

**Stereo. H C J D A-38.**

**JUDGMENT SHEET  
IN THE LAHORE HIGH COURT AT LAHORE  
JUDICIAL DEPARTMENT**

**W.P.No.21582 of 2012**

Malik Allah Yar Khan Vs. Federation of Pakistan etc.

**J U D G M E N T**

|                 |                        |
|-----------------|------------------------|
| Date of hearing | 06-09-2012             |
| Petitioner by   | Mr.A.K.Dogar,Advocate. |

**NASIR SAEED SHEIKH, J:** Expressing a general grievance about the century old conventional and ceremonial manner of address by using the word “My Lord” and “Your Lordship” for the honourable Judges of the High Courts by the learned members of the Bar, Malik Allah Yar Khan who is himself an advocate of the Supreme Court of Pakistan, instituted the instant writ petition through Mr. A.K.Dogar, Advocate against the Federation of Pakistan through Ministry of Law, Justice and Human Rights, Islamabad, Province of Punjab through Secretary Law and Parliamentary Affairs Department, Civil Secretariat, Lahore and Lahore High Court Bar Association, Lahore through its Secretary with the following prayer:-

*“It is therefore prayed that this learned court be pleased to enforce the fundamental right of Dignity of Man, Art.14 read with Art.2, 2-A, 9 & 227 of the Constitution of Islamic Republic of Pakistan, 1973 directing the respondent No.3 to ensure that in the premises of the High Court fundamental rights mentioned herein are not violated, and no one is allowed to address a judge as “My Lord” or “your Lordship”.*

*It is further prayed that the respondent No.4 be directed to act upon its resolution unanimously passed on 06-03-2000.*

It appears that the writ petition while being drafted was intended to be instituted against four respondents but the

actual respondent No.3 has been deleted by applying white paste and Lahore High Court Bar Association has been reflected as the respondent No.3 in the title of the petition but in the prayer clause due to inadvertence the necessary correction has not been made as there is some reference to a Respondent No.4 in the prayer clause whereas no Respondent No.4 is impleaded in the Writ Petition; the nomination of the respondent No.4 in the prayer clause for issuance of a direction to act upon the resolution unanimously passed by the Respondent No.3 on 06.3.2000 reflects that in the first part of the prayer clause the specification of the respondent No.3 is to be read with reference to the respondent No.2 i.e. the Province of Punjab.

2. During the preliminary arguments the following points have been addressed by the learned counsel for the petitioner:-

- (i) That a Presidential Order No.15 of 1980 published in PLD 1981 Central Statute at page 231 promulgated by the then President of Pakistan Mr. Zia ul Haq who took over the realm of the country through imposition of martial law in the year 1977 directed the discontinuation of the use of the expression of "My Lord and "Your Lordship" in relation to the Judges of the Superior Courts of Pakistan. The learned counsel for the petitioner contended that he addressed a letter to the President Lahore High Court Bar Association Lahore on 01.2.2000 calling upon the members of the Lahore High Court Bar Association not to address the learned Judges as "My Lord" or "Your Lordship". These terms, according to the learned counsel, are part of British Colonial System when we were slaves. It was further

contended in the said letter that the terms noted above are un-Islamic as the only God Almighty is the Lord and no man can be the Lord of any man.

- (ii) That the gesture while entering and leaving the Court Room of bending heads by the lawyers before the learned Judges was also objected to by the learned counsel as it is against the spirit of fundamental teachings of Islam.
- (iii) The learned counsel for the petitioner during the arguments also contended that the placing of seats of the honourable Judges in the Superior Court premises at some height was also annoying to the members of the Bar and therefore the Provincial Government/respondent No.2 (incorrectly reflected as respondent No.3) be directed to ensure that in the premises of the High Court fundamental rights mentioned herein are not violated and no one is allowed to address a Judge as "My Lord or Your Lordship".

3. It was quite convenient for this Court to decide the writ petition on the short grounds by holding that through the instant writ petition the petitioner in fact sought the Province of Punjab to have a control over the working of the Lahore High Court and its premises which direction/prayer being contrary to the fundamental spirit of the Constitution of the Islamic Republic of Pakistan cannot be entertained because as per Article 199 of the Constitution of Islamic Republic of Pakistan 1973 the High Court being a Court created by the Constitution of Islamic Republic of Pakistan has been conferred upon the jurisdiction to issue direction to the persons performing their functions in connection with the affairs of the Federation, a Province or

Local Authority of the nature mentioned in clauses (a), (b) & (c) of Article 199 and even declaring any act done or proceedings taken within the territorial jurisdiction of this Court by such a person to have been done or taken without lawful authority and of no legal effect. Thus the Constitutional Institution of the High Court cannot be directed to be placed under the supervision of the Federation or the Province which concept certainly would be contrary to the basic theme of Constitution of Islamic Republic of Pakistan. Similarly the resolution of the Bar Association particularly that of the Lahore High Bar Association cannot be sought to be implemented through any order passed by this Court. Although the learned counsel Mr. A.K.Dogar claims to have addressed a letter dated 1-2-2000 to the President of the Lahore High Court Bar Association, Lahore but for the last more than a decade he himself did not take any step toward the implementation of any resolution stated to have been passed on his letter dated 1-2-2000, so much so that he even did not elect to be a petitioner in the instant Writ Petition. However in order to highlight some questions of intellectual, literary, legal and religious importance I opt to decide the matter with some depth.

4. Let me at the very outset point out that none of the honourable Judges of the Superior Courts have ever issued any command, direction or instruction to the learned members of the legal fraternity to necessarily address the honourable Judges of the Superior Courts with the terms "My Lord" or "Your Lordship".

5. The historical background in which this courteous and respectful form of address has been adopted by the learned members of the Bar for the honourable Judges of the Superior Courts has its origin in the British Judicial System. A thorough probe into the wisdom behind the above practice in the British Courts has also been made

and with a considerably dominant amount of absolute certainty it is not found through any source of legal literature that even the British Members of the Bar ever ever addressed the honourable Judges of the Superior Courts with the term “My Lord” and “Your Lordship” with an attribution of placing the honourable Judges near to the concept of “God Almighty”. The learned counsel for the petitioner did not raise any argument nor produce any material in writing contrary to the above historical fact. Needless to say that the people of the United Kingdom generally and the members of the legal fraternity as well as of judicial hierarchy of Great Britain profess Christianity as their faith and religion.

6. The term “Lord” is a word of English language and it has linguistic as well as religious concepts in its meaning. In the **Oxford Advanced Learner’s Dictionary, New 8<sup>th</sup> Edition** at page 913 different aspects of the word “Lord” as a noun have been highlighted in the following manner:-

**Lord: noun 1**(in Britain) *a man of high rank in the NOBILITY (=people of social class), or who has been given the title ‘lord’ as an honour. Compare LADY.*

**2. Lord** (in Britain) *the title used by a lord: Lord Beaverbrook.*

**3. Lord** *a title used for some high official positions in Britain: the Lord Chancellor. The Lord Mayor*

**4. My Lord** (in Britain) *a title of respect used when speaking to a judge, BISHOP or some male members of the NOBILITY (=people of high social class) compare LADY*

**5.** *a powerful man in MEDIEVAL Europe. who owned a lot of land and property a feudal lord. the lord of the manor. See also OVERLORD, WARLORD*

**6** (usually **the Lord**) [sing.] *a title used to refer to God or Christ: Love the Lord with all your heart.*

**7 Our Lord** [sing] *a title used to refer to Christ*

**8 the Lords** [sing/pl.v.] = HOUSE OF LORDS: *The Lords has/have not yet reached a decision. compare COMMONS. see also LAW LORD.*

In the **Oxford Paper Back Thesaurus of Indian Edition** edited by Maurice Waite the term Lord has been given the following definitions at page 523:-

**Lord.** noun **1** lords and ladies NOBLE, nobleman, peer, aristocrat, patrician, grandee, seigneur.

**2** it is my duty to obey my lord's wishes aMASTER, ruler, leader, chief, superior, monarch, sovereign, king, emperor, prince, governor, commander, suzerain, liege, liege lord.

**3** let us pray to our Lord GOD, the Father, the Almighty, Jehovah, the Creator; JESUS CHRIST, the Mesiah, the Saviour, the Son of God, the Redeemer, the Lamb of God, the Prince of Peace, the King of Kings.

**4** a press lord MAGNATE, tycoon, mogul, captain, baron, king; industrialist, proprietor; informal big shot, honcho; derogatory fat cat.

There is another valuable source nowadays available from the website [www.freidictionary.com](http://www.freidictionary.com) wherein the following different meanings of the English word "Lord" are noted online:-

**Lord.** noun. **1.** peer, nobleman, count, duke, gentleman, earl, noble, baron, aristocrat, viscount, childe (**archaic**). She married a lord and lives in a huge house in the country.

**2.** ruler, leader, chief, king, prince, master, governor, commander, superior, monarch, sovereign, liege, overlord, potentate, seigneur. it was the home of the powerful lords of Baux.

**3.** ruler, chief, baron, tycoon, heavyweight (**informal**), bigwig (**informal**), big shot (**informal**), big wheel (**slang**), big noise (**informal**), heavy hitter (**informal**) the lords of the black market..

**the Lord or Our Lord** Jesus Christ, God, Christ, Messiah, Jehovah, the Almighty, the Galilean, the Good Shepherded, the Nazarene Ask the Lord to help you in your times of trouble.

Collins Thesaurus of the English Language – complete and unabridged 2<sup>nd</sup> Edition 2002 @HarperCollins Publishers 1995

**Translation**

*n lordliness*

**lordship**

*(with His, -Youre etc) a word used in speaking to, or about, a man with the title 'Lord' and also certain judges who do not have this title Thank you, Your Lordship.*

**the Lord**

*God; Christ*

**lord it over**

*to act like a lord or master towards Don't think you can lord it over us.*

Kernerman English Multilingual Dictionary @2006-2010 K Dictionaries Ltd.

The **Black's Law Dictionary** in its Eighth Edition at page 963 described the word Lordship in the following meanings:-

**Lordship.** **1.** Dominion.

**2.** An honorary title and used for a nobleman other than a duke.

**3.** A customary title for a judge or some other public official.

In the **Mozley and Whiteley's Law Dictionary Eighth Edition** the term Lord Chief Justice of England has been explained at page-213 in the following meanings:-

**LORD CHIEF JUSTICE OF ENGLAND.**

*The presiding judge of the Queen's Bench Division, and, in the absence of the Lord Chancellor, President of the Lord Chancellor, President of the High Court. He is also an ex-officio judge of the Court of Appeal [CHIEF JUSTICE.]*

In **Wharton's Law Lexicon** 14<sup>th</sup> Edition the term Lordship has been explained in the following meanings at page-612:-

**Lordship,** dominion, manor, seigniory, domain; also title of honour of a

*nobleman not being a duke. It is also the customary titular appellation of the judges and some other persons in authority and office.*

In the **Manual of Law Terms and Phrases 4<sup>th</sup> Edition by K.J.Aiyer's** at page-330 the term Lordship has been explained as follows:-

**Lordship.** *A title of honour not only attributed to the Lords of Parliament and the Peers of the country but also used in addressing persons honourable by office as the Judge. It is a customary titular appellation of the Judges in their office.*

In **Jowitt's Dictionary of English Law** the following explanation has been given for the use of the word my Lord at pages 1118-1119:-

*High court judges are addressed as "My Lord" in court, and out of court are addressed by barristers as "Judge" and by others as "Sir."*

In **Advanced Law Lexicon by P.Ramanatha Aiyar's 3<sup>rd</sup> edition** Vol-3 the term Lord has been explained in the following manner at page 2801:-

**Lord.** *Feudal superior, Master, owner, husband, God. Selden (Titles of Honour, p.36), speaking of Dominus, says: "it is to be thought of only as a distinguishing attribute of greatness and as our English word lord is, and that without any relation of it to an interest in property, or to servitude, it denotes such superiors as King, or subject of the greater nobility, with us." By the greater nobility is here meant all the peers who are either hereditary, and as such Lords of Parliament, or those who may be Lords of Parliament without being hereditary. Thus the whole body assembled in Parliament is called the "House of Lords." As an honorary title it is bestowed on certain official persons in respect of their office. Thus it is applied to the mayors of cities such as London and York, etc.; Lord Chancellor,*

*Lords of Treasury, or the Judges of the High Court, etc. See Selden "Titles of Honour" Burke Peerage, etc. ; Dodda, Peerage. (Ency of the Laws of England.).*

In the **Law Terms and Phrases published by Sardar Muhammad Iqbal Khan Mokal** the term Lordship has been explained in the following way at page 562:-

**Lordship.** *A title of honour not only attributed to the Lords of Parliament and the Peers of the country but also used in addressing persons honourable by office as the Judge. It is a customary titular appellation of the Judges in their office.*

In the **Concise Law Dictionary by P.G. Osborn 4<sup>th</sup> edition** at page 208 the term Lord Chief Justice of England has been described in the following manner:-

**Lord Chief Justice of England.** *The president of the Queen's Bench Division; he represents not merely the Chief Justice of the ancient Court of King's Bench, but also the Chief Baron of the Exchequer and the Chief Justice of the Common Pleas (Judicature Act, 1925, s. 35). He is ex officio a member of the Court of Appeal and Court of Criminal Appeal.*

In the **Survey of Universal Knowledge Encyclopedia Britannica** in its Volume-14 at page 308 referring to the use of term "My Lord" the following description was made:-

*The form of address, "my lord," is properly used not only to those members of the nobility to whom the title "lord" is applicable and to bishops but also to all judges of the high court in England and lord provosts.*

7. The same historical explanation is recorded at page 389 of Volume-14 **Encyclopedia Britannica** in the following manner:-

*As the proper form of address, "my lord" is used not only to those members of the*

*nobility to whom the title “**Lord**” is applicable, and to bishops, but also to all judges of the High Court in England, and of the Scottish and Irish Superior Courts, and to lord mayors and lord provosts (see also FORMS OF ADDRESS.)*

In the dictionary **Modern Legal Usages 2<sup>nd</sup> edition** by **Bryan A. Garner** the following historical background of the use of term my Lord at page 579 has been given:-

***my lord; your lordship.*** An English judge appointed to the High Court or some even higher court is invariably promoted within society: men are knighted and women are made Dames of the Order of the British Empire. Few become members of the House of Lords, but in court they are all nevertheless addressed by *my lord* or *your lordship*, or *my lady* or *your ladyship*.

The *my* and *your* terms are not used interchangeably: *my lord* is used as a vocative in addressing a judge directly (“*My lord, this case involves. . .*”), whereas *your lordship* appears within a sentence as a polite alternative to *you* (“*May it please your lordship, I am counsel for the plaintiff.*”). Cf. **Honorable** (ed par.).

In Scotland, judges of the Court of Session are, by courtesy, called *Lord X* and addressed in court as *my lord* or *your lordship*, even though they are rarely knighted or raised to the peerage. The origin of this practice was that superior-court judges were originally Lords of the King’s Privy Council (i.e., “secret council”), from which the Court of Session evolved.

8. The perusal of the above mentioned renowned literary and legal works undoubtedly project that even the English Judicial System practices the use of titles as “*My Lord*” or “*Your Lordship*” in recognition of the known ability, nobility and learning of the office holders of the higher judiciary. None of the books of literature or legal background even hinted that the honourable Judges who are addressed

with the title of “My Lord” or “Your Lordship” are imagined or thought to be involving the touch of Godly attributes. The dictionaries of English language also certainly project that when the term lord is to be used for the God or Jesus Christ in the linguistic sphere it is to be preceded by stressing article “The”.

9. An address by a former renowned Chief Justice of Lahore High Court Mr. Justice Sardar Muhammad Iqbal on the subject of Rule of Law (PLD 1974 Supreme Court Journal 73) highlighting the history of British Legal System is relevant wherein at page 81 he expressed the following views:-

*A glance at the constitutional history of England and the United States will reveal that what they have achieved is not the result of an insignificant period of time. For example, Magna Carta was not signed ten years ago, but nine hundred years ago. Therefore, the legal regime which they have acquired, and the excellence of their judicial and legal system (in the wider connotation of the affairs of State) has only come about as a result of unending, ceaseless, continuous and untiring struggle. This vital difference must be kept in view for the developing countries are only recently emerging from a political domination which had transformed almost everything they once possessed. Bearing in mind these points, I have no doubt that the Rule of Law we have achieved, and more particularly the spirit of this concept which we have endeavoured to acquire, is in no way less than what has been achieved elsewhere.*

10. The honourable Judges of the Superior Courts are given immense respect by the learned members of the Bar not on religious grounds but for their **learning, ability** and **nobility**. In this context very valuable lecture delivered by honourable Mr.Justice Hamoodur Rehman the former Chief

Justice of Pakistan to the Barristers at Karachi on the topic of Etiquette of the Bar is reported in PLD 1973 Journal 61 and the following extract from page 65 is important to reproduce:-

*In the discharge of his office the counsel should never forget that although his first duty is to his client he owes a duty also to his opponent, to the Court, to the State and to himself. To maintain a perfect poise amidst these various and sometimes conflicting claims is not an easy task, but it is a task which has, nevertheless, to be performed, for the entire foundation and structure of the administration of justice depends on the confidence of the Bench in the Bar.*

*The next thing to remember is that the Court ought always be treated **courteously**, no matter how high or how low. Counsel should not behave in a slovenly manner in Court, for, the proper attitude in Court is always important and attracts special notice.*

Another published speech of Mr. Justice Sardar Muhammad Iqbal former Chief Justice of the Lahore High Court on the **Role of Lawyers and Judges** in (**PLD 1976 Vol-1 Journal**) at pages 3 & 4 would be enlightening to reproduce:-

*The function of the lawyer is to assist the Court in coming to a true and correct decision. Only for this reason the lawyers are called "officers of the Court". They are the first and foremost trained officials of the Court who have been '**loaned**' for a particular case to the litigant so that his cause might be properly presented. Thus, the lawyer must not identify his personal prestige with that of his client. The function of the lawyer is to present the case as a lawyer and once he has done his best by putting across the arguments, his duties come to an end. Moreover, the observations which come from the Bench during an argument are not personal, but totally impersonal, and only made for the purpose of arriving at a just conclusion.*

*Therefore, the observation of the Judges must be taken in this spirit, and not as remarks against a personal evaluation of the lawyers.*

You must accordingly always inculcate the spirit of discipline and try to follow the propriety with its appended sense of responsibility. It is only by following this propriety to the hilt that we can engender public confidence in our Courts. **Let us not forget the fact that anything that hits at the status of a Judge is a grave injury to democracy.** A sine qua non for law and order in a society is that the public should have a complete confidence in the Law Courts of the country because when that is shaken, it becomes doubtful that law and order could be maintained. The failure of the system of law and order jeopardizes the entire democratic system. The common man looks to the Law Courts for the vindication of his basic rights and when he loses faith in them, he is likely to resort to the law of jungle. By instilling into people distrust in the machinery of justice, society returns to a state of affairs where private feuds and vendettas are law of the land, the outcome of which is disorder and anarchy. **Take away the faith in the Courts and the last bastion is down.** If our independence has to be maintained, justice has to prevail in the land. If the country is to be saved from despair, its confidence in the Judges should be strengthened. Failure there, is bound to result in chaos.

**You should, therefore, keep a vigilant check against any inroads into the privileges and rights of the Judges.** Nobody can deny to you the adoption of all dignified and lawful means for redress of any grievances that you may have. The Bar Associations have a further duty in this regard. They can maintain a degree of discipline over the conduct of individual lawyers. Courts are the solid guardians of law and order in a disorderly world, and the smooth and efficient justice can be administered

*by them only when they enjoy your full support.*

11. In our country the absolute sovereignty and Oneness of Almighty Allah is enforced without an instinct of doubt. The form of judicial system which we inherited after independence has no origin relatable to application of the concept of God Almighty with the office of a Judge. The term "Lord" in its ordinary meanings has reference to the qualities of **ability**, **nobility** and **learning** of the persons who are appointed as honourable Judges of the Superior Courts. The latest system for the appointment through the Judicial Commission of honourable Judges of the Superior Courts nowadays sufficiently highlights the importance being given in our system to the method of appointment of Judges on the above mentioned criteria. If the learned members of the Bar who are not directly ordained by the honourable Judges of the Superior Courts to address them in particular manner, adopt the ceremonial and historical form of address to the honourable Judge by using the word "My Lord" or "Your Lordship", the concept of freedom of thoughts of speech as enunciated in our Constitution of 1973, fully gives protection to such a practical exercise. Such practice of the learned members of the Bar cannot be directed to be discontinued by an order passed by this Court as prayed for by the learned counsel for the petitioner on religious grounds.

12. I would also refer to the concept given in the Holy Quran about the importance of knowledge given to Adam. When Almighty created Adam, full knowledge and names of all the things were imparted to Adam by Almighty Allah and then all the angels were ordained to bow down before Adam. This was all in respect to the knowledge and learning given to Adam at the time of his creation and only "Iblees" at that moment displayed arrogance and refused to obey the

command of Allah and was declared the condemned one. This entire incident is reported in Surat-Al-Baqarah in its section 4 verses No.30-34.

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا  
أَتَجْعَلُ فِيهَا مَن يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ  
بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا نَعْلَمُونَ ﴿٢٠﴾

اور یاد کرو جب تمہارے رب نے فرشتوں سے فرمایا میں زمین میں اپنا نائب بنانے والا ہوں (ف ۵۳) بولے کیا ایسے کونائب کرے گا جو اس میں فساد پھیلائے اور خورزیزیاں کرے (ف ۵۴) اور ہم جسھے سراہت ہوئے تیری تسبیح کرتے اور تیری پاکی بولتے ہیں فرمایا مجھے معلوم ہے جو تم نہیں جانتے (ف ۵۵)

And [mention, O Muhammad], when Almighty said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know."

وَعَلِمَ إَدَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضُوهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ  
أَنْبُوْنِي بِاسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُ صَدِيقَنَ ﴿٢١﴾

اور اللہ تعالیٰ نے آدم کو تمام اشیاء کے نام سکھائے (ف ۵۶) پھر سب اشیاء ملائکہ پر پیش کر کے فرمایا  
چچے ہو تو ان کے نام تو بتاؤ (ف ۷۷)

And He taught Adam the names - all of them. Then He showed them to the angels and said, "Inform Me of the names of these, if you are truthful."

قَالُوا سُبْحَنَكَ لَا عِلْمَ لَنَا إِلَّا مَا عَلَمْتَنَا إِنَّكَ أَنْتَ الْعَلِيمُ

الْحَكِيمُ

٣٢

بولے پاکی ہے تجھے ہمیں کچھ علم نہیں مگر جتنا تو نے ہمیں سکھایا ہے شک تو ہی علم و حکمت والا ہے  
(ف) ۵۸

They said, "Exalted are You; we have no knowledge except what You have taught us. Indeed, it is You who is the Knowing, the Wise."

قَالَ يَكَادُمُ أَنْبِئُهُمْ بِأَسْمَاءِهِمْ فَلَمَّا آتَيْنَاهُمْ بِأَسْمَاءِهِمْ قَالَ اللَّهُ أَقْلَ  
لَكُمْ إِنِّي أَعْلَمُ غَيْبَ السَّمَاوَاتِ وَالْأَرْضِ وَأَعْلَمُ مَا تُبَدِّلُونَ وَمَا  
كُنْتُمْ تَكْنُونَ

٣٣

فرمایا اے آدم بتاوے انہیں سب اشیاء کے نام جب آدم نے انہیں سب کے نام بتاویے (ف ۵۹)  
فرمایا میں نہ کہتا تھا کہ میں جانتا ہوں آسمانوں اور زمین کی سب چیزیں اور میں جانتا ہوں جو کچھ تم  
ظاہر کرتے اور جو کچھ تم چھپاتے ہو (ف ۲۰)

He said, "O Adam, inform them of their names." And when he had informed them of their names, He said, "Did I not tell you that I know the unseen [aspects] of the heavens and the earth? And I know what you reveal and what you have concealed."

وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا إِلَّا إِبْلِيسَ أَبَى  
وَأَسْتَكَبَ وَكَانَ مِنَ الْكَافِرِينَ

٣٤

اور یاد کرو جب ہم نے فرشتوں کو حکم دیا کہ آدم کو سجدہ کرو تو سب نے سجدہ کیا سوائے ابلیس کے  
منکر ہوا اور غرور کیا اور کافر ہو گیا

And [mention] when We said to the angels, "Prostrate before Adam"; so they prostrated, except for Iblees. He refused and was arrogant and became of the disbelievers.

13. I would also like to explain that the learned counsel for the petitioner has stressed the use of the term “**Sir**” instead of “**My Lord**” in his arguments. The term “**Sir**” as per Wikipedia, the free encyclopedia<sup>1</sup>. <http://en.wikipedia.org/wiki/Sir>. available on the internet gives the origin of the word “Sir” in the following manner:-

*Sir derives from the Middle French honorific title sire (messire gave rise to mylord), from the Old French sieur (itself a contraction of Seigneur meaning ‘lord’), from the Latin adjective senior (elder), which yielded titles of respect in many European languages. The form sir is first documented in English in 1927, as title of honor of a knight or baronet, being a variant of sire, which was already used in English since at least c.1205 as a title placed before a name and denoting knighthood, and to address the (male) Sovereign since c.1225, with additional general senses of “father, male parent” is from c.1250 and “important elderly man” from 1362.*

*In the UK and in certain Commonwealth realms (where the British monarch directly reigns), the following honours permit (in the case of three currently dormant honours, permitted) male subjects of those realms to use the prefix **Sir**:*

#### **Current honours**

#### **United Kingdom and Commonwealth**

- **Baronet** (Bt.; not conferred since 1990)
- **Knight** of the Order of the Garter (KG)
- **Knight** of the Order of the Thistle (KT)
- **Knight** Commander or **Knight Grand Cross** of the Order of the Bath (KCB/GCB)
- **Knight** Commander or **Knight Grand Cross** of the Order of St Michael and St George (KCMG/GCMG)

- **Knight Commander or Knight Grand Cross of the Royal Victorian Order (KCVO/GCVO)**
- **Knight Commander or Knight Grand Cross of the Order of the British Empire (KBE/GBE)**
- **Knight Bachelor (Kt.)**

In the **Oxford Advanced Learner's Dictionary** New 8<sup>th</sup> Edition the word “**Sir**” has been defined in the following manner at page 1437:-

**Sir/ noun** **1.** used as a polite way of addressing a man whose name you do not know, for example in a shop/store or restaurant, or to show respect: Good morning, sir. Can I help you? Are you ready to order, sir? ‘Report to me tomorrow, corporall, ‘Yes, sir!, ‘Thank you very much., ‘You’re welcome, sir. Have a nice day.’ Compare MA’AM see also MADAM.

**2. Dear Sir/Sirs** used at the beginning of a formal business letter when you do not know the name of the man or people that you are dealing with: Dear Sir/Sires. Dear Sir or Madam.

**3. Sir** a title that is used before the first name of a man who has received one of the highest British honours (=a KNIGHT), or before the first name of a baronet: Sir Paul McCartney. Thank you, Sir Paul. Compare LADY

**4. (BrE)** used as a form of address by children in school to a male teacher: Please, sir, can I open a window? compare MISS

In the **K.J.Aiyers Law Terms and Phrases** 4<sup>th</sup> Edition at page 474 the historical background of the use of the term “**Sir**” has been given in the following manner:-

**‘Sir’ land.** Where estate is managed in common, each family will have a certain area of land as its own special holding (sir), for which it pays nothing. If one of the sharers holds land besides his sir, it will be as tenant of the body and paying rent to it. It is an important matter in U.P. and Central Provinces. Certain

*privileges attach to the sir and hence Revenue Acts define what is actually sir and what not. (1) When an occupancy tenant right is allowed, it does not extend to the sir lands. (2) When land is assessed, sir land is allowed a certain reduced rate below the actual rental value. (3) If a man loses his proprietary rights (under certain circumstances defined in laws) he retains possession of his sir land as an occupancy tenant, with a certain privilege as to reduced rental.*

14. Needless to add that this “title or honour” used to be conferred by the previous British Rulers of the subcontinent only upon those persons who proved their loyalty to the UK and the Empire. The use of the term “Sir” even for the sake of argument of the learned counsel cannot be separated from the colonial touch.

15. It is well known concept of interpretation of words and statutes that the ordinary meaning of words are to be preferred by the Courts and the lawyers. In this respect I would refer to judgments reported as **PAKISTAN TEXTILE MILL-OWNERS' ASSOCIATION, KARACHI AND TWO OTHERS VS. ADMINISTRATOR OF KARACHI AND TWO OTHERS (PLD 1963 SC 137)**, **SECRETARY, LABOUR DEPARTMENT, N.W.F.P. GOVERNMENT, PESHAWAR AND 2 OTHERS VS. COLONY SARHAD TEXTILE MILLS AND OTHERS (1979 PLC 124)**, **AHSIQ HUSSAIN AND OTHERS VS. THE STATE (1989 SCMR 392)**, **MISS SUMAEEA ZAREEN VS. SELECTION COMMITTEE, BOLAN MEDICAL COLLEGE, QUETTA AND OTHERS (1991 SCMR 2099)**, **HAFIZ ABDUL HAMEED VS. NEK MUHAMMAD (1994 SCMR 2255)**, **MESSRS STATE CEMENT CORPORATION OF PAKISTAN LTD. VS. COLLECTOR OF CUSTOMS, KARACHI AND ANOTHER (1998 PTD 2999 - SUPREME COURT CASES)**, **(2006 SCMR 514) , PAKISTAN THROUGH SECRETARY FINANCE AND OTHERS VS. MESSRS LUCKY**

**CEMENT AND ANOTHER (2007 SCMR 1367) and MESSRS ABSESTOS CEMENT INDUSTRIES LTD. VS. LAHORE MUNICIPAL CORPORATION AND OTHERS (1994 SCMR 262).** Applying the above principle of law the ordinary meaning of the term “Lord” and “Your Lordship” are preferred and need to be kept in mind and there is no scope for attaching to these words of address the religious concepts of those **communities** who profess and practice Christian religious thoughts. Let me give another practical example of another word “The FATHER” which is used by “The Christian Community” of the World for referring to Jesus Christ or the God. Inspite of the use of the said word “FATHER” by the Christians in the above mentioned context the English language has a different meaning of the word “FATHER” which denotes a reference to the paternal parenthood of the people. We as Muslims also make use of the term “FATHER” in the later context in our daily life to refer to the paternal parenthood of a man or a woman. This clearly reflects that the literary meaning of the word is always preferred in its daily use as against the special use of the word in the religious spheres of the Western society.

16. As far as the concept of expressing the gesture of respect towards the seat of Justice which Judges occupy in the Courts of Law, by a person entering and leaving the Court is concerned, it has no reference to demonstrating a conduct of worship which is unequivocally reserved for Allah Almighty. The bending of head before the Judges in the Court Room is a customary practice for showing respect. It is so ordained to the Muslims that when you meet another Muslim say (السلامُ عليكم). Just imagine that if every lawyer who enters the Court room start uttering the word (السلامُ عليكم) loudly through out the day, the entire proceedings of the Court will be disturbed. Another method to express this feeling of (سلامتی) and peace might be the

waving of hands to the honourable Judges. But a silent and decent method has been adopted since decades of just bowing your heads to pay respect to the seat of the Justice which an honourable Judge occupies.

17. As far as the third objection by the learned counsel for the petitioner about the placing of the seats of the honourable Judges at a higher pedestal in the Courts is concerned, it is only for the symbolic display of the authority of Courts different from the ordinary people which the Courts enjoy with respect to the persons to whom a direction is intended to be issued by the Courts. This placement of the seat reflects the intention of the law givers that when a person performing the functions of the Federation, or Province or Local Authority appears before the Court of Law on a complaint lodged by a private person he must have an impression that he is appearing before an authority superior to that functionary and the order of which authority i.e. the Courts are to be complied with. This truly is the reason behind the entire judicial system working in the civilized societies.

18. In view of all the above detailed reasons I do not find any merits in the instant writ petition instituted by the petitioner which is hereby ***dismissed in limine.***

**(NASIR SAEED SHEIKH)  
JUDGE**

**Announced in open Court on 11.9.2012**

**JUDGE**

APPROVED FOR REPORTING

\*AMJAD\*