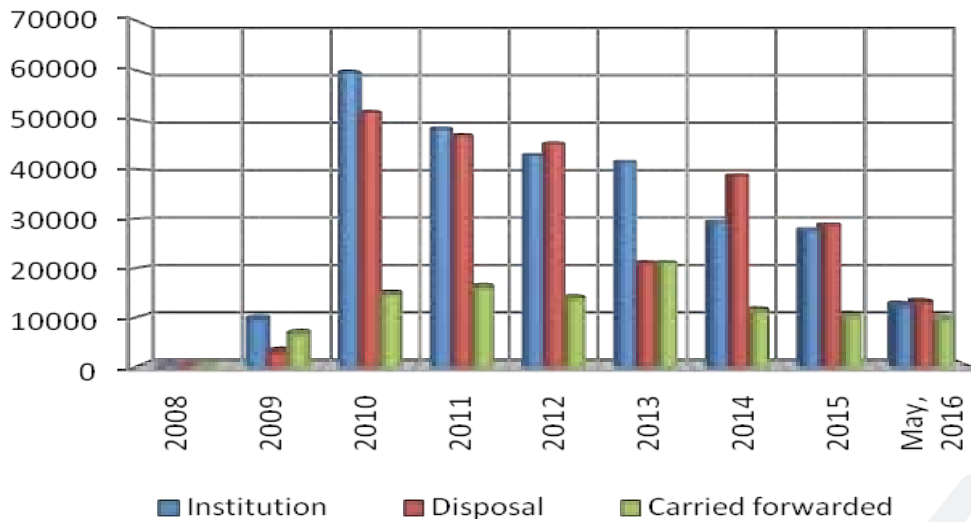


The month wise data shows that against total institution of 29490 complaints, the disposal was 31470 during this year. The disposal figures are significantly higher than institution, which trend will considerably minimize the pendency in the coming months

Year-wise Institution and Disposal of Cases

Year	Opening Balance	Institution	Disposal	Carried Forwarded
2008	0	81	81	0
2009	0	9879	3095	6784
2010	6784	59878	51756	14906
2011	14906	48388	47024	16270
2012	16270	42999	45334	13935
2013	13935	41648	21025	21025
2014	21025	29372	38908	11489
2015	11489	27843	28806	10526
2016	10526	12594	13217	9903

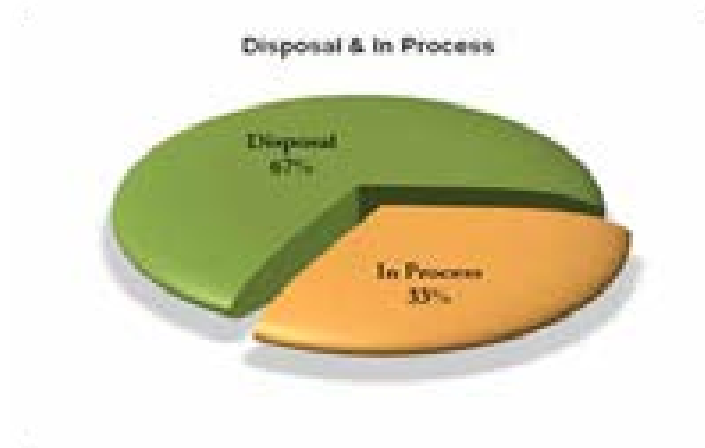
Year-wise Institution and Disposal



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

7.3 Expatriate Pakistanis' Wing Institution & Disposal of Cases from June 2015 to May 2016

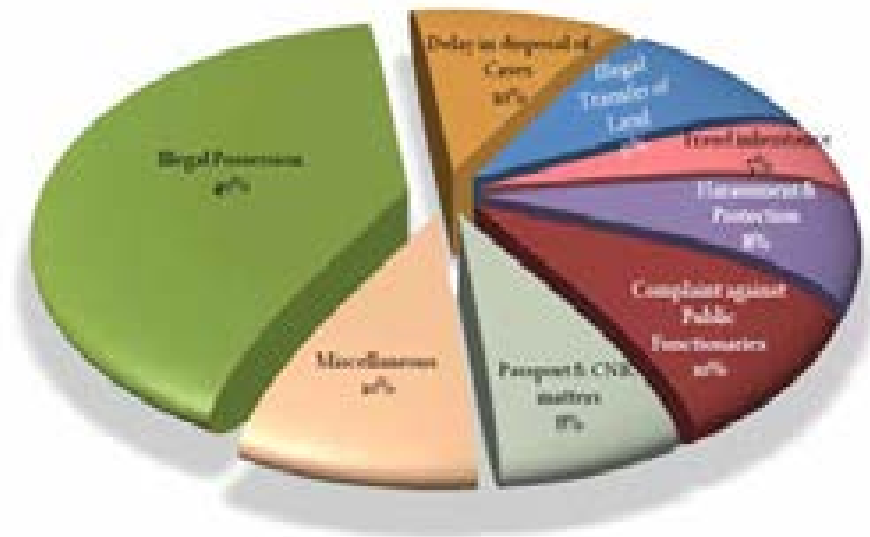
Institution	Disposal	In Process
1402	946	456



The above figures and histogram show that 1402 complaints from Overseas Pakistanis were received during the period June 2015 to May 2016, which ratio, comparative to their population, is much higher than the complaints of resident Pakistanis.

Category	Institution
Illegal possession	557
Delay in disposal of cases	145
Illegal Transfers of lands	133
Fraud in Inheritance matters, etc	70
Harassment & Protection	109
Complaints against Public Functionaries	140
Passport & CNIC matters	108
Miscellaneous	140

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.



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 Courts, fraudulent transfer and misappropriation of their inherited shares by relatives, threats and harassment not to pursue their cases and complaints against Public functionaries, mostly Revenue, NADRA and Immigration authorities, etc.

7.4 Important Cases Decided by HRC

7.4.1 HRC No. 10153-S/2015

(Alleged illegal appointments in Health Department Sindh)

It was complained that 273 persons/officials/officers were illegally appointed, promoted and adjusted without any advertisement, test or interview in Health Department Sindh.

On notice by this Court Health Department, Sindh reported that necessary probe and enquiry was carried out in the matter. Report of the enquiry was found to be ambiguous even by the department as it did not touch the issues raised in the complaint and did not clarify the position. Therefore, the department referred the matter along with all record to the Anti-corruption Department for detailed inquiry / investigation.

Not being satisfied with the steps required to be taken by the department, the case was converted into petition under Article 184(3) of the Constitution and notices issued to authorities concerned. The matter is now pending adjudication.

7.4.2 HRC No. 16115-S/2015

(Allotment/lease of 5222 acres of land of Sindh Govt. to UAE businessman @ of 15 million only.)

Transparency International Pakistan alleged grant of 99 years' lease of over 5000 acres of land for commercial purposes to a foreign businessman for only Rs.15 million by the Sindh Government.

On taking up the matter by this Court, Chief Secretary, Government of Sindh submitted the report that on probe the lease of state land admeasuring 5222 acres, has been cancelled. Report of Senior Member Board of Revenue, Sindh also verified the position as to such cancellation. The case was disposed of by the Court with the observation that in case any party is aggrieved with the order of cancellation, he may approach the appropriate forum for redress of his grievance.

7.4.3. HRC No.24409-S/2015

(Illegal arrest of lady in a manner not warranted under law)

Applicant complained against Sanghar police alleging illegal arrest and detention of her daughter. That she was arrested and detained without being required in any criminal case and no lady police constable was accompanying the police party.

On taking notice by this Court, it was found that she was illegally arrested to procure the attendance of her absconding husband who was required in a criminal case. IGP Sindh reported that three accused

Police officials were placed under suspension and case was registered against them for illegal arrest, detention and confinement. Further after thorough inquiry show cause notices were issued to the delinquent officials wherein they were found guilty and different administrative punishment were awarded to them including reversion in rank and forfeiture of approved service. Whereas in the criminal case registered against them, Challan has been submitted and trial has commenced.

7.4.4. HRC No. 2389-S/2016.

(Non availability of two life saving drugs)

Applicant, a doctor complained that two important life saving drugs, which are required for treatment of T.B. and Thyroid disorder are not available in the market. That due to non-availability of said drugs, public is suffering badly.

On taking notice by this Court, Drug Regulatory Authority reported that the matter was taken up with leading manufacturers of said drugs. It was admitted that said drugs were short in the market, owing to some price mechanism issues which have been resolved. All the manufacture of said drugs have undertaken smooth supply and both the drugs are now freely available in the market.

7.4.5. HRC No.21300-P/2015

(Delay in release of Pension)

Applicant complained that he retired from M/o Finance in May, 2003 but his pension was not finalized and had prayed for directing AGPR to release his pension at the earliest which was being delayed for years together.

On intervention of this Court, AGPR reported that the pension case of the applicant has been finalized and his pension is disbursed to his bank account. The Pension slip and data sheet reflecting finalization of his pension case were attached with the report. The grievance of the applicant thus, stood redressed.

7.4.6. HRC No 6641-E/2016

(Delay in Renewal of CNICOP to Overseas Pakistani)

Applicant an expatriate from Thailand, stated that his son is awaiting his CNIC renewal since 2014. Applicant had prayed for a direction to Bangkok Embassy Staff and NADRA employees for issuance of CNIC.

On calling report, NADRA authorities submitted that case of complainant has been resolved. Subject NICOP has been printed and dispatched. Applicant may collect the same from Pakistani Embassy, Thailand.

7.4.7. HRC No. 4008-P/2015

(Posting of School Teachers according to students ratio)

It was complained that for 140 students in Government Primary School, Kasur, only two teachers were provided. Even one of the said two teachers was transferred because of political influence and school was being run by only one teacher. Applicant has prayed for intervention.

On taking notice by the Court, Secretary (Schools), Education Department, Government of Punjab reported that three (3) teachers have now been posted in the said school. The grievances of the petitioner have been redressed partially (by borrowing the teachers from the District Govt. Kasur). While, EDO (Education) was directed to depute teachers in the school according to the students ratio.

7.4.8. HRC No 19306-S/2015

(Alleged Environmental Pollution)

Applicant complained that in District Khairpur two Cotton Factories are working in violation of Environment Laws and are causing diseases to the local persons. The applicant alleged that four persons of the area had died due to emission of polluted smoke and waste of the factories.

On intervention of this Court, Sindh Environmental Protection Agency (SEPA) reported that a team of technical persons was constituted. They surveyed the area and observed that no environmental approval was obtained and no solid waste management plan was produced. That dust particles were observed on stored cotton bales in the factory area and fiber along with dust was found in surroundings. Violation of health and safety measures for employees was also observed. Further SEPA has issued notices to the owners of the factories requiring them to submit report regarding mitigation measures, installing proper filters and to see after monitoring if such mills can operate in the area.

Matter is being followed up by the Cell.

7.4.9. HRC 22698-P/2015

(Release of Death Grant)

Applicant had complained that her husband died while he was on duty in a private factory. That said factory is not registered and she has no proof of his job. That social security card was in possession of factory owner for renewal. Applicant had prayed for registration of factory and release of death grant.

On notice by this Court, the case was processed and report was submitted by DCO, Sialkot that death grant of Rs.5,00,000/- has been sanctioned in favour of applicant and grievance of the applicant has been redressed.

7.4.10. HRC No 15019-P/2015

(Removal of Encroachment on public road)

Applicant a lady doctor complained against Qabza mafia, who had encroached on public road by constructing a building and thus blocked public way. She had prayed for intervention.

On taking notice by this Court, DCO, Layyah looked into the matter and finding the reported illegal encroachment, as per law demolished the same and registered a criminal case (FIR 89/16) against the persons, who created hindrance during removal of encroachment.

7.4.11. HRC NO. 26903-S/2015

(Release of two years outstanding salaries)

Applicants, Police Constables, had complained that their salaries for last 2 years i.e. since their appointment have not been released. They had prayed for indulgence.

On taking notice by this Court, it was reported by IGP concerned that Finance Department Government of Sindh has released salary of said (136) newly recruited Constables and now they are getting their salaries through their bank accounts.

7.4.12. HRC 10687-E/2014

(Non-delivery of possession of plot despite payments)

Applicant an expatriate Pakistani from Saudi Arabia had complained that he purchased a plot from a renowned builders and property developers in 2007 and made all the payments. Still, possession of plot has not been given to him. Applicant had prayed for possession of his plot.

The builder being a private Ltd. company, therefore, the matter was taken up through Security and Exchange Commission of Pakistan (SECP).

It was submitted in the report from SECP that said property developer has informed that grievance of the complainant has been resolved and a plot has been provided to him in a developed sector.

7.4.13. HRC 13234-E/2014

(Prayer for Removal of applicant's name from Black list)

Applicant had complained that at the instance of business rivals, officials of Ministry of Interior had put applicant's name in Kenya in Black List. Applicant thus can neither stay in Kenya nor get his passport renewed. Applicant had prayed for intervention.

On taking notice by this Court, M/o Interior reported that the name of applicant has since been removed from black list by Directorate General, Immigration and Passport, Islamabad, on merits and the same has been conveyed to all concerned.

7.4.14. HRC No. 18406-P/2014

(Uninterrupted supply of Electricity to the Girls College)

Through this anonymous application students of Girls college Tehsil Karor Lal Eisan, Layyah had asserted that electricity is supplied to their college from the village electricity feeder instead of the city electricity feeder which is just 10 Km from their college and provides uninterrupted electricity without load shedding whereas there is 18-20 hrs load shedding from the village electricity feeder, resultantly students are miserably suffering especially during exams.

It was submitted in the report submitted by Chief Executive, Multan Electric Power Company that college connection is shifted from Rural Feeder and attached to urban Feeder. The problem of the students has been solved.

7.4.15. HRC No. 25834-P/2014

(Non-Payment of salaries to school teachers)

In a Joint complaint from female teachers of Faisalabad it was complained that their salaries have not been paid for last two years.

On intervention of this Court, School Education Department, Govt. of Punjab reported that the matter was enquired and processed and salaries of all the teachers had been released, accordingly.

7.4.16. HRC 5765-S/2016

(Conversion of Islamic Centre into a Cinema)

A public complex was constructed by Karachi Municipal Corporation for Islamic Culture and Traditions development. A research Centre was also in the plan. It was complained that KMC has converted it in to a Cinema for monetary benefits. Applicant had prayed for intervention.

On this application, Hon'ble Chief Justice was pleased to fix the matter in Court with notice to all concerned. Reports and comments are being submitted by authorities.



An Inside View of Branch Registry, Peshawar

CHAPTER

8

IMPORTANT CASES DECIDED BY THE SUPREME COURT

IMPORTANT CASES DECIDED BY THE SUPREME COURT (SUMMARIES)

8.1 The State through Director Anti Narcotics Force, Peshawar v. Rashm Ali Khan (PLD 2016 SC 471)

Brief facts of the cases are that the respondents, were arrested while trafficking Narcotic substance (Chars Garda) and convicted/ sentenced (each one of them) to imprisonment for life along with fine. In appeal, the High Court reduced their sentences from life to imprisonment for specified periods, for the reasons, firstly, that the quantity of Chars Garda in powder form could have been reduced in weight up to 30% to 50% when processed; therefore, the quantity to be considered in determining the quantum of sentence would be reduced accordingly, and the cases would come out of rigours of section 9(c) of Control of Narcotics Substance Act, 1997, providing minimum punishment of life imprisonment in those cases where the total quantity recovered exceeds 10 Kilograms. Secondly, the total quantity was to be equally distributed among the number of convicts; therefore, each of them was liable for quantum of sentence befitting 1/3rd quantity of processed Chars Garda.

The Court observed that "a bare reading of the ... provision of law reveals that a person convicted under Section 9 CNSA, for the purposes of sentencing, is to be placed in three categories depending upon the quantity of narcotic substance recovered. ... Additionally, the proviso to section 9(c) provides for the quantum of

minimum sentence in those cases where the quantity of narcotic substance recovered exceeds 10 Kg. Thus, it is evident that nowhere in the entire scheme of CNSA, the Courts have been empowered to either send the recovered quantity of Chars Garda for processing or arbitrarily reduce its quantity without any supporting material in this behalf or any intelligible criteria or legal justification for this purpose, as has been done by the Peshawar High Court in all the impugned judgments. Such view of the matter is, therefore, disapproved and rejected as being conjectural and unlawful."

It was further observed that "the provisions of CNSA do not permit the practice of equal distribution of total quantity of narcotic substance recovered from the possession of more than one convict in order to determine their individual sentences within the parameters of Section 9 of CNSA. The conclusion contrary to it recorded in the impugned judgments has also no legal sanctity; therefore, it could not be endorsed or approved. To put it in simple words, if in a case narcotic substance is recovered from the possession of more than one convict then, following the principle of their joint and collective liability, each one of them will be liable for punishment on the basis of the whole quantity of narcotic substance so recovered."

8.2 Ali Muhammad and others v. Syed Bibi and others (PLD 2016 SC 484)

Brief facts of the case are that Respondent No.1's son was murdered during an exchange of fire between levies and some unknown persons. Regarding the incident, an FIR was lodged with misleading and incorrect statement of facts; therefore, she filed an application under Section 22-A Cr.P.C. before the Justice of Peace/Sessions Judge, Pishin for registration of second FIR. The application was, however, dismissed. She then filed petition under Section 561-A, Cr.P.C. before the High Court of Balochistan, which was allowed, thereby directing the concerned official to get the FIR of the incident registered.

The Supreme Court observed that *"the requirement of Section 154 Cr.P.C. is to enter every information of commission of a cognizable offence, whether given orally or in writing to the officer-in-charge of the police station, which shall then be reduced into writing and signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer in the form prescribed by the Provincial Government in this behalf. Meaning thereby, that it is not a legal requirement for provider of such information to canvass the whole scene of occurrence of a cognizable offence giving description and details of accused, details of weapons used by them, their specific role, motive behind the occurrence, and the names of eye-witnesses etc. But it is a matter of common experience that usually the entries made in Section 154 Cr.P.C. book, as per practice, contain invariably all such details*

so much so that in the ordinary parlance/sense it is considered as the gist of the prosecution case against the accused. In such state of affairs, if a collusive, mala fide or concocted FIR, registered at the instance of some individual with some ulterior motive, is taken as sacrosanct, it is likely to divert the whole course of investigation in a wrong direction and spoil the entire prosecution case on that premise. The Court while considering the crucial point of registration of another FIR cannot remain oblivious of these ground realities so as to non-suit the aggrieved party from agitating his grievance in an honest manner, or ensure regulating proper investigation of a crime in the right direction, or apprehend the real culprits and brought them before the Court of law for justice.

It was further observed that *"it may be clarified here that there may be circumstances where registration of another FIR will be the only proper course as adopting the alternate course provided in Section 200, Cr.P.C. may not be equally efficacious and effective for the aggrieved person. The case law on the subject lend support to the view that provisions of Section 154, Cr.P.C. are to be read in a pragmatic, holistic and realistic manner in order to ensure that its true spirit and object is achieved and it is not abused at the hands of individuals or police, who may be adamant to make mockery of this system. It is for these reasons that no definite principle can be laid down barring the registration of another FIR."*

8.3 Kareem Nawaz Khan v. The State (2016 SCMR 291)

Brief facts of the case are that petitioner was convicted by the Anti-Terrorism Court and sentenced to death under section 302(b) PPC, death under section 7(a) and 5 years RI under section 21(L) of the Anti-Terrorism Act, 1997. He challenged his conviction/sentence in appeal before the Lahore High Court, Lahore, which was dismissed, thus, all the sentences awarded to him were confirmed. Those two judgments were then challenged by the petitioner before the Supreme Court through Criminal Petition, which was dismissed; as such, the conviction/sentences of the petitioner attained finality. Thereafter, the petitioner filed an application under section 338-E, P.P.C. before the trial Court for effecting compromise with the legal heirs of the three deceased/victims of the occurrence. The application was allowed by the trial Court, to the extent of compoundable offences i.e. under section 302, P.P.C., while the conviction and sentence awarded to the petitioner under sections 7(a) and 21-L of the ATA, being non-compoundable, were maintained. Against that order of the trial Court, the petitioner preferred Writ Petition before the High Court, which was dismissed.

The Supreme Court observed that *“the only short point for consideration before us is whether compounding*

of an offence under section 302(b) P.P.C. with the legal heirs of the deceased will ipso facto dilute the effect of conviction of an accused under section 7 of the Act of 1997 or once such conviction has been maintained upto the level of Supreme Court, subsequent compromise with the legal heirs of the deceased will have no bearing on it, being a past and closed transaction. ... In this background as to the independent nature of conviction under the provisions of the Act of 1997, being non-compoundable, further guidance can be sought from the judgments of this Court in the case of Muhammad Amin v. The State (2002 SCMR 1017), Muhammad Rawab v. The State (2004 SCMR 1170), Shahzad v. Judge, Anti-Terrorism Court (2005 SCMR 1162) and Muhammad Akhtar v. The State (PLD 2007 SC 447), which clearly provide that the offence under section 7(a) of the Act of 1997 is an independent one, which is non-compoundable, thus the sentence awarded under this provision of law is also independent to other sentences under section 302(b), P.P.C. etc., which may be compoundable in nature. Therefore, in view of the bar contained in subsection (7) of section 345, Cr.P.C., conviction of an accused under the Act of 1997 will remain intact despite compromise in other sentences in compoundable offence.”

8.4 Federation of Pakistan v. Durrani Ceramics (PLD 2015 SC 354)

Petitions were filed by the Federation of Pakistan seeking review of the Judgment of this Court dated 22.08.2014, whereby the imposition of the Gas Infrastructure Development Cess (GIDC) was declared to be unconstitutional, the same being “fee” and not “tax”, which could not be imposed through a money bill and it did not fall within the scope of Entry No. 51 of Part-I of the Federal Legislative List of the Constitution of Pakistan, 1973. Notices were given to the respondents vide order dated 17.11.2014 only to the extent of Entry No.51 while the other question whether cess was “tax” or “fee” was held not to be reviewed.

The learned Attorney General for Pakistan attempted to reargue the case by submitting that “cess” was in fact a “tax” and not “fee” as held in the judgment under review. He further argued that where a question arises, whether a Bill is a Money Bill the decision of the Speaker of National Assembly was to be final. Mr. Makhdoom Ali Khan, Sr. ASC appearing for respondents submitted that review petitions to the extent of determination that the cess was a fee already stood dismissed, thus making submission on the same would amount to a second review, which was not permissible under the Supreme Court Rules. This Court observed that this point was never urged earlier and was added through a C.M.A filed much after the time limitation for filing of review was over. Even otherwise this Court observed that the

certificate of Speaker would not prevent the Court from examining whether a particular item could have validly been included in a Money Bill.

The learned Attorney General for Pakistan submitted that in the judgment under review the word “and” appearing between the words natural gas and minerals in Entry No. 51, Part-I of the Fourth Schedule to the Constitution should be interpreted and read as “or”. Counsel for the respondents submitted that it was already held in the judgment under review that the words are to be given their ordinary meanings and the extrinsic tools, like legislative history could be brought in aid only when statutory provision is ambiguous. It was observed by this Court that there was no ambiguity in the interpretation of Entry No. 51, Part-I of the Fourth Schedule and it should be given ordinary meaning and if the legislature wanted, it would have used the word “or” instead of “and” in the said entry. The words, should be given ordinary meaning unless the context otherwise requires. Moreover, the historical perspective (as given by the learned Attorney General) would only be relevant if there was some ambiguity. Therefore, the Review Petition was dismissed on 15.04.2015 and the construction already placed on Entry No. 51, Part-I of the Fourth Schedule to the Constitution was maintained.

8.5 District Bar Association, Rawalpindi v. Federation of Pakistan (PLD 2015 SC 401)

Brief facts of the case are that by the Eighteenth Amendment to the Constitution, the Parliament brought about extensive amendments in the Constitution. A number of petitions under Article 184(3) of the Constitution were filed in the Supreme Court challenging some of the amendments, mainly, Articles 1(2)(a), 17(4), 51(6)(e), 63A, 226, 267A and 175A. The Court, through an interim order, reported as *Nadeem Ahmed, Advocate v. Federation of Pakistan* (PLD 2010 SC 1165), referred the matter of appointment of judges, with certain observations, to the Parliament for re-examination. In the light of the said interim order, certain changes were made in Article 175A through Nineteenth Amendment to the Constitution. The above cases were still pending when Twenty First Amendment was made in the Constitution, empowering military courts to try a certain class of civilians. In this regard, amendment was also made in the Army Act. The said amendments were also challenged before the Supreme Court. The petitions challenging the 18th and 21st Amendments were clubbed and heard together as the two sets of cases involved a common constitutional question, as to whether there are any limitations on the powers of the Parliament to amend the Constitution and whether the Courts possess jurisdiction to strike down a constitutional amendment?

The cases were heard for about three months, whereafter, in view of the respective opinions recorded by the Hon'ble Judges, by a majority of 13 to 04 the Constitution Petitions were held to be maintainable. However, by a majority of 14 to 03 the Constitution Petitions challenging the Constitution (Eighteenth Amendment) Act (Act X of 2010) were dismissed, while by a majority of 11 to 06 the Constitution Petitions challenging the Constitution (Twenty-first Amendment) Act (Act I of 2015) and the Pakistan Army (Amendment) Act (Act II of 2015) were dismissed.

Mr. Justice Nasir-ul-Mulk, the then CJ, in his opinion concluded, *inter alia*, that "there are no limitations, express or implied on the powers of the Parliament to amend the Constitution and the amendments brought about in exercise of such power are not liable to be challenged on any ground whatsoever before any Court. As this Court lacks jurisdiction to strike down any amendment in the Constitution it is not necessary to examine the grounds on which the 18th and the 21st Amendments have been challenged. However, the decision to select and refer the case of any accused for trial under the Pakistan Army Act, 1952, as amended, and any order passed or decision taken or sentence awarded in such trial shall be subject to judicial review on the grounds of *coram non iudice*, being without jurisdiction or suffering from *mala fide*. With this

observation all the petitions are dismissed."

Mr. Justice Jawwad S. Khawaja, J. in his opinion concluded, *inter alia*, that "Parliament is not sovereign or supreme in the sense that there are no limitations on its power to amend the Constitution; the limitations on Parliament are not only political but are borne out from the Constitution itself: this Court has the power to judicially review a Constitutional Amendment passed by Parliament and to strike it down where appropriate; Article 175A as amended by the nineteenth Amendment is not liable to be struck down as it does not transgress the limitations of parliamentary power to amend the Constitution; the words "or a Constitution (Amendment) Bill" added in clause (1)(b) of Article 63A are liable to be struck down; the provisions of sub-clauses 6(c) and (e) of Article 51 of the Constitution are liable to be struck down; The twenty-first Amendment is liable to be struck down."

Mr. Justice Mian Saqib Nisar, J. concluded, *inter alia*, that "In our Constitution two important points must be made in relation thereto. Firstly, and most regrettably the fundamental rights conferred by the Constitution were stillborn: Article 280 expressly continued, from the commencing day, the earlier imposed emergency. Fundamental rights were not actually enforced till 1986. Furthermore, almost immediately and for reasons well known the Constitution was subjected to undesirable amendments. Secondly, the Constitution on its promulgation was very much a document of its times (the early 1970's) when left-wing theories were much in vogue; witness the presence of the Marxist based Article 3. As pointed out earlier Marxism categorically rejects the principle of independence of the judiciary. Thus this is the direction in which the basic structure doctrine will take us. Is this what the petitioners want? The basic structure doctrine itself is, if I may say so with respect, has ended in becoming (and this was easily foreseeable) a vehicle for judicial aggrandizement of power at the expense of the elected representatives of the people. On the conceptual plane, it is devoid of merit and amounts to little more than a vessel into which the Judges can pour whatever economic, political or social theory as may catch their fancy or whim at any given time. The decisions of the Indian Supreme Court, discussed above, amply demonstrate this sorry state of affairs. ... The temptation to read too much into the Objectives Resolution, whether as the Preamble to the Constitution or an operative part thereof by reason of Article 2A, must be strongly resisted. Accordingly, I dismiss these petitions.

Mr. Justice Asif Saeed Khan Khosa, J concluded, *inter alia*, that "in view of the clear and categorical provisions of Article 175(2) and Article 239(5) and (6) of the Constitution I have not felt persuaded to accept the academic theory of basic features or basic structure

of the Constitution as conferring jurisdiction upon this Court for striking down an amendment of the Constitution. Resultantly, all the Constitution Petitions challenging the Constitution (Eighteenth Amendment) Act (Act X of 2010) were dismissed. The Constitution Petitions assailing the Constitution (Twenty-first Amendment) Act (Act I of 2015) and the Pakistan Army (Amendment) Act (Act II of 2015) are partially allowed and the Pakistan Army (Amendment) Act (Act II of 2015) is declared to be unconstitutional, without lawful authority and of no legal effect. As a consequence of this declaration all the trials conducted and the appeals decided by the military courts deriving authority from the Pakistan Army (Amendment) Act (Act II of 2015) are to be treated as non est and all the judgments delivered by invoking that law are rendered incapable of implementation and execution.

Mr. Justice Sh. Azmat Saeed, J., while delivering the majority view (on behalf of 8 Hon'ble Judges), held, *inter alia*, that "the Constitution contains a scheme reflecting its Salient Features which define the Constitution. Such Salient Features are obvious and self evident upon a harmonious and wholistic interpretation of the Constitution. In an effort to discover such Salient Features material outside the Constitution cannot be safely relied upon. The Salient Features as are ascertainable from the Constitution including Democracy, Parliamentary Form of Government and Independence of the Judiciary. The amendatory powers of the Parliament are subject to implied limitations. The Parliament, in view of Articles 238 and 239 is vested with the power to amend the Constitution as long as the Salient Features of the Constitution are not repealed, abrogated or substantively altered. This Court is vested with the jurisdiction to interpret the Constitution in order to ascertain and identify its defining Salient Features. It is equally vested with jurisdiction to examine the vires of any Constitutional Amendment so as to determine whether any of the Salient Features of the Constitution has been repealed, abrogated or

substantively altered as a consequence thereof."

It was concluded that "Article 175A as inserted by the 18th Constitutional Amendment, in view of the provisions of the 19th Constitutional Amendment and the dictum laid down by this Court in the case, reported as Munir Hussain Bhatti, Advocate v. Federation of Pakistan (PLD 2011 SC 308 and PLD 2011 SC 407) do not offend against the Salient Features of the Constitution. The other questioned provisions thereof are also not ultra vires the Constitution. The 21st Constitutional Amendment and the Pakistan Army (Amendment) Act, 2015 accumulatively provide, a temporary measure for the trial of terrorists accused of offences including waging war against Pakistan by a forum already constituted under the law and consistent with a recognized procedure already available for and applicable to personnel of the Pakistan Army. The enlargement of the jurisdiction of such forum is subject to due compliance with an ascertainable criteria constituting a valid classification having nexus with the defence of Pakistan and does not abrogate, repeal, or substantively alter the Salient Features of the Constitution. The provisions of the 21st Constitutional Amendment as such are intra vires the Constitution. The provisions of the Pakistan Army (Amendment) Act, 2015, are not ultra vires the Constitution. The decision to select, refer or transfer the case of any accused person for trial [and any order passed, decision taken or sentence awarded] under the Pakistan Army Act, 1952, as Amended is subject to Judicial Review both by the High Courts and by this Court *inter alia* on the grounds of *coram non jure*, being without jurisdiction or suffering from *mala fides* including *malice in law*."

Mr. Justice Sarmad Jalal Osmany, J, Mr. Justice Ejaz Afzal Khan, J., Mr. Justice Dost Muhammad Khan, J., Mr. Justice Umar Ata Bandial, J and Mr. Justice Qazi Faez Isa, J. also delivered their separate opinions.

8.6 Lahore Development Authority v. Ms. Imrana Tiwana (2015 SCMR 1739)

The matter under challenge in this case was the Signal Free Corridor Project. The Lahore Development Authority (LDA), a statutory authority established by the Government of Punjab ("GoPb"), wanted to introduce two underpasses, 7 U-turns and 5 overhead pedestrian bridges on an existing 7.1 kms of the existing Jail Road and Main Boulevard. It was inter alia alleged that the Project required the cutting down of a large number of trees, an Environmental Impact Assessment (EIA) was mandatory from the Environmental Protection Agency, Punjab, (EPA) prior to the commencement of the Project and that the Project fell within Serial No.2 of Part-D of Schedule-II of the Pakistan Environmental Protection Agency (Review of IEE and EIA) Regulations, 2000 and was also alleged to be irrational, discriminatory. The vires of several provisions of the LDA Act, 1975 were also under challenge and it was alleged that the functions of local government were usurped by the GoPb through LDA Act, 1975 and the project besides being violative of the Fundamental rights was also violative of inter alia Article 140A of the Constitution, which provided for the establishment of local govt. system.

Full bench of the Lahore High Court after hearing arguments accepted these petitions, struck down sections 6, 13, 13A, 14, 15, 16, 18, 20, 23, 24, 28, 34A, 34B, 35, 38 and 46 of the LDA Act, 1975 as ultra vires the Objectives Resolution, Articles 2A, 4, 9, 14, 17 and 25 of the Constitution and as offensive to Articles 32, 37(i) and 140A of the Constitution. The Project was stopped and the National Accountability Bureau (NAB) was directed to initiate an inquiry against DG, LDA and DG, EPA. The said judgment was impugned before this Court.

Mr. Khawaja Haris Ahmed, Sr.ASC on behalf of appellant LDA argued, inter alia that the non-obstante clause in the LDA Act made it override the Punjab Local Govt. Act. The Local Government elections were yet to be held; therefore a vacuum existed which was rightly filled by the LDA Act, 1975. Other adequate remedy was available and the High Court should not have issued writs. Mr. Makhdoom Ali Khan, Sr.ASC submitted in addition that Article 140A of the Constitution did not divest the Provincial Government of its legislative or executive authority. Articles 137, 142 and 140A of the Constitution had to be harmoniously construed. Mr. Shahid Hamid, Senior Advocate Supreme Court appearing for the Project Contractor submitted a plan giving details of the proposed project along with cost summary and stated that the project was included in the approved budget of the LDA for 2013-14. It had since been approved by the EPA also. Mr. Raza Kazim, Senior Advocate Supreme Court leading the arguments for the respondents submitted that the questions relating to the project were of secondary nature and

the decision of the case did not depend on them. He submitted that the validity of the EIA approval, regulatory capture, the merits of the project and flaws in the process were not germane to the controversy. He submitted that after the insertion of the Article 140A in the Constitution all the political, administrative and financial responsibility and authority of the Province had been devolved on the Local Government. Mr. Mehmood Ahmed Mirza, ASC (for Res) supported the judgment of the Lahore High Court. He submitted that the constitutional issue was correctly decided by the High Court. Mr. Salman Akram Raja, ASC (for Res No.1) submitted that Article 140A of the Constitution is a paradigm shift whereby the executive, administrative and financial authority of the Province has been bifurcated between the provincial and the Local Government. He submitted that prior to Article 140A the Province had executive authority under Article 137 of the Constitution. Now, that is divided between the provincial and Local Governments.

This Court however, observed that the creation of local govt. system does not spell the end of Provincial Govt. in the province rather it strengthens the Provincial Govt. by entrenching democracy at grass root level. The extent of devolution of powers to the local govt. could be between nothing and everything. It was further observed that the High Court had not discussed how the Constitutional provisions were violated by the LDA Act, therefore, the test for striking down the statues were not met by the High Court while striking down the provisions of the LDA Act. The LDA Act and the legislative and executive authority of the Province were found not inconsistent with Article 140A of the Constitution. Moreover, it was observed that the entry No. 2 of Part-D of Schedule-II of Pakistan Environmental Protection Agency (Review of IEE and EIA) Regulations, 2000 projects for rebuilding or reconstruction of existing roads did not require EIA approval.

The Court, inter alia, held that "*Elected Local Governments are presently not in existence in the Province of Punjab. The Provincial Government through its agencies is performing their duties and functions. The disputed Signal Free Corridor Project was conceived by an agency of the Provincial Government, LDA, in the year 2014 and included in its budget allocation for 2014-15. Construction of the project was awarded to the Contractor on 19-2-2015, who had already undertaken construction in the value of Rs.60 million before the interim restraint order was issued by the learned High Court on 6-3-2015. In the vacuum resulting from the absence of an elected Lahore Metropolitan Corporation, the initiation, approval and execution of the disputed Signal Free Corridor project by the Provincial Government through its agency, LDA, is held to be*

valid. ... any new project falling within the domain of Lahore Metropolitan Corporation for approval or execution shall not be undertaken by the Provincial Government or its agency without prior consultation and consent, unless withheld without justified reasons, as the case may be, of the elected Lahore Metropolitan Corporation in respect of such project. Article 140A of the Constitution of Islamic Republic of Pakistan casts a mandatory obligation on the Provinces to establish Local Governments possessing meaningful authority and responsibility in the political arena, administrative and financial matters. It is the duty of a Province ... to purposefully empower Local Governments in

the Province ... Article 140A of the Constitution confers primacy upon the authority vesting in an elected Local Government over the powers conferred by law on the Provincial Government or an agency thereof. Notwithstanding the above, the Provincial Government is in any case under a duty to establish harmonious working relationship with an elected Local Government wherein respect is accorded to the views and decisions of the latter. ... Section 5(6) of the Punjab Environmental Protection Act, 1997 imposes a mandatory duty on the Provincial Government to constitute Advisory Committee under the said Act."

8.7 Mumtaz Qadri v. The State (PLD 2016 SC 17)

Precisely, the matter revolves around the brutal assassination of a former Governor of Punjab namely Mr. Salman Taseer, by the appellant of instant case, who being a former commando of Punjab police's Elite Force, was on protection duties, whereof under the cover of his uniform as a security guard he killed the deceased who was on his way back home from the restaurant at Kohsar Market. The accused/appellant was arrested on the spot along with his official crime weapon and was also booked under criminal charges U/S 302, 109 PPC read with Section 7(a) Anti Terrorism Act 1997, on 14.02.2011 through F.I.R, which was got registered pursuant to a complaint filed by Mr. Shaheryar Ali Taseer (son of deceased) in this regard. Motive for the said occurrence as has been set up by the complainant in his complaint was as that his father (Mr. Salman Taseer) had a particular view point on national issues, due to which different Religious and Political groups were propagating against him, and threats to murder him were being issued. His father has been killed by accused/appellant on the instigation, connivance and conspiracy hatched up by these religious and political groups, over the politician's vocal opposition to blasphemy laws of the country.

The accused was put to trial before the learned Anti Terrorism Court-II, Rawalpindi Division and Islamabad Capital Territory in order to face criminal charges for commission of an offence of Qatl-e-Amd (culpable homicide), under section 7(a) of the Anti Terrorism Act, 1997 read with sections 302 and 109 of the P.P.C, respectively. After recording of the evidence and hearing of the argument of the learned counsels, the learned Judge Special Court-II, Anti Terrorism, Rawalpindi Division and Islamabad Capital Territory, vide his judgment dated: 01.10.2011, convicted the accused/appellant of being guilty of the offence under section 302(b) PPC by awarding him death sentence along with the award of compensation to the tune of Rs. 1,00,000/= payable to the legal heirs of deceased under section 544-A Cr.P.C or in default to undergo simple imprisonment for six months. Similarly vide the same judgment the appellant was also convicted for commission of offence under section 7(a) of the

Anti Terrorism Act, 1997, by awarding death sentence with a fine to the tune of Rs. 100,000/= or in default of payment to undergo simple imprisonment for six months.

The appellant assailed his conviction before the learned Islamabad High Court, Islamabad by filing a Criminal Appeal No: 90 of 2011, while a separate Capital Sentence Reference No: 01 of 2011 was also sent by the trial Court, before the same learned High Court for seeking conformation of the death sentence of appellant respectively. Consequently the appeal filed by the appellant to the extent of challenge of his conviction under section 302(b) PPC stand dismissed along with conformation of the Capital Sentence Reference in affirmative, however, it was partly allowed to the extent of the accused/appellant conviction under section 7(a) of the Anti Terrorism Act, 1997, while setting aside his conviction by acquitting of the said charges.

Subsequently, the matter went in appeal before the august Supreme Court, by way of filling of the two separate Criminal Petitions i.e., one bearing number as CrL.PLA Nos: 197 of 2015 by the appellant against his conviction under section 302(b) PPC, while other bearing number as CrL.PLA No: 275 of 2015 by the State challenging the acquittal of appellant from the charges under section 7(a) Anti Terrorism Act, 1997, respectively. Leave was granted in both of them, with formulations of detailed prepositions of law accordingly, finally both of them were order to be club together for regular hearing.

After hearing of both the learned counsels for the parties and Advocate General, Islamabad at length and while perusal of the relevant religious texts and material placed or produced on record, the honorable Supreme Court while thrashing out the entire history of the enactment of the blasphemy law and the legal dictum laid down by the honorable apex Courts, the august Supreme Court also has gone through the statistics of the registration of cases as well as of the extra-judicial killings of the accused involved

therein, reached to the conclusion that neither any discussion over the blasphemy laws through verdicts of the Courts or its textual loopholes, procedural misapplication or likewise its misuse, will never justifiably term as blasphemous by any quarter. It went on to state that, although our religion of Islam if comes down heavily upon commission of blasphemy, then on other, it (Islam) is very tough against those who level false allegations of a crime. That's why it cast heavy responsibility over the State of Islamic Republic of Pakistan to ensure that no innocent person is compelled or constrained to face an investigation or a trial on the basis of such false accusations.

In the light of above cited discussions and after examining the relevant record etc., the august Supreme Court, reached to an irresistible, unavoidable and inescapable conclusion that the appellant (Malik Muhammad Mumtaz Qadri) had committed the murder of Mr. Salman Taseer for no factual or legal justification, hence upheld the findings of the Islamabad High Court in respect of the appellant's conviction under section 302 (b) P.P.C, accordingly.

As far as the attraction of the provisions of section 6 of the Anti Terrorism Act, 1997, to the appellant's

case is concerned, the august Supreme Court upon interpretation of the relevant provisions of law, reached to its conclusion that two necessary ingredients of the criminal jurisprudence i.e., Mens Rea and Actus Reus, do find its place squarely within the mischief of section 6 of the Anti Terrorism Act, 1997. One that the appellants had fired upon the deceased which shows his actus reus, while the other i.e., mens rea is apparent from the statement of appellant recorded under section 342 Cr. P.C, during the course of his trial, when he (the appellant) utters the following words i.e., "... a lesson for all the apostates, as finally they have to meet the same fate", hence both the above cited ingredients coupled with creating sense of fear, insecurity in the society, does fall within the mischief of section 6 (1) (b) & 6 (2)(a) of the Anti Terrorism Act, 1997, accordingly.

As a sequel of above cited discussions the august Supreme Court dismissed the Criminal Appeal bearing No: 210 of 2015 filed by the appellant Malik Mumtaz Qadri, while the Criminal Appeal bearing No: 211 of 2015 filed by State is allowed, by restoring the convictions and sentences awarded by the learned Judge, Special Court-II, Anti Terrorism, Rawalpindi Division and Islamabad Capital Territory of dated: 01.10.2011 thereof.

8.8 Dr. Zahid Javed v. Dr. Tahir Riaz Chaudhry (CA No: 359 of 2013)

The controversy raised through the instant Civil Appeal laid to rest the exercise of the revisional powers held by the Governor under Section 11-A of the University of Punjab Act, 1973 while acting as Chancellor of the University without seeking advice of the Chief Minister and the conflicting judgments rendered in this regard, reported as University of Punjab vs. Sardar Ali (1992 SCMR 1093) and Federation of Pakistan vs. Muhammad Tariq Pirzada (1999 SCMR 2189) viz a viz the contrary view in case reported as Rana Aamer Raza Ashfaq vs. Dr. Minhaj Ahmed Khan (2012 SCMR 6).

Brief facts pertaining to instant appeal is that the University of Punjab vide its advertisement dated 29.04.2005 invited applications pertaining to various vacancies in different disciplines including one of them for the post of Associate Professor in Social Work Department. The appellant being aspirant for one of the same, participated in the selection process and selected thereafter vide office order dated 07.11.2007 issued by the office of vice chancellor of university pursuant to approval of Syndicate on the recommendations of the Selection Board. Consequent upon of which, the appellant was finally appointed to the said post for one year probation.

The Respondent No: 1 challenged the said appointment by invoking the Constitutional Jurisdiction of the learned Lahore High Court. Thereafter, the learned High Court has been pleased to disposed of the said petition by issuance of directions to the Syndicate of University to re-decide the issue of appellant's appointment, accordingly. In compliance with Court's order, the Syndicate took up the issue in its 1689th meeting held on 29.10.2011, and decided to cancel the said appointment.

Feeling aggrieved the Appellant file a petition under section 11-A of the University of Punjab Act, 1973 before the Chancellor challenging the impugned order of Syndicate dated: 29.10.2011, the same was allowed vide order dated 06.06.2012, whereof the services of appellant were restored to its original position with all consequential benefits.

Being dissatisfied, the Respondent No: 1, again filed a fresh writ petition before the learned Lahore High Court challenging the orders of Chancellor dated: 06.06.2012, which was allowed vide impugned Judgment dated: 15.01.2013, by reversal of the Chancellor's orders of restoration and upholding of the Syndicate's Cancellation of appointment order, accordingly.

Against the afore said impugned order a Civil Petition for Leave to Appeal was moved at the instance of Appellant, before the august Supreme Court Pakistan, in which Leave was granted on 15.04.2013. The matter was initially heard by a two member bench when on 18.11.2013 the honorable Court deemed it expedient to refer the matter for the constitution of a honorable five members bench as the matter requires authoritative pronouncement in view of the conflicting views of the exercise of Powers of a Governor of Province as being acting Chancellor of University whether his functions are subject to the advice of Chief Minister in view of Article 105 to the Constitution of Islamic Republic of Pakistan, 1973 or vice versa, as reported in 2012 SCMR 6 and 1999 SCMR 2189, respectively. The honorable Chief Justice has been pleased to accord approval, whereof the honorable five member bench was constituted, which issued notices to Attorney General for Pakistan and Advocates Generals of the four provinces in view of Order 27-A Rule 1 C.P.C, besides appointing Mr. Makhdoom Ali Khan and Mr. Khwaja Haris Sr. ASC as Amicus Curiae to assist the honorable Court.

After hearing of the learned counsels and having necessary due deliberations etc., on the point in issue; finally the honorable Supreme Court comes to the definite conclusion that the principles enunciated in the judgments rendered by this Court in the cases of University of Punjab vs. Sardar Ali (1992 SCMR 1093) and Federation of Pakistan vs. Muhammad Tariq Pirzada (1999 SCMR 2189), are in consonance with the spirit of the provisions of the Act and the conflicting view in the case of Rana Aamer Raza Ashfaq vs. Dr. Minhaj Ahmad Khan (2012 SCMR 6) is not the good law. Section 11-A or the other provisions of the Statute of 1975 under which Chancellor exercises revisional or appellate powers, are independent and do not make it obligatory on him to seek and or act on the advice of the Chief Minister in terms of Section 11(8) of the Act.

It is pertinent to mention here that while parting with the judgment the honorable Court also took judicial notice of the additional note of one of honorable Judge of august Supreme Court in Rana Aamer Raza Ashfaq vs. Dr. Minhaj Ahmad Khan (2012 SCMR 6), whose lordships while concurring with the findings of the bench has concluded that after the 18th

Amendment, the concurrent list was abolished and the 'subject of Education' went within the exclusive legislative domain of the Province, therefore if the powers of the Governor (Chancellor) is not curtailed in terms of Section 11(8), it may lead to conflict of interest between the Federation and the Province.

It is held by the honorable Supreme Court with profound respect differ with the view of the Honourable Judge of the High Court while holding that perhaps the Hon'ble Judge was persuaded to reach such a conclusion on the ground that under the scheme of the Constitution, the Governor is the nominee of the President and is also bound by the advice of the Chief Minister, while on the contrary under the scheme of the Constitution, the Governor has to perform certain independent functions too as are provided in detail therein. It is concluded that this approach of the Hon'ble Judge perhaps is not in conformity with the scheme of the Constitution. Therefore, for the aforesaid reasons, the honorable Supreme Court does not endorse this view of the Hon'ble Judge of High Court, accordingly.

It is pertinent to mention here that there is a dissenting view of his lordships the honorable Justice Mian Saqib Nisar as being one of members of the larger bench of five member bench, along with an additional note of the separate findings rendered by his lordship the honorable Justice Khilji Arif Hussain, accordingly.

Majority Opinion of honorable Court

The honorable Supreme Court finally by majority of four to one, held that the Chancellor while exercising revisional powers under Section 11-A of the Act is not required to seek advice of the Chief Minister, therefore, on this legal point, view rendered in the cases of University of Punjab vs. Sardar Ali (1992 SCMR 1093) and Federation of Pakistan vs. Muhammad Tariq Pirzada (1999 SCMR 2189) is approved whereas the contrary view rendered in the case of Rana Aamer Raza Ashfaq vs. Dr. Minhaj Ahmad Khan (2012 SCMR 6), is not approved. However by three to two, the appeal on its factual side is allowed impugned judgment is set aside and the matter is remanded back to the learned Lahore High Court for decision on merits afresh.

8.9 Muhammad Ashraf Baig v. NESCOM (Civil Appeal No.654 of 2010)

This civil appeal along with civil petitions involved the same question as to whether the Rules framed under Section 15 of the National Command Authority Act, 2010 were statutory or otherwise. The main contention of the appellant was that the Rules framed under Section 15 of the Act could not be treated as statutory as they were not approved by the Federal Government. That the two judgments of this Court rendered in the cases *Rector National University of Science and Technology (NUST) Islamabad and others v. Driver Muhammad Akhtar (Civil Appeal No.495 of 2010 decided on 28th April, 2011)* and *Muhammad Zubair and others Vs. Federation of Pakistan thr. Secretary M/o Defence and others (Civil Petition No.1563/2013 decided on 26.2.2013)* were essentially *per incuriam* inasmuch as the judgments interpreting the provisions of other enactments which were in *pari materia* with Section 15 of the Act had not been considered. That the jurisdiction of the High Court could not be invoked under Article 199 of the Constitution of Islamic Republic of Pakistan where the Rules were non-statutory.

The matter was heard by a three member bench headed by the incumbent Hon'ble Chief Justice of Pakistan, Mr. Justice Anwar Zaheer Jamali and the judgment was authored by the Hon'ble Mr. Justice Ejaz Afzal Khan.

Through a well-reasoned and detailed judgment, the Supreme Court observed that the relevant Act had been passed to provide for the constitution and establishment of the National Command Authority for complete command and control over research, development, production and use of nuclear and space technologies and other related obligations in various fields and to provide for the safety and security of all personnel, facilities, information, installations or Organizations and other activities or matters connected therewith or ancillary thereto. Section 2 of the Act besides defining Authority etc., also defined the expression 'prescribed' which meant prescribed by Rules under the Act. Section 3 dealt with the Constitution and establishment of the Authority. Section 7 dealt with the powers and functions of the Authority, Section 9 dealt with the terms and conditions of the employees of the Authority and those who shall be deemed to be its employees, while Section 15 of the Act dealt with the power to make Rules.

That the Rules were made for carrying out the objectives of the Act. The legislature in its wisdom conferred rule making power on the Authority. The legislature in its wisdom provided for one set of Rules encompassing all the ins and outs of the Authority as were outlined by Sections 7, 8, 9 and 15 of the Act. Since all the matters they dealt with

were of crucial importance, no division or distinction of external or internal management had been made. That the rule making power was exercised by the Authority consisting of Chairman and 8 other Members enumerated in Section 3 of the Act. It was the Authority which prescribed specific terms and conditions of the employees including but not limited to, appointments, removal, promotions, transfers, integrity and reliability and other related matters under Section 8 of the Act. It was also the Authority that created classification among the employees based on the sensitivity of the functions, nature of assignments, security consideration and in the interest of security of Pakistan and took measures regarding employees in respect of their movement, communication, privacy, assembly or association in the public interest or in the interest of integrity, security or defence of Pakistan or friendly relations with foreign States and public order. All these functions being envisioned by Sections 7 and 9 were essentially statutory. The Rules prescribing these functions could not be short of statutory sanction. They thus do not need intervention or approval of the Federal Government as the Authority itself was the Federal Government as it had the power to regulate the matters relating to the terms and conditions of service of its employees.

That the legislature in its wisdom, wanted to make the Authority autonomous on all accounts. An Authority which had been established for higher objectives as apparent from the preamble and other provisions of the Act, could not thrive and flourish, if its rules were not abided by or enforced on being violated. That unaccounted exercise of unfettered powers was dangerous and even devastating for an institution of that type. Autonomy, independence and efficacy of the Authority were better attained with statutory rather non-statutory Rules. Effective control of Authority over its activities for maintaining secrecy of its sensitive programs in line with Pakistan International Legal Obligation in particular UNSC Resolution could not be affected by the statutory status of its rules.

The Supreme Court further observed that the employees whose terms and conditions of service were regulated by non-statutory rules were more exposed to mischief than those whose terms and conditions of service were regulated by statutory rules. It was held that the Rules made by the Authority could not be confused or even compared with the Rules and Regulations framed under other enactments without the approval of the Federal Government. That the rules framed under Sections 7, 9 and 15 of the Act were statutory on all accounts and by every attribute. The Supreme Court directed to decide all similar cases in the light of this judgment.

8.10 Province of Sindh through Chief Secretary and 8 others v. Syed Kabir Bokhari.(2016 SCMR 101)

In this case the appellants challenged the legality of allotment of amenity land for commercial use, being in conflict with Art. 52-A of the Karachi Development Authority Order, 1957. The matter was heard by a bench of two judges of this Court and the judgment was written by Mr. Justice Gulzar Ahmed.

Succinctly stated the disputed plots were allotted/ leased out to the respondent/allottee for commercial use for a period of 99 years through an open auction in the year 1976. Allottee paid the full occupancy value of the plots and was also given possession of the same. Subsequently, it transpired in the year 2005 that the master plan for the scheme did not contain the disputed commercial plots, and they had been illegally carved out from an amenity plot. Consequently show cause notices were issued to the allottee and allotment order was cancelled on the ground that the same was void ab initio and illegal and no compensation was paid to the allottee.

It was observed that there was no existence of the disputed commercial plots in the master plan for the scheme, and the land was amenity land meant for public use and not for commercial use. Allotment of amenity plot/land for commercial use was directly in conflict with Art. 52-A of the Karachi Development Authority Order, 1957, which specifically provided the procedure for seeking conversion of amenity plot for other use. In the present case, there was no order by the competent authority to sanction the use of amenity land for commercial purposes. Furthermore the allotment of disputed plots was made in the year

1976 but despite having possession, the allottee took no steps for almost 29 years to raise construction thereon and left them as a bare site. Fact of non-use of disputed plots by the allottee reflected heavily against him and showed that very purpose of allotment of disputed plots was other than the use for which the allottee bid for the plots. However, the allottee could not be squarely blamed for illegal and unlawful conduct of officials of the relevant Development Authority in offering the amenity land to him for commercial use. Allottee had paid a substantial amount in the shape of occupancy value/ price of disputed plots and thus could not be deprived of his funds paid to the Development Authority.

The Supreme Court observed that the Government and its department were bound to act justly and fairly with the citizens of the country. If, in case of illegal and unlawful conduct of the government and its officials of department, any loss was caused to the citizen of this country, same must be appropriately compensated. This was a fundamental rule and also principle of equity.

The Supreme Court directed the Provincial Government and relevant City District Government to refund to the allottee all the amount of occupancy value of disputed plots along with markup at the rate of 18% per annum from the date of the receipt of occupancy value/price of land until it was actually paid to the allottee. Appeal was partly allowed accordingly.



Waiting Room, Supreme Court Islamabad

CHAPTER

9

THE COURT AND IT'S REGISTRIES

THE COURT AND IT'S REGISTRIES

9.1 Introduction

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

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

Functions

The Registry prepares the cases for fixing before a bench, assists the Court in case flow management and providing reference and research assistance. The Registry provides information to Advocates and the general public regarding the date of hearing, adjournment and status of cases. Similarly, also providing assistance on legal procedures and formalities for the institution of cases and issuing certified copies of the judgments/orders of the Court. The main Registry is situated at Islamabad, but Branch Registries have been established at Lahore, Karachi, Peshawar and Quetta.

Goals

The Registry's goals are: -

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

9.2 The Principal Seat at Islamabad

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

Building Architecture

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

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 141 persons, is 125 ft high. It is flanked on its rear by four courtrooms, each having seating capacity for 72 persons. Six additional Court Rooms, each having sitting capacity for 36 persons, are situated on the ground floor.

Judges Block

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

Administration Blocks

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

The scheme of construction of Supreme Court Building in Islamabad was initiated in 1967 but ultimately in 1985 the Chief Justice of Pakistan discussed the project with the then Prime Minister of Pakistan as a result of which funds to the tune of Rs.9.856 Million were provided for the project during 1985-87. The agreement for planning and designing of the project with M/s KENZO TANGE ASSOCIATES (Japan) and PEPAC was signed in August 1987 and then presented by the Architects to the then Prime Minister who approved it with some modifications. The original PC-1 Scheme was prepared and considered by Central Development Working-Party (C.D.W.P) 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 C.D.W.P's decision and was finally approved for Rs:377.971 Million. Tenders for the civil work were called in June, 1990 and tenders for electrification, Air conditioning & lift were awarded in February 1992. Later 1st Revision of the scheme was necessitated and 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 Phase II was tendered in 1999 but deferred in response to Government's economy campaign. The work of Phase II was initiated in 2006 on the directions of the Supreme Court authority and was awarded to the contractor after fulfilling all codal formalities with contract cost of Rs.268.530 Million. The revised Project Cost Rs.1055.334 Million was approved by the ECNEC on 21.01.2010.

The project Phase II comprises of 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. 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.

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.

Car Parking sheds

The Building Committee has approved construction of car parking with sheds on a vacant plot situated in between the Supreme Court Building and Prime Minister's Secretariat. The Project also includes provision of waiting area and toilet facility for drivers.

Park/Landscaping

The land once earmarked for landscaping has been leveled into a beautiful park, about a half kilometer jogging track and four beautiful gazebos, the trail is garlanded with evergreen flora. The park/jogging track 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 Hon'ble Chief Justice of Pakistan and all the Hon'ble Judges of Supreme Court planted trees.

Special repair/restoration works in Supreme Court Building, Islamabad & Judges Rest House, Murree.

As per directions of the Building Committee consisting of Hon'ble Mr. Justice Anwar Zaheer Jamali, HCJ (Chairman), Honble Mr. Justice Mian Saqib Nisar (Member) and Hon'ble Mr. Justice Amir Hani Muslim (Member), special repair/restoration works in Supreme Court Building, Islamabad and Judges Rest House, Murree are being carried out for

the first time since its construction by PWD. Funds amounting to Rs. 56.538/- Millions are provided by this Court from its own budget. The target date for completion of works is 30th June, 2016. The detail is as under:-

1	Renovation of Bath Rooms
2	Improvement of roads
3	External Paint
4	Internal paint
5	Grinding Polishing of floors
6	Grinding of external marble
7	Misc. work i.e. Polish/repair/fixation of new Brass strips/nosing, repair of aluminum window etc
8	Internal walls of floor marble
9	Renovation of Auditorium
10	Repair/renovation of HCJ Rest House (two suites) at Murree
11	Repair/renovation of HJJ Rest House (two suites) at Murree

Construction of Bachelor Accommodation at Branch Registry, Lahore

After the approval of the building committee, the project of construction of Bachelor Accommodation at Branch Registry, Lahore (Comprising of two Blocks) is also in progress and to be completed on 30th June, 2016. The total funds amounting to Rs. 51.128 Million have been arranged by Ministry of Law & Justice (Development Wing) Government of Pakistan, Islamabad.

Services:

Information Desk

A help desk is a source to provide information to general public, litigants and advocates, therefore, to facilitate them an information desk has been established at the main entrance of the Supreme Court Building. On the said desk, information relating to the cases/matters i.e. institution/fixation/delisting and pendency is given to save the precious time of the litigants, advocates as well as of the Court. Application for issuance of certified copies of the orders/documents are being received and the same are also delivered to the applicants at this Information Desk.

Bank

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

Cafeteria

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

Post Office

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

Book Shop

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



Branch Registry Lahore

9.3 Branch Registry at Lahore

History of Branch Registry Building, Lahore

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

Construction Work

After renovation/rehabilitation of Old State Bank of Pakistan Building, the building of Supreme Court Branch Registry, Lahore now consists of 5 Court Rooms, one Chamber for Hon'ble Chief Justice, 10 for Hon'ble Judges, Conference Room, Library, Offices, Bar Room and Bar Library, etc. During the reported period, the Roof slab of skylight Area of Court Room No.1 has been replaced. The construction work of Bachelor Accommodation on rear side of the Branch Registry Building being near to its completion is expected to be fully functional shortly.

Activities and Functions of Branch Registry

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

All the petitions and direct appeals instituted at the Branch Registry are heard and decided at Lahore, unless otherwise ordered by the Court except Appeals pertaining to tax, custom and revenue matters which after grant of leave 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 decisions of:-

- a. Lahore High Court 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 filed against the orders of the Federal Shariat Court and Constitution Petitions are forwarded to the Main Registry for registration and hearing.

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

Facility of enquiry, on-line inquiry of cases through new Case Flow Management System (CFMS) V2 is available for the litigants/AORs. DSL Internet facility of 4 MBps package alongwith Wifi is also available for the Hon'ble Judges and officials.

The Court Library consists of two halls. The library has more than 10,000/- volumes including law reports and around 2400 text books. An automated catalogue has been prepared for effective searching and retrieving of the library artifacts. Library utilizes online legal database like. www.pakistanlawsite.com, www.pljlaw.com and www.manupatra.com to strengthen its services.



Branch Registry, Karachi

9.4 Branch Registry at Karachi

The Registry was established on 14th October, 1957 in a borrowed wing of the High Court of Sindh Building. The Registry remained accommodated for some time in Karachi Development Authority (KDA) Rest House, Stadium Road, opposite PTV Centre, Karachi.

There was a growing need to have a suitable building to house the offices of the Branch Registry and also have suitable Courtrooms. Due to its Victorian structure, the old State Bank building was found suitable and fit to accommodate the branch Registry.

Historical Perspective

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

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

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

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

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

The building has been extensively repaired and renovated by the Government of Sindh. It has three Courtrooms, Chief Justice Chambers, six Judges Chambers, Registrar Chambers, Conference room, Judges Lounge, Library, Office block and a beautiful mosque. Additional rooms have been provided to Supreme Court Bar Association. Petitions, appeals and miscellaneous applications are instituted in the Branch Registry arising out of judgments and decisions of:-

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

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

Functions of Branch Registry Karachi

This registry is established with the view to provide easy, inexpensive and rapid justice to the litigants hailing from the province of Sindh. In a broader spectrum constitution petitions, civil petitions, criminal petitions and reviews their against and other cases pertaining to the sub categories of the above are usually being entertained in routine in the Branch Registry Karachi, miscellaneous applications and other documents so on related to the pending cases. Though in order to process the above cases before their registration and fixation before the Court some judicial sections are designed to course them accordingly at this branch for the convenience of general public, appellants and learned advocates of this Court.

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

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

The General Section and the Protocol Section of this branch majorly work for the comfort of our Hon'ble Judges as well as Retired Judges of Supreme Court of Pakistan. Officials at the General Section herein undertake and look after the administrative work of this Branch Registry and SCP Judges Rest House, maintenance and refurbishment of both the buildings, purchase of general items and stationery, maintenance of Auto vehicles performing at the residence of SCP Judges and at the Branch Registry, this section also processes various utility and medical bills of SCP Retired Judges for payment from Main Registry. Salary of approximately 52 contingent staff is also being disbursed from this section. The Protocol section of this Branch Registry predestined to undertakes various works of Hon'ble Judges.

This branch registry has an effective computer section which maintains complete network at a physical layer with WIFI backup. A Case Flow Management System has been implemented at this Registry, and now all new cases are instituted on CFMS and any change made to the original file and their disposal are being duly recorded in this system. Cause lists are also being made through this system.



Branch Registry, Peshawar

9.5 Branch Registry at Peshawar

The Supreme Court Branch Registry Peshawar was established on 28.10.1960 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 contains 2 Court rooms, 6 Judges Chambers, one Library Room, one Conference Room, one large Bar Room, Administrative block for the staff members and officers which consists of 8 Rooms, and a beautiful mosque.

Activities and Functions of Branch Registry

The Branch Registry has been established with the aim to facilitate litigants/AORs/ASCs of the KPK with regard to filing of different petitions, appeals, misc. applications etc. Moreover, the cases relating to the Main Registry are also received and after checking/proper scrutiny are forwarded to the Principal Seat Islamabad. That all the petitions and direct appeals instituted at the Branch Registry are heard and decided at

Peshawar, unless otherwise ordered by the Court except Appeals pertaining to tax, custom and revenue which 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 decisions of:-

1. Peshawar High Court
2. Federal Shariat Court at Peshawar
3. Federal Service Tribunal at Peshawar and
4. KPK Service Tribunal

Facility of searching case law on-line through new Case Flow Management System (CFMS) V2 is available for the litigants/AORs. DSL Internet facility of 6 MBps package alongwith Wifi is available for the Hon'ble Judges and office use. 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.

The Library automation programme has recently been initiated to extend on-line and off-line reference and research assistance to the Court. The library automation system namely "KOHA" is integrated with the main Registry.

9.6 Information Technology Section

Introduction:

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

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

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

Case Flow Management System:

The State of the art Case Flow Management System (CFMS) has been deployed in the Main Registry as well as all four Branch Registries of this Court in order to prepare cause lists and to generate various

information and statistics regarding number of cases instituted in the Court. All the branch registries have been connected to the central database, which enables them to have access to main data repository, and also helps the main registry to know about the filing status of fresh cases in these branch registries. The latest module has been developed and implemented in order to generate various kind of notices.

Website of the Court:

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

SMS Alert System:

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

Computer Networking

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

9.7 Record Weeding Section

Weeding section has been established for weeding out the disposed of cases of this Court under Order XXIV Rule 2 of Supreme Court Rules, 1980. Every case is bifurcated into two parts i.e. Part I and Part II. And in order to digitize the weeded out record a digitization process is going on since December, 2012.

Detail of the weeded out cases up till 30th May 2016

Year	Weeded out Files	Pages weeded out
2010	7606	621165
2011	9196	893594
2012	7687	774338
2013	7030	866436
2014	1260	188667
2015	5776	450158
2016	2521	201680
Grant Total	41076	3996038

Category wise detail of the weeded files

Civil Petition alongwith connected cases	1990 to 2006	20,626 files
Jail Petition alongwith connected cases	1990 to 2004	2,171 files
Criminal Petition alongwith connected cases	1990	55 files
Civil Appeal alongwith connected cases	2001 to downward	15,848 files

Total Number files

original signed documents) 38,700 files

9.8 Court Museum

The Supreme Court Museum serves as an invaluable repository for preserving the Judicial History of Post and pre-Independence era for future generation.

The Museum's collections include fine arts, photographs, personal belongings of Hon'ble Judges & Chief Justices and an archival collection of rare documents. These collections are displayed in the permanent exhibit gallery of the Museum, as well as in temporary exhibits; surely in future these archival material will be an assets to the researchers.

The idea of Supreme Court Museum was dreamt in year 2010 by Mr. Justice Tassaduq Hussain Jillani, former Chief Justice of Pakistan and Hon'ble Mr. Justice Nasir ul Mulk, former Chief Justice of Pakistan. PC-I of the project was prepared and presented before the Public Sector Development Program (PSDP) and got approved against an allocation of 41.855 m on 3rd March 2014. Under the proposed PC-I the Museum's exhibition galleries include over 4250 square feet of display area with an additional 14,000 square feet of an open area for exhibits.

Museum Collection

At present The Museum's collections consist of more than 500 three-dimensional artifacts, 300 archival items, and 200 photographs. To enrich our collections all relevant avenues have been targeted and our collection is increasing day by day and Museum progressing with its objective; exploring the past, engaging the present and educating the future.

In the year 2014-2015 the process of acquisition of antiques/archival material remained in practice. During the year some valuable antiques/archival material have been added.

- Trial of Ghazi Ilmud Din Shaheed
- 1973 Constitution, (Reprographic copy of

- Minutes book of Hon'ble Justice A.S. Salam, former Judge Supreme Court of Pakistan
- Personal belongings of Hon'ble Justice Syed Jamshed Ali, former Judge Supreme Court of Pakistan
- Court Records like Sindh High Court (19th Century)
- Session Court Shikarpur (18th-19th Century)
- Qazi Court's files of 18th Century
- Records from 1857-1935 (Judicial Department)
- Correspondence with Minster for Law and Labour (J. N. Mandal): discussion on the appointment of the **Chief Justice of the Federal Court** of Pakistan; suggestion to raise the age limit of the Judges of the High Courts from sixty to sixty-three years.
- Resignation of First Law Minister Jogandhar Nath Mandal
- The report of the civil and criminal cases determined by the Chief Court of the Punjab at Lahore, and decisions by the Financial Commissioner of the Punjab (January 1914).
- Partition of Bengal and the Punjab appointment of the Boundary Commission, 1947-48.
- Appointment of Sir Cyrill Radcliffe, Chairman, Punjab and Bengal Boundary Commission June 1947 - Jan 1948.
- Chief Justices and Judges, East Punjab High Court, July 1947-Oct 1947

Completion of the project

The present Building Committee (Museum/Archives) comprising of Hon'ble Mr. Justice Anwar Zaheer Jamali, HCJ, Hon'ble Mr. Justice Mian Saqib Nisar, & Hon'ble Mr. Justice Amir Hani Muslim decided the start of practical work on site and directed that the work should be completed immediately. The final go ahead orders were given on 16th Dec, 2015 and physical work started on 13th Jan, 2016, after the day and night work the manufacturing of showcases,



Chief Justices & Judges Gallery



Public Entry to the Museum and pictorial corridor



Personal belongings of Hon'ble Mr. Justice Afzal Zullah and Hon'ble Mr. Justice Dr. Nasim Hassan Shah, former HCJs



Decisions of Prophet Muhammad SAW and Khulafa-e-Rashideen



Gallery - Evolution of Law through Ages



World's first Charter of Human Rights
(The Cyrus Cylinder)



Famous Trials of British Period in Archives Gallery



Ten Commandments, the divine orders revealed upon Hazrat Musa (A.S)



Judges Chairs used during the era 1960-75 in Supreme Court of Pakistan



Priest ruler and jurist of Mohenjo Daro

9.9 Court Library

gallery ambiance was completed on 6th Jun, 2016. The museum is in its final stage and hopefully it will be inaugurated this year.

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 proceeding. Over the years efforts are being made to acquire statutes, judgments, debates, commentaries, etc. on every subject of legal jurisprudence. Besides the Court library at the Principal Seat has established state of the art computer lab to further augment research and reference activities in the Court. Moreover, conference hall has also been established which can accommodate more than 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, PTD, 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 improve reference and research services to the Court. The libraries of the Branch Registries are connected with Main Library to ensure speedy and uninterrupted services.

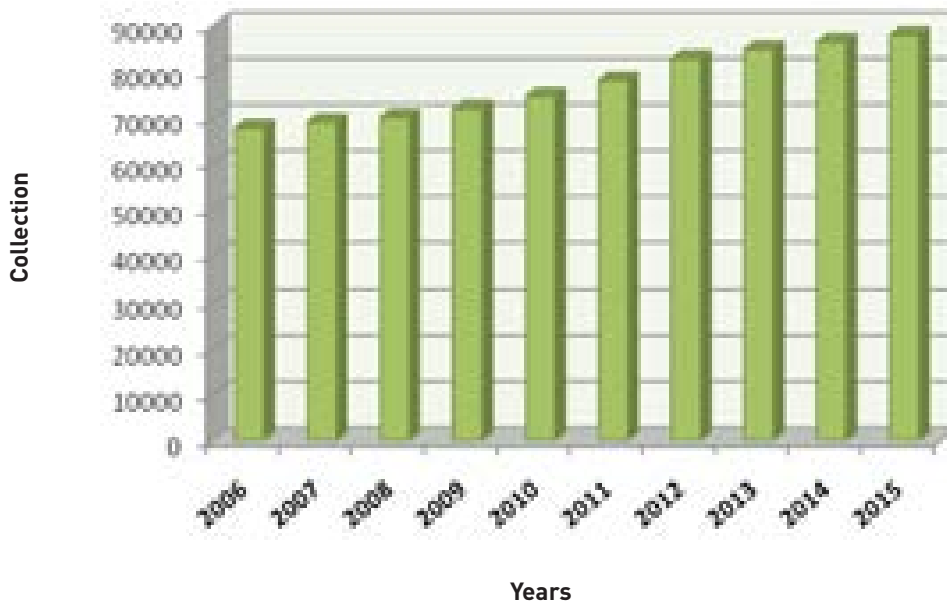
Having said that digitization of resources is also being taken on priority basis to keep equal pace with the changing paradigm of information retrieval. Two-pronged strategy has been evolved to achieve the targets set out for digitization i.e. to convert the existing resources into digital format and 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	2006	2007	2008	2009	2010
Collection	67787	69069	70083	71906	74648

Year	2011	2012	2013	2014	2015*
Collection	78114	82819	84844	86546	88055



9.10 Allocated Budget & Expenditure of the Court

Statement showing the position of allocated budget by the Finance Division and Actual Expenditure incurred during the financial year, **2015-2016**. (UPTO MAY, 2016).

Heads of Account		Budget Grant (PKR)	Expenditure (PKR)
A01101	Pay of officers	199,640,000	187,083,000
A01103	Special pay officer	600,000	475,000
A01151	Pay of staff	84,555,000	73,716,000
A01153	Special pay staff	200,000	15,000
A012-1	Regular allowances	464,958,000	415,148,000
A01271	Overtime allowance	6,000,000	4,297,000
A01272	Night duty allows	100,000	20,000
A01273	Honorarium	48,000,000	15,887,000
A01274	Medical charges	8,000,000	3,726,000
A01277	Pay of contingent paid staff	119,914,000	101,524,000
A01278	Leave salary	50,000	-
A03201	Postage & telegraph	1,500,000	1,034,000
A03202	Telephone charges	17,000,000	13,825,000
A03205	Courier services	2,000,000	1,176,000
A03301	Gas charges	100,000	-
A03303	Electricity charges	500,000	-
A03304	Hot & cold w/charge	100,000	-
A03402	Rent of office buildings	16,057,000	15,505,000
A03403	Rent of residential buildings	39,750,000	35,978,000
A03407	Rates & taxes	2,000,000	771,000
A03805	Travelling allows.	42,000,000	32,955,000
A03806	Transportation of goods	1,000,000	123,000
A03807	P.O.L. charges	16,000,000	13,539,000
A03808	Conveyance charges	1,500,000	498,000
A03901	Office stationery	9,000,000	6,971,000
A03902	Printing charges	5,000,000	1,719,000
A03904	Hire of vehicles	-	-
A03905	Purchase of books	3,000,000	2,576,000
A03906	Uniform & liveries	4,000,000	1,684,000
A03907	Advertisement charges	1,500,000	310,000
A03913	Annual subscription	2,000,000	1,536,000
A03917	Law charges	20,000,000	13,255,000
A03970	Others	24,000,000	22,448,000
A04106	Medical to pensioner	10,000,000	7,101,000
A04114	Encashment	54,676,000	52,225,000
A06301	Entertainment charges	4,000,000	2,679,000
A09501	Purchase of transport	25,000,000	22,519,000
A09601	Purchase of machinery	23,500,000	14,721,000
A09701	Purchase of furniture	3,500,000	3,483,000
A09899	Purchase of others	1,000,000	-

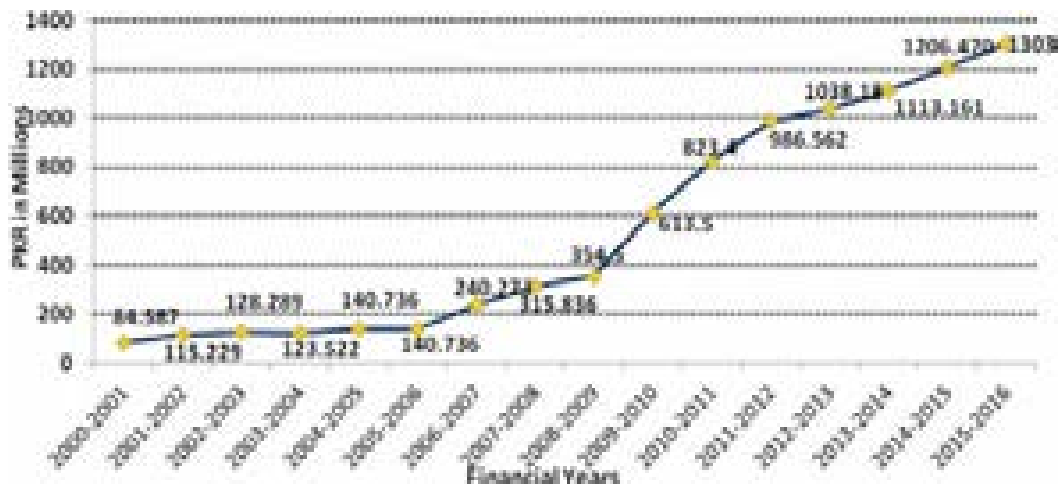
Heads of Account		Budget Grant (PKR)	Expenditure (PKR)
A13001	R&M of transport	12,000,000	9,051,000
A13101	R&M of machinery	2,000,000	902,000
A13201	R&M of furniture	1,000,000	-
A13301	R&M of office building	15,100,000	43,562,000
A13303	R&M of rest houses	10,100,000	12,976,000
A13370	R&M of others	1,000,000	-
A13801	Maintenance of gardens	100,000	-

Share of the Supreme Court of Pakistan in the Federal Budget since 2000-2001 to 2015-2016 (PKR in Million)

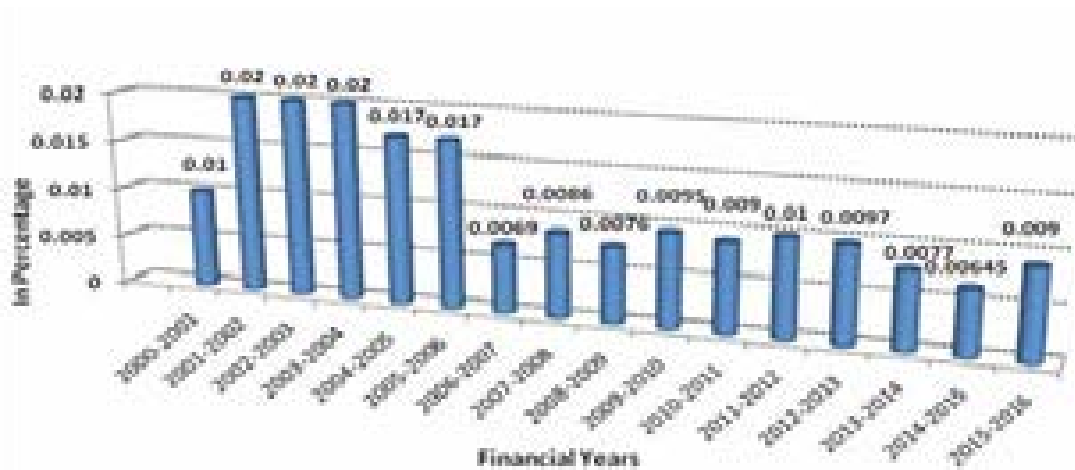
Year	Total Budget	Supreme Court Budget	Percentage*
2000-2001	686,104	84.587	.01
2001-2002	741,959	115.229	.02
2002-2003	747,674	128.289	.02
2003-2004	743,028	123.522	.02
2004-2005	786,573	140.736	.017
2005-2006	109,8000	140.736	.017
2006-2007	3,440,524.673	240.273	.0069
2007-2008	3,634,911.365	315.836	.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

* Share in Federal Budget

Budget of Supreme Court of Pakistan



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



9.11 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.

Presently the position of available amount in the Staff Welfare Fund is as follows:-

Particulars	Amount
Amount invested in Special Saving Certificates with Post Office Supreme Court Branch, Islamabad.	Rs.2,274,000.00
Amount in Advantage Certificate/Munafa Plus Deposit Certificates with HBL Supreme Court Branch, Islamabad.	Rs.1,350,000.00
Amount due from members of staff given as loan.	Rs.297,500.00
Balance amount lying with HBL Supreme Court Branch in PLS-A/C. No. 19820000375001	Rs.1,196,654.54
Total	Rs.5,118,154.54

Staff Welfare Fund given to the Employees of the Supreme Court from 1st June, 2015 to 31st May, 2016

Official Categories	Nos.	Monitory Assistance Granted
Naib Qasid	7	Rs.1,12,500
Driver	2	Rs.37,500
Daftary	1	Rs.25,000
Widows of Late Employees (Funeral expenses)	3	Rs.45,000

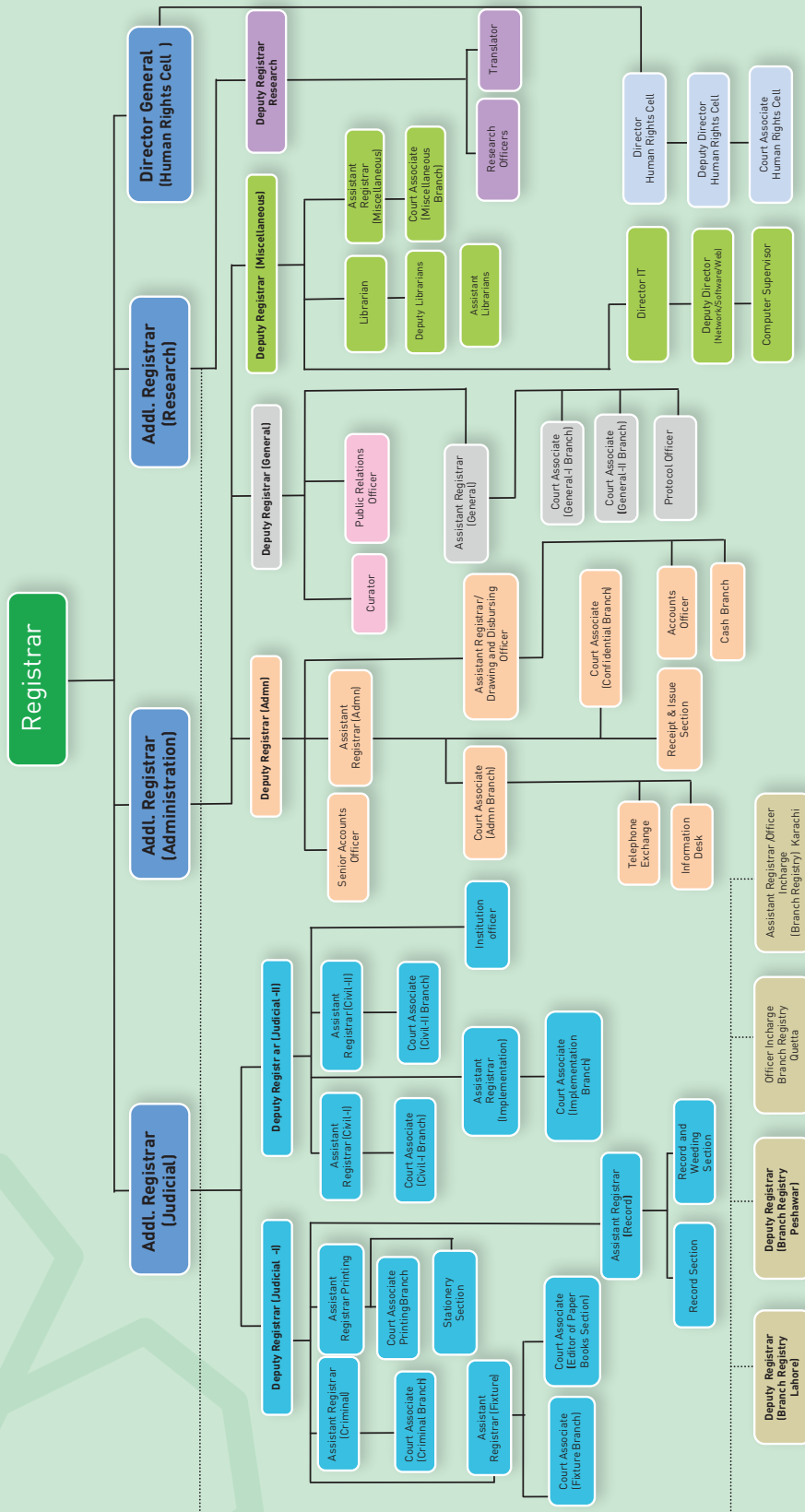
9.12 Beneficiaries of Al-Mizan Foundation Fund

Official Categories	Nos.	Monitory Assistance Granted
Daftary	1	Rs. 5,000
Qasid	1	Rs. 5,000
Driver	1	Rs. 10,000
Chowkidar	1	Rs. 10,000

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

Official Categories	Nos.	Monitory Assistance Granted
Qasid	3	75,000
Naib Qasid	1	10,000
Work Mistry (PWD)	3	65,000
Daftry	2	25,000
Sweeper	2	50,000
Driver	1	25,000
Police (Gun Man)	1	25,000

9.14 Organizational Chart of the Court



THE COURT AND ITS REGISTRIES



Chief Justice Chamber Supreme Court, Islamabad

CHAPTER

10

PICTORIAL PRESENTATION OF EVENTS



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI TAKING OATH OF OFFICE FROM THE HON'BLE PRESIDENT OF PAKISTAN
MR. MAMNOON HUSSAIN AT AIWAN-E-SADR



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ADDRESSING THE PARTICIPANTS OF ISLAMABAD BAR COUNCIL AND DISTRICT BAR ASSOCIATION



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI OFFERING DUA AFTER INAUGURATING THE OFFICE OF ISLAMABAD BAR COUNCIL IN ISLAMABAD



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI PRESIDING OVER THE FULL COURT REFERENCE ON EVE OF RETIREMENT OF HON'BLE MR. JUSTICE SARMAJ JALAL OSMANY, JUDGE SUPREME COURT OF PAKISTAN



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ALONGWITH JUDGES OF SUPREME COURT PRESENTING BOUGUET TO HON'BLE MR. JUSTICE SARMAJ JALAL OSMANY ON THE EVE OF HIS RETIREMENT



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

PICTORIAL PRESENTATION OF EVENTS



THE HON'BLE CHIEF JUSTICE OF ISLAMABAD HIGH COURT MR. JUSTICE MUHAMMAD ANWAR KHAN KASI ALONGWITH OTHER JUDGES OF ISLAMABAD HIGH COURT PRESENTING SOUVENIR TO THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI.



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



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



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE MANZOOR AHMAD MALIK, CHIEF JUSTICE, LAHORE HIGH COURT AND HON'BLE MR. JUSTICE SARDAR TARIQ MASOOD, HON'BLE JUDGE, LAHORE HIGH COURT AS JUDGES OF THE SUPREME COURT OF PAKISTAN



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE FAISAL ARAB, CHIEF JUSTICE, HIGH COURT OF SINDH AS JUDGE OF THE SUPREME COURT OF PAKISTAN.



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI AND HON'BLE MR. JUSTICE SAQIB NISAR, SENIOR PUISNE JUDGE OF SUPREME COURT OF PAKISTAN IN A MEETING WITH THE DELEGATION OF OUTGOING AND NEWLY ELECTED CABINET MEMBERS OF THE SUPREME COURT BAR ASSOCIATION IN THE SUPREME COURT OF PAKISTAN.



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI PRESIDING OVER THE FULL COURT MEETING IN SUPREME COURT, ISLAMABAD.



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI PRESIDING OVER THE FULL COURT REFERENCE ON THE EVE OF THE RETIREMENT OF HON'BLE MR. JUSTICE IJAZ AHMAD CHAUDHRY



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI WITH THE HON'BLE JUDGES OF THE SUPREME COURT OF PAKISTAN PRESENTING SOUVENIR TO HON'BLE MR. JUSTICE IJAZ AHMAD CHAUDHRY ON THE EVE OF HIS RETIREMENT



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



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ADMINISTERING THE OATH OF OFFICE TO HON'BLE MR. JUSTICE TARIQ PARVEZ AND HON'BLE MR. JUSTICE KHILJI ARIF HUSSAIN



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



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI AND HON'BLE MR. JUSTICE MIAN SAQIB NISAR IN A MEETING WITH DELEGATION OF EUROPEAN UNION IN SUPREME COURT OF PAKISTAN



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI ADDRESSING THE AUDIENCE DURING OPENING SESSION OF TWO DAYS NATIONAL CONFERENCE OF THE PROVINCIAL JUSTICE COMMITTEES, TRANSFORMING THE CRIMINAL JUSTICE SYSTEM HELD AT ISLAMABAD



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI IN A GROUP PHOTO WITH DELEGATION OF SHARIAH ACADEMY OF INTERNATIONAL ISLAMIC UNIVERSITY ISLAMABAD AT SUPREME COURT OF PAKISTAN



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI IN A GROUP PHOTO WITH DELEGATION OF 104th NATIONAL MANAGEMENT COURSE AT SUPREME COURT OF PAKISTAN, ISLAMABAD

PICTORIAL PRESENTATION OF EVENTS



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



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

PICTORIAL PRESENTATION OF EVENTS



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI PLANTING TREE IN SUPREME COURT GARDEN ISLAMABAD



MR. M. SALMAN FARUQI, FEDERAL OMBUDSMAN PRESENTING REPORT TO THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI AT SUPREME COURT OF PAKISTAN.



THE HON'BLE CHIEF JUSTICE OF PAKISTAN MR. JUSTICE ANWAR ZAHEER JAMALI PRESIDING OVER THE MEETING OF BOARD OF GOVERNORS OF THE FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE HON'BLE MR. JUSTICE JAWAD S. KHAWAJA (FORMER CHIEF JUSTICE OF PAKISTAN) TAKING OATH OF OFFICE FROM THE HON'BLE PRESIDENT OF PAKISTAN MR. MAMNOON HUSSAIN AT AIWAN-E-SADR



THE HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA (FORMER CHIEF JUSTICE OF PAKISTAN) ADDRESSING THE PARTICIPANTS OF WORKSHOP ON "INSTITUTIONS MATTER: RULE OF LAW IN PAKISTAN", THE CHAIRMAN SENATE OF PAKISTAN MR. MIAN RAZA RABBANI IS ALSO PRESENT



THE HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA (FORMER CHIEF JUSTICE OF PAKISTAN) ALONGWITH MR. MIAN RAZA RABBANI, CHAIRMAN SENATE OF PAKISTAN, VISITING THE " NATIONAL JUSTICE SECTOR AUTOMATION EXHIBITION " ORGANIZED BY LAW & JUSTICE COMMISSION OF PAKISTAN



MR. MIAN RAZA RABBANI, CHAIRMAN SENATE OF PAKISTAN ADDRESSING THE PARTICIPANTS OF THE WORKSHOP ON "INSTITUTIONS MATTER: RULE OF LAW IN PAKISTAN" AT THE SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA (FORMER CHIEF JUSTICE OF PAKISTAN) PRESIDING OVER THE FULL COURT REFERENCE ON THE EVE OF HIS RETIREMENT



THE HON'BLE MR. JUSTICE JAWWAD S. KHAWAJA (FORMER CHIEF JUSTICE OF PAKISTAN) IN A GROUP PHOTO WITH THE HON'BLE JUDGES OF THE SUPREME COURT OF PAKISTAN ON THE EVE OF HIS RETIREMENT.

PICTORIAL PRESENTATION OF EVENTS



THE HON'BLE MR. JUSTICE NASIR-UL-MULK (FORMER CHIEF JUSTICE OF PAKISTAN) PRESIDING OVER THE FULL COURT MEETING AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE NASIR-UL-MULK (FORMER CHIEF JUSTICE OF PAKISTAN) PRESIDING OVER THE FULL COURT REFERENCE ON THE EVE OF HIS RETIREMENT AT SUPREME COURT OF PAKISTAN



THE HON'BLE MR. JUSTICE NASIR-UL-MULK (FORMER CHIEF JUSTICE OF PAKISTAN) IN A GROUP PHOTO WITH THE HON'BLE JUDGES OF THE SUPREME COURT OF PAKISTAN ON THE EVE OF HIS RETIREMENT



THE HONBLE JUDGES AND REGISTRAR SUPREME COURT OF PAKISTAN ADDRESSING THE PARTICIPANTS OF TRAINING COURSES/WORKSHOPS ON DIFFERENT OCCASIONS AT THE FEDERAL JUDICIAL ACADEMY, ISLAMABAD



THE REGISTRAR MR. ARBAB MUHAMMAD ARIF ALONG WITH SENIOR OFFICERS OF THE SUPREME COURT OF PAKISTAN IN A GROUP PHOTO WITH SYED TAHIR SHAHBAZ ON THE EVE OF COMPLETION OF HIS TENURE AS REGISTRAR SUPREME COURT OF PAKISTAN



THE REGISTRAR MR. ARBAB MUHAMMAD ARIF IN A GROUP PHOTO ALONGWITH THE OFFICERS OF THE SUPREME COURTOF PAKISTAN



THE REGISTRAR MR. ARBAB MUHAMMAD ARIF IN A GROUP PHOTO ALONG WITH THE SENIOR OFFICERS AND OFFICIALS OF THE SUPREME COURT OF PAKISTAN

PICTORIAL PRESENTATION OF EVENTS



Chief Justice's Chamber Supreme Court Islamabad

CHAPTER

11

ACTIVITIES OF THE CHIEF JUSTICE OF PAKISTAN AND JUDGES

ACTIVITIES OF THE CHIEF JUSTICE OF PAKISTAN AND JUDGES

11.1 Federal Judicial Academy

The Federal Judicial Academy was established through a Resolution in 1988. Until 1997, it worked under the Ministry of Law and Justice, Government of Pakistan. However, realizing the importance of the institution and keeping in view the principles of separate and independent 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 has to work under the control and supervision of a Board of Governors. The Chief Justice of Pakistan acts as Chairman, Board of Governors of the Federal Judicial Academy. The following are the aims and objects of the Academy:

- (a) orientation and training of new Judges, Magistrates, law officers and Court personnel;
- (b) in-service training and education of Judges, Magistrates, law officers and Court personnel;
- (c) holding of conferences, seminars, workshops, symposia for improvement of the judicial system -quality of judicial work; and
- (d) publishing of journals, memoirs, research papers and reports.

A. The Hon'ble Chief Justice of Pakistan presided over the meeting of the Board of Governors of the Federal Judicial Academy

Hon'ble Chief Justice of Pakistan Mr. Justice Anwar Zaheer Jamali Chaired the 40th meeting of the Board of Governors of the Federal Judicial Academy (FJA) on March 3, 2016. The following Hon'ble Judges of the Supreme Court of Pakistan participated

Mr. Justice Mian Saqib Nisar
Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Umar Ata Bandial

B. Activities of the Chief Justice and Judges of the Supreme Court of Pakistan in the Federal Judicial Academy, Islamabad

	Event/Course Title	Chief Guest
1.	One Week Training Course on "Management of Civil Cases" for District Attorneys/Deputy District Attorneys from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (1-6 June, 2015)	Mr. Justice Qazi Faez Isa
2.	Two Week Pre-service Training of newly appointed District & Sessions Judges from Balochistan Judicial Service (8-20 June, 2015)	Mr. Justice Qazi Faez Isa
3.	One Week Training Course on "New Laws" for Additional District & Sessions Judges from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan from 3rd to 8th August, 2015	Mr. Justice Dost Muhammad Khan
4.	Three Week Pre-service Training of Newly Appointed Civil Judges/Judicial Magistrates from Balochistan Judicial Service (August 17-September 5, 2015)	Mr. Justice Mushir Alam
5.	One Week Training Course on "How to be an effective Superintendent" for Superintendents of the Sessions Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (September 7-12, 2015)	Mr. Justice Mushir Alam
6.	One Week Training Course on "How to be an Effective Senior Civil Judge" for Senior Civil Judges from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (14- 19 September, 2015)	Mr. Justice Qazi Faez Isa

	Event/Course Title	Chief Guest
7.	One Week Training Course on "Management of Family Cases" for Female Judges of the Family Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan (5-10 October, 2015)	Mr. Justice Mushir Alam
8.	National Training of Trainers Workshop for Judges, Prosecutors and Investigators on "Global Legal Framework Against Terrorism and Relevant Criminal Justice Response Measures" (12-17 October, 2015)	Mr. Justice Dost Muhammad Khan
9.	One Week Training Course on "How to be an Effective Nazir/Budget and Accounts Examiner" for Nazirs/Budget and Accounts Examiners from all over Pakistan, AJ&K and Gilgit Baltistan (7-12 December, 2015)	Ms. Izzat Jahan Aqdu Additional Registrar, Supreme Court of Pakistan
10.	One Week Training Course on "Effective Administrative/Financial Management" for Senior Civil Judges from all over Pakistan and AJ&K (14th to 19th December, 2015)	Mr. Justice Mushir Alam
11.	One Week Training Course on "Capacity Building of Supportive Court Staff" for the officers of Supreme Court and High Courts from all over Pakistan and Azad Jammu & Kashmir (8-12 February, 2016)	Mr. Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan
12.	One Week Training Course on "Management of Sessions Trial and Appreciation of Evidence" for Additional District & Sessions Judges from all over Pakistan and Azad Jammu & Kashmir (15-20 February, 2016)	Mr. Justice Dost Muhammad Khan
13.	One Week Training Course on "Role of Prosecutors in Quick Disposal of Criminal Cases" for Prosecutors from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (14 th to 19 th March, 2016)	Mr. Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan
14.	One Week Training Course on "Role of District & Sessions Judges being Non Financial Managers in Financial Management and New Laws" for Newly Promoted District & Sessions Judges from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan (18.4.2016 To 23.4.2016)	Mr. Justice Qazi Faez Isa
15.	One Week Training Course on "How to be an effective Superintendent" for Superintendents of the Sessions Courts from all over Pakistan, Azad Jammu & Kashmir and Gilgit Baltistan (9-14 May, 2016)	Mr. Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan

C. Activities of the Chief Justice and Judges of the Supreme Court of Pakistan in the Punjab Judicial Academy, Islamabad

	Event/Course Title	Chief Guest
1.	Women Judges Conference on 20-02-2016 conducted by Punjab Judicial Academy	Mr. Justice Mian Saqib Nisar

D. Activities of the Chief Justice and Judges of the Supreme Court of Pakistan in the Sindh Judicial Academy, Islamabad

	Event/Course Title	Chief Guest
1.	Two days Roundtable Conference on judicial education in Pakistan on 7 th & 8 th May, 2016 at Karachi.	Hon'ble Chief Justice of Pakistan Mr. Justice Anwar Zaheer Jamali

11.2 Law and Justice Commission of Pakistan

A. LAW AND JUSTICE COMMISSION OF PAKISTAN (LJCP)

The Law and Justice Commission of Pakistan is a statutory body established through an Ordinance in 1979 with the mandate to review on a systematic basis, the statutes and other laws of the country with a view to making recommendations to the Federal and provincial governments for improvement, modernization and reform thereof. The Commission is headed by the Honorable Chief Justice of Pakistan and comprises thirteen other members including the chief justices of the Federal Shariat Court and High Courts, Attorney General for Pakistan, Secretary Ministry of Law and Justice, Chairperson of Commission on Status of Women and four non-official members representing four provinces.

The Commission is also empowered to support the implementation of reforms to strengthen the rule of law generally and justice service delivery in particular. To this end the Law and Justice Commission conducts in house research and collaborates with other local and international bodies and individuals to inform and conduct research and policy analysis and lead advocacy efforts to implement reforms.

B. NATIONAL JUDICIAL POLICY MAKING COMMITTEE

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

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

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

C. ACCESS TO JUSTICE DEVELOPMENT FUND

The Government of Pakistan established a statutory endowment fund with the name of "Access to Justice Development Fund (AJDF)" in 2002 to address the issue of chronic budgetary constraints facing the judicial and legal sectors in Pakistan. The Fund is being administered by the LJCP. AJDF is a demand-driven expenditure characterized by a unique funding mechanism to sustain and deepen reforms in the justice service delivery and legal empowerment. The principal amount of Rs. 1421 million is non consumable and meant for investment to generate income to meet the purposes of the Fund. The Honorable Chief Justice of Pakistan is the Chairman of the Governing Body of the Fund, other members include the chief justices of the High Courts and Federal secretaries of the Finance and Law Divisions and the Secretary LJCP is the designated secretary of the GB.

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

Activities of the Hon'ble Chief Justice of Pakistan and the judges in relation to aforementioned entities during the period from 1st June 2015 to 30th May 2016, in brief are as under:-

1. MEETINGS OF THE LAW AND JUSTICE COMMISSION OF PAKISTAN

During the period under reference, the Law and Justice Commission of Pakistan met thrice under the Chairmanship of the then Hon'ble Chief Justices of Pakistan/Chairmen on 29 July, 17 August and 4 September 2015 at Islamabad wherein various important agenda items were considered.

In its first meeting dated 29 July 2015, the Commission under the chairmanship of Hon'ble Mr. Justice Nasir ul Mulk, the then Chief Justice of Pakistan, considered the proposed reconstructing and repositioning plan of the LJCP including amendments in the relevant rules. After deliberations, the Chair constituted three committees under the chairmanship of Mr. Justice (R) Mian Shakirullah Jan, Former Judge Supreme Court of Pakistan to review the consequential amendments to the service rules. The Committees were asked to submit their reports within a period of six weeks.

Second meeting of the Commission was held on 17th August 2015 at Islamabad under the Chairmanship of Hon'ble Mr. Justice Jawwad S.Khawaja the then Chief Justice of Pakistan/Chairman.

The Commission after due deliberations made following recommendations:

1. The existing datasets have low analytic value and as such need to be improved to enable more meaningful analysis for monitoring and evaluation and quality assurance by means of quantitative and qualitative methods.
2. Confirmed the need to conduct diagnostic studies, mapping of M & E frameworks to inform automation of justice sector to improve the quality of service delivery.
3. To discourage institution of false and frivolous litigation units may be assigned for disposal of cases relating to perjury and fabrication of documents and respective Chief Justices of the High Courts to issue directions to the Courts below that in "false" cases, after acquitting the accused, they must initiate action against the delinquents under section 476 Cr.P.C.
4. The Hon'ble Chairman observed that the inspection judges have critical role in ensuring quality dispensation of justice, therefore, they should hold monthly meetings with the district and sessions judges to share their experiences for strengthening the monitoring and supervision of subordinate courts.
5. The Hon'ble Chairman asked the High Courts to devise monitoring and evaluation (M&E) frameworks for strengthening the functioning of DSJs, MITs and inspection judges.
6. The Commission reviewed the statistics of complaints received and decided against the judicial officers and court staff for the charges of maladministration,

corruption and misconduct. The Commission resolved that there is need to strengthen monitoring mechanism to eradicate corruption from the judiciary.

7. The Commission reviewed the budgetary allocation for LJCP for the fiscal year 2015-16 and observed that the same is deficient to carry out the core functions of the LJCP in particular the research related activities. In view of budget proposed by LJCP, the Commission urged the Government to enhance budgetary allocation of the Commission to effectively implement its mandate.
8. The Commission considered the proposal for facilitating the overseas Pakistanis to record their statements through video conferencing in court proceedings and e-filing their cases. The Hon'ble Chairman observed that there are more than 8 million expatriate Pakistanis who are contributing in the economic development of the country through their remittances valued at over US\$ 18 billion per annum, therefore, the Government should acknowledge their contribution and facilitate them for timely resolution of their grievances. After deliberations, the Commission asked the Attorney General for Pakistan to identify laws that require amendments for consideration of the Commission to enable e-filing and record testimonies through video conferencing facilities.

Lastly the Commission met on 4th September, 2015 under the Chairmanship of Hon'ble Mr. Justice Jawwad S. Khawaja the then Chief Justice of Pakistan/Chairman.

Following are the important recommendations made in the meeting:

1. The Hon'ble Chairman showed concern on the implementation status of the LJCP's recommendations and asked the Government that if it considers that the recommendations are not implementable then the Commission should be informed so that the same may be revisited or withdrawn.
2. The Hon'ble Chairman observed that if we have proper monitoring and evaluation system based on value chain analysis, the targets could be achieved. The Secretary informed the meeting that the Ministry of Law, Justice and Human Right has committed to provide services of an M & E expert to the LJCP. The selection process has been completed and the approval of the Prime Minister is awaited. It is hoped that after his joining proper M & E support would

be provided for monitoring the performance of implementation status.

3. The Government should allocate necessary funds for strengthening the LJCP for human resource and infrastructure development.
4. The Secretariat LJCP should suggest as to how the raw statistical data collected from judiciary and other justice sector organisations could be utilized and provide an empirical basis for the policy formulation.
5. Proper M & E support may be provided to the Commission to monitor and evaluate the implementation of the Commissions' recommendations.
6. The Secretary may consider as to whether funds available in AJDF for research can be diverted to support the research activities of the Commission and suggest way forward.
7. The Secretary Ministry of Law may release 50% of requisite funds within 30 days so that the restructuring process may be initiated.
8. The Commission reviewed the existing monitoring and evaluation (M & E) system in the judiciary. The Hon'ble Chairman observed that each High Court has its own monitoring mechanism which can be further improved for enhancing its efficiency and effectiveness.

2. EVENTS CHAIRED BY THE HON'BLE CHIEF JUSTICE OF PAKISTAN / CHAIRMAN, LJCP AND JUDGES OF THE SUPREME COURT OF THE PAKISTAN.

i. FIRST ANNUAL DISTINGUISHED JINNAH LECTURE "INSTITUTIONS MATTER: RULE OF LAW IN PAKISTAN"

In line with its mandate, the LJCP took the initiative to start inter-institutional dialogue between the Judiciary and Executive. The First Annual Distinguished Jinnah Lecture was arranged to initiate a debate on the role and quality of our institutions, and thereby, as a first step, move towards establishing a "tradition of inter-institutional communication", which is "a missing part of our history" that focuses on institutions and their efficacy. On 5 September 2015, the Chairman Senate of Pakistan Mian Raza Rabani was invited to the Supreme Court of Pakistan to speak on the importance of institutions and the rule of law.

The Hon'ble Chief Justice of Pakistan Mr. Justice Jawwad S. Khawaja the then Chief Justice of Pakistan/ Chairman, LJCP was the first speaker. He stated that the gulf between state institutions and

society continues to grow due to failure to redress the issues of the majority. Corruption has become a huge problem. It has eroded the legitimacy of the institutions in the country and Constitutional values.

The Chief Justice clearly enunciated that the power elite cannot claim to give handouts to people. They are mandated to provide the citizenry what is rightfully theirs by law. Hon'ble Chairman of the Senate of Pakistan also focused, almost entirely, on the centrality of the Constitution, and its sanctity, to the provision of effective use of rule of law to the citizens, arguing for greater inter-state institutional coordination to effectively address citizens' needs.

ii. NATIONAL JUSTICE SECTOR AUTOMATION EXHIBITION

The LJCP organized first ever national justice sector Automation Exhibition on 5 September 2015. The Hon'ble Mr. Justice Jawwad S. Khawaja the then Chief Justice of Pakistan inaugurated the exhibition. The Hon'ble Chairman observed that over the last few years a number of initiatives have been taken in automation of various facets of the rule of law operations in Pakistan. These have been important, but disjointed efforts. Given the potential role of automation in efficiency, effectiveness and transparency, it is essential to adopt a coordinated justice sector-wide approach. The exhibition enabled stakeholders to see the scale of the investment and effort, and the various information technology teams to discuss amongst themselves the different initiatives and how to take them forward.

iii. PUBLIC AWARENESS CAMPAIGN ON FUNDAMENTAL RIGHTS

The Law & Justice Commission of Pakistan commemorated the Human Rights Day on 10th December, 2015 by holding a discussion under the title "Fundamental Rights --- -The Promise of a Just Society".

In his speech Mr. Justice Anwar Zaheer Jamali Hon'ble CJP observed that justice and fundamental rights are defining features of a valid legislation and public policy. Our Constitution guarantees "fundamental rights, including equality of status, of opportunity and before law, social, economic and political justiceThe centrality of Fundamental Rights is evidenced by Article 8 of the Constitution, which empowers the Courts to declare null and void any law, custom or usage having the force of law in so far as it is inconsistent with Fundamental Rights or takes away or abridges any right so conferred.

His Lordship concluded that more concrete social and economic indicators based on the Principles of Policy are required to measure and evaluate the performance of government ministries and departments for taking meaningful remedial measures. The increasing income disparity and the

concentration of wealth and opportunities certainly do not make for the promised egalitarian society; indeed, they run contrary to the very idea itself. Moreover, I am compelled to say that given our ethical conception of the State promised by the Constitution and the Principles of Policy commitments there are serious questions over the nature and direction of our development.

The Hon'ble CJP formally launched the Law and Justice Commission of Pakistan's public awareness campaign on Fundamental Rights and also inaugurated the Rights Safety Net, a scheme to promote legal empowerment and support public grievance redress.

On the occasion Hon'ble Mr. Justice Professor Khalid Masood, Judge Shariat Appellate Bench Supreme of Pakistan underscored the Islamic concept of Human Rights and their jurisprudential value in Sharia. He highlighted the importance of *Ijtihad* and *Maqisad of Sharia* for providing Islamic Foundations to the international human rights for increasing its acceptability among the Muslim world.

Ms. Khawar Mumtaz Chairperson, National Commission on the Status of Women explained the fundamental rights and freedoms guaranteed by the Constitution of Pakistan. Referring the Pakistan's commitments to international conventions, she explained the human rights challenges confronting the society and state institutions.

She urged that the challenge of realization of fundamental rights in Pakistan should be seen in the light of socio-cultural development. She stated that the disadvantaged and weak sections of society are the most vulnerable to violations of their fundamental rights. She suggested plugging the loopholes in laws, discouragement of illegal judicial forums, establishment of support services for victims of human rights violations and their rehabilitation; and awareness of rights, laws and access to law among citizens.

iv. STRENGTHENING DISABILITY RIGHTS- FROM DISABILITY TO EQUAL OPPORTUNITY

On World Disability Day, the Law and Justice Commission of Pakistan organized a seminar in the Supreme Court of Pakistan titled Strengthening Disability Rights-From Disability to Equal opportunity. The seminar was chaired by Mr. Justice Umar Atta Bandial, Judge Supreme Court of Pakistan and attended by dignitaries from different walks of life. Mr. Justice Mushir Alam, Judge Supreme Court of Pakistan also attended the event.

It was observed that despite having legislation to protect the interest of people with disabilities the special people continue to remain deprived of their right to live a dignified life. Regretting non-implementation of laws regarding special persons,

speakers said that it is the constitutional obligation of the State to ensure that the people with disabilities should be accorded the same rights given to able-bodied persons. The speakers emphasized the need to raise awareness about rights of disabled and engagement of public and private sector for effective implementation of relevant laws.

v. ADDRESS TO COMMITTEE OF THE WHOLE OF THE SENATE ON 3 NOVEMBER 2015

On 3 November 2015, Mr. Justice Anwar Zaheer Jamali the Hon'ble Chief Justice of Pakistan/ Chairman, LJCP addressed the Committee of the Whole of the Senate, a special Committee tasked with drafting reforms for speedy justice.

The HCJ committed that the Judiciary will be an active partner with State institutions, organisations and other stakeholders as per the Constitution of the Islamic Republic of Pakistan 1973 in all efforts to strengthen the rule of law in Pakistan including the implementation of Sustainable Development Goal promoting access to law.

The HCJ observed that we are fortunate to have a Constitution that is transformative, which sets out a clear vision, an ambition and a path for development variously described in the Objectives Resolution, the Preamble, the Fundamental Rights and the Principles of Policy of the Constitution. The ambition of Pakistan must be central to our policy-making and legislation, which the Constitution promises as a "new order" based on the creation of "an egalitarian society". The HCJ observed that we must honestly and critically reflect on how far we are on that path to realising the new order and egalitarian society that is our collective and promised aspiration that continues to inspire and bind society.

The HCJ further observed that in its simplest formulation, the rule of law means to rule of laws rather than by the arbitrary will of men. It implies a system of governance and law where all are equal before the law as guaranteed by Article 25, which reads: "All citizens are equal before the law and are entitled to equal protection of the law".

Observing that an unjust State and society cannot be a stable and in the long-term undermining Constitutional values threatens the very survival. The HCJ observed that similarly unjust laws and the ineffective implementation of laws cannot produce a stable society.

The HCJ cited the Government of Pakistan's national development plan, *Vision 2025: One Nation-One Vision*, which duly recognizes and elaborates the centrality of rule of law as a "necessary condition" for sustained development and growth and "to empower people and ensure that they live with dignity, and that human rights are protected, lives are secure ...".

The HCJ observed that there is a crisis of value and direction. Firstly, laws and policy-making must proactively take steps to realise the Constitutional goals, the promise of Pakistan as our collective ambition. Secondly, Fundamental Rights are an essential ingredient and criteria for what constitutes the rule of law. We are fortunate to have a bill of rights embodied in our Constitution. Hence, laws and policies that are not informed by Constitutional values, including the directives aspects, and do not comply with Fundamental Rights; they do not meet the essential criteria defining rule of law. The Constitution thus empowers the Judiciary to declare "void" any law, any custom or usage having the force of law that is inconsistent, "takes away" or "abridges" any such right.

The HCJ also observed a chronic crisis of implementation of laws that must be addressed as a matter of priority by the Parliament and the Executive, maintaining that "there is little point in having fine laws when organisations responsible for implementation are essentially dysfunctional" suffering from weak technical capacities, lack of functional specialization, mal-administration including corruption and criminality, lack of transparency, standards of good administration and lack of quality assurance that are undermining Constitutional values and the legitimacy of State institutions.

The HCJ lamented that due to weak and ineffective implementation of laws, which is primarily an Executive function, the Courts are compelled to take judicial notice when rights are violated and denied, and delve into organizational matters to prompt reform. In this regard, the HCJ hoped that the *Vision 2025* focus on ensuring equal application of the law and order on all segments of society, which will help to improve the quality of implementation.

vi. CONSULTATION ON JUDICIAL EDUCATION IN PAKISTAN

The Law and Justice Commission of Pakistan being a part of its reforms process organized a consultation on Judicial Education in Pakistan under the title "experiences in reforming Justice". Hon'ble Mr. Justice Mushir Alam, Judge Supreme Court of Pakistan chaired the session and was attended by representatives and faculty members of the judicial academies. Being key speaker Dr Livingston Armytage underscored the importance of judicial education and a synthesis of current challenges and opportunities.

In his presentation, Dr. Armytage explained that there is a systemic lack of professionalism in the judicial education due to inadequate consolidation of competence in the judicial academies. He recommended for formulation of a National Policy on Judicial Education, rationalization of the roles of academies, development of expert cadre of judicial

educator, training of trainers and filling unmet judicial training needs. During open discussion the participants also shared their experiences and suggestion for improving the quality of judicial education. In his concluding remarks the chair emphasized the need for inclusion of judges of the superior courts, prosecutors and investigators in the training programmes.

3. ACTIVITIES OF NATIONAL JUDICIAL (POLICY MAKING) COMMITTEE. (NJPMC)

NATIONAL CONFERENCE OF THE PROVINCIAL JUSTICE COMMITTEES "TRANSFORMING THE CRIMINAL JUSTICE SYSTEM" ON 2 APRIL 2016 AT ISLAMABAD

The LJCP organized two-day conference under the auspices of the NJPMC, which is a statutory body mandated to formulate and implement policies for improving the capacity and performance of the administration of justice in the country. The Hon'ble Chief Justice of Pakistan, Mr. Justice Anwar Zaheer Jamali, Chairman (NJPMC) and (LJCP) was pleased to chair the First National Conference of the Provincial Justice Committees (PJC) to deliberate on "Transforming the Criminal Justice System" on 2-3 April, 2016.

The Conference was attended by members of the provincial justice committees. They included the Hon'ble Chief Justices of the Federal Shariat Court, the respective High Courts and the High Court of Azad & Jammu Kashmir; and heads/representatives of the provincial justice sector organizations.

The objective of holding this first ever National Conference was to provide an opportunity to the leadership of criminal justice system to discuss and devise strategies for reforming justice sector and improving the quality of justice service delivery in the country.

4. ACTIVITIES OF ACCESS TO JUSTICE DEVELOPMENT FUND

During the period from June 2015 to May 2016 under the guidance of the Hon'ble Chairman, Governing Body the Secretariat managed to earn profit of Rs. 216.982 million from investments of the endowment amount.

Under the AJDF, amounts are released to the High Courts through Provincial Judicial Development Fund (PJDF) window for strengthening infrastructure and providing Court related conveniences and amenities to litigants in the district courts. During the period under reference an amount of Rs. 23.329 million has been released to High Court of Balochistan. By tapping this important financial resource the situation in courts has improved considerably.

11.3 Foreign Tours of the Chief Justice and Judges

	Name	Tour/Place
1.	Mr. Justice Anwar Zaheer Jamali	54 th Anniversary of the Constitution of the Republic of Turkey held on 25- 26 April, 2016 in Ankara, Turkey.
2.	Mr. Justice Mian Saqib Nisar	Opening Ceremony of Legal Year of Supreme Court of Turkish Republic of Northern Cyprus from 15-18 September, 2015 in Lefkosa.
3.	Mr. Justice Asif Saeed Khan Khosa	<ul style="list-style-type: none"> i. International Symposium on the occasion of 70th Anniversary of the Turkish Court of Jurisdictional Disputes from 11-14 June, 2015 in Ankara, Turkey ii. Opening Ceremony of Legal Year of Supreme Court of Turkish Republic of Northern Cyprus from 15-18 September, 2015 in Lefkosa.
4.	Mr. Justice Ejaz Afzal Khan	13 th SAARC LAW Conference & 10 th SAARC Chief Justices' Conference held on 5 - 6 March, 2016 in Kathmandu, Nepal
5.	Mr. Justice Mushir Alam	Conference on The Role of the Constitutional Court in realization of the Principle of the Separation of powers and Human Rights protection: experience of Uzbekistan and of the Foreign Countries 21-22 October, 2015 in Tashkent
6.	Mr. Justice Dost Muhammad Khan	Fourth South Asia Judicial Roundtable on Environmental Justice 28-29 November, 2015 in Kathmandu, Nepal
7.	Mr. Justice Umar Ata Bandial	Participated in Consultative Meeting Judicial Services Commission - a model of law from 9-11 June, 2015 in Kuala Lumpur, Malaysia.
8.	Mr. Justice Qazi Faez Isa	<ul style="list-style-type: none"> i. Conference on The Role of the Constitutional Court in realization of the Principle of the Separation of powers and Human Rights protection: experience of Uzbekistan and of the Foreign Countries 21-22 October, 2015 in Tashkent. ii. Fourth South Asia Judicial Roundtable on environmental Justice 28-29 November, 2015 in Kathmandu, Nepal

11.4 Activities of the Chief Justice and Judges in the Principal Seat and Branch Registries

Details of Engagements of HCJ/HJJs, for the year 2015-2016

Date	Name of the Bars/Delegations
10.08.2015	Full Court Meeting
13.08.2015	Full Court Reference on the retirement of Mr. Justice Nasir-ul-Mulk, Hon'ble Chief Justice
13.08.2015	Dinner of retirement of Mr. Justice Nasir-ul-Mulk, Hon'ble Chief Justice
17.08.2015	Meeting of Judicial Commission
29.08.2015	Visit of Wazeer Abad Bar Association
09.09.2015	Full Court Reference on the retirement of Mr. Justice Jawwad S. Khawaja, Hon'ble Chief Justice
14.09.2015	New Judicial Year Opening Ceremony
08.10.2015	Full Court Meeting
10.10.2015	Meeting of Judicial Commission of Pakistan
12.10.2015	Full Court Reference on the retirement of Hon'ble Mr. Justice Sarmad Jalal Osmany
14.10.2015	Meeting of Building Committee
19.10.2015	Official Meeting of HJ(1)
15.10.2015	Visit of National School of Public Policy, Lahore
20.10.2015	Meeting of Judicial Commission of Pakistan
26.10.2015	Visit of Navy War Collage
28.10.2015	Building Committee Meeting, Islamabad
06.11.2015	Oath Taking Ceremony of newly appointed Hon'ble Judges
11.11.2015	Building Committee Meeting, Islamabad
12.11.2015	Meeting of Supreme Judicial Council
25.11.2015	Visit of Media Delegation met with HCJ
25.11.2015	Meeting of Judicial Commission
27.11.2015	Visit of Bhawalpur Bar
10.12.2015	Full Court Meeting
14.12.2015	Oath Taking Ceremony of newly appointed Hon'ble Judges
14.12.2015	Full Court Reference on the retirement of Mr. Justice Ijaz Ahmed Chaudhry
16.12.2015	Visit of Quetta Bar
16.12.2015	Building Committee Meeting, Islamabad
02.01.2016	Visit of Peshawar Bar
18.01.2016	Delegation from Sindh Madrisatul Islam Karachi
23.01.2016	Official Meeting in HCJ Chamber (Retired HJJs)
28.01.2016	Oath Taking Ceremony of HJ(1) as AHCJ
09.02.2016	Visit of Kashmir Bar
10.02.2016	European Union Delegation met With HCJ
16.02.2016	Visit of Chief Justice Federal Shariat Court
22.02.2016	Visit of Rawalpindi Bar
24.02.2016	Visit of Pakistan Bar Council
24.02.2016	Visit of Foreigner Delegation
24.02.2016	Building Committee Meeting, Islamabad
25.02.2016	Meeting of Supreme Judicial Council
25.02.2016	Meeting of Judicial Commission of Pakistan

Date	Name of the Bars/Delegations
02.03.2016	Meeting of Judicial Commission of Pakistan
17.03.2016	Media Person Met with HCJ
26.03.2016	Meeting of Al-Mizan Foundation
29.03.2016	Visit of Sharia Academy
02.04.2016	AOR Meeting with HCJ
04.04.2016	Full Court Meeting
06.04.2016	Visit of National School of Public Policy, Lahore
06.04.2016	Meeting of Al-Mizan Foundation
16.04.2016	Visit of Multan Bar
18.04.2016	Meeting of Judicial Commission
19.04.2016	Visit of Chief Justice, Peshawar High Court
23.04.2016	Oath Taking Ceremony of HJ(1) as AHCJ
26.04.2016	Visit of Rawalpindi Bar
03.05.2016	Visit of Bahawalpur Bar
09.05.2016	Meeting of Judicial Commission of Pakistan
10.05.2016	Meeting Supreme Judicial Council
12.05.2016	Visit of Chakwal Bar
18.05.2016	Building Committee Meeting, Islamabad
18.05.2016	Meeting of Judicial Commission
18.05.2016	Visit of Muzaffar Abad Bar
31.05.2016	Meeting of Federal Ombudsman met with HCJ
02.06.2016	Meeting of Judicial Council/Bar Council
03.06.2016	Visit of Youth Parliament Pakistan met HCJ
06.06.2016	Meeting of Judicial Commission

Details of Engagements of HCJ, for the year 2015-2016 at Branch Registries, Lahore, Karachi, Peshawar & Quetta

Date	Name of the Bars/Delegations
08.08.2015	Meeting of ATC Judges, at Karachi
13.10.2015	Meeting of ATC Judges, at Karachi
13.10.2015	Meeting of Disciplinary Committee of Pakistan Bar Council headed by Mr. Justice Ijaz Ahmed Chaudhry at Lahore
17.10.2015	Meeting of Enrolment Committee at Karachi
07.11.2015	Building Committee Meeting at Karachi
07.11.2015	Meeting of ATC Judges, at Karachi
03.12.2015	Meeting of Judicial Commission at Lahore
12.12.2015	Meeting of ATC Judges, at Karachi
17.12.2015	Meeting of Bars with HCJ at Peshawar
09.01.2016	Building Committee Meeting at Karachi
30.01.2016	Meeting of ATC Judges, at Karachi
27.02.2016	Building Committee Meeting at Karachi
19.03.2016	Meeting of ATC Judges, at Karachi
16.04.2016	Meeting of ATC Judges, at Karachi
27.05.2016	Roll Signing Ceremony of Advocates, Karachi

11.5 Judges of the Supreme Court Nominated to Various Committees, Tribunals and Academic Bodies

Name of Hon'ble Judge	Nomination
Mr. Justice Anwar Zaheer Jamali	Hon'ble Chairman, Federal Judicial Academy, Islamabad. Hon'ble Chairman, Law and Justice Commission of Pakistan, Islamabad.
Mr. Justice Mian Saqib Nisar	Coordinator of the Committee of the Supreme Court Bar Association Complex. Chairman Enrolment Committee, Pakistan Bar Council, Islamabad.
Mr. Justice Asif Saeed Khan Khosa	Member, Administration Committee, Federal Judicial Academy
Mr. Justice Gulzar Ahmed	Chairman, Disciplinary Tribunal, Pakistan Bar Council
Mr. Justice Mushir Alam	Member Executive Council of Allama Iqbal Open University, Islamabad.
Mr. Justice Dost Muhammad Khan	Chairman, Disciplinary Committee, Pakistan Bar Council, Islamabad.
Mr. Justice Umar Ata Bandial	Member, Administration Committee, Federal Judicial Academy
Mr. Justice Qazi Faez Isa	Liaison Judge on UK-Pakistan Protocol on Child & Family Laws
Mr. Justice Tariq Parvez, Hon'ble Judge	Member, Board of Governors, Air University, Islamabad
Mr. Justice Khilji Arif Hussain, Hon'ble Judge	Member, Syndicate of Quaid-i-Azam University, Islamabad.
Mr. Justice Faqir Muhammad Khokhar, Hon'ble former Judge	Chairman, Chairman, Review Board under sacked employees (Reinstatement) Act, 2010
Mr. Justice Raja Fayyaz Ahmad, Hon'ble former Judge	Chairman, National Industrial Relations Commission for a period of 4 years w.e.f. 08.08.2012 to 07.08.2016.
Mr. Justice Mian Shakirullah Jan, Hon'ble former Judge	Member on Board of Governors of Riphah International University.
Mr. Arbab Muhammad Arif, Registrar, Supreme Court of Pakistan	Member of Board of Governors, NUML, Islamabad.

CHAPTER

12

SUPREME COURT OF PAKISTAN AND THE MEDIA

SUPREME COURT OF PAKISTAN AND THE MEDIA

The media play an important role to educate guide and inform people for the welfare of society. The 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 1973 Constitution of Islamic Republic of Pakistan.

Media is also invited 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 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 its official website, which is another source of information on 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 clipping, important articles and editorials published in different newspapers from 1st June, 2015 to 31st May, 2016 are included here.

Press clippings reflecting media coverage of Supreme Court Orders/Directions

No one will die in hospitals if PMDC works honestly: SC

Seeks list of doctors observing strike by July 27

ISLAMABAD: The Supreme Court Monday directed the Pakistan Medical and Dental Council (PMDC) to furnish with it by July 27 a list of doctors who were observing a strike.

A two-member bench of the court, led by Justice Jawwad S Khawaja, took up the case for hearing.

"People are dying and doctors, who are called Messiahs, are observing strike. No one will be allowed to do any illegal thing this way," the court remarked.

Justice Jawwad S. Khawaja remarked: "PMDC is a regulatory institution and it should not go dysfunctional. No one will die in hospitals if this department performs its function honestly.

During our time our degrees were recognized in the US, France and every country of the world but now our degrees are not recognised internationally. The PMDC doctors, who keep on peeling the skin like butchers, don't have counsel and we don't hear the case. I

am not favouring anyone. We get salary out of public money. The PMDC authorities too get salary out of public money. No Mun-o-Salwa (heavenly food) comes down for them."

Justice Dost Muhammad Khan remarked: "People and students are major stake holders. A student obtains a degree after spending 5 million rupees, but later parents ask him to 'earn now'."

Anwar Mansoor told the court that about 10 petitions against the PMDC, including the present one, were pending hearing with the high courts.

Ifkhar Gilani advocate said the ordinance issued for the Council in 2014 was rejected by the Senate.

He said the 7-member committee constituted under the ordinance was still working though it should have also been abolished. "It is not known under what law it is working."

The court remarked that a 3-member bench will give decision in the instant case and adjourned the hearing for July 27. — Online

The News Rawalpindi 14-07-2015

چیف جسٹس جمالی نے زین قتل کیس میں طرمان کی بریت پر پہلا خود نوٹس لے لیا

اسلام آباد (خصوصی خبر نگار) سپریم کورٹ کے چیف جسٹس انور ظہیر جمالی نے پہلا خود نوٹس لیتے ہوئے زین قتل کیس میں طرمان کی بریت کا ریکارڈ 7 روز میں طلب کر لیا ہے۔ صوبائی وفاق حکومت لاہور میں قتل ہونے والے زین کے مقدمہ میں طرمان مصطفیٰ کاناچو اور ان کے چار ساتھیوں سدا اللہ، سداق امین، اکرام اللہ اور محمد آصف کی انسداد دہشتگردی عدالت سے بریت کا خود نوٹس لیتے ہوئے مقدمہ کا ریکارڈ ستمبر 2015 میں پیش کر چکی ہے۔ انسداد دہشتگردی کی عدالت نے 28 ستمبر کو پانچوں طرمان کی رہائی کا حکم دیا تھا۔ مصطفیٰ کاناچو پر الزام ہے کہ اس نے یکم اپریل کو کیو آئی آر گروئنڈ لاہور کے قریب چارنگ کر کے گیارہویں کلاس کے طالب علم زین رؤف کو قتل کر دیا تھا، ملزم مصطفیٰ کاناچو سابق وزیر مملکت صدیق کاناچو کا بیٹا ہے۔ این این آئی کے مطابق عدالت نے آئی جی پنجاب سے واقعہ کی تفصیلی رپورٹ مانگ لی ہے۔ ابتدائی طور پر متعدد گواہوں نے طرمان کو شہادت کر لیا تھا، مقتول زین کے ماموں کا کہنا تھا کہ مصطفیٰ کاناچو کے خاندان کی جانب سے سنگین رشک کی دھمکیاں دی گئیں اور مقدمہ واپس لینے کا مطالبہ کیا گیا، کیس کے تمام گواہ پولیس کو دیئے گئے بیانات سے منحرف ہو گئے تھے اور طرمان کو بچانے سے انکار کر دیا تھا۔

Daily Express Islamabad 31-10-2015

Laws worthless in absence of enforcement: CJ

By Iftikhar A. Khan

ISLAMABAD: Chief Justice of Pakistan Anwar Zaheer Jamali has stressed the need to address what he referred to as "the crisis of implementation", which had rendered laws made in certain areas meaningless.

"There is little point in having fine laws when the organisations responsible for [their] implementation are essentially dysfunctional," he said in an address to the Senate on Thursday.

This was the first time in the country's parliamentary history that a chief justice had appeared before parliament to speak on matters relating to the dispensation of justice.

The CJP was invited to speak to the Senate by Chairman Raza Rabbani as part of an 'intra-institutional dialogue'. He presented his views before a committee of the whole house when it met to discuss measures to provide inexpensive and speedy justice to people.

The CJP observed that a lack of administrative and technical capacity, the misallocation of already scarce resources and bad administrative practices, including corruption and criminality, were undermining the quality of judicial services.

He noted that the constitution set out a fine balance between different state institutions that must be observed by all state actors. "In implementing our respective constitutional mandates, it implies that state actors need to cooperate, and at the same time, exercise restraints to enable others to perform their responsibilities," he remarked.

But he later justified the superior judiciary's intervention in administrative matters, saying, "While we recognise that

implementation is primarily an executive function, it becomes a matter of judicial consideration when rights are denied or violated, at which point the judiciary is compelled to order administrative reforms."

He pointed out that one consequence of weak implementation was legal exclusion. "It has been estimated that the state's justice system only caters for about 20 per cent of disputes and the rest are dealt with by an unregulated, informal justice systems, such as jirgas and panchayats," he said.

The CJP underlined the need to proactively ensure that justice and security reached out to the poor and most vulnerable. "Our approach has to be output-based, focusing on impact. Legal inclusion must therefore be a national target that we will try to pursue under the sustainable development goal relating to access to justice, but parliament and governments must proactively move to address such systemic dysfunction."

He said the rule of law was ultimately about the right to life, wellbeing and dignity of citizens, which the constitution recognised as inalienable rights.

"It is for the parliament to check the quality of rule of law and justice services and take necessary steps to ensure the enforcement of constitutional imperatives and ideals supported by the judicial branch that is independent and objective in its examinations, interpretations and findings."

The CJP also addressed four suggestions, which were earlier put forward by Senate Chairman Raza Rabbani in his welcome address. The proposals dealt with the questions of: abolishing revisional

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Laws worthless in absence of enforcement...

Continued from Page 1

jurisdiction in civil and criminal procedures; doing away with intra-court appeals at the high courts; replacing cognisable and non-cognisable offences with arrestable and non-arrestable offences; and, the introduction of scheduling orders for trials.

Point by point, the CJP said that there were no problems with the system currently in vogue to necessitate the abolition of revisional jurisdiction.

Regarding intra-court appeals, he said that if this were done, matters that could be handled and addressed at the high court level would have to be brought to the Supreme Court, increasing the volume of cases before it and increasing the cost of litigation for petitioner who would then have to come to Islamabad to seek justice.

On replacing cognisable and non-cognisable offences, he said parliament should study the advantages and disadvantages of doing so, adding that the courts would be bound by the collective wisdom of parliament.

He also rejected the idea of scheduling orders, saying that delays were caused by various factors and that there was nothing wrong with the system.

Daily Dawn Islamabad 04-11-2015

Justice prevails

Self-accountability needed in legal fraternity, says CJP

Says no judge shall be dragged into proceedings unjustly

by NAEEM SAHOUTARA
KARACHI

Chief Justice of Pakistan Justice Anwar Zaheer Jamali stressed the need to activate the process of self-accountability in the judiciary as well as in the legal fraternity.

Addressing annual dinner function of the Sindh High Court Bar Association (SHCBA) at the Sindh High Court's lawn on Friday, he made it clear that matters in Supreme Judicial Council (SJC) shall be dealt with in absolutely transparent manner considering the code of conduct.

Justice Jamali said that the SJC's issue was presented in the media out of proportions. He assured the judges of high courts and the Supreme Court that no judge shall be dragged

“There was no deficiency in the present judicial system

CJP Justice
Anwar Zaheer Jamali

in the proceedings mala fide.

“There was no deficiency in the present judicial system but the people (in the system) who did not perform their duties with due responsibility,” the chief justice said.

Unnecessary delay in disposal of cases, he said, was not only a social issue but also became a taunt for the judicial system and main reasons for such delay were adjournments and strikes by the legal fraternity.

“If such exercise for unneces-



sary delay in disposal of cases is continued then people may lose their trust on the system,” he cautioned.

While citing an example Justice Jamali said last month the Supreme Court disposed of 1,300 cases whereas 600 cases were filed before the court in October.

The Supreme Court has re-

laxed the condition of lawyers for practice in the SC from 10 to 7 years while the 40% seats in judicial service will be specifically reserved for lawyers, he added.

The chief justice urged the lawyers to strengthen the judiciary so that “cases of litigants be decided in effective manner”.

Sindh High Court Chief Justice Faisal Arab said that judicial officers have been appointed to fulfill the vacant posts in sub-ordinate judiciary.

The judiciary also took action against judicial officers and dismissed 11 of them for misconduct, corruption and incompetency, he noted.

President SHCBA Abid S Zuberi also spoke on the occasion.

The Express Tribune Islamabad 14-11-2015

CJP sees some institutions' failure behind piling up of cases

By Our Staff Correspondent

HYDERABAD: Chief Justice of Pakistan Anwar Zaheer Jamali has attributed 75-80 per cent of backlog of cases in the apex court to the failure of institutions and incompetence of officials.

Speaking at the Hyderabad District Bar Association's annual dinner at the local civil court late Saturday evening, Justice Jamali observed there was an environment of bad governance in the country. "It's incompetence of the officials concerned and failure of the relevant institutions that the Supreme Court was faced with a stockpile of cases," he said, arguing that if all state institutions discharged their responsibilities efficiently, litigants would not have to pay numerous visits to the courts.

"There may be some shortcomings on the part of judges, lawyers and litigants, but the judicial system itself is complete and perfect," he observed.

Justice Jamali said the system was meant for providing cheaper and speedy justice to people and both

judges and lawyers shared this responsibility along with relevant institutions.

The CJP appreciated the judiciary and other institutions for their efficient performance, and said they should be encouraged and assisted to help in the improvement of the system. "The country's judicial system should become a role model for all to follow."

Justice Jamali noted that apart from handling its regular work, the Supreme Court was dealing with nearly 500-550 applications every day that were submitted by aggrieved people at the human rights cell functioning on the SC premises.

"Another separate cell is working for the disposal of the applications," he added.

"The system consists of the bench and the bar and, as such, they should share the burden and cooperate with one another to ensure smooth running of the system," he said.

Speaking about the performance of the Supreme Court, he said more than 1,350 cases had been disposed of within a month's time. Around 25,000 cases were currently being heard and many

of these cases were not older than five years.

He held out the assurance that the backlog of cases would be cleared as early as possible.

Earlier, the CJP also inaugurated a scheme for the renovation of the A.G. Akhund Hall at the district and sessions court.

Speaking on the occasion, Justice Faizal Arab said that 78 judges - 36 from Karachi, 16 from Hyderabad and 22 from other districts - were appointed in the last batch. No one from Baluchistan and Tando Allahyar could qualify for the post of judge which was said, he added.

He said that young lawyers would be selected from those who would qualify the National Testing Service (NTS) exams starting next month and possibly 70 to 80 lawyers might be inducted in the judiciary.

SC judges Justice Muhsin Ali Khan and Justice Ameer Hani Modan, SBC judge Justice Sajjad Ali Shah, senior lawyers and the Hyderabad DCG and deputy commissioner were among those who attended the programmes.

Daily Dawn Islamabad 16-11-2015

CJP takes suo moto notice of health issues

N
OUR STAFF REPORTER
ISLAMABAD

Chief Justice of Pakistan Anwar Zaheer Jamali yesterday took suo moto of the health situation in the country and issued notices to the health secretaries of all the four provinces with the direction to submit re-

ports. The chief justice ordered the office to fix the case in the court in the 3rd week of December.

Justice Jamali took notice on an application of Sheraz Mehmood Quershi, resident of Mansahra, who had attached the cutting of newspapers.

One news item gives the details, facts and figures of deaths of children caused by pneumonia and diarrhoea especially in Pakistan due to lack of attention by the high-ups. It says that in 2014 alone 144,000 children died of pneumonia and diarrhoea.

The second story talks about Hepatitis C and its spread in Pakistan due to lack of sanitation and other issues. The medicine of Hepatitis C is being sold in Pakistan on high prices due to involvement of influential people.

The chief justice directed the office to convert the application into suo moto petition under Article 184(3) of the Constitution and comments be called from the health secretaries of all the four provinces.

Nation Islamabad 28-11-2015

No saviour from heaven will come to steer country out of crises: CJP

Says Pakistanis if united could become world's best nation within a decade

Our correspondent

LAHORE: Supreme Court Chief Justice Anwar Zaheer Jamali said unfortunately we could not build Pakistan in accordance with the vision of Allama Iqbal and Quaid-e-Azam as mismanagement and corruption had led the country on the verge of collapse.

The chief justice said no saviour would come from the heavens to steer the country out of crises, it is time for unity. "We should not be afraid of accountability and try our best to maintain the supremacy of law".

The chief justice said many states which got independence after Pakistan developed due to best planning but we were still very far from the real destination. He said Pakistanis if united could become world's best nation within a decade.

He expressed these views while addressing a dinner-reception jointly hosted by Pakistan Bar Council and Lahore High Court Bar Association in his honour at the lawns of the Lahore High Court Wednesday. The chief justice said a common citizen does not like to follow even a traffic signal and

feels humiliation while waiting at the red light.

Almighty Allah has bestowed the country with huge resources. "We as individuals do not fulfill our responsibilities and always try to find ways of plundering," he added. The chief justice said unfortunately poverty, illiteracy, increasing population and lawlessness are the burning issues of the country. People do not pay taxes and utility bills, he further added.

Lahore High Court Chief Justice Ijazat Ali and all the judges of the LHC, law officers,

office-bearers of the Pakistan Bar Council, Supreme Court Bar Association and Lahore High Court Bar Association were present on the occasion.

He said it is time to take steps to resolve the problems of the country as the Constitution not only bounds us to safeguard the rights but to discharge our duties to build ourselves as one nation. "We are not here to destroy the system; we are here to make it strong," the chief justice said. He expressed his happiness on delivering speech in the city of Data Ganj Baksh.

The News Rawalpindi 03-12-2015

No right without responsibility Corruption pushed Pakistan to brink of collapse: CJP

Says people should work to strengthen the system, not destroy it

✎ RANA TANVEER
LAHORE

Mismanagement and corruption have pushed the country onto the verge of collapse, said Chief Justice of Pakistan Anwar Zaheer Jamali as he emphasised there was no right without a corresponding responsibility.

"We as individuals do not fulfil our responsibilities," Justice Jamali said while addressing a dinner jointly hosted in his honour by the Pakistan Bar Council and the Lahore High Court Bar Association at the Lahore High Court on Wednesday evening.

The chief justice lamented how common citizens fail to follow even basic civic rules such as stopping at traffic signals, paying their bills and taxes. He added that the people should not be afraid of accountability, instead they should try their best to maintain the supremacy of law.

He added that it was sad we could not build a Pakistan in accordance with the vision of Quaid-e-Azam and Allama Iqbal. Justice Jamali further



” We as individuals do not fulfil our responsibilities

Chief Justice
Anwar Zaheer Jamali

said that today poverty, illiteracy, high population growth and lawlessness were among the most pressing issues facing the country.

The CJP warned that there would be no heaven-sent saviour that would rid them of their ills and that their best hope remains in tackling issues together.

In this regard, Justice Jamali said that the Constitution not only binds individuals to safeguard rights but to also discharge their duties to build us as a nation.

He added that they should work to strengthen the system, not destroy it.

The Express Tribune Islamabad 03-12-2015

Rule of law a must for growth of state and society: CJP

Jamil Khurshid

KARACHI The Chief Justice of Pakistan, Justice Ajmer Raza Jamil, on Friday stressed the need for supporting a culture of the rule of law as a prerequisite for the development and growth of the state and society.

Addressing as chief guest at an international conference on legal education organised by the Shaheed Iqbal Open Islamic University of Law here at a hotel, the Chief Justice said that lack of awareness of law and legal education was the main cause of the weak rule of law situation in the country.

"We need to introduce basic legal education work earlier in our school curricula so that citizens are better informed about how best to engage with the state, assert their rights and claim their responsibilities," the Chief Justice said, adding that it

will serve to create a more constructive relationship between the state and society.

He emphasised the need for popularising the law so that the people have access to law and legal thinking, affecting their lives. He said that respect, state and societies are inherently unstable and cannot sustain in the long run.

The Chief Justice said that the Constitution of Pakistan guaranteed the pre-eminence of justice when it states that freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed, and state shall guarantee fundamental rights, including equality of status of opportunity and before law social, economic and political justice wherein the judiciary shall be fully accorded and the state shall be based on the Islamic principles of social justice.

He said that ensuring the dispensation of justice was a constitutional as well as a civic and religious obligation of the state, its functionaries and society.

He said that the legal profession was endowed with the task of discharging a very serious responsibility that required a high degree of personal and professional trust, integrity and competence to provide an effective rule of law that timely responds to the citizens' sense of justice and fairness.

He dispelled the impression that legal education was only for the lawyers and for those engaged in law related professions but said that it was relevant and necessary for some other fields such as accountancy, management, health and safety, insurance and other related professions.

He said a certain level of

legal education and awareness was necessary for the people to effectively engage with the state, their business and other citizens.

However, he said due to the lack of public awareness about the law, the state and its organs such as the judiciary and the executive must proactively enhance the responsibility for legal empowerment, reaching out to the people and monitoring legal education.

The Chief Justice emphasised the need for hastening the process and arranging the curriculum in order to align it with the requirements of the twenty-first century.

He said that besides improving the course contents, the teaching of the law also needed to be revolutionised, and this objective could be achieved

Continued on Page 8

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through the induction of bright people as faculty members who are not only academics and researchers but also practitioners of law.

The Chief Justice said that our state and society had been facing the challenges of globalisation, and it was necessary that we continued to invest in enhancing skills and knowledge to cope with this transitioning world.

He said that local experts should be encouraged for enhancing the professional expertise in different sectors instead of hiring foreign experts on higher salaries and remunerations.

The Chief Justice suggested that the Higher Education Com-

mission, the Pakistan Bar Council and the universities and law schools needed to develop best-track means to bridge the chronic capacity gap that was adversely affecting the quality of our rule of law and dispensation of justice.

Besides, he said that the HEC should consider developing modular law programmes existing local law universities and schools to develop specialisation and allow students to study in different universities within Pakistan in line with their preferences.

He said that exchange programmes should also be considered for students, teachers and professionals with overseas universities and law schools on the pattern of the European Union's Erasmus programme as it will en-

hance learning opportunities and promote understanding and integration amongst states and societies.

The CJP also pointed out that numerous reports were highlighting that outdated and weak quality of training and technical capacity were the key reasons for the weak rule of the law and dispensation of justice and stressed the need to address such issues by adopting competency-based frameworks that focus on improving knowledge, skills and attitudes.

He also stressed the need for civil service reforms so that competence and capabilities were given priority instead of seniority as whenever seniority was preferred over competence it created a perverse incentive that hindered performance.

South Governor Dr Ishratul Haq Chaudhry said that legal education in the country needed to be reorganised on modern lines to make it responsive to the ever social, educational, political and economic changes.

The Vice-Chancellor of IIS-AMU, Dr Justice (Retd) Qazi Qasim Ali, said that many law commission reports had emphasised time and time again that access to justice cannot be improved without substantial improvements in the quality of the legal education. He said that in view of the recommendations of the Supreme Court and with the changing trends in legal education, it had become necessary to develop a law university in Pakistan which imparted legal education at par with the leading universities of the world.

The News Rawalpindi 05-12-2015

The flip side

SC judge says YouTube is an educational tool

People should voluntarily stop watching objectionable content: Justice Isa

A HASNAIN MALIK
ISLAMABAD

A Supreme Court judge has remarked that video-sharing website YouTube is an educational tool and it should not be filled up with other sites containing pornographic content.

"As far as objectionable material is concerned, technical experts must address this issue," Justice Faiz Isa, a member of a two-judge bench, said while hearing a petition seeking a permanent ban on YouTube and abolition of obscenity.

The petition was filed by Qazi Hussain Ahmed, the late architect of Jamaat-e-Islami (JI), and another JI leader Muhammad Hussain Mahant. Another petition, filed by Barrister Zafer Ullah Khan, which seeks lifting of the YouTube ban, was clubbed with it.

Justice Isa said millions of people uploaded and downloaded informative content from YouTube. "We are moving backward. If a gun kills,

then it also saves lives," he said. "If there is some objectionable content on YouTube, then there is also a lot of informative content on the site. People should [voluntarily] stop watching objectionable things."

However, Mahant's counsel Advocate Taseeq Ail contended that Pakistan was not a free society but an ideological state, where objectionable material should be removed from websites and Penta should implement its laws on obscenity.

Earlier Additional Attorney General Amir Rehman informed the bench the government has set up a complaint cell, which immediately blocked objectionable sites whenever it received a request. "A 13-strong complaint cell has been set up in the Pakistan Telecommunications Authority (PTA) office which monitors complaints."

The court was told that more than 50,000 websites containing pornographic con-

RESTRICTED

50,000

plus websites of pornographic content and

10,000

sites containing blasphemous content have been blocked

tent, 10,000 sites containing blasphemous material, at least 6,000 social media pages and 10,000 profiles have been blocked.

PTA Director General Nisar Ahmed informed the bench that the domain of YouTube in Pakistan has been launched with the technical facilities of removing objectionable material from the site.

Hussain's attorney Advocate Akram Shikh recommended the court enquire from PTA's director general if por-

nographic content could be removed.

The PTA head told the bench that any type of content could be uploaded on YouTube because a subscriber of the site becomes its operator. "However, the PTA has the technology that objectionable content can be followed at Pakistan has sought its domain." He said the only possible solution for eliminating obscene content was to ban the internet.

Another member of the bench, Justice Ejaz Afzal said: "Our concern is that the content being shown on YouTube is adversely affecting the youth." He enquired from the Pakistan Electronic Media Regulatory Authority (Petrar) and PTA what has been done so far to root out this menace.

The bench sought suggestions from Petrar, PTA and other stakeholders on how to check obscene content on media. The hearing was adjourned for 15 days.

The Express Tribune Islamabad 13-01-2016

Housing schemes

SC asks govt to allocate 10% quota for the poor

Directs government to formulate policy applicable to all public and private schemes

A BUREAU FILE
ISLAMABAD

The apex court has ordered the federal government to formulate a policy to allocate at least 10 per cent of every public or private housing scheme for low-income housing.

A two-judges' Supreme Court bench, comprising Justice Qazi Aziz and Justice Qazi Faez Isa, took up the petition on Wednesday.

The issue of their jurisdiction has been in the court since August last year, when former Workers Party Chairman Abdul Hameed Mirza, who is considered a constitutional law expert, and others filed a petition against the CID after

"State is constitutionally bound to provide shelter to the citizens."

Justice Qazi Faez Isa

it demolished a slum to build a residential colony.

The petitioners also alleged that the state is bound to provide shelter to the entire people.

The top court also ordered the Capital Development Authority (CDA) to submit a detailed report highlighting plans such as projects, sub-projects and plans to build for other utilities attached by

tentative people in the next housing. "In case of private plot (land) be used for the construction of housing of shelter for those who are without it and cannot meet their basic construction, even if they are more than half of what they own," the order read.

The top court also ordered the housing minister to formulate a policy for addressing the issue of tenancy.

During the hearing, Additional Attorney General Amir Ahsan informed the bench that in pursuance of the court's order, the competent authority would constitute a team of experts from the CID,

The SC also extended its interim order restraining the CDA from taking adverse action against slum residents.

the federal housing ministry, and provincial housing ministers to formulate a policy for addressing the issue of tenancy.

Mirza said in court that there are no reservations in the intentions of government in making a policy, but he requested the bench to set a timeline and monitoring mechanism for the execution

of the work.

The bench further agreed that out of the 10 plots in Islamabad were occupied by the CID in December 2015 and that it was also decided that land vesting agencies would enforce existing regulations and restrictions laid to ensure that more state land can be sold under adverse occupation which would result in greater and systematic violations of the Islamabad Master Plan and its amendments.

The bench asked about the effects of receipt of a plot, the status of the work "receipt", and whether or not the court's direction among receipt and other

applied laws.

Justice Isa expressed disappointment while observing that every person needs basic facilities such as shelter, while also observing that no scheme for tented people have been pushed through. Justice Isa further observed that state is constitutionally bound to provide shelter to the citizens.

The bench observed that before giving a timeline for implementation of a policy that the government would formulate, the court would like to hear what steps had been taken that far from the government in formulating the policy. The hearing was later adjourned for two weeks.

The Express Tribune Islamabad 14-01-2016

کوئی شخص یا ادارہ اختیار سے تجاوز کر تو آری بد اخلاقت یہ جانتی ہے چھین

قانون کی شہرانی، بنیادی انسانی حقوق کا تحفظ عدلیہ کی ذمہ داری ترقی کیلئے ایمانداری اور پابندی

ضروری ہے جسٹس انور علی

عدلیہ نے تنازع کی صورت میں فریقین کے حقوق کا تحفظ کرنے کے فیصلہ کرنا ہوتا ہے، قومی ایڈریشن

پر وگرام کے شرکاء سے خطاب

اسلام آباد (کنٹریل رپورٹ) چیف جسٹس آف پاکستان مسز جسٹس انور علی نے کہا ہے کہ اگر کوئی شخص یا ادارہ اپنے آپ کو اور قانونی اختیار سے تجاوز کرتے ہوئے کوئی ایسا عمل سرانجام دے جس سے بنیادی حقوق کی پابندی یا خلاف ورزی ہوتی ہو تو عدلیہ کے لیے یہ نگران ہو جاتا ہے کہ وہ عدالت کرتے ہوئے اس کا تدارک کرے، عدلیہ پر یہ ذمہ داری بھی عائد ہے کہ وہ قانون کی شہرانی اور بنیادی انسانی حقوق کے تحفظ کو یقینی بنائے، جو ان نسل کی بھی قوم کا سرمایہ ہوتی ہے، کیونکہ اس کا مستقبل نوجوانوں سے ہی وابستہ ہوتا ہے، ان نسل کے اظہار انہوں نے سندھ عدلیہ اسلام آباد میں قومی ایڈریشن کے وائس چائیرمین اور نیشنل ایڈیشن کی سربراہی میں "قومی ایڈریشن پر وگرام" کے شرکاء اور اساتذہ کرام کے ہمراہ عدلیہ کے سربراہان کے ساتھ عدلیہ کے سربراہان اور وہ کے موقع پر ان سے ملاقات کے دوران کیا، چیف جسٹس نے کہا کہ قومی ایڈریشن ترقی میں اس امر میں مضمر ہے کہ ہم خود کو کسی ادارہ سے نہیں چھوڑیں اور اس ذمہ داری کو ادا کرتے ہیں، انہوں نے اپنی تعلیم حاصل کر رہے ہیں، انہوں نے کام چوری ایمانداری اور پابندی سے انجام دیں۔ یہاں پر موجود طلباء اور نوجوان نسل کی تمام سہولتیں ملنے لگتی ہیں اور انہوں نے ان سے یہ کہا چاہتا ہوں کہ وہ نانا طالب علموں میں اپنی تمام تر صلاحیتیں اور توجہیں حصول علم میں مرکوز کریں تاکہ مستقبل میں ایک کامیاب پیشہ ور کے طور پر ابھریں اور اپنے معاشرے کی خوشحالی اور ملک کی ترقی میں بھرپور کردار ادا کر سکیں۔ ادارے پیار سے لئیے فرمایا ہے کہ "علم حاصل کرنا ہر مسلمان مرد اور عورت پر لازم ہے، انہوں نے کہا کہ "تعمیم اختیار ہے" کے اصول کے تحت تعلیمی اختیار ہے کہ کتنی، ان کا یہ اور عدلیہ میں تعظیم کیا گیا ہے۔ آئین کے تحت مختلف قانون سازی کے فرامین ابھرتے ہیں، ان کا یہ ان قوانین پر عملدرآمد کی ذمہ داری ہے، جبکہ عدلیہ کی ذمہ داری یہ ہے کہ وہ نہ صرف قانون کی شہرانی کرنے بلکہ کسی بھی تنازع کی صورت میں فریقین کے حقوق کا تحفظ کرتے ہوئے اس پر فیصلہ صادر کرے۔ آئین کے آرٹیکل 184-188 کے تحت سپریم کورٹ کو ابتدائی، اپیل، مشاورتی اور نظریاتی اختیار حاصل ہے۔ اپنی ترقی و عدالت ہونے کی حیثیت سے ادارے کے مابین مقدمات کی سماعت کے ۱۴ لے سے سپریم کورٹ کو حتمی اختیار حاصل ہے اور اس طرح سو پائی حکومتوں یا سو پائی اور وفاقی حکومت کے مابین کسی تنازع کی صورت میں اسے لگی اور حتمی اختیار حاصل ہے، انہوں نے کہا کہ سندھ عدلیہ اسلام آباد میں تعظیم حاصل کرنے والے تمام طلباء کے لیے یہ بڑے اعزاز کی بات ہے کہ وہ ایک ایسا اعلیٰ پائے کے طلبہ اور اسے میں تعلیم حاصل کر رہے ہیں جس کا شمار بنیادی انسانی حقوق کے قدرتی ترین سرمایہ میں ہوتا ہے۔ یہاں پر تعظیم طلباء کے لیے ایک موقع ہے کہ وہ اپنے اس علم کے اداروں کے کام کو مزید مدد فرمائیں۔

Daily Dunya Islamabad 19-01-2016

Lack of health facilities

State responsible if anyone suffers or dies, says SC

SC told DRAP has barred seven firms from selling hepatitis C meds

BY HANNAJI BALIJI
ISLAMABAD

The top court said on Wednesday that if anyone, especially a child, suffers or dies due to lack of health facilities, then the state is responsible for it.

A two-judge bench of the Supreme Court, headed by Justice Ijaz Ahmad Khan, made the remark during the proceedings of a suo moto case relating to the increase of hepatitis C medicines across the country.

The Drug Regulatory Authority of Pakistan (DRAP) told the court that seven pharmaceutical companies had been barred from selling generic tablets of Sofosbuvir, which is being used for treating hepatitis C.

On behalf of DRAP, Deputy Attorney General Sajid Ijaz Shatti submitted a report, which revealed that the Pakistan Pharmaceutical

Manufacturers Association had complained to DRAP over registration of an Indian pharmaceutical company for selling hepatitis C medicines.

The report said that in its December 18 meeting, the registration board had granted registration to Sarni Pharmaceutical, Genis Pharma, Tabros Pharma, Marter International, Cosmos Pharmaceuticals, Global Pharmaceuticals, Gero Pharma, Tilton Pharma and OCL Pharmaceuticals.

The report added that the registration board had deferred the applications of The Soale Company, Everest Pharmaceutical, Crystalite Pharmaceuticals, Max Pharmaceuticals, Wilson's Pharmaceuticals, Werrick Pharmaceuticals and Fortman Pharmaceuticals.

These companies could not qualify or provide data authenticity requirements, so they have been given the opportunity of a hearing and have been asked to appear in the next registration board meeting

POLICY

30%

less will be the price of the new generic drug against the innovative brand

to explain their position. The products of drug manufacturers that were approved initially are now in the final process of fixation of prices.

"As per the policy, the price for the new generic would be 30% less than the innovator brand, thus as per this formula, the generic version of this new molecule would cost Rs26,600.... In a meeting held with the National Health Services, Regulations & Coordination minister in chair, it was recommended that the maximum benefit be given to the patient [and] the price of generic version of this new molecule should be considered at the minimum within the

standards of quality," said the report. It said the present difficulties in fixing prices may be rectified through approval of the competent authority so that the prescribed procedure of the pricing policy is addressed.

DRAP told the SC that utmost care had been taken to ensure that the entire process is transparent, fair and meets the interest of the patients.

Meanwhile, Justice Ijaz inquired from DAC Shatti whether the son-in-law of a minister was creating hurdles in registration of manufacturing of a medicine.

He asked if a company was denied registration, then whether there was an appellate forum available in the system.

The bench remarked that according to two journalists' reports, the son-in-law of a minister was creating obstacles for registration of affordable medicine for hepatitis C.

The court questioned whether the media reports were authentic, and asked the DAC to submit a report after examining them.

The Express Tribune Islamabad 21-01-2016

SC sends home PML-N MNA for hiding assets

■ Court dismisses petition seeking disqualification of PPP's Aijaz Jakhrani

ISLAMABAD: The Supreme Court (SC) on Monday deposed PML-N MNA Miskhar Cheema from NA-101 Gujranwala for concealing asset details in his nomination forms and directed re-election in his constituency.

A three-member SC bench headed by Chief Justice Anwar Zaheer Jamali and comprising Justice Sheikh Asmat Saeed and Justice Anil Husein Khan heard the petition filed by opponent candidate Ahmed Chatha.

During the course of proceedings, plaintiff's counsel Hamid Ali Shah alleged that the respondent had concealed details of his assets and bank statements while filing his nomination papers to the Election Commission of Pakistan (ECP) to contest the general election. The Election Tribunal had dismissed his client's petition ignoring the actual facts.

Defence lawyer Mubeen-ud-Din Quai argued that his client did not hide anything. One of the accounts mentioned in the petition had been closed while the other one was for mosque's funds, he added.

He said Miskhar Cheema had also gifted his Rawalpindi and Islamabad houses and by not showing the same in the nomination papers he had not committed any dishonesty.

On this, the chief justice remarked that Miskhar Cheema was not a common man. He remained MNA in the previous government as well and he should have revealed proper details of his assets and property, he added.

It may be mentioned that Miskhar Cheema had won from NA-101 in May 13, 2013 general elections by bagging 99,191 votes while his opponent Ahmed

Chatha, son of Hamid Nazir Chatha, got 59,878 votes.

Separately, the Supreme Court dismissed a petition seeking disqualification of Pakistan People's Party (PPP) Member National Assembly (MNA) Aijaz Jakhani over holding a fake degree and alleged rigging in general election.

The three-member SC bench headed by Justice Mian Saqib Nisar and comprising Justice Iqbal Hamroo-ur-Rehman and Justice Tariq Fervais heard the case filed by PML-N candidate Iftakhar Buksh Soomro against the verdict of the election tribunal.

The tribunal had dismissed Soomro's petition seeking Jakhani's disqualification for holding a fake degree and alleged widespread rigging during 2013 general election. **ANWAR**

Daily Times Islamabad 26-01-2016

SC lifts ban on hunting of houbara bustard

By Ahsan Iqbal

ISLAMABAD: The federal government, which has claimed that Arab dignitaries are invited to hunt houbara bustards as "part of its foreign policy" passed a sigh of relief on Friday when the Supreme Court lifted a ban it had earlier imposed on the hunting of the vulnerable migratory bird.

"There is an apparent error on the face of the record, therefore the earlier judgment is set aside," said a verdict authored by Justice Mansoor Ali Khan leading a five-judge bench.

The bench had taken up a set of petitions filed by the federal and the governments of Punjab, Sindh and Balochistan and some individuals seeking review of the court's Aug 19 judgment ordering the central and provincial governments not to issue to VIPs and Arab royal hunting licences which grant the shoot of extinction of rare birds like houbara bustard.

Justice Qazi Faez Isa, who had authored the Aug 19 judgment, abstained from the majority judgment. The dissenting vote is yet to be released.

The majority judgment ordered the court office to fix all petitions moved against it in favour of the hunting of houbara bustard for a fresh hearing to examine legal propriety of the safeguards applied by provincial governments. "This will help in assessing their relevance and responsibility for imposing the objects of wildlife legislation in respect of all vulnerable and threatened game species, including houbara bustard," the judgment said.

Wildlife laws of Balochistan, Punjab and Sindh list houbara bustard as both protected and game animal.

The judgment said "Hunting of protected animals is prohibited whereas licence is required to hunt game animals," the verdict said, adding that under these laws the provincial governments were empowered to exempt any animal from the protected list and place it in the category of game animal and vice versa.

"That under the South Ordinance 1972, the Maintenance Act 2014, the Punjab Wildlife (Protection, Preservation, Conservation and Management) Act 1974 (Punjab Act 1974) and Sindh (Pakistan Wildlife Act 2012), protected animals which were subject to change in status and change of wildlife laws protected as game animal, in accordance with the law, can be hunted."

"The statutory object of protecting, preserving, conserving and managing wildlife species, not just houbara bustard but all endangered, vulnerable or near threatened wildlife. The International Convention on

Continued on Page 5

SC lifts ban on hunting...

Continued from Page 4

the Conservation of Migratory Species of Wild Animals (CMS) does not in a way cast a doubt upon the relevance of the provisions which place a ban on the hunting of species having vulnerable conservation status.

"We study the fundamental principle on which the convention is based obliges the parties to take individually or in cooperation appropriate steps to conserve such species and their habitats, such steps may include hunting of species on sound ecological principles. But when steps can be or should be taken, falls within the policy realm of the executive and the Supreme Court has always shown restraint in interfering with this domain."

"From the International Union for the Conservation of Nature and Natural Resources (IUCN) recognition sustainable use of the

natural resources. Local communities play a pivotal role in the conservation of species. Without the involvement of the local communities in conservation effort can be successful. Unless the economic value of saving migratory species is related to a level where it benefits the locals, its conservation will always be in jeopardy."

"Considering the economic backwardness of the areas where these migratory species breed, it is may hard for conservation efforts to be successful without upholding the economic wellbeing of those areas."

"It is for this reason that trophy hunting has been a successful tool for the conservation of endangered species throughout the world. Thus by allowing limited hunting for limited days under a licence in accordance of a high sum, the Maintenance Act 2014 has accorded a statutory backing to trophy hunting."

Daily Dawn Islamabad 23-01-2016

بلوچستان سے کیے گئے فیڈرل اسمبلی کے اجلاس کے بارے میں تاہم قرارداد کی عملی جامہ پہنچانے کے لیے

بلوچستان کے سابق گورنر نے فیڈرل اسمبلی کے اجلاس کے بارے میں تاہم قرارداد کی عملی جامہ پہنچانے کے لیے

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Daily Khabrain Islamabad 28-01-2016

Urdu as official language Top court calls for progress reports Centre and provinces were given three months in Sept

A. HANISAF MAJID
ISLAMABAD

The top court has ordered federal and provincial governments to submit progress reports on the steps taken for the introduction of Urdu as the official language. The authorities have been given a three-month deadline.

The three-judge apex court bench, headed by Justice Mansoor Ali Khan, took up contempt petitions on Thursday against the governments for not implementing the Supreme Court's September verdict.

The top court had directed the authorities to take measures for declaring Urdu as the official language, as envisaged under the Constitution.

Expressing his annoyance on Thursday, Justice Qazi Faez Isa said the court had given three months to the respondents for submitting the progress report but none complied with the order.

Punjab's Additional Advocate General at Kanouj A Mittal requested for three time, claiming the time given in the verdict was too short.



"The court had asked for implementing its judgment but the Punjab government instead filed a review petition"

Justice Qazi Faez Isa

Justice Isa observed the court had asked for implementing its judgment but the Punjab government instead filed a review petition.

Justice Mansoor said all the law officers

of the federation and the provinces had proposed the same name themselves.

Punjab High Court requested the bench to issue contempt notice to the respondents but Justice Mansoor said the bench would decide on it after examining the progress reports.

The court then sought progress reports and adjourned the hearing for six months.

On September 8, 2015, the Supreme Court had ordered the Centre, as well as the provincial governments to coordinate with each other for uniformity in the enactment of the official language, and monitor all laws within three months.

The judgments said the ministry, regulatory and oversight bodies shall take steps to implement Article 253 within unnecessary delay and also ensure compliance.

In court cases, the top court ordered, the governments departments should make all efforts to submit their reports in Urdu to enable citizens to effectively enforce their legal rights.

The Express Tribune Islamabad 29-01-2016

SC rejects review petition on military courts verdicts

NEWS & ANALYSIS
ISLAMABAD

The Supreme Court on Friday dismissed a petition seeking judicial review of the sentences awarded by the military courts.

Justice Mian Saqib Nisar found an appeal against the order of the military court in the case of the petitioner dismissed. The petitioner does not have legal merit and when any appeal process would be allowed, the court would examine their cases.

The Supreme Court in the 13th Amendment held that under paragraph 4, Article 199, a person suspended under Pakistan Army (Amendment) Act 2015 can file a petition in the judicial system for the right to work and when any appeal process would be allowed, the court would examine their cases.

Chief Justice (CJ) Iftikhar, a former Advocate General Pakistan Army, had filed the petition in person under Article 189 of the Constitution in the Supreme Court last year.

He argued that at least one judicial review before the appeal court must be provided to all the members of military courts whether they are regular members of the armed forces or the civilian employees of the armed forces in the best interest of justice.

The lawyer stated with the fact that the writ petitions filed under Article 199 of the Constitution are dismissed by the high courts on the ground that they do not have the jurisdiction. On January 13, a bench of 11 Lahore High Court dismissed 100 petitions of the petitioners, awarded death sentence by military courts. CJ stated, "While the appeal process approach is the right one, the judge here also didn't mention that petitioners have the right to work. Who will provide justice to these people," he added.

"If the judicial review could not be provided to the members of the military courts then it would be considered unconstitutional killing through military judicial system," he stated.

In the petition, he stated that during the course of the 2009 General (2015) Forces Insurgency, military courts were denied their proceedings although permissible under PMA Rule 23 and many were executed and still many are following in the jails.

The petition said under the provisions of Army Act 1952, a person is ordered by any superior officer or commanding officer (CO) and thereafter under PMA Rule 23 the investigation is also conducted by the same CO after execution.

It states that for some CO, who was executing all five of them, were acting in the role of judge by the giving of their sentences under PMA Section 23 read with PMA Rule 24 and 27, and was executed after judgements up to 20 days rigorous imprisonment.

The petition said during the necessary trial to be conducted in military courts, officers known as trial officers received the kind of treatment and facilities which they must have after the trial. It was only if with the accused and advice was given during the trial.

The accused can produce defence witnesses but normally nobody gave them the right to examine the defence witnesses or the investigation and charges are framed by the prosecuting officer.

The proceedings are forwarded to the commander for confirmation and he under PMA Section 129, confirms the proceedings. However, in his own opinion, that he may consider the proceedings or he may send back the proceedings to the court for revision under PMA Section 126 read with PMA Rule 17 which could be done only once.

The petition said that only after confirmation by the COAS, the accused gets a right to file an appeal before Court of Appeals consisting of COA and officers designated by him under PMA Section 133. It said who would be an officer in the date of command who would reverse the decision of court martial conducted by the COAS.

The petition said that the persons subject to Army Act are the citizens of Pakistan and have rights to be treated justly, fairly and impartially by a court having jurisdiction and to accordance with the constitution.

Daily Nation Islamabad 30-01-2016

Medicine standards

SC seeks PAEC response in 'contamination' case

A report in 2013 found molybdenum-99 in higher than specified values in injections delivered to hospitals

SC seeks PAEC response in 'contamination' case

ISLAMABAD

The Supreme Court on Friday sought a response from the Pakistan Atomic Energy Commission (PAEC) regarding a report that found molybdenum-99 in higher than specified values in injections delivered to hospitals.

The report, dated 2013, was submitted to the court by the petitioner, a former member of the National Assembly, who had filed a petition in the court seeking a writ of mandamus to compel the PAEC to take steps to ensure the safety of the public.

The petitioner stated that the report found that the levels of molybdenum-99 in the injections were higher than the specified limits. He stated that this was a serious health hazard and that the PAEC had a duty to ensure the safety of the public.

The petitioner also stated that the PAEC had failed to take any steps to address the issue and that he was seeking a writ of mandamus to compel the PAEC to do so.

The court granted the writ and directed the PAEC to provide a response to the court within a specified period.

The court also directed the PAEC to take steps to ensure the safety of the public and to provide a report to the court on the progress of its work.

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14

in the number of people who have filed petitions with the commission

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Molybdenum-99 is used in the production of technetium-99m, a radioactive isotope used in medical imaging.

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The report found that the levels of molybdenum-99 in the injections were higher than the specified limits. He stated that this was a serious health hazard and that the PAEC had a duty to ensure the safety of the public.

The court granted the writ and directed the PAEC to provide a response to the court within a specified period.

The court also directed the PAEC to take steps to ensure the safety of the public and to provide a report to the court on the progress of its work.

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The Express Tribune Islamabad 03-02-2016

Lawyers more suitable

Retired judges no longer to head tribunals: CJP

Says preference will be given to lawyers as tribunal chiefs

A T Ali
interviews

Chief Justice of Pakistan (CJP) Anwar Zaheer Jamali on Friday said that appointments of retired judges to various tribunals in Pakistan may soon come to a halt.

Addressing the annual dinner of Sindh High Court Bar Association (SHCBA) held in Hyderabad he revealed that preference will be given to lawyers as heads of tribunals.

"I have considered enough about this issue and we are trying for phased implementation," he said. "I am personally in favour of discouraging this practice."

Justice Jamali said that instead of reappointing retired judges on contractual basis practising lawyers should be given the opportunity to head the tribunals. "I have no doubt



"I have considered enough about this issue and we are trying for phased implementation

Chief Justice of Pakistan
Anwar Zaheer Jamali

that our lawyers are talented and competent. They need an opportunity where they can show their potential."

Although the CJP did not specify any particular tribunal, the tribunals may include the election, environmental, income tax, customs and service tribunals. The CJP further stated that 30 subordinate judges are being appointed in Sindh. He asked the bars to suggest names of lawyers to the judicial academy for training.

Meanwhile, Sindh High Court Chief Justice Syed Sajjad Ali Shah, while responding to the SHCBA's request for allocating yearly financial grants, suggested the bar seek monetary help from the provincial government.

"On a lighter note I would say that the chief minister Sindh went to the high court, Karachi and Malir bars and gave away Rs20 million grant to each of them. You may also invite the chief minister. You

are a bigger bar than Malir and you can also get at least Rs20 million."

Justice Shah said every judicial officer is a member of the bar before becoming the judge. "If you feel that some of the judicial officers lack integrity than that means the bar will also have to find out black sheep in their lines. If the bar is strong, competent and of integrity than I don't see a reason why the judiciary could not further improve."

The SHCBA's elections were scheduled for Feb 6 but the Pakistan Bar Council's appellate committee stayed the poll through an order on Feb 3. The contesting candidates made a last ditch effort by challenging the order in Sindh High Court on Thursday but their petition was not admitted.

The Express Tribune Islamabad 06-02-2016

SC decree

PTCL employees entitled to receive pension, benefits

Legal Protection under the T&T service rules

✶ HASNAT MALIK
ISLAMABAD

Retired departmental employees of Pakistan Telecommunication Company Limited (PTCL) are entitled to pensions and other benefits, the Supreme Court (SC) declared on Friday.

The five member larger bench headed by Chief Justice Anwar Zaheer Jamali heard the review petitions of the PTCL management and upheld its earlier judgement to grant pension and other benefits to PTCL employees. Former Chief Justice Jawwad S Khawaja had given judgement in favour of former PTCL

employees in October 2011.

In light of this judgement thousands of retired employees are now entitled to pension and other retirement benefits. In its short order, the bench ruled that the Telephone and Telegraph (T&T) employees' service rules had legal protection and this right was available to the employees at the time of privatization. The detailed judgement will be announced later.

PTCL counsel Khalid Anwar contended that the employees of PTCL were not governed by the statutory rules of service arguing that PTCL

Amicus Curiae for the case, Salman Akram Raja, argued that PTCL employees were no longer civil servants though they were still government servants

was at liberty to deal with its employees regardless of any constraints specified in sections 35 and 36 of the Pakistan Telecommunication (PTC) Reorganization Act 1996.

Amicus Curiae for the case, Salman Akram Raja, argued that PTCL employees were no longer civil servants though

they were still government servants.

Additional Attorney General Waqar Rana said that in 1996 when T&T was abolished, its employees were transferred to PTCL and their rights were protected under the PTC Act 1996. He said each employee are entitled to pensions, but those PTCL employees hired after the PTC Act have no rights on pension as these regulations do not apply to them.

Justice Amir Hani Muslim said that rulers should not sell national assets in the way they had been sold in the past.

The Express Tribune Islamabad 20-02-2016

SC gives deceased woman rightful share in inheritance

Verdict handed down 25 years after father's death; bench deplores delays in justice delivery

By Nasir Iqbal

ISLAMABAD: Expressing dissatisfaction over inordinate delays in dispensation of justice, a Supreme Court bench on Wednesday settled an extraordinary inheritance dispute by ruling in favour of a woman deprived of a rightful share in her father's property by her three brothers.

What is extraordinary about the case between siblings Islamuddin and Noor Jahan, however, is that both parties have already passed away.

The matter, which had been dragging on for about a quarter of a century, was finally laid to rest by a two-member bench, consisting of Justice Ejaz Afzal Khan and Justice Qazi Faez Isa.

In its final order, the bench observed, "A sister, to claim her rightful inheritance, was compelled to go to court and suffered long years of agony. However, before [she] could get what was rightfully hers, she too departed from this world... A quarter of a century has elapsed since the death of Haji Sahraney (the deceased father). Such a state of affairs, to say the least, is most unfortunate."

The court disposed of a petition, moved by the late Islamuddin, assailing a June 27, 2012 judgment of the Peshawar High Court, which had ruled in favour of his sister.

The dispute between brothers and sister started soon after the death of their father

around 1990-91. "The deceased owned a house, four shops, godowns with rooms and corridors in addition to agricultural lands [in Swat]", which were supposedly gifted by the late father to his three sons, Islamuddin, Rehmanuddin and Shahabuddin, on June 26, 1989.

The sole evidence of this 'transaction' was a Pashto document, bearing only the signature of Haji Sahraney.

Noor Jahan had instituted a suit against her brothers before a local court in Swat, contending that she was entitled to a 1/12th share in the estate of her deceased father as per Sharia law. The suit was partially allowed, with the qazi giving her a share in the agricultural lands, but not the gifted properties. Both sides then went into appeal.

However, the apex court held that the document was not registered and therefore remained unproved. On the other hand, the property mutations, which were registered with the local patwari, only bore the deceased man's thumb impressions. This inconsistency, the court noted, remained unexplained.

The bench also noted that the three brothers did not bother to obtain the mutations of the property in their names following the death of Haji Sahraney.

This is not the first time the top court has demonstrated consternation over delays in deciding cases.

Former chief justice Jawwad S. Khawaja, speaking at a reference hosted in honour of his retirement on Sept 9, 2015, had cited a study - conducted on his orders while he was a Supreme Court judge.

The results of the study were 'frightening', said Justice Khawaja, deploring that it had become very common for litigation to take 25 years to culminate.

Daily Dawn Islamabad 03-03-2016

Students should play leadership role: CJP

KARACHI: Chief Justice of Pakistan Justice Anwar Zaheer Jamali has asked the students of Sindh Madressatul Islam University to come forward and play the leadership role in conformity with the ideals of Quaid-i-Azam Muhammad Ali Jinnah.

He said this while visiting Sindh Madressatul Islam University (SMIU), where he addressed the faculty, students and staff members of the university and other dignitaries. He said at least one previous generation had failed in providing adequate leadership to Pakistan, which resulted in not only breakup of Pakistan, but underdevelopment in many areas, like education, social sector and infrastructure.

In his speech he expressed satisfaction over the quality of education being provided at Sindh Madressatul Islam University, the Alma Mater of Quaid-e-Azam Muhammad Ali Jinnah, and hoped that this young university of four years will emerge as one of the best universities in Pakistan and the world in future. The chief justice appreciated efforts and struggle of Vice Chancellor of SMU Dr Muhammad Ali Sheikh and said that Dr Sheikh has transformed the dream of the founder of SMU into reality by making it a university. "I am

very impressed to see the Jinnah Mausam, where SMU has preserved valuable record of our Father of the Nation and national heroes," said chief justice.

He said that SMU students have honour that they are studying at SMU, the historical institution, from where great leaders including Father of the Nation Quaid-e-Azam Muhammad Ali Jinnah had received his education.

Dr Muhammad Ali Sheikh, in his welcome address said that SMU through its 130 years of service has produced a large number of great leaders including Founder of Pakistan, Quaid-e-Azam Mohammad Ali Jinnah. Talking about the international linkages, he said that SMU has signed agreements with seven Chinese universities and was also working on collaboration with UK universities as well as other countries.

Recently, Sindh Madressatul Islam University' QEC has been awarded the top most "W" category by Higher Education Commission of Pakistan.

Judge of Sindh High court Justice Nadeem Akhtar praised the role of Sindh Madressatul Islam University and said that he had been associated with the university as

member of the Syndicate from the very beginning and knew the struggle behind the establishment of the university as one of the best university in the country. He also suggested that the SMU should set up a Law Faculty at the campus. Justice (R) Agha Rafique Ahmed Khan, former chief justice of Federal Shariat Court and former chairman of Sindh Public Service Commission said that though SMU was a shining example for public sector educational institutions in Sindh, the rest of the institutions need improvement and drastic changes. Justice (R) Syed Deedar Hussain Shah, former Chairman NAB, former judge of Supreme Court and chief justice of Sindh High Court said that Sindh Madressatul Islam University was working very well by imparting quality education and as the member of the university's selection board and syndicate can assure all that all the appointments have been made on merit basis.

The Programme was attended by a large number of prominent personalities including Diplomats, serving and retired judges of Supreme Court and Sindh High Court, SMU Syndicate members, faculty, students, staff members and media personnel. — NNI

The News 07-03-2016

SJC starts acting on complaints against top judges

No superior court judge has been ousted by the council since the 1970s

HASNAAT MALIK
ISLAMABAD

The Supreme Judicial Council has been finally activated to consider complaints of misconduct against superior court judges. The council has held a couple of meetings to listen to grievances against a few judges during the tenure of the current chief justice, *The Express Tribune* has learnt.

The SJC is a body of judges empowered under Article 209 of the Constitution to hear cases of misconduct against top judges. A judge belonging to the superior judiciary can only be removed on the recommendations of the SJC. No superior court judge has been ousted by the council since the 1970s.

Sources told *The Express Tribune* the council has identified some cases of alleged misconduct, wherein further proceedings have been initiated. If the allegations against any

judge are found to be serious, then he may be summoned or asked to give a written reply over a show-cause notice.

In September last year, CJP Anwar Zaheer Jamali in his first speech after taking oath of his office had vowed to make the SJC effective.

On October 30, 2015, the chief justice said around 90% of the complaints filed against the judges of superior judiciary had become outdated because the council had been inactive for the past few years.

The vast majority of references had become infructuous since most of those judges had retired after completing their terms.

The CJP also said the remaining 10% complaints were "in the pipeline" and the SJC would contemplate invoking Article 209 over these complaints.

Likewise, the SC's senior-most judge, Justice Saqib Nisar, in his judgment on the 21st Constitutional Amendment case had observed no judge of a superior court in Pakistan had ever been prosecuted in a criminal court.

The Express Tribune Islamabad 14-03-2016

Functions of 'Justice of Peace' judicial in nature, rules SC

The law enabled the poor and the downtrodden to see eye-to-eye with those who infringed their rights with impunity in the past, judgment reads

By Nadeem ul-Haq

ISLAMABAD: The Supreme Court (SC) held on Monday that functions performed by an officer 'Justice of Peace' - a judge of a lower court - by ordering registration of FIRs under section 22-A(1) of the Criminal Procedure Code (CrPC) 1973 complements the police rather than interfere with its investigations.

"Being quasi-judicial in nature, the functions of the Justice of Peace cannot be termed executive, administrative or ministerial and thus cannot be held to be in violation of the earlier judgments of the Supreme Court," said the verdict, pronounced by a five-judge SC bench headed by Chief Justice Anwar ul-Kabir Jamali.

Sub-section (2) was incorporated in section 22-A of the CrPC through an amendment in 2002, authorising the Justice of Peace to order registration of cases on complaints or transfer investigations to another police officer. A District Sessions Judge has the authority to call or nominate a judicial officer to work as Justice of Peace.

On Feb 12, the apex court had reserved its ruling on determining the authority of the Justice of Peace with an objective to revisit its March 2014 decision of declaring the power of the Justice of Peace to direct registration of an FIR as an administrative order and not judicial in nature.

The main verdict was written by Justice Ejaz Afzal Khan, one of the members of the bench, whereas Justice Mansoor Ahmad Malik wrote additional notes.

Justice Khan explained in the verdict that when the Justice of Peace gives orders, issues directions or takes action under the aegis of the judiciary rather than the executive, he brings the executive under the thumb of law.

With the insertion of sub-section 2, an aggrieved person could get at his doorstep, what he could not get despite approaching the high courts. Prior to this law, the grievance of a person having no means and resources were largely unattended and unredressed altogether, the judgment said.

Wealthy, well-off and well-connected people exploited this situation, committed crimes and were safe, the judgment suggested, adding, even since sessions judges or additional sessions judges became justices of peace, the rich and well-off persons could break the law with impunity or obstruct the person aggrieved and unaffiliated from seeking remedy at his doorstep.

An examination and empirical verification of the provisions show that they do not

breach any of the fundamental rights guaranteed by the constitution. Rather, they facilitate their enforcement by guarding against their infringement by providing expeditious and transparent justice to people at their doorstep, the judgment said.

He, therefore, without a moment's hesitation held that these provisions cannot be declared ultra vires and they do not even remotely impinge upon the independence of the judiciary nor do they militate against the concept of its separation from the executive, the verdict reads.

Referring to the transfer of investigation from one police officer to another under the law, the court held that the investigating authorities do not have the unbridled power of sending investigations according to their whim and caprice. "There can be pushed back to their allotted turf if and when they overlap it," the judgment explained.

No doubt the transfer of investigation was in vogue, the judgment said, but it was done only at the bidding of wealthy and well-off people. A poor man, whose entry into the well-guarded offices of high-ranking police officers was with high impossibility, could never dream of getting such kind, it said.

Article 18(1) of the Police Order 2002 also provides a remedy for change of investigation but it, in a set up where the police do not have operational independence, is illusory and inadequate. It is more so where even the high-ranking police officers are posted and transferred with the intervention of the chair-wielding influential persons inside and outside the lineage of power. In this state of despotism, a legislation establishing equality before the law and breaking the idols of influence and affluence was desperately needed.

Thus the legislature rose to the occasion, enacted sub-section 2 of sections 22-A and 23 of the CrPC and enabled the poor and the downtrodden to see eye-to-eye with those who infringed their rights with impunity in the past.

Meanwhile, the additional note of Justice Malik expressed that the past experience of around 14 years would unmistakably reveal that Section 22-A, though beneficial and advantageous to the public at large, has been misused and abused in some cases.

Once, a false criminal case is registered against an individual, it becomes exceedingly difficult for him to get rid of it. The time and money that is spent on acquiring a clean chit by way of cancellation of the case or acquittal is not hard to fathom. There is no denying the fact that at times, false and frivolous cases are registered just to harass and harass the opposite party.

In such a scenario, powers given to the Justice of Peace to order the registration of a criminal case or for transfer of investigations should not be unrestricted or unbridled. These provisions must be defined, structured and their contents delineated to such extent by influential and unscrupulous elements, the judgment said.

How Constitution deniers can seek justice, asks CJ

By the correspondent/Editor

Observes court cannot keep its eyes shut and sit back while army jawans sacrifice their lives; seeks reply from federation on the law that authorised military courts to award punishments; Asma Jehangir says her client denied fair trial

ISLAMABAD: Chief Justice of Pakistan Justice Iftikhar Muhammad Chaudhry on Monday questioned how those who refer to the constitution could seek justice. He said the country was passing through worst of terrorism and the court could not keep its eyes shut while army jawans were sacrificing their lives.

A five-member large bench of the Supreme Court, headed by Justice Iftikhar, resumed hearing in identical pleas filed against deaths awarded by military courts. The court sought reply from the federation, as the law that authorised military courts to award punishments.

The court turned down the appeal filed against capital punishment awarded by military court in case of Zahar Ullah, counselled by Asma Jehangir, counsel for Zahar Ullah, contended that the court also was against terrorism but at the same time everyone should be served justice. She said the Supreme Court being a final forum for adjudication of the matter, provides hope for fair trial.

CJ Iftikhar observed that the court had to examine who it legal to identify and allegations of those who used

Continued on Page 4

How Constitution deniers...

Continued from Page 1

to make the identification as defendant after referring it. Asma pleaded that it would be against the basic principle of law if these punishments under the pretext of security are allowed.

At this, the CJ said that it is common practice all over the world about terrorists as they are even hanged before a court. Asma Jehangir said that what about those clerics who didn't adhere to Constitution.

The CJ said terrorism is taking place with foreign funding too. Country is in state of war and the case against convictions by military courts is not raising for the first time. Trials have been taking place in several countries and immediate punishment has also been awarded, he said. He further observed every person who accepts law and constitution has right to fair and independent trial.

Justice Mian Saqib Nisar, another member of the bench, remarked that to meet the ends of justice and due process of law, Evidence Act provides procedure. Meanwhile, the court adjourned the hearing till April 6.

Asma, also counsel for Master Ali, son of Zahar Ullah, argued her client was arrested on September 17, 2009 and he was then abducted to

available, she said.

"I went to Federal High Court (FHC) against the capital punishment awarded by military court to my client and requested that permission to meet the client. However, permission was not given. Inquiry was held by local police and at that time my client was included in missing persons. When we went up to Islamabad, we came to know that he was not seen."

"We came to know that he has been tried and death penalty has been awarded to him. Nothing is known to anyone about his offences. There should be any rules and procedure to punish anyone. My client was not provided opportunity of fair trial," she stated.

Asma also gave arguments in respect of three other clients. Additional Attorney General (AAG) Atiqur Raheem presented all the records about the accused persons was sealed. The court remarked it wants to review this record first of all and it will conduct more hearings.

The court issued notices to AG and adjudge joined the hearing till April 6. Counsel for Zahar Ullah, Javed ur Rehman, Aslam Khan and other security gave arguments. The court directed the AG to give reply with respect to all positions and court will review the record thereafter.

Foreign-sponsored terrorism

CJ argues against treating military court convicts as common criminals

Says those who don't recognise the country's Constitution cannot expect relief

HASNAAT MALIK
ISLAMABAD

Expressing concern over the recent spike in terror attacks across the country on Monday, Chief Justice Anwar Zaheer Jamali has questioned the wisdom of treating those directly waging war with the army as ordinary criminals.

Pakistan, according to the chief justice, is facing "foreign-sponsored terrorism" in addition to "active and routine" threats from some militant elements working within the country's borders.

"How can those who don't recognise the country's Constitution give references of the constitutional provisions related to fundamental rights?" he asked Asma Jahangir, the counsel for



Anwar Zaheer Jamali. PHOTO: IJF

those convicted by military courts. The chief justice is heading the five-judge larger bench that resumed the hearing of the convicts' appeals.

In response, Asma Jahangir stated that everyone should get justice. According to her, innocent people should not be "penalised by proceedings against them in haste in the name of terrorism".

Calling the Supreme Court the last hope for the convicts, she submitted that it would be a matter of concern

if the apex court overlooked the matter of fundamental rights in the name of security.

However, the chief justice pointed out that there are international precedents of terrorists being punished on the spot upon the completion of their summary trial.

Justice Khilji Arif Hussain, another member of the bench, agreed with the counsel and said that those conducting the trial must accept the Constitution and the law as well.

Meanwhile, Additional Attorney General Attiq Shah told the bench the record of the military court convicts is easily available.

The bench asked him to furnish the trial record of two convicts namely Allur Rehman and Tahir Ghauri today (Tuesday) so that they could examine it a day before the hearing. The hearing of the case was adjourned until Wednesday.

The Express Tribune Islamabad 05-04-2016

Governments make laws according to own will: SC

CJ says there is no concept of secret balloting in Islam

By Sohail Khan

ISLAMABAD: The Supreme Court on Tuesday observed that the law has been made a toy and any government, when it comes to power, makes legislation according to its own will and wishes.

A three-member bench of the apex court, headed by Chief Justice Anwar Zaheer Jamali, resumed hearing in the Sindh government's appeal against the Sindh High Court (SHC) judgment, annulling an amendment in the local government laws.

During the hearing, the chief justice observed that any government, when it comes to power, makes legislation according to its own will. He said that in Islam there was no concept of secret balloting, adding that the provincial government had made an amendment in the local government laws for its own convenience.

"One party praises the amendment while the other declares it as legislation made with mala fide intentions," the chief justice remarked,

adding that amendments were meant for bringing an improvement in laws but here amendments were being made for the protection of own interests that ultimately led to destruction instead of improving the local government laws.

The Pakistan People's Party-led Sindh government had on January 19, 2015, amended the Sindh Local Government Act 2013 to replace secret balloting for mayors and deputy mayors with a show of hands. The amendment was subsequently challenged by the Muttahida Qaumi Movement (MQM) and the Pakistan Muslim League-Functional (PML-F) in the SHC through identical petitions. On February 9, the SHC struck down the amendment and had ordered immediate elections via secret balloting.

The Sindh government, however, challenged before the Supreme Court the verdict of the SHC and the apex court on February 17 put the elections on hold as it reviewed the Sindh

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government's plea.

On Tuesday, Farooq H Naik, representing the Sindh government, concluded his arguments. Additional Attorney General Raza Waqar submitted that Article 226 does not apply to the local government, adding that Article 141-A was inserted in the Constitution under the 18th Constitutional Amendment.

He further contended that the Constitution does not envisage the election of local government through secret

ballot. He said that Article 141 was inserted in the Constitution to hold the local government elections, which was the subject of provincial governments.

The advocate general Punjab submitted before the court that Article 226 does not apply to local governments.

Advocate General Khyber Pakhtunkhwa Abdul Latif Yousafzai contended that if it was declared that Article 226 was applicable to local governments, then it should not hit local government elections in his province because those

were held on 30th of August, 2015, which is now a passed and closed transaction.

The advocate general, Balochistan, contended that in the light of the Balochistan High Court judgment, they had conducted the local government elections through secret ballot and there was no problem of holding elections through a show of hands.

Meanwhile, the court adjourned the hearing till today (Wednesday) wherein Barrister Senator Farogh Nasim, counsel for the MQM, will commence his arguments.

Daily News Rawalpindi 06-04-2016



Chief Justice's Chamber Supreme Court Islamabad

CHAPTER

13

INFORMATION ON THE ADMINISTRATION OF JUSTICE

13.1 Present Composition of the Federal Shariat Court and High Courts

Federal Shariat Court

Present Composition

Chief Justice, Mr. Justice Riaz Ahmed Khan
Mr. Justice Dr. Fida Muhammad Khan
Mr. Justice Sh. Najam ul Hassan
Mr. Justice Zahoor Ahmed Shahwani
Justice Mrs. Ashraf Jahan

Lahore High Court

Present Composition

Chief Justice, Mr. Justice Ijaz Ul Ahsan
Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Muhammad Khalid Mehmood Khan
Mr. Justice Shahid Hameed Dar
Mr. Justice Muhammad Yawar Ali
Mr. Justice Muhammad Anwaarul Haq
Mr. Justice Sardar Muhammad Shamim Khan
Mr. Justice Mamoon Rashid Sheikh
Mr. Justice Muhammad Farrukh Irfan Khan
Mr. Justice Muhammad Qasim Khan
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mr. Justice Mazhar Iqbal Sidhu
Mr. Justice Syed Muhammad Kazim Raza Shamsi
Mr. Justice Mehmood Maqbool Bajwa
Mr. Justice Amin-Ud-Din Khan
Mr. Justice Muhammad Ameer Bhatti
Mr. Justice Malik Shahzad Ahmad Khan
Mr. Justice Abdul Sami Khan
Mr. Justice Ibad-Ur-Rehman Lodhi
Mr. Justice Shujaat Ali Khan
Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed
Mr. Justice Ali Baqar Najafi
Mr. Justice Atir Mahmood
Mr. Justice Shahid Bilal Hassan
Justice Miss Aalia Neelum
Mr. Justice Abid Aziz Sheikh
Mr. Justice Muhammad Tariq Abbasi
Mr. Justice Ch. Muhammad Masood Jahangir
Mr. Justice Sadaqat Ali Khan
Mr. Justice Shams Mehmood Mirza
Mr. Justice Syed Shahbaz Ali Rizvi
Mr. Justice Shahid Jamil Khan
Mr. Justice Faisal Zaman Khan
Mr. Justice Khalid Mehmood Malik

Mr. Justice Ali Akbar Qureshi
Mr. Justice Qazi Muhammad Amin Ahmed
Mr. Justice Ch. Mushtaq Ahmad
Mr. Justice Masud Abid Naqvi
Mr. Justice Shahid Karim
Mr. Justice Mirza Viqas Rauf
Mr. Justice Ch. Muhammad Iqbal
Mr. Justice Shahid Mubeen
Mr. Justice Sardar Ahmad Naeem
Mrs. Justice Erum Sajad Gull
Mr. Justice Raja Shahid Mehmood Abbasi
Mr. Justice Shehram Sarwar Ch.
Mr. Justice Muhammad Sajid Mehmood Sethi
Mr. Justice Sardar Muhammad Sarfraz Dogar

High Court of Sindh

Present Composition

Chief Justice Mr. Justice Sajjad Ali Shah
Mr. Justice Ahmed Ali M. Sheikh
Mr. Justice Irfan Saadat Khan
Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Munib Akhtar
Mr. Justice Syed Hasan Azhar Rizvi
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Nadeem Akhtar
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Abdul Rasool Memon
Mr. Justice Naimatullah Phulpoto
Mr. Justice Sadiq Hussain Bhatti
Mr. Justice Syed Muhammad Farooq Shah
Mr. Justice Aziz-ur-Rehman
Mr. Justice Aftab Ahmed Gorar
Mr. Justice Salahuddin Panhwar
Mr. Justice Nazar Akbar
Justice Mrs. Ashraf Jehan
Mr. Justice Shahnawaz Tariq
Mr. Justice Abdul Maalik Gaddi
Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zafar Ahmed Rajput
Mr. Justice Syed Saeed-ud-Din Nasir
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Ghulam Qadir Leghari
Mr. Justice Muhammad Iqbal Maher
Mr. Justice Khadim Hussain M. Shaikh
Mr. Justice Zulfiqar Ahmad Khan
Mr. Justice Abdul Ghani Soomro
Mr. Justice Mahmood A. Khan
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Anwar Hussain
Mr. Justice Muhammad Faisal Kamal Alam

Peshawar High Court

Present Composition

Chief Justice Mr. Justice Mazhar Alam Khan Miankhel
 Mr. Justice Yahya Afridi
 Mr. Justice Nisar Hussain Khan
 Mr. Justice Waqar Ahmad Seth
 Mr. Justice Qaiser Rashid Khan
 Mr. Justice Assadullah Khan Chamkani
 Mrs. Justice Irshad Qaiser
 Mr. Justice Rooh-ul-Amin Khan
 Mr. Justice Muhammad Daud Khan
 Mr. Justice Syed Afsar Shah
 Mr. Justice Ikramullah Khan
 Ms. Justice Musarrat Hilali
 Mr. Justice Lal Jan Khattak
 Mr. Justice Muhammad Younis Thaheem
 Mr. Justice Qalandar Ali Khan
 Mr. Justice Mohammad Ghazanfar Khan
 Mr. Justice Haider Ali Khan

High Court of Balochistan

Present Composition

Chief Justice Mr. Justice Muhammad Noor Meskanzai
 Justice Syeda Tahira Safdar
 Mr. Justice Jamal Khan Mandokhail
 Mr. Justice Naeem Akhtar Afghan
 Mr. Justice Muhammad Hashim Kakar
 Mr. Justice Shakeel Ahmed Baloch
 Mr. Justice Muhammad Ejaz Swati
 Mr. Justice Muhammad Kamran Mulakhail

Islamabad High Court

Present Composition

Chief Justice Mr. Justice Muhammad Anwar Khan Kasi
 Mr. Justice Noor-ul-Haq N. Qureshi
 Mr. Justice Shaukat Aziz Siddiqui
 Mr. Justice Athar Minallah
 Mr. Justice Aamir Farooq
 Mr. Justice Miangul Hassan Aurangzeb
 Mr. Justice Mohsin Akhtar Kayani

13.2 Sanctioned Strength of Judges in Subordinate Judiciary

Punjab

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	36	36
Addl. District & Sessions Judges	606	444
Senior Civil Judges	37	37
Civil Judges-cum-Judicial Magistrates	1685	1169

Sindh

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	27	27
Addl. District & Sessions Judges	144	120
Senior Civil Judges	137	64
Civil Judges-cum-Judicial Magistrates	309	209

Khyber Pakhtunkhwa

Title	Sanctioned Strength	Judges in Anti-Terrorism Courts
District & Sessions Judges	25	13
Addl. District & Sessions Judges	103	-
Senior Civil Judges	25	-
Civil Judges-cum-Judicial Magistrates	304	-

Balochistan

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	31	24
Addl. District & Sessions Judges	34	28
Senior Civil Judges	15	12
Family Judges	15	7
Civil Judges /Judicial Magistrates	121	106
Qazi	32	30
Judges in Anti-Terrorism Courts	17	16

Islamabad Capital Territory

Title	Sanctioned Strength	Working Strength
District & Sessions Judges	15	2
Addl. District & Sessions Judges	30	17
Senior Civil Judges	6	2
Civil Judge-cum-judicial Magistrate	52	48

13.3 Strength of Law Officers at the office of Attorney General for Pakistan

Attorney General for Pakistan	Additional Attorney General	Deputy Attorney General	Standing Counsel
1	7	40	98

13.4 Strength of Law Officers at the office of Advocate Generals

Title of Post	Balochistan	Khyber Pakhtunkhwa	Punjab	Sindh	Islamabad
Advocate General	1	1	1	1	1
Additional Advocate General	5	12	22	11	-
Assistant Advocate General	3	12	45	23	-
Advocate on Record	-	1	1	-	-
Law Officer	-	1	-	-	-

13.5 Strength of Law Officers at the office of Prosecutor General / Director General (Prosecution)

Punjab

Designation	Sanction Strength	Working Strength
Prosecutor General	01	01
Additional Prosecutor General	18	09
District Public Prosecutor	40	28
Deputy Prosecutor General	50	39
Deputy District Public Prosecutor	328	271
Assistant District Public Prosecutor	796	598
Assistant Prosecutor General	1	1

Sindh

Designation	Sanction Strength	Working Strength
Prosecutor General	01	01
Additional Prosecutor General	14	03
District Public Prosecutor	27	13
Deputy Prosecutor General	14	04
Deputy District Public Prosecutor	94	94
Assistant Prosecutor General	19	11
Assistant District Public Prosecutor	224	200

Khyber Pakhtunkhwa

Designation	Sanction Strength	Working Strength
Director General (Prosecution)	01	00
District Public Prosecutor	25	20
Senior Public Prosecutor	15	11
Assistant Director Prosecution	01	01
Public Prosecutor	44	19
Deputy Public Prosecutor	62	40
Assistant Public Prosecutor	219	121

Balochistan

Designation	Sanction Strength	Working Strength
Prosecutor General	01	00
Additional Prosecutor General	10	07
Deputy Prosecutor General	05	02
District Public Prosecutor	30	23
Deputy District Public Prosecutor	19	17
Assistant District Public Prosecutor	22	00

13.6 Advocates on the rolls of the Supreme Court

Senior Advocates	Advocates	Advocates-on-Record	Total
336	4795	252	5383

Advocates enrolled during the period from 01.07.2015 to 31-06-2016.

Senior Advocates	Advocates	Advocates-on-Record	Total
12	281	7	300

13.7 Strength of Advocates enrolled with the Bar Councils:

	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan	Islamabad
High Courts	52307	13695	7129	1768	1956

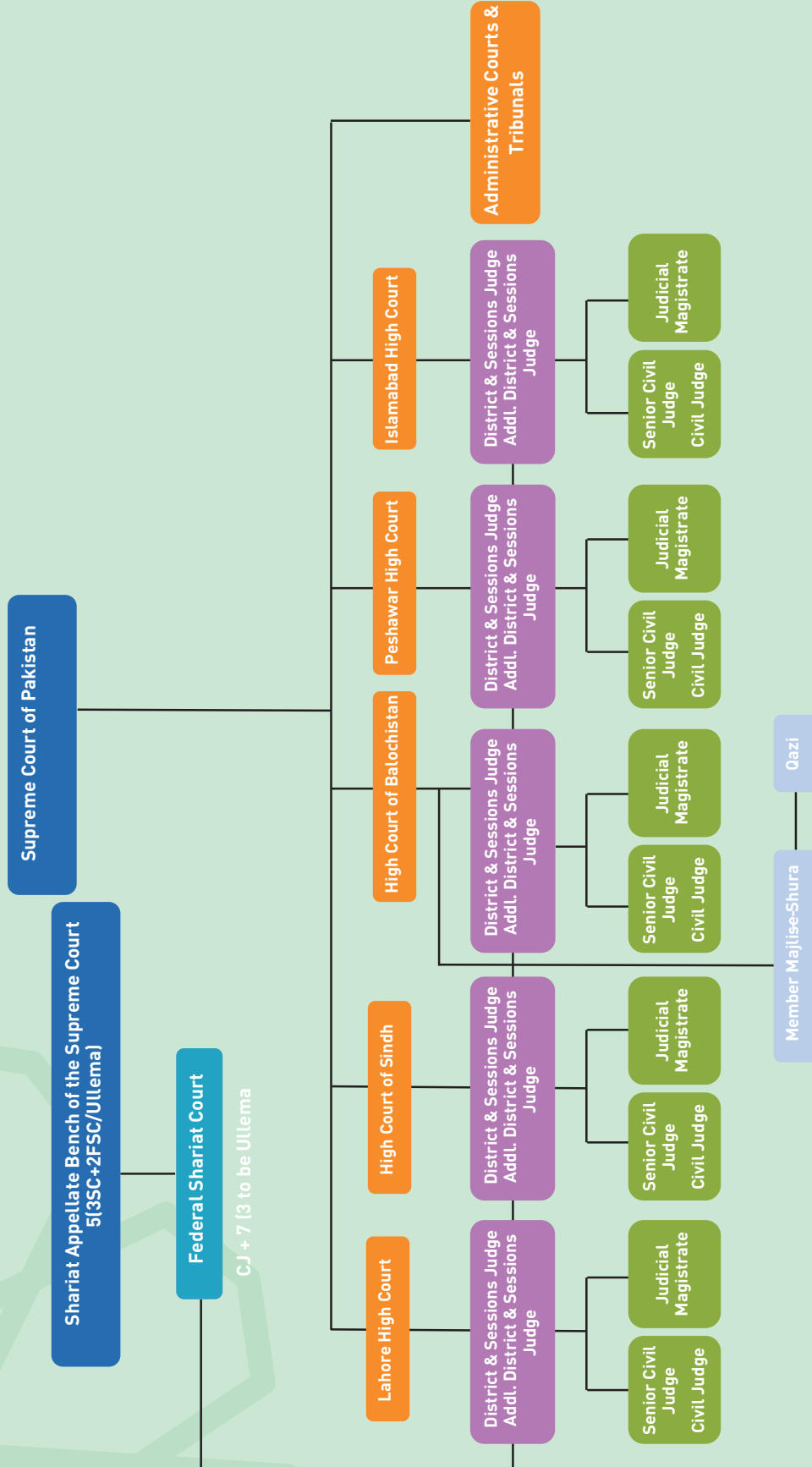
13.8 Affiliated Law Colleges with Universities

University Name	Affiliated Colleges
Hamdard University, Karachi	1. Hamdrad School of Law (not an affiliated college but a Constituent of the Hamdard Univeristy, Karachi)
University of Sindh, Jamshoro	<p>Private Law Colleges</p> <ol style="list-style-type: none"> 1. Quaid-E-Azam Law College 2. Law College Mirpurkhas 3. Sukkur Institute of Law College (Sistech) 4. Indus Law College <p>Public Law Colleges</p> <ol style="list-style-type: none"> 1. Sindh Law College 2. Jinnah Law College 3. Pir Illahi Bar Govt. Law College 4. The Faculty of Law, University of Sindh
Islamia University of Bahawalpur, Bahawalpur	<ol style="list-style-type: none"> 1. Jinnah Muslim Law College, Aabpara 2. Al-Mizan Institute of Legal Studies, Motorway Chowk. 3. International Law College, F-7/1 4. Allam Iqbal Law College 5. Millat Law College 6. Sir Sadiq College of Education 7. AIPS Law College 8. Abbasian College of Professional Studies 9. Jinnah Law College 10. Al-Umar Law College 11. Superior Aim Law College 12. The Brooks Law College 13. Chishtian Law College, Chistian 14. Ali Law College of Law 15. Ali Gharh College of Law 16. Pakistan MA Law College
University of Karachi, Karachi	<ol style="list-style-type: none"> 1. Govt. Islamia Law College 2. Govt. S.M. Law College
Bahauddin Zakaria University, Multan	<ol style="list-style-type: none"> 1. Supreme Law College 2. Central Law College 3. Multan Law College 4. Allama Iqbal Law College 5. Muhammad Law College 6. Noor Law College 7. Leads University Law College 8. Quaid-e-Azam Law College 9. Muhammadan Law College 10. The Limited Law College 11. Multan Law College 12. Askari Law College 13. LICCS Law College 14. Indus Law College 15. Multan Law College 16. Ghazi Khan Law College 17. Johar Law College 18. Progressive Law College

University Name	Affiliated Colleges
University of Punjab, Lahore	<ol style="list-style-type: none"> 1. National Institute of Legal 2. Layallpur Law College 3. Muhammad Ali Jinnah Law 4. The College of Law 5. Premier Law College 6. Gujranwala Law College 7. Gujrat Law College 8. Chenab Law College 9. Farabee Law College 10. East & West Education System 11. Jinnah Law College 12. Punjab Law College 13. Quaid-e-Azam Law College 14. Himayat-e-Islam Law College 15. Lahore Law College 16. National law college 17. City Law College 18. Pakistan College of Law 19. The Institute of Legal Studies 20. Superior College of Law 21. Toppers Law College 22. School of Law 23. Global Law College 24. The College of Law 25. Quaid-e-Azam Law College 26. Rawalpindi Law College 27. Punjab Law College 28. Muslim Law College 29. Pakistan Institute of Legal Studies 30. Capital Law College 31. Quaid-e-Azam Law College 32. Allama Iqbal Law College 33. Muhammadan Law College 34. Punjab Law College
Gomal University, D.I, Khan	<ol style="list-style-type: none"> 1. Frontier Law College, Khairpur 2. Luqman College of Law 3. Center of Academic
Shah Abdul Latif University, Khairpur	<ol style="list-style-type: none"> 1. Govt. Law College, Khairpur 2. Govt. ABD Law College, Sukkur 3. Law College Ghotki 4. Govt. Shaheed Benazir Bhutto Law College, Larkana 5. Haji Moola Bakhsh Soomro Law College, Shaikarpur 6. Sardar Noor Muhammad Khan Bejarani Law College, Kandhkot 7. SALU Constituent Law College, Naushehro Feroze
University of Sargodha, Sargodha	<ol style="list-style-type: none"> 1. Pakistan College of Law.
GC University, Faisalabad	Offering itself Law programs at main campus (Faisalabad) No affiliated college
Hazara University, Mansehra	<ol style="list-style-type: none"> 1. College of Legal & Ethical Studies, Abbottabad 2. Sanni Islamia Law College, Hairpur

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, Khuzdaar
The University of Peshawar, Peshawar	<ol style="list-style-type: none"> 1. Abbak Law College, Abbottabad 2. Abbotta Law College, Mansehra 3. Ayub Law College, Haripur 4. Frontier Law College, Peshawar 5. Islamia Law College, Peshawar 6. Jinnah Law College, Peshawar 7. Future Law College, Abbottabad 8. Kohat Law College, Kohat 9. Mardan Law College, Mardan 10. Muslim Law College, Swat 11. Peshawar Law College, Peshawar 12. Supreme Law College, Peshawar 13. Sawabi Law College, Swabi 14. Quiad-e-Azam Law College, Mardan 15. Centre for Studies in Law & Democracy
Federal Urdu University of Arts, Science and Technology, Islamabad.	The University has not given affiliation to any law College. Department of Law exist in the University
University of Azad Jammu & Kashmir	<ol style="list-style-type: none"> 1. Kashmir Law College, Muzaffarabad 2. Kashmir Law and Education College, Mirpur 3. Asian Star Law College, Muzaffarabad

13.9 Judicial Hierarchy





Court Room Branch Registry Peshawar

CHAPTER

14

FORMER CHIEF JUSTICES, JUDGES AND REGISTRARS

FORMER CHIEF JUSTICES, JUDGES AND REGISTRARS

14.1 Former Chief Justices of Pakistan

	Name of Chief Justice	Tenure
01	Mr. Justice Sir Abdul Rashid (Chief Justice, Federal Court)	27.06.1949 – 29.06.1954
02	Mr. Justice Muhammad Munir (Chief Justice, Federal Court)	30.06.1954 – 02.05.1960
03	Mr. Justice Muhammad Shahabuddin	03.05.1960 – 12.05.1960
04	Mr. Justice A.R. Cornelius	13.05.1960 – 29.02.1968
05	Mr. Justice S.A. Rahman	01.03.1968 – 03.06.1968
06	Mr. Justice Fazle Akbar	04.06.1968 – 17.11.1968
07	Mr. Justice Hamoodur Rahman	18.11.1968 – 31.10.1975
08	Mr. Justice Muhammad Yaqub Ali	01.11.1975 – 22.09.1977
09	Mr. Justice S. Anwarul Haq	26.09.1977 – 25.03.1981
10	Mr. Justice Muhammad Haleem	25.03.1981 – 31.12.1989
11	Mr. Justice Muhammad Afzal Zullah	01.01.1990 – 18.04.1993
12	Mr. Justice Dr. Nasim Hasan Shah	17.04.1993 – 14.04.1994
13	Mr. Justice Sajjad Ali Shah	05.06.1994 – 02.12.1997
14	Mr. Justice Ajmal Mian	03.12.1997 – 30.06.1999
15	Mr. Justice Saiduzzaman Siddiqui	01.07.1999 – 26.01.2000
16	Mr. Justice Irshad Hasan Khan	26.01.2000 – 06.01.2002
17	Mr. Justice Muhammad Bashir Jehangiri	07.01.2002 – 31.01.2002
18	Mr. Justice Sh. Riaz Ahmad	01.02.2002 – 31.12.2003
19	Mr. Justice Nazim Hussain Siddiqui	31.12.2003 – 29.06.2005
20	Mr. Justice Iftikhar Muhammad Chaudhry	30.06.2005 – 11.12.2013
21	Mr. Justice Tassaduq Hussain Jilani,.	12.12.2013 – 06.07.2014
22	Mr. Justice Nasir-ul-Mulk	06.07.2014 – 16.08.2015
23	Mr. Justice Jawwad S. Khawaja	17.08.2015 – 09.09.2015

14.2 Former Judges of the Supreme Court

	Name of Judge	Title	Tenure
1	Mr. Justice Abdul Rehman	Judge	07.02.1950 – 04.10.1953
2	Mr. Justice A.S.M. Akram	Judge	15.02.1950 – 27.02.1956
3	Mr. Justice Muhammad Sharif	Acting Judge	17.05.1950 – 23.05.1950
		Judge	13.04.1954 – 01.04.1958
4	Mr. Justice Muhammad Munir	Judge	01.10.1951 – 22.11.1951
5	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
6	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
7	Mr. Justice S.A. Rehman	Ad hoc Judge	02.03.1955 – 23.05.1955
		Judge	02.04.1958 – 01.03.1968
8	Mr. Justice Amiruddin Ahmad	Judge	12.03.1956 – 21.12.1960
9	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
		Judge	22.09.1969 – 20.09.1974
16	Mr. Justice Waheeduddin Ahmad	Ad hoc Judge	23.05.1977 – 06.02.1979
		Acting Judge	04.12.1970 – 28.02.1971
17	Mr. Justice Salahuddin Ahmad	Judge	01.03.1971 – 31.12.1976
		Judge	16.10.1972 – 22.09.1977
18	Mr. Justice S. Anwarul Haq	Judge	14.04.1973 – 31.12.1976
19	Mr. Justice Muhammad Gul	Judge	08.10.1974 – 31.12.1977
20	Mr. Justice Muhammad Afzal Cheema	Judge	08.10.1974 – 23.01.1975
		Judge	01.07.1979 – 24.03.1991
21	Mr. Justice Abdul Kadir Shaikh	Judge	26.12.1975 – 13.09.1979
22	Mr. Justice Malik Muhammad Akram	Judge	07.01.1976 – 25.03.1981
23	Mr. Justice Dorab Patel	Judge	07.01.1977 – 25.03.1981
24	Mr. Justice Muhammad Haleem	Acting Chief Justice	26.03.1981 – 22.03.1984
		Judge	07.01.1977 – 30.07.1978
25	Mr. Justice Qaisar Khan	Judge	18.05.1977 – 14.06.1979
26	Mr. Justice Dr. Nasim Hassan Shah	Ad hoc Judge	14.06.1979 – 16.04.1993
		Judge	10.10.1977 – 16.10.1980
27	Mr. Justice G. Safdar Shah	Judge	19.09.1978 – 23.08.1988
28	Mr. Justice Aslam Riaz Hussain	Acting Judge	27.04.1978 – 13.06.1979
		Judge	14.06.1979 – 04.02.1982
29	Mr. Justice Karam Elahi Chauhan	Ad hoc Judge	14.06.1979 – 29.07.1981
		Judge	31.07.1981 – 15.02.1994
30	Mr. Justice Shafiur Rehman	Acting Judge	02.06.1980 – 25.03.1981
31	Mr. Justice Maulvi Mustaq Hussain	Acting Judge	

	Name of Judge	Title	Tenure
32	Mr. Justice Fakhruddin G. Ebrahim	Ad hoc Judge	17.06.1980 – 25.03.1981
33	Mr. Justice Shah Nawaz Khan	Judge	05.04.1981 – 01.07.1982
34	Mr. Justice S.A. Nusrat	Judge	04.08.1981 – 30.04.1989
35	Mr. Justice Zaffar Hussain Mirza	Judge	04.08.1981 – 09.10.1991
36	Mr. Justice M.S.H Quraishi	Ad hoc Judge	30.07.1981 – 28.02.1982
		Acting Judge	01.03.1982 – 30.09.1985
37	Mr. Justice Mian Burhanuddin Khan	Acting Judge	02.03.1982 – 17.12.1984
		Ad hoc Judge	18.12.1984 – 17.12.1987
38	Mr. Justice Ali Hussain Qazilbash	Acting Judge	17.04.1986 – 31.08.1988
		Judge	01.09.1988 – 14.09.1991
39	Mr. Justice Dr. Javed Iqbal	Judge	05.10.1986 – 04.10.1989
40	Mr. Justice Saad Saood Jan	Ad hoc Judge	05.10.1986 – 24.03.1987
		Judge	25.03.1987 – 30.06.1996
41	Mr. Justice Ghulam Mujaddid Mirza	Judge	25.03.1987 – 27.03.1987
		Acting CJ, LHC	28.03.1987 – 21.04.1988
		Judge	27.04.1988 – 31.03.1990
42	Mr. Justice S. 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 Elahi Khan	Judge	03.04.1993 – 31.12.1997
58	Mr. Justice Manzoor Hussain Sial	Acting Judge	26.05.1993 – 04.09.1993
		Judge	05.09.1993 – 24.03.1996
59	Mr. Justice Zia Mehmood Mirza	Acting Judge	07.06.1994 – 18.10.1994
		Judge	19.10.1994 – 20.04.1997
60	Mr. Justice Fazal Karim	Acting Judge	07.06.1994 – 18.10.1994
		Judge	19.10.1994 – 31.07.1996
61	Mr. Justice Muhammad Munir Khan	Acting Judge	15.06.1994 – 06.08.1994
		Ad hoc Judge	07.08.1994 – 06.08.1996
62	Mr. Justice Muhammad Ilyas	Acting Judge	15.06.1994 – 26.06.1994
		Judge	19.06.1995 – 30.09.1996
63	Mr. Justice Mir Hazar Khan Khoso	Acting Judge	19.07.1994 – 29.09.1994
		Ad hoc Judge	30.09.1994 – 29.09.1996

	Name of Judge	Title	Tenure
64	Mr. Justice 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
65	Mr. Justice Mamoon Kazi	Ad hoc Judge	22.02.1995 - 14.04.1996
		Judge	04.11.1997 - 26.01.2000
66	Mr. Justice Raja Afrasiab Khan	Ad hoc Judge	22.02.1995 - 30.03.1996
		Judge	31.03.1996 - 14.01.2000
67	Mr. Justice Munawar Ahmed Mirza	Judge	17.11.1996 - 24.11.1999
68	Mr. Justice Khalil-ur-Rehman Khan	Judge	17.12.1996 - 26.01.2000
69	Mr. Justice Sh. Ijaz Nisar	Judge	29.05.1997 - 14.06.2000
70	Mr. Justice Abdul Rehman Khan	Judge	04.11.1997 - 05.09.2001
71	Mr. Justice Muhammad Arif	Judge	04.11.1997 - 09.01.2002
72	Mr. Justice Sh. Riaz Ahmad	Judge	04.11.1997 - 31.01.2002
73	Mr. Justice Munir A. Sheikh	Judge	04.11.1997 - 31.12.2003
74	Mr. Justice Wajihuddin Ahmed	Judge	05.05.1998 - 26.01.2000
75	Mr. Justice Kamal Mansur Alam	Judge	22.04.1999 - 26.01.2000
76	Mr. Justice Qazi Muhammad Farooq	Judge	04.02.2000 - 31.12.2003
77	Mr. Justice Nazim Hussain Siddiqui	Judge	04.02.2000 - 31.12.2003
78	Mr. Justice Iftikhar Muhammad Chaudhry	Judge	04.02.2000 - 29.06.2005
79	Mr. Justice Rana Bhagwandas	Judge	04.02.2000 - 14.12.2007
80	Mr. Justice Rashid Aziz Khan	Judge	04.02.2000 - 06.07.2001
81	Mr. Justice Mian Muhammad Ajmal	Judge	28.04.2000 - 14.08.2004
82	Mr. Justice Syed Deedar Hussian Shah	Judge	28.04.2000 - 10.12.2004
83	Mr. Justice Hamid Ali Mirza	Judge	28.04.2000 - 13.09.2005
		Adhoc Judge	14.09.2005 - 13.09.2007
84	Mr. Justice Abdul Hameed Dogar	Judge	28.04.2000 - 21.03.2009
85	Mr. Justice Javed Iqbal	Judge	28.04.2000 - 31.07.2011
86	Mr. Justice Tanvir Ahmed Khan	Judge	27.09.2000 - 16.01.2004
87	Mr. Justice Muhammad Nawaz Abbasi	Judge	10.01.2002 - 06.06.2008
88	Mr. Justice Faqir Muhammad Khokhar	Judge	10.01.2002 - 08.08.2009
89	Mr. Justice Khalil-ur-Rehman Ramday	Judge	10.01.2002 - 12.01.2010
		Adhoc Judge	18.02.2010 - 17.02.2011
90	Mr. Justice Sardar Muhammad Raza Khan	Judge	10.01.2002 - 09.02.2010
91	Mr. Justice Karamat Nazir Bhandari	Ad hoc Judge	07.09.2002 - 31.12.2003
		Ad hoc Judge	14.09.2005 - 13.09.2006
92	Mr. Justice Falak Sher	Judge	07.09.2002 - 21.09.2008
93	Mr. Justice M. Javed Buttar	Judge	31.07.2004 - 08.08.2009
94	Mr. Justice Mian Shakirullah Jan	Judge	31.07.2004 - 17.08.2012
95	Mr. Justice Tassaduq Hussain Jillani,.	Judge	31.07.2004 - 11.12.2013
96	Mr. Justice Saiyed Saeed Ashhad	Judge	05.04.2005 - 07.10.2008
97	Mr. Justice Nasir-ul-Mulk	Judge	05.04.2005 - 05.07.2014
98	Mr. Justice Syed Jamshed Ali	Judge	14.09.2005 - 30.09.2008
99	Mr. Justice Ch. Ijaz Ahmed	Judge	14.09.2005 - 04.05.2010
100	Mr. Justice Raja Fayyaz Ahmed	Judge	14.09.2005 - 31.05.2011
101	Mr. Justice Ghulam Rabbani	Judge	14.09.2006 - 19.10.2009
		Ad hoc Judge	20.10.2009 - 19.10.2011
102	Mr. Justice Sayed Zahid Hussain	Judge	14.04.2009 - 28.02.2011
103	Mr. Justice Mahmood Akhtar Shahid Siddiqui	Judge	14.04.2009 - 13.10.2011

	Name of Judge	Title	Tenure
104	Mr. Justice Muhammad Sair Ali	Judge	14.04.2009 – 11.12.2011
105	Mr. Justice Jawwad S. Khawaja	Judge	05.06.2009 – 16.08.2015
106	Mr. Justice Khilji Arif Hussain	Judge	05.09.2009 – 12.04.2014
107	Mr. Justice Rahmat Hussain Jafferri	Judge	07.09.2009 – 21.11.2010
108	Mr. Justice Tariq Parvez	Judge	20.10.2009 – 14.02.2013
109	Mr. Justice Muhammad Ather Saeed	Judge	17.11.2011 – 28.09.2014
110	Mr. Justice Sarmad Jalal Usmani	Judge	14.02.2011 – 12.10.2015
111	Mr. Justice Ijaz Ahmed Chaudhry	Judge	17.11.2011 – 14.12.2015

14.3 Former Registrars of the Supreme Court

	Name of Registrar	Tenure
1	Mr. A. A. Mirza	16.05.1951 – 10.07.1970
2	Mr. A.S Faizul Islam Chaudhry	11.01.1971 – 17.07.1972
3	Mr. Hidayat Hussain	31.03.1973 – 09.06.1977
4	Mr. Sajjad Ali Shah	10.06.1977 – 09.08.1978
5	Mr. S.A Nizami	10.08.1978 – 31.10.1980
6	Mr. M.A Latif	01.11.1980 – 09.01.1995
7	Mr. Ashiq Hussain (Acting Charge)	10.01.1995 – 05.10.1996
8	Mr. Mohammad Zakauallah (Acting Charge)	06.10.1996 – 07.01.1998
9	Mr. M. A Latif	08.01.1998 – 07.07.1999
10	Mr. M. A Farooqi	08.07.1999 – 21.02.2005
11	Mr. Budha Khan	22.02.2005 – 01.07.2005
12	Dr. Faqir Hussain	01.07.2005 – 09.03.2007
13	Muhammad Ali (Acting Charge)	09.03.2007 – 20.07.2007
14	Dr. Faqir Hussain	20.07.2007 – 03.11.2007
15	Ms. Sara Saeed (Acting Charge)	03.11.2007 – 22.11.2007
16	Raja Lehrasab Khan	22.11.2007 – 21.03.2009
17	Dr. Faqir Hussain	22.03.2009 – 24.03.2014
18	Syed Tahir Shahbaz	25.03.2014 – 25.01.2016



Supreme Court of Pakistan