

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Mr. Justice Qazi Faez Isa
Mr. Justice Amin-ud-Din Khan

Civil Petition No. 3998/2016

Muhammad Tariq

Petitioner

Versus

Afzal Hussain

Respondent

For the Petitioner:

Nemo

For the Respondent:

Nemo

On Court's Notice:

Mr. Muhammad Qasim Chohan,
Additional Advocate General, Punjab

Complainant:

Syed Rifaqat Hussain Shah,
Advocate-on-Record and the
Additional Secretary, SCBAP.

Date of Hearing:

12.10.2020

ORDER

An application for adjournment has been submitted by Mr. Mehmood A. Sheikh, learned AOR, on behalf of, '*Mr. Ahmed Awais, ASC representing the petitioner*' stating that Mr. Ahmed Awais has been '*elevated as Advocate General Punjab*', therefore, the petitioner may be granted time to engage another counsel. We sent for the highest law officer of the province of Punjab present at Islamabad and Mr. Muhammad Qasim Chohan, learned Additional Advocate General, Punjab (**'AAG'**), is in attendance. We enquired from the learned AAG when Mr. Ahmed Awais was appointed as Advocate General, Punjab (**'AG'**) and he stated that this happened on 29 July 2020. Therefore, there was more than sufficient time to engage another counsel. Be that as it may in the interest of justice the learned AOR (who is not in attendance) and the petitioner may engage the services of another counsel within two weeks.

2. Syed Rifaqat Hussain Shah, who is an officer of this Court and the Additional Secretary, Supreme Court Bar Association of

Pakistan (‘the **Association**’), is present in Court and states that Mr. Ahmed Awais as AG should not involve himself in Bar politics and he is the *ex officio* Chairman of the Punjab Bar Council, which is the disciplinary body of lawyers, but unfortunately, the learned AG continues to be actively involved in Bar politics and participated in a function held by a particular segment of the legal community to canvass support for their candidate in the upcoming elections of the Association and was in the forefront of the function held at the Convention Centre, Islamabad, which was broadcast on all television channels where he can be seen sitting with the Prime Minister of Pakistan. He states that the Prime Minister of Pakistan is the Prime Minister of each and every citizen and cannot align himself with a particular group and all the more so in a function which is held in a public venue and paid for by the tax payers.

3. The concerns expressed by Syed Rifaqat Hussain Shah involve serious issues, including the maintenance of the integrity of public offices and Fundamental Rights, including Articles 18, 25, 26 and the prescribed oath of office of the Prime Minister. Since the matter appears to be of ‘*public importance with reference to the enforcement of any of the Fundamental Rights*’ in terms of Article 184(3) of the Constitution of the Islamic Republic of Pakistan (**‘the Constitution**’) this Court accordingly takes notice.

4. Notice to be issued to Mr. Ahmed Awais, the learned AG. However, since he appears to be personally conflicted it will be appropriate that the next highest office holder represents the Province of Punjab. Notice to be also issued to the Prime Minister, Mr. Imran Khan, since the utilization by him of public building, that is, the Convention Centre, Islamabad, was for a private function which apparently had no concern with ‘*the exercise of powers and performance of functions*’ of his office (in terms of Article 248 of the Constitution). We also issue notice to the learned Attorney-General for Pakistan in terms of Order XXVII-A of the Code of Civil Procedure since the interpretation of the provisions of the Constitution and the Legal Practitioners and Bar Councils Act,

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1973 is involved. The learned law officers and all concerned should also come prepared to dilate on whether a public building and the public offices of the Prime Minister and the Advocate General Punjab can be used for personal and or the political purposes of the political party to which they belong.

5. The authority which operates the Convention Centre, Islamabad be sent notice to submit its report about the following:

- (1) Who sought permission for the use of the Convention Centre in respect of the said function?
- (2) Who granted permission for the use of the Convention Centre?
- (3) Whether a bill was raised and payment made, and if so, by whom, for the use of the Convention Centre?
- (4) The answers to the aforesaid be submitted with supporting documents.

6. Notice be also sent to the Pakistan Electronic Media Regulatory Authority (**PEMRA**) to submit the following:

- (1) A copy of the complete recording of the said function held in the Convention Centre.
- (2) A transcript of the above.
- (3) The television channels which had broadcast the said function live, which had broadcast it later and how many times.

7. Notices to be also sent to the Pakistan Bar Council, the Supreme Court Bar Association and the Punjab Bar Council to assist in the matter as it also appears to involve the integrity of Bar elections and of the office of the AG/Chairman, Punjab Bar Council .

8. Since this Court has taken notice in terms of paragraph 2 onwards a separate file be prepared and numbered in respect of this matter by the office and to place it before the Hon'ble Chief Justice for constitution of an appropriate Bench to hear the case.

Judge

Judge

Bench-IV
ISLAMABAD
12.10.2020
(Farrukh)