

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN**  
**ITS 196<sup>RD</sup> MEETING HELD ON 15-09-2012 AT ISLAMABAD.**

**RESOLUTION**

**“The Pakistan Bar Council strongly condemns the airing of blasphemous video clips about the Holy Prophet (PBUH) in the United State at the eve of 11<sup>th</sup> anniversary of 9/11 which has deeply hurt the Muslims world over. It is, most unfortunate that this heinous act and conscious attempt to create and promote hatred amongst various religions, has deliberately targeted Muslims and their religion Islam knowing well that Muslims can never tolerate even slightest contemptuous remarks against their Holy Prophet (PBUH).**

**The inaction of the US Government against makers of the heinous movie and eveready support and encouragement to them by Florida Pastor**

**Terry Jone is most condemnable. The Council notes with strongest condemnation the double standards of the USA and the Western World towards Muslims and their religion.**

**The Pakistan Bar Council, therefore, calls upon the legal fraternity of Pakistan to observe complete strike and BLACK DAY on 17-09-2012 and hold protest meetings in their Bar premises and take out rallies to condemn in strongest word the airing of blasphemous video to show their unshetered love to the Holy Prophet (PBUH) and also warn all responsible to be careful or face the consequence.”**

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN**

**ITS 193<sup>RD</sup> MEETING HELD ON 25-05-2012 AT ISLAMABAD.**

**RESOLUTION**

**Appointment of Judges by the Judicial Commission of Pakistan**

The Pakistan Bar Council in its 193<sup>rd</sup> meeting held on 25-05-2012 expresses its gratitude and appreciation to the Hon'ble Chief Justice of Pakistan, the Chairman and Members of the Judicial Commission of Pakistan for their not taking into consideration the appointments of Adhoc and Acting Judges to be elevated to the Hon'ble Supreme Court of Pakistan in view of the sentiments expressed by the Lawyers Community/joint meeting of Representatives of the Bar held on 05-05-2012 at Lahore and subsequent meeting of the Bar Leaders with the Hon'ble Chief Justice of Pakistan. This House further reiterate its commitment to the independence of Judiciary and its role to the dispensation of justice on all issues of national importance, specially the integrity and sovereignty of the Country and further expresses its full support to strengthen the Judicial Institution.

As the Provincial High Courts are running short of the Judges, resultantly the pendency of the cases is increasing rapidly, therefore, this House further unanimously resolves and extends its Appeal to the Hon'ble Commission to hold frequent meetings for filing up the vacancies of Judges in Provincial High Courts, specially keeping in view the law laid down in Al-Jehad case.

The Pakistan Bar Council further notes with concern the current situation of Sindh High Court where at present only fourteen Judges are working against the sanctioned strength of forty who have to entertain and adjudicate upon cases of original side also. The prevailing situation is seriously causing frustration not only amongst Lawyers but also litigants.

The Pakistan Bar Council is also of the considered view and so resolves that the names of those Judges who were removed in consequence of Supreme Court Judgment of 31<sup>st</sup> July and those who had taken oath under the Constitution, 1973 after withdrawal of PCO and having no stigma on their integrity and competence be also considered for appointment as Judges of superior Courts.

The Pakistan Bar Council re-iterating its earlier Resolutions and emphasizing to achieve the very object of establishment of Judicial Commission and to ensure transparency in the process of appointment of Judges also resolves to request the Judicial Commission of Pakistan to make suitable amendments in its Rules so as to provide that:-

- (i) any Member of the Judicial Commission of Pakistan can also propose names of suitable persons for appointment as Judges of the Supreme Court and/or High Courts;
- (ii) copies of minutes of meetings of the Judicial Commission of Pakistan and its Sub-Committees may be issued and supplied to its Members representing the Bar and the Pakistan Bar Council as well;
- (iii) there is a reasonable intervals at least of two weeks in between meeting of its Sub-Committees and that of the Judicial Commission of Pakistan enabling Members of the Sub-Committee to give proper input of the Bar as well to the Judicial Commission of Pakistan; and
- (iv) Members of the Judicial Commission are also associated and consulted at the time of initiation and preparation of lists of persons to be considered for appointment as Judges.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN**

**ITS 192<sup>ND</sup> MEETING HELD ON 18-02-2012 AT ISLAMABAD.**

**R E S O L U T I O N   N O . 1**

“Whereas the Members of the Bar in general and representatives of Bar Bodies in particular are expressing their concern on some of the appointments to the Superior Judiciary made in the recent past;

And whereas the Pakistan Bar Council being the apex body of the legal fraternity and one of the stake holders, has time and again desired and emphasized for ensuring transparent process of appointment of Judges to the Superior Judiciary;

And whereas the sanctioned strength of Judges in almost all the High Courts is not complete and the existing vacancies have not been filled despite constant demand of the Bar;

And whereas in view of rapidly piling up of pending cases in the High Courts, causing disappointment of litigants, it is desirable that process of appointment of Judges is accelerated;

And whereas it is imperative that appointments of Judges to the Superior Judiciary are made of really practicing professional Lawyers of competence and integrity;

And whereas it is desirable that the nominees of the Bar Councils to Judicial Commission of Pakistan should be consulted in the process of appointment of Judges right from the time of initiation and preparation of lists of proposed names to be recommended for elevation.

Therefore, the Pakistan Bar Council resolves to:-

- (i) reiterate its earlier Resolution adopted in its 191<sup>st</sup> meeting (copy enclosed as Annexure “A”) which was sent to the Registrar, Supreme Court of Pakistan under cover of letter dated 01-07-2011 of the Vice-Chairman of the Pakistan Bar Council in respect of appointment of Judges to the Superior Courts;
- (ii) emphasize that for ensuring transparency in the process of appointment of Judges to the Superior Judiciary, the Pakistan Bar Council being apex body of the legal fraternity and one of the stake holders, should be taken along and kept informed about the process and proceedings of the Judicial Commission of Pakistan by sending it copies of minutes of meetings of the Judicial Commission;
- (iii) request that the nominees of the Pakistan and Provincial Bar Councils to the Judicial Commission of Pakistan should be consulted and taken into confidence at the time of initiation and preparation of lists of recommendees for appointment as Judges to the Superior Judiciary;

( 2 )

- (iv) approach the Supreme Court of Pakistan by way of filing Miscellaneous Application in Constitution Petitions pending before it in respect of appointment of Judges to the Superior Courts wherein an interim order has been passed, for placing before the apex Court the view point of the legal fraternity of Pakistan; and
- (v) constitute a Sub-Committee comprising of Mr. Akhtar Hussain, Vice-Chairman and Mr. Hamid Khan, Member, Pakistan Bar Council for preparing and filing the Miscellaneous Application in the Supreme Court and to represent the Council in the matter.”

## **RESOLUTION NO. 2**

“This House condemns the abduction of the citizens of Pakistan by the Government and its intelligence agencies and for keeping such persons missing and untraced against the due process of law. The House also condemns callous torture committed on the missing persons who have been admittedly in the custody of intelligence agencies. The House hopes that Judiciary will strictly deal with the persons responsible for such torture and award exemplary punishment to these persons.

This House also condemns mysterious deaths and murders of the abducted persons who are found dead in various parts of Baluchistan and demands that those responsible for such murders be severely dealt with.

The House also resolves that Free Legal Aid Committee of the Pakistan Bar Council will afford free legal aid for conducting cases of abducted/missing persons if it is approached and provided necessary material by interested relatives of missing persons.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL**  
**IN ITS 191<sup>st</sup> MEETING HELD ON 18-06-2011 AT ISLAMABAD.**

**R E S O L U T I O N**

“Whereas the legal fraternity was appreciative of establishment of the Judicial Commission of Pakistan for the appointments of Judges to the Superior Courts;

And whereas it has been the constant demand of the Bar that the process of appointments of Judges to Superior Courts should be transparent and only competent, upright and honest people should be elevated to the Bench;

And whereas on account of substantial number of vacancies of Judges in all the High Courts the pending cases are piling up which is the cause of constant disappointment and frustration for the legal fraternity and the litigants as well;

And whereas the legal fraternity has serious concerns and reservations on non-confirmation of good number of Judges almost in all the High Courts;

And whereas the recent appointments of Judges made in different High Courts generally have not been viewed with satisfaction by the Bar being not upto expectations;

And whereas the legal fraternity is seriously concerned on altogether ignoring members of the Bar from Central Punjab specially Lahore while making recent appointments to the Lahore High Court;

And whereas the legal fraternity firmly believes in the transparent process of appointments of Judges from beginning to the end;

And whereas the legal fraternity, specially the Bar Councils are unaware of the process and proceedings of the Judicial Commission of Pakistan in respect of appointments of Judges.

Therefore, the Pakistan Bar Council unanimously resolves as under:-

- (i) the vacancies of Judges in all the High Courts should be filled at the earliest so that the litigant public specially those in prisons can see the early decision of their cases;
- (ii) the Bar Councils may be associated with process of appointments of Judges;
- (iii) copies of minutes of meetings of the Judicial Commission of Pakistan and its sub-Committees held from time to time, may be supplied to the Pakistan and Provincial Bar Councils.

The Council also resolves that Dr. A. Khalid Ranjha as representative of PBC to the Judicial Commission of Pakistan, may please remain in touch with Executive Committee of the Pakistan Bar Council and to keep it informed about the proceedings of the Judicial Commission of Pakistan and its Sub-Committees, in respect of appointments of Judges.

The Council further resolves that the worthy Vice-Chairman will please send a copy of the above Resolution to the Hon'ble Chief Justice of Pakistan for his information and consideration. He should also meet the Chief Justice of Pakistan to personally apprise him about the deliberations of the Pakistan Bar Council for his consideration and appropriate action".

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL**  
**IN ITS 190<sup>TH</sup> MEETING HELD ON 24-01-2011 AT ISLAMABAD.**

**RESOLUTION**

“The Pakistan Bar Council in its 190<sup>th</sup> meeting (1<sup>st</sup> Meeting of Newly Elected Pakistan Bar Council) held on 24-01-2011 reiterates its commitment to impartial and independent judiciary, rule of law and supremacy of Constitution;

Whereas we also express our serious concern over the law and order situation generally prevailing in the Country and particularly talbinization in KPK and FATA as well as the situation in Baluchistan, Karachi and upper Sindh;

Whereas we also resolve that the legal fraternity stand committed to democratic process in the Country and any on slaught and extra constitutional step against the democratic and constitutional institutions shall be strongly resisted.

Whereas we also resolve that the adhocism in judiciary shall be eliminated.

Since the prevailing corruption and bad governance are destructive for public institutions and we hereby demand immediate remedial and effective measures on priority basis for checking corruption and improvement in Governance.

That the Pakistan Bar Council shall stand for the effective resolution of the problems being faced by the legal fraternity especially by the young lawyers and shall work in harmony for the welfare and the lofty ideas for which the lawyers struggled.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS  
187<sup>TH</sup> MEETING HELD ON 18-09-2010 AT ISLAMABAD.**

**R E S O L U T I O N . 1**

“Resolved that from now onward the accounts of the Pakistan Bar Council will jointly be operated by Mr. Muhammad Kazim Khan, the newly elected Vice-Chairman, in place of Mr. Abu'l Inam, the outgoing Vice-Chairman, with Secretary of the Pakistan Bar Council.

The Banks, National Savings, National Investment Trust, Saudi Pak Leasing Company, PICIC, Abamco Ltd and all concerned, be informed accordingly.”

**RESOLUTION**

“We, the Members of Pakistan Bar Council, are deeply shocked and bereaved by the sad demise of Mr. Abdul Haleem Pirzada, former Vice-Chairman and Chairman, Executive Committee, Pakistan Bar Council who passed away on Friday, 9<sup>th</sup> July 2010 at Karachi.

Mr. Pirzada was one of the most outstanding Members in the history of Pakistan Bar Council. He served four terms as a Member of the Pakistan Bar Council with great dedication and commitment. He was a man of unimpeachable integrity and always stood for principles of democracy, rule of law, supremacy of the Constitution and independence of judiciary.

He, as Vice-Chairman of Pakistan Bar Council and President of the Supreme Court Bar Association, served the lawyers of Pakistan with distinction and rare leadership. He stood against undemocratic forces fearlessly and with immense conviction for the good of the people of Pakistan and for betterment of the lawyers' fraternity. His struggle against military dictatorships like those of Zia-ul-Haq and Pervaiz Musharraf has won the hearts of the lawyers of Pakistan. For the lawyers in Pakistan, his death is an irreparable loss.

We pray to Almighty Allah that his departed soul rest in eternal peace and in heavens-Ameen.

We express our heartfelt condolences for the bereaved family and pray that Allah Almighty may give them strength to bear the unbearable loss-Ameen.

It was also resolved that in view of valuable contributions and services rendered by Late Abdul Haleem Pirzada in his representative capacity in highest Bar Bodies of the country, for the Bench and the Bar, the Hon'ble Chief Justice may be requested for holding a memorial Reference of the Supreme Court for Late Abdul Haleem Pirzada.”



**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS  
185<sup>TH</sup> MEETING HELD ON 13-03-2010 AT ISLAMABAD.**

**R E S O L U T I O N**

“Whereas the independence of Pakistan was achieved, after a lot of sacrifices of lives, properties and honour, under the dynamic leadership of Quaid-e-Azam Mohammad Ali Jinnah, the same being recently acknowledged by Indian politician and intellectual Jaswant Singh, too in his book;

And whereas the Islamic Republic of Pakistan has been losing individual as well as institutional values over the last 60 years; the deterioration reaching the bottom level in the wake of the dictatorship of General Pervaiz Musharraf;

And whereas the Civil Society in Pakistan as a whole and the lawyers fraternity in particular have undergone great sufferings, in as much as the lawyers of Karachi, working in their offices were burnt to death; the entire building was put on fire so that the dead bodies could not be identified;

And whereas the Pakistan Bar Council has always been a vanguard of the movement for restoration of Judiciary of 3<sup>rd</sup> November, 2007, ensuring the sacred objective of clean and independent judiciary. This objective would only be achieved through the joint efforts of lawyer’s fraternity, civil society and political parties;

And whereas the superior judiciary of the country is not being permitted to fill up its vacant posts with persons of merit, thereby scuttling the long cherished dream of speedy and fair justice to all;

And whereas the much trumpeted provision with regard to the scrapping of the 17<sup>th</sup> amendment in charter of democracy is not only being delayed, rather the 1973 Constitution is being mutilated as evident from the draft resolution in the shape of the 18<sup>th</sup> amendment;

And whereas the ex-dictatorial regime of General Pervaiz Musharraf, squarely responsible for most of the aforementioned violations of law and Constitution plus the erosion of the sovereignty of the state by permitting the United States of America to intrude into the internal affairs of the state resulting into unprecedented crises of security and law and order; the present regime of the state is therefore under a constitutional, political, legal and moral obligation to invoke Article 6 of the Constitution of Pakistan and institute proceedings under the High Treason Act 1973 so as to award exemplary punishment to ex-General Pervaiz Musharraf for all his, misdeeds and the havoc that he has brought upon the country;

And whereas the nation is suffering from frustration because of reportedly increasing corruption almost in every field and different departments of the Government and failing of its vital and important national institutions like Railways, Wapda and PIA;

And whereas the Parliament appears to be dead and sleeping over all matters of national importance thus undermining the Parliamentary democracy in the country;

And whereas the foreign intervention particularly that of US in internal affairs of Pakistan challenging the very sovereignty of the Country is an utmost cause of concern for the Pakistani Nation.

Now, therefore, the Pakistan Bar Council is of the firm view that the existing civil regime of the Country must realize the aforementioned over whelming desire of the nation and accordingly take tangible and concrete steps for the realization of all the above narrated objectives at the earliest and

without any further loss of time lest the Civil Society in general and the legal fraternity in particular is compelled to a massive uprising and mass movement for the attainment of the said objectives. The existing regime is, therefore, called upon to realize the clarion call of the day at the earliest lest it may not cut a sorry figure at latter stage, wherein no explanation may serve their purpose.

The Pakistan Bar Council, therefore, demands that the Federal Government should file a Complaint under Section 3 of the High Treason (Punishment) Act, 1973, invoking Article 6 read with Article 12 of the Constitution, 1973, against Gen. (Rtd) Pervez Musharraf and other abettors and all collaborators for abrogating and subverting the Constitution, 1973.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 183<sup>RD</sup> MEETING HELD ON 18-07-2009 AT ISLAMABAD.**

**RESOLUTION**

“The Pakistan Bar Council condemns the recent restrictions imposed by the Federal Government on SMS service of mobile telephones and declares that such unwise restrictions are unconstitutional and illegal.

The Pakistan Bar Council, therefore, demands immediate withdrawal of restrictions on body language of SMS,”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 182<sup>ND</sup> MEETING HELD ON 16-05-2009 AT ISLAMABAD.**

**R E S O L U T I O N**

“Whereas the Constitution of Pakistan is sacrosanct for the people of Pakistan in general and the lawyers of Pakistan in particular;

And whereas the lawyers of Pakistan have led movement for supremacy of the Constitution, rule of law and independence of judiciary and are ready and willing to offer any sacrifice to save the Constitution and its institutions;

And whereas the Constitution and its institutions are in full conformity with the injunction of Islam;

And whereas no person or group of persons have any right to violate the Constitution or impose any so called system of justice and administration on the people at gunpoint;

And whereas military action is not a solution of any problem;

And whereas the ill planned military action has caused a colossal human tragedy by way of displacement of millions of people in the affected area;

Therefore, in its meeting held on 16<sup>th</sup> May, 2009 resolves as under:

1. The Constitution of Pakistan and its institutions like the Parliament, the Supreme Court and the High Courts are Supreme and are entitled to due respect and adherence and the lawyers fraternity throughout Pakistan is determined to defend the Constitution and its institutions.
2. That the Constitution and its institution are fully in conformity with the injunctions of Islam and no person or group of persons have the authority to declare them unislamic.
3. That ht Constitution already provides for democracy and democratic institutions in the Country which is fully in consonance with the injunctions of Islam. The lawyers of Pakistan fully support democracy and democratic institutions.
4. That any system of dispensation of justice in any part of the country has to be subordinate to the Constitution and its institutions and has to function under the Constitution Courts like the Supreme Court of Pakistan, the High Courts and the Federal Shariat Court. Any judicial structure in any part of Pakistan which is established outside the framework of the Constitution would be unconstitutional and invalid.
5. The Pakistan bar Council will establish a fund to help the affected people particularly the lawyers of the affected areas. Each Members of the Pakistan Bar Council will contribute atleast Rs. 10,000/- towards the Fund a sum of Rs. 10Lacs.The Fund so received/collected will be disbursed for providing aid to displaced peoples through a committee of four learned Members of the Pakistan Bar Council form NWFP.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 181<sup>ST</sup>  
(REQUISITIONED) MEETING HELD ON 08-03-2009 AT ISLAMABAD.**

**R E S O L U T I O N**

“The PBC condemns the order dated 25-02-2009 disqualifying Mian Muhammad Nawaz Sharif and Mian Muhammad Shahbaz Sharif as candidates for the election of the Parliament or a Provincial Assembly as biased and based on dictation. This order is a clear evidence of a weak and spindles judiciary resulting from the unconstitutional acts of 3<sup>rd</sup> November, 2007”.

“The PBC condemns the Proclamation of Emergency under Article 234 of the Constitution and the imposition of Governor Rule as undemocratic and malafide. The PBC is of the firm opinion that the constitutional requirement for such proclamation/imposition do not exist and the proclamation/ imposition was politically motivated. The PBC demands immediate withdrawal of the Emergency/ Governor Rule and call for summoning of the Provincial Assembly of the Punjab forthwith”.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 180<sup>TH</sup> MEETING HELD ON 17-01-2009 AT ISLAMABAD.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council condemns the aggression of Israel on Palestine in which thousands of women and innocent citizens have been killed which is naked violation of international law. The Pakistan Bar Council further condemns the international human rights bodies on their silence for not stopping Israel. Pakistan Bar Council urges upon United Nation to intervene in the matter so that life of innocent citizens can be saved.”

**R E S O L U T I O N N O. 2**

“The Pakistan Bar Council condemns the Indian leadership provocative statements on the Mumbai issue. The Pakistan Bar Council is of the considered view that war is no solution of any issue. All the parties should endeavour to reduce tension on the border. The Pakistan Bar Council reiterate that in case of any aggression the legal community/fraternity will stand with the Government and Pak Armed Forces for defending the Country.”

**R E S O L U T I O N N O. 3**

“The Pakistan Bar Council views with concern and dismay the recent decision of the Government in respect of holding of Evening Courts in the Country. The Pakistan Bar Council is of the considered view that holding of Evening Courts in the Country would not obviate delays in the disposal of pending cases.

Such actions on the part of the Government would in fact tantamount to create further hurdles in dispensation of justice as it will not be humanly possible for the Judges and the legal fraternity to perform their duties from morning to till 8-00 p.m. This Bar Council, therefore, urges upon the Government to withdraw its decision of holding of Evening Courts and instead should take immediate steps for increasing the Judges, legal staff and to provide proper facilities specially in the lower judiciary so that delay in disposal of cases in Courts may be minimized/avoided.”

**R E S O L U T I O N N O. 4**

“The Pakistan Bar Council expresses its deep concern over the tragic incidents of terrorism in the Country specially in the NWFP. The terrorism in the Country is a menace and is a source and constant threat to the life and property of the citizens of the Country. The Pakistan Bar Council condemns the acts of terrorist organizations, closing down of education institutions, specially womens/girls educational institutions in Swat as a result whereof hundreds and thousands students have been deprived of their right of education. The Council, therefore, urges upon the Government to take immediate steps/measures to eliminate the menace of terrorism in the country and also to restore the right of education of students of the country particularly in the province of NWFP.”

**RESOLUTIONS PASSED BY THE PAKSITAN BAR COUNCIL IN ITS 177<sup>TH</sup>  
(REQUISITIONED) MEETING HELD ON 23-08-2008 AT ISLAMABAD.**

**R E S O L U T I O N NO. 1**

“The Pakistan Bar Council felicitates the appointment of Sardar Muhammad Latif Khan Khosa as the Attorney-General for Pakistan from amongst the elected members of the Pakistan Bar Council. It is gratifying that a right man for the right job has been appointed whose contribution in the Pakistan Bar Council for the last 15 years has been most valuable and whose commitment and dedication in the legal profession for almost four decades has earned him the respect of the legal fraternity.

Let a copy of this Resolution be sent to the Prime Minister of Pakistan towards the acknowledgement and well deserved appointment acclaimed throughout the legal fraternity of Pakistan.”

**R E S O L U T I O N NO. 2**

“The Pakistan Bar Council in its meeting dated 23-08-2008 has noted with satisfaction the ouster of General Pervez Musharraf from the Presidency which they believe was precipitated in no small manner due to the unprecedented relentless lawyers movement.

The Pakistan Bar Council also appreciates the coalition government and all democratic forces in the Parliament who contributed to the annihilation of dictatorship from the country.

The Pakistan Bar Council expects the democratic government to work towards peace and prosperity for the country and stability of the Institutions restoring the deposed judges and ensuring independence of judiciary so as to fulfill the dreams of the Father of the National Quaid-e-Azam Muhammad Ali Jinnah.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 176<sup>TH</sup>**  
**(REQUISITIONED) MEETING HELD ON 09- 08-2008 AT ISLAMABAD.**

**R E S O L U T I O N**

“The Pakistan Bar Council disapproves the comments of Supreme Court Bar Association President uttered against the Pakistan Bar Council. The grant-in-aid announced from the Budgetary allocation by the Prime Minister of Pakistan through the Federal Law Minister for the welfare of Lawyers community, a matter of right, calls for no adverse comments from the Supreme Court Bar Association. The Pakistan Bar Council being the apex statutory body alone has the authority to regulate all movements of lawyers in the country and will continue to lead the movements. No subservient body including SCBA has any jurisdiction to go solo or defy and much less give derogatory statement against the Pakistan Bar Council. The earlier decision of the Pakistan Bar Council dated 16<sup>th</sup> March, 2008 is reiterated. This meeting is of the firm view that such like statements tantamount to creating rift and disharmony amongst the lawyer’s community and damage the lawyers movement uniquely acknowledged the world over.

The Bar Associations of the country are reminded that Pakistan Bar Council being the apex statutory body of lawyers can neither be adversely commented upon nor any member of the Pakistan Bar Council dismembered or barred from visiting the Bar Association. Any defiance would render consequences under the relevant law.”



**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 175<sup>TH</sup> MEETING HELD ON 28-06-2008 AT LAHORE.**

**R E S O L U T I O N**

“The Pakistan Bar Council in its 175<sup>th</sup> meeting held on 28-06-2008 expresses its deep sense of shock and sorrow on the sad and sudden demise of Mr. A. Karim Malik, former Member, Pakistan Bar Council and President, Supreme Court Bar Association.

He remained Member of the Pakistan Bar Council for almost 20 years and also held offices of Vice-Chairman and Chairman, Executive Committee of the Council. He also remained Member, Punjab Bar Council, President, Lahore High Court Bar Association and first ever President of the Supreme Court Bar Association and in that way enjoyed almost very important elected office of the different Bar Bodies which speaks of his popularity amongst Members of the Bar. He was a committed professional lawyer and remained active in his practice till last day of his death.

He rendered valuable services for the legal fraternity and Bar Bodies and always tried to do maximum for the betterment and uplift of Members of the Bar. His services and contributions for the Bar Bodies and Bar Members will be remembered for a long time to come.

Allah Almighty may rest his soul in eternal peace and grant fortitude and strength to members of the bereaved family to bear the irreparable loss.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 173<sup>RD</sup>**  
**(REQUISITIONED) MEETING HELD ON 03-05-2008 AT ISLAMABAD.**

**R E S O L U T I O N**

“Whereas the Lawyers of Pakistan had led an epic struggle for the independence of judiciary and restoration of independent judges who upheld their oath under the Constitution and refused to take the oath of a usurper under the PCO.

AND WHEREAS these independent judges and thousands of lawyers have suffered imprisonment, torture and privation at the hands of a dictator and have thus opened the way for democracy, supremacy of the Constitution and rule of law in Pakistan.

AND WHEREAS the Pakistan Bar Council is of the considered view that restoration of democracy and constitutional rule in Pakistan is a must and inevitable for economic growth and social development.

AND WHEREAS in order to establish a democratic system and culture, the Judiciary should be independent and that there should be a sovereign Parliament.

AND WHEREAS the people of Pakistan have supported the lawyers movement and voted for the democratic parties on 18 February, 2008 which stood for independence of judiciary and restoration of independent judges.

AND WHEREAS Shaheed Mohtarma Benazir Bhutto made the ultimate sacrifice of laying down her precious life to bring democracy, constitutional rule and independent judiciary in Pakistan.

AND WHEREAS the lawyers accepted the Murree Resolution of 9<sup>th</sup> March 2008 signed by the leaders of major parties in the ruling coalition because the nation was promised that the judiciary as it was on 2<sup>nd</sup> November 2007 would be restored within 30 days or the formation of the federal government.

AND WHEREAS the federal government was formed on 31 March, 2008 and 30 days period for restoration of judiciary has elapsed on 30 April, 2008.

AND WHEREAS the lawyers and the people of Pakistan feel frustrated and disappointed that, despite the promise in the Murree Declaration, the judges have not been restored to their honorable offices which they hold on 2<sup>nd</sup> November 2007.

THE EXECUTIVE COMMITTEE OF THE PAKISTAN BAR COUNCIL in its meeting held on 02-05-2008, therefore, resolves as under:-

1. That the PIS Committee highly appreciates the announcement made by MR. Nawaz Sharif that all the unconstitutionally deposed Judges would be restored on 12<sup>th</sup> May, 2008 through a resolution in the National Assembly following by an executive order. However, at the same time, the Committee expresses its surprise for extension of 30 days time limit to 42 days without any obvious reason.
2. That the Pakistan Bar Council will hold All Pakistan Lawyers Representatives Conference and meeting of Lawyers National Action Committee at Lahore on 17<sup>th</sup> May 2008 to formulate and articulate the future plans to intensify the lawyers movement by holding national conventions of Lawyers, long marches and other appropriate peaceful nations if the promised rescution is not passed by 12 May 2008 or it is subsequently frustrated by undemocratic forces led by Pervaiz Musharaf or PCO judges acting in collaboration with him.

The above Resolution would be placed before the Pakistan Bar Council in its meeting being held on 03-05-2009 for consideration and adoption. Meanwhile, the Resolution may be released to the Press.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 172<sup>ND</sup> MEETING  
HELD ON 19-04-2008 AT ISLAMABAD.**

**R E S O L U T I O N**

“Resolved that from now onward the accounts of the Pakistan Bar Council will jointly be operated by Haji Syed Rehman, the newly elected Vice-Chairman, in place of Mirza Aziz Akbar Baig, the outgoing Vice-Chairman, with Secretary of the Pakistan Bar Council.

The Banks, National Investment Trust, Saudi Pak Leasing Company, Askari Leasing Ltd, PICIC, Investment Corporation of Pakistan, Abamco Ltd, and all others concerned may be informed accordingly.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS  
(REQUISITIONED) MEETING HELD ON 16-3-2008 AT ISLAMABAD.**

**R E S O L U T I O N**

“The Pakistan Bar Council in its meeting held on 16-03-2008 resolves to re-affirm its Resolution passed in its meeting held at Peshawar on 13<sup>th</sup> January, 2008 and affirmed in its meeting held on 2<sup>nd</sup> February, 2008 at Lahore.

The Council also resolves to welcome the Murree Declaration signed by two major political parties pledging thereby to restore the superior judiciary to the position of 2<sup>nd</sup> November, 2007 and hope and expect that both the political parties who are signatory to the Declaration will honour their pledge within 30 days of formation of the Government. However, if the Murree Declaration is subverted the legal fraternity will respond, with unity, to re-enforce its movement of protest and agitation for restoration of the Judiciary.

The Council also resolves to condemn the continued detention of the Chief Justice of Pakistan Mr. Justice Iftikhar Muhammad Chaudhry and other judges of the Supreme Court with their families and demand for their forthwith release.

The Pakistan Bar Council further resolves that a call of protest of lawyers at the national level by a Bar Association will be made with approval of the Pakistan Bar Council.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 169<sup>TH</sup> MEETING HELD ON 13-01-2008 AT PESHAWAR.**

**R E S O L U T I O N**

“WHEREAS the lawyers fraternity in Pakistan stand by the judges who refused to take oath of usurper General (R) Musharaf;

AND WHEREAS the lawyers recognize Justice Iftikhar Muhammad Chaudhry as the Chief Justice of Pakistan and other judges who did not take oath under PCO on or after 3 November 2007 as judges of the Supreme Court under the Constitution;

AND WHEREAS the lawyers recognize the Chief Justices Tariq Parvez and Sabihuddin Ahmad and judges of the Peshawar and Sindh High Courts who did not take oath under PCO on and after 3 November 2007 as valid and constitutional judges;

AND WHEREAS the lawyers refuse to recognize those persons as judges who took oath under PCO on or after 3 November 2007;

AND WHEREAS General (R) Parvez Musharaf is unconstitutionally occupying the office of the President of Pakistan and the lawyers in Pakistan do not recognize him as President;

AND WHEREAS the lawyers in Pakistan are leading nation wide movement for independence of judiciary, the rule of law and supremacy of the Constitution since 9 March 2007 and are determined to continue their movement and struggle for the restoration of the judiciary and the Constitution as it stood before 3 November 2007 with greater vigour;

AND WHEREAS the lawyers fraternity throughout Pakistan specially appreciates the sentiments and the struggle of the lawyers from NWFP since 3 November 2007 and their determination to continue on the path with high spirits and deep commitment;

AND WHEREAS large number of citizens are facing great hardship and privation before false criminal cases against them and the common litigants are facing enormous difficulties in determination of their genuine claims;

AND WHEREAS the movement for restoration of judiciary and the constitution will gain further momentum after 18 February 2008 with greater participation of political parties and political workers;

THEREFORE, THE PAKISTAN BAR COUNCIL in its meeting held at Peshawar on 13 January 2008 has resolved as under:-

1. The Council pays rich tributes to the entire legal community in general and the lawyers of NWFP in particular for their sentiments, sacrifices and stand to the effect that complete boycott of PCO judges should be continued.
2. The Council resolves to continue boycott of PCO judges in the following manner:-
  - (i) There will be complete boycott of PCO judges on every Thursday of the week.
  - (ii) There will be one hour boycott of PCO judges from 10.30 to 11.30 A.M. on every day of the week.

However:

- (a) This is not a direction to appear before PCO judges on other days and time but only a concession in public interest in view of the misery of persons falsely accused of criminal cases and hardship of litigants seeking determination of their genuine claims.
- (b) This call is the minimum boycott call for the entire bar associations.

- (c) This concession does not constitute recognition of PCO judges as valid and constitutional judges.
- 3. All Bar Associations in the country shall hold general body meetings and take out processions and rallies outside the court premises every Thursday.
- 4. Every Bar Association shall set up a hunger strike camp where at least two members shall sit in hunger strike for at least two hours every day.
- 5. No Bar Association shall invite any PCO judge in Bar functions and office bearers of all Bar Associations shall boycott all functions of PCO judges.
- 6. The Council shall hold national conventions at Islamabad and the Provincial Capitals to advance the cause of restoration of judiciary of 2<sup>nd</sup> November 2007. First convention will be held on Saturday, 9<sup>th</sup> February 2008 at Islamabad which will be followed by a march of lawyers to the residence of the Chief Justice Iftikhar Muhammad Chaudhry where he is being kept in illegal detention.
- 7. The Council demands immediate release of Mr. Aitzaz Ahsan, Mr. Ali Ahmad Kurd and Mr. Tariq Mahmood and other political prisoners in the country.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 168<sup>TH</sup> MEETING HELD ON 17-12-2007 AT ISLAMABAD.**

**R E S O L U T I O N**

“Whereas Pakistan Bar Council has rejected the Proclamation of Emergency, Provincial Constitution Order and Oath of office (Judges) Order of 3 November, 2007 and all other Orders, Ordinance, including Legal Practitioners & Bar Councils Ordinance, 2007 and all acts and orders passed under those unconstitutional instruments;

And whereas the Council rejects the Revocation of Emergency order of 13 November, 2007 reviving the Constitution contaminated by unconstitutional amendments made from 3 November to 15 December, 2007;

And whereas the Council considers assumption of office of President by General (R) Musharaf on 28 November 2007 as illegal and unconstitutional;

And whereas the Council regards restoration of Judiciary as it existed on 2 November, 2007 as it's first and foremost demand;

And whereas the Council considers the general elections scheduled to be held for 8 January, 2009 are pre-rigged and shall not be free, fair and transparent;

And whereas the Council appreciates the lawyers who have boycotted the election on the call of the Council;

The Pakistan Bar Council in its meeting held on 17 December, 2007 at Islamabad resolves as under:-

1. The period after 3 November, 2007 is the darkest period in the constitutions and his Governments at the national and provincial level are rejected as unconstitutional and invalid.
2. The Council recognizes superior judiciary as it existed on 2 November, 2007 as the Leal, valid and invalid.
3. The lawyers shall continue complete boycott of the present Judges till further decision, when the Council shall meet to decide further steps in the ongoing lawyer's movement.
4. The Council appreciates and pays rich tributes to Mr. Aitzaz Ahsan, President, Supreme Court Bar Association, Messer's, Ali Ahmad Kurd, Muhammad Ramzan Chaudhry and Muhammad Yousaf Leghari learned Members of the Council and all other lawyers who withdraw their nomination papers on the call of the Council and other representative bodies of Lawyers.
5. The Council reiterates its resolve to continue its struggle to lead the lawyer's fraternity till the restoration of the Constitution as it stood as 12 October, 1999 and restoration of judiciary as it existing on 2 November, 2007.
6. The Council demands immediate release of the Chief Justice of Pakistan Justice Iftikhar Muhammad Chaudhry and other Judges of the Supreme Court and the High Courts who are being detained in their residences since 3 November, 2007 and that they should not be restrained from performing functions of their respective offices.
7. The Council demands immediate release of Messer's Aitzaz Ahsan, Ali Ahmad Kurd and Tariq Mehmood and all other lawyers and political workers who are being detained.

8. The Council appointment of 23 Judges within 48 hours before lifting of Emergency in the 3 High Courts by the caretaker Government is not only malafide, illegal, unconstitutional but at the same time beyond the authority of a temporary Government.
9. The Council appreciates Justice ( R ) Rana Bhagwan Das for his contribution to the Rule of Law, restoration of Constitution and independence of judiciary and he should be honored by the Bar Associations throughout the Country.
10. The Council appeals to all political parties to include restoration of judiciary as it existed on 2 November, 2007 as part of their manifestoes and should not validate any action or instrument introduced by General ( R ) Musharraf on 3 November, 2009 and afterwards.



**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 167<sup>TH</sup> MEETING HELD ON 14-07-2007 AT LAHORE.**

**R E S O L U T I O N NO. 1**  
**On Lal Masjid Operation**

“The Pakistan Bar Council is shocked at the tragedy of Lal Masjid and the Jamia Hafsa and the Council believes that serious questions have arisen in the situation including the following:

- (a) How did the Masjid and Madrassa become a hub for the militants?
- (b) How did the Masjid and buildings housing the madrassa turned into fortress and depository of sophisticated arms and weaponry?
- (c) How did it all happen with ISI headquarter being next door to the premises of Masjid and Madreassa?
- (d) Why did the Government allow the inmates of the Madrassa to take the law in their own hands by illegal occupation of the children library, kidnapping of Chinese and members of police force and others?
- (e) Why were paid imams allowed to run a state within state in the heart of the national Capital?
- (f) When top political leadership in the government and the Ulama were negotiating for the safe passage of the inmates of the compound housing the Masjid and the Madrassa, why all of a sudden brutal military action was resorted to in hotel disregard of the lives of the inmates?
- (g) What was the actual death toll resulting from the brutal military action? Why is it being concealed?
- (h) Why the actual facts have been hidden from the people of Pakistan by disallowing the members of the media from entering the premises for two days after the end of military action?
- (i) Why the curfew was continued in the vicinity of the premises days after the end of the military action?

The Pakistan Bar Council, in its meeting held on 14 July, 2007 is compelled to conclude as under: -

- (1) That entire tragedy of Lal Masjid and Jamia Hafsa is a testimony to the collusiveness, gross incompetence and inefficient government on the part of the Musharaf military regime.
- (2) That the Musharaf regime deliberately allowed the situation to get out of control with the help of the intelligence agencies in order to represent before the American and other Western governments that Pakistan is seething with extremism and that only General Musharaf as President in uniform could control the same.
- (3) That the brutal military action was resorted to in order to win support from the American and Western governments for perpetuation of illegal, illegitimate and undemocratic Musharaf regime.
- (4) That entire tragedy was a stage managed drama of Musharaf regime to divert attention from the lawyer’s movement and with the callous disregard for the lives of the citizens and for taking political advantage out of the same.

- (5) That Musharaf government has deliberately concealed the correct death toll resulting from the brutal military action by blocking the entry of media persons to the premises and by extending the curfew in the vicinity. It is feared that the death toll is several times of what has been admitted by the government which include large number of women and children and the government should disclose the true facts about the matter.
- (6) That a judicial enquiry at the highest level should be held into the carnage of Lal Masjid and Jamia Hafsa and those responsible should be severely dealt with.
- (7) That General Musharaf and his government should publicly admit their gross mishandling of the Lal Masjid issue resulting in heavy loss of innocent people and should resign forthwith thus paving way for introducing democracy in the Country through free and fair elections.

### **R E S O L U T I O N N O. 2**

“The Pakistan Bar Council has expressed its concern on official moves through Ministry of Law and Justice of contacting office bearers of some Bar Associations inviting them to official functions with temptation of delivering Cheques for their Bars. The Council terming it an attempt to divide Advocates and the Bar aimed at to weaken the ongoing Lawyers movement for independence of judiciary and the rule law, condemned the Government in strongest terms.

The Pakistan Bar Council, therefore, resolved to appeal and request the Members of the Bar specially the office bearers of Bar Associations and Bar Councils to outrightly decline any invitation from the Govt. side and refuse to attend any official function. They should also not meet any Govt. functionary or representative for the larger interest of the ongoing Lawyers movement which will continue till the objective of independence of judiciary and the rule of law is achieved.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 165<sup>TH</sup> MEETING HELD ON 04-05-2007 AT ISLAMABAD.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council resolves that Rule 69 of the Pakistan Legal Practitioners and Bar Councils Rules, 1976 requiring the Attorney-General to act as Returning Officer for election of Vice-Chairman of the Pakistan Bar Council, is hereby suspended for today under Rule 185 ibid, and it hereby appoints Mr. Muhammad Arshad, Secretary, Pakistan Bar Council to act as Returning Officer for election of the Vice-Chairman of the Pakistan Bar Council for today i.e. 04-05-2007.”

**R E S O L U T I O N N O. 2**

“Resolved that from now onward the accounts of the Pakistan Bar Council will jointly be operated by Mirza Aziz Akbar Baig, the newly elected Vice-Chairman, in place of Mr. Ali Ahmad Kurd, the outgoing Vice-Chairman, with Secretary of the Pakistan Bar Council.

The Banks, National Investment Trust, Saudi Pak Leasing Company, Askari Leasing Ltd., PICIC Investment Corporation of Pakistan, Abamco Ltd. And all other Concerned be informed accordingly.

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS  
164<sup>TH</sup>(REQUISITIONED) MEETING HELD ON 12-04-2007 AT ISLAMABAD.**

**R E S O L U T I O N**

“The Pakistan Bar Council in its meeting held on 12 April, 2007, do hereby resolve as under: -

- (1) The Resolution passed by the Pakistan Bar Council (PBC) on 13 March, 2007 and by its Executive Committee on 10 March 2007 are hereby reiterated.
- (2) The PBC firmly believes that no Reference can be filed against the Chief Justice of Pakistan under Article 209 of the Constitution and the so called Presidential Reference filed against the Chief Justice is a military under the law and the Constitution.
- (3) The PBC demands immediate withdrawal of the malafide Reference against the Chief Justice and to restore him as the Chief Justice with full honour and dignity befitting his high office.
- (4) The PBC has no confidence in two members of the Supreme Judicial Council (SJC) namely Mr. Justice Abdul Hameed Dogar and Mr. Justice Iftikhar Hussain Chaudhry against whom the Chief Justice has raised serious objections. The SJC would not be properly constituted if they or any of them sit on the SJC. The PBC calls upon these judges to withdraw themselves from the hearing of the Reference against the Chief Justice.
- (5) The PBC may file a petition before the Supreme Court challenging the maintainability of the Reference and composition of the Council in its present form. The Vice-Chairman is authorized to file the Petition under his signatures and the Executive Committee is authorized to draw the petition and nominate the Counsels to argue it.
- (6) The PBC demands from General Pervaiz Musharaf to resign from both offices of the President and Chief of Army staff having miserably failed the country during the last seven and half years.
- (7) The PBC hereby constitutes a Central Co-ordination Committee consisting of the leadership of the Pakistan Bar Council, Supreme Court Bar Association, Provincial Bar Councils, High Court Bar Associations and Principal Bar Associations in the national and Provincial capitals. This Committee will be entrusted with the task to give a direction to the ongoing movement of Lawyers for independence of judiciary, the rule of law and supremacy of the Constitution.
- (8) The PBC callas upon all representative bodies of Lawyers to follow the call of central bodies of lawyers i.e. Pakistan Bar Council and Supreme Court Bar Association for strike, boycott and other activities in relation to the ongoing movement of lawyers.
- (9) The PBC expresses its displeasure on Dr. Khalid Ranjha for accepting brief of the Referring Authority in violation of the Resolution of the Pakistan Bar Council and other bodies of lawyers throughout Pakistan. Being a member of PBC, he is bound by its resolutions. The PBC also disapproves the F.I.R./Complaint lodged by Dr. Khalid Ranjha against the lawyers.
- (10) The PBC calls upon all political parties and other professional bodies including Pakistan Federal Union of Journalists, Provincial Unions of Journalists, Pakistan Medical Association, Pakistan Medical Council, Pakistan Engineering Council, Association of Chartered Accountants and Architects to join hands with the lawyers by participating in the strike/protest on 13 April 2007 and the

future dates when such call is made on behalf of the lawyers. The PBC also calls upon all Sections of civil society including women. Students, labour to join hands with the lawyers in this struggle for the rule of law and independence of judiciary in Pakistan.

- (11) The PBC is deeply concern that the real culprits involved in the maltreatment of the Chief Justice, putting him and his family under house arrest, disconnecting his phones and cable, holding him incommunicado and intruding upon the privacy of his home have deliberately not been identified and brought to book. The PBC is sure of its members went to the residence of the Chief Justice in the evening of 10 March, 2007 and were not allowed to meet him.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 163<sup>RD</sup>**  
**(REQUISITIONED) MEETING HELD ON 13-03-2007 AT ISLAMABAD.**

**R E S O L U T I O N**

“The Pakistan Bar Council in its meeting held on Tuesday 13<sup>th</sup> March, 2007 do hereby resolve as under:-

1. The Council strongly condemns the military action taken by General Pervaiz Musharaf against Chief Justice of Pakistan, Justice Iftikhar Muhammad Chaudhry on 9<sup>th</sup> March 2007 and in this behalf it is stated with deep concern;

(a) By summoning the Chief Justice to the Army House and confining him therefore more than six hours, the entire judicial institution has been insulted, demeaned and debased by General Pervaiz Musharaf while himself sitting in army uniform.

(b) By putting the Chief Justice under house arrest, the prestige of the country as democratic and independent state has been undermined amongst the comity of nations of the world.

(c) The action is evidently malafide and smacks of victimization against the Chief Justice because he has taken notice of thousands of missing persons in a case before him.

2. The Council is of the considered view that Justice Iftikhar Muhammad Chaudhry is still the Chief Justice of Pakistan and General Pervaiz Musharaf has no power or provision under the Constitution to suspend him as the Chief Justice.

3. The Council condemns the appointment of Justice Javed Iqbal as Acting Chief Justice of Pakistan being unconstitutional because:-

(a) he is not senior most judge of the Supreme Court within the meaning of Article 180 of the Constitution;

(b) Justice Rana Bhagvan Das, being the senior most judge of the Supreme Court, could only act as the Chief Justice under the said Article 180.

4. That the Supreme Judicial Council, taking cognizance of the Reference, is not constitutionally composed and constituted for the reasons:-

(a) that it has to include and be presided over by Justice Rana Bhagvan Das, and

(b) that there are very serious allegations against one of its Member, Justice Chaudhry Iftikhar Hussain, against whom a number of complaints for reference are pending with the President and Supreme Judicial Council and therefore, he has no legal and moral authority to sit in the S.J.C.

Therefore, the Council believes that any proceeding held or to be held on the so called reference without Justice Rana Baghvan Das presiding over the SJC are and would be Coram non iudice and avoid abinitio

5. The Council calls upon the Chief Justice Iftikhar Muhammad Chaudhry to take firm stand and face the allegations boldly and with courage and vindicate himself honourably.

6. The Council believes and resolves that proceedings before SJC should be in open Court with full access particularly to all Lawyers and Journalists.

7. The Council hereby offers legal assistance to the Chief Justice Iftikhar Muhammad Chaudhry and is willing to defend him before SJC.

(2)

8. The Council hereby resolves the following course of action:-

- (i) All the Bar Councils and the Bar Associations should observe nationwide strike on Monday the 12<sup>th</sup> March, 2007.
- (ii) A black day will be observed by all Bar Councils and Bar Associations in the country on 13<sup>th</sup> March, 2007 and the Bar Councils and Bar Associations throughout the country to hoist black flags on the buildings of the Councils and Associations, to hold protest meetings, wear black badges and hold demonstrations.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 162<sup>ND</sup>  
MEETING HELD ON 03-02-2007 AT ISLAMABAD.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council views with grave concern the appointment of Serving/Retired Generals as Ambassadors of Pakistan in most countries of the world, Vice-Chancellors of Universities, Heads of Statutory Corporations, National Accountability Bureau and induction of Army men in other Departments of civil Services. Militarization of Civil Society and its subjugation through such a device is not acceptable. All Laws, Rules and Regulations of appointments are being ruthlessly violated. However, perpetuation of military rule cannot be countenanced and the Lawyers community of Pakistan condemns the same with all vehemence.”

**R E S O L U T I O N N O. 2**

“The preparation of voters list by the Chief Election Commissioner of Pakistan has disclosed grave illegalities and irregularities. Twenty five million eligible voters have not been registered on the pretext that they do not possess N.I.Cs NADRA admits that 50% Pakistanis are without N.I.Cs. Right of vote is the fundamental right of every eligible voter and if such citizens of Pakistan are not registered voters, their constitutional right would be denied. The Electoral Rolls Act, 1974 does not contain any such pre-condition for Registration of vote. As far right of vote at the polls identification of the voter can be undertaken through multiple means.

The Pakistan Bar Council accordingly calls upon the Chief Election Commission to ensure that no eligible voter remains unregistered on the Roll of Electoral list being prepared for the general election falling this year.”

**R E S O L U T I O N N O. 3**

“The Cabinet decision and the propagated stance of the Coalition Parties governing Pakistan that Gen Pervaiz Musharaf would seek re-election as President from the existing Assemblies would be illegal, unconstitutional repellent to common sense. Usurping power through a coup in November, 1999 for suspending the Constitution was an act of High Treason within the ambit of Article 6 of the Constitution. Then Gen. Pervaiz Musharaf through Chief Executive Order 2 of 2001 removed the elected President and appointed himself as President by means of Chief Executive Order 3 of 2001 the very day i.e. 20<sup>th</sup> June 2001. The General again held a farcical Referendum on 30<sup>th</sup> April 2002 proclaiming himself elected as President for 5 years. Yet again on 21 August 2002, the General promulgated the L.F.O massively amended the Constitution. Strongly without any Election, he was administered oath on 16 November 2002 by the then CEC. The 17<sup>th</sup> amendment in the Constitution accepting L.F.O. as part of Constitution brought about many controversial amendments in the Constitution on 30 Dec 2003. He obtained vote of confidence from the Assemblies 1-1-2004. General Pervaiz Musharaf on Television Net work categorically affirmed that he would take off the uniform of Army Chief on or before 31 Dec 2004. He, however, backed out and through Act VII of 2004 on 30 November 2004 got enacted the “President to hold another office Act, 2004” passed from the Parliament. Obviously such ordinance legislation could not override the Constitutional Bar under Article 43 that the President of Pakistan cannot hold any other office of profit. Besides, General in uniform is disqualification to contest election under Article 63(k). Even otherwise the President cannot hold office for more than two consecutive terms (Art 44 (2), An Assembly which itself is elected for 5 years cannot re-elect. President for more than its own term and usurp the right of the incoming Assemblies.

Thus the Pakistan Bar Council is of the conferment view that any attempt by Gen. Pervaiz Musharaf to seek re-election from the present assemblies would be illegal, unconstitutional and offensive to the rights of the people of Pakistan.”

**R E S O L U T I O N N O. 4**

“Free, fair and transparent Election are the essence of Democracy. Where Gen. Pervaiz Musharaf, President and Chief of the Army staff presides over the meetings of PML (Q) and publicly canvasses for the party the leader of the PPP Mohtarma Benazir Bhutto and Mian Nawaz Sharif, head



of PML (N) stated exiled and not allowed to come to Pakistan. This being an election year the Pakistan Bar Council demands that level playing field to all Political Parties be provided which is only possible. if the aforesaid Leaders of the two largest National Parties are allowed to come back to their motherland. The Chief Election Commissioner should exercise his constitutional Authority and ensure facilitation of all Leaders of Political Parties, their right to lead Election Campaign of their parties from within the country. It is only then that the right of the people to govern would be restored.

**R E S O L U T I O N NO. 5.**

“The Pakistan Bar Council is gravely concerned with the Army operation in Baluchistan, Waziristan and Wanna. The victimization of leaders in Baluchistan especially the incarceration and mock trial of the former Chief Minister Mr. Akhter Mengal are adding fuel to fire in already volatile Province. Likewise, the mass scale killings in Wanna and Waziristan and deployment of 80,000 Armed Personnel are threatening the unity of the Federation. It is high time that political solutions be found to the problems prevailing in the two Provinces.

Since the dictatorial Army Rule of Gen. Pervaiz Musharaf has failed all over, it is imperative that a National Government of consensus should be installed to save the motherland which should ensure fair and free Election and hand over power to the true representatives of the people of Pakistan.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 159<sup>TH</sup> MEETING HELD ON 09-06-2006 AT LAHORE.**

**R E S O L U T I O N**

“The Pakistan Bar Council views with concern the adverse remarks published in “Asian Tribunal”, Bangkok, report of 8 May 2006. (Copy of the press clipping is enclosed) attributed to Ms Micheline Calmy-Ray; Foreign Minister of Switzerland against former Prime Minister Mohtrama Benazir Bhutto, Chairperson, Pakistan Peoples Party.

The report quotes her as saying that the Seiss “government will extend all possible assistance to the government of Pakistan to get back stolen money, stashed by corrupt politicians”. This may be read with another part of the report which quotes her spokesperson as saying, “as far as the cases relating to Benazir Bhutto were concern their government was cooperating with Islamabad”.

Former Prime Minister Bhutto has nothing to do with stolen money, or the disputed Geneva accounts or companies which are presently subject to a hearing as repeatedly stated by her.

The newspaper report is attached which gives the impression that the Minister has prejudges the investigation. In many countries, such comments are not permitted as they could influence the course of the hearings.

The Chairperson of Pakistan Peoples Party (PPP), Mohtarma Benazir Bhutto, is Pakistan’s most popular political leader and an internationally renowned statesperson. She was the first women elected as Chief Executive in the Islamic World breaking centuries of tradition. She was twice elected Prime Minister of Pakistan first in 1988 and again in 1993. Her 5<sup>th</sup> election to the Pakistani parliament during the last general elections in 2002 was stopped by the military by the special military edict.

Mohtarma Bhutto’s commitment to a democratic Pakistan earned her the wrath of the military establishment which had earlier hanged her Father Prime Minister Zulfiqar Ali Bhutto.

The published remarks interfere in the political process in Pakistan to the detriment of the forces of democracy and to the benefit of the military dictatorship.

For the record, there is no evidence to substantiate corruption charges against Mohtarma Benazir Bhutto. The international community has already written of the political persecution in Pakistan and of the executive influence on the judiciary. It is surprising that instead of speaking of the human rights violations in Pakistan, sides were taken in what is essentially a political dispute in Pakistan dressed up in judicial garb. It may be mentioned that despite executive pressures. Ms Bhutto remains innocent of the allegations against her none of which have met the test of judicial security.

Swiss Foreign Minister has condemned politicians of Pakistan and Mohtarma Bhutto without giving them a chance of hearing which is against the principle of natural justice that no one shall be condemned unheard.

Copy of the Resolution be sent to the Swiss Foreign Minister to record that the prejudicial remarks were not received well by the Legal Fraternity of Pakistan. The PPP received the largest number of popular votes in the last general election held in the country independently and also as part of the combined Opposition. Such remarks tantamount to interference in the sovereignty of Pakistan, which is string for restoration of full constitutional Rights of its people through the Democratic Forces.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 158<sup>TH</sup>  
MEETING HELD ON 05-05-2006 AT QUETTA.**

**R E S O L U T I O N N O. 1**

“WHEREAS the Pakistan Bar Council in its 158<sup>th</sup> meeting vehemently opposed Government’s move to legislate for establishing a Federal Court/Federal High Court and restructuring High Courts by creating special constitutional, commercial, criminal and civil Divisions, being violative of the Constitution;

AND WHEREAS the subsequently repeated and consistent statements of the Federal Law Minister and other Government functionaries appeared in the national press, that the Government sticking to its ulterior move is going ahead with its proposed legislation’s to establish the Federal Court/ Federal High Court at Islamabad and restructuring of High Courts by creating special Divisions which has caused concern for the legal fraternity;

AND WHEEAS the Pakistan Bar Council views such moves of the Government as aimed at further weakening of the judiciary to making it ineffective and subordinate to the will of the Executive;

AND WHEREAS the Pakistan Bar Council is of the considered opinion that the proposed draft Bills regarding establishment of Federal Court/Federal High Court and restructuring of High Courts, reported to have been referred to standing Committee of the National Assembly being in conflict with relevant provisions of the Constitution regarding High Courts, are patently illegal and un-constitutional.

THEREFORE, the Pakistan Bar Council re-iterating its earlier Resolutions strongly opposes and rejects the proposed legislation’s and demands of the Government to desist from making such controversial and unconstitutional legislation’s and withdraw both the Bills from the Parliament immediately. It further resolves that if the Bills are not withdrawn within 15 days, the Pakistan Bar Council will call upon the Lawyers throughout Pakistan to observe PROTEST DAY on Saturday, the 10<sup>th</sup> June, 2006 against the proposed establishment of Federal Court/ Federal High Court and restructuring of present High Courts. The Pakistan Bar Council would also hold All Pakistan Lawyers Convention on 10-06-2006 in Karachi Hall of the Lahore High Court Bar Association, Lahore to initiate a movement against such illegal and unconstitutional legislation’s and to chalk out further course of action in that regard.”

**R E S O L U T I O N N O. 2**

“The Pakistan Bar Council in its 158<sup>th</sup> meeting held on 5<sup>th</sup> May, 2006 at Quetta resolved that its Members would not attend the Dinner function being hosted by General Pervez Musharaf on 9<sup>th</sup> June, 2006 as it never accepted him as legally and constitutionally elected President. He in fact has usurped the power after overthrowing an elected Government thus subverting the Constitution within the meaning if Article 6 of the Constitution and as such has no right to continue to remain in power.

The Pakistan Bar Council also resolved to appeal all the Provincial Bar Councils and all the Bar Associations in the Country to boycott the said Dinner function and any other such function of General Musharaf in future as well and also not invite him to an function of the Bar Councils and Bar Associations being a usurper and illegitimate ruler.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 157<sup>TH</sup>  
(REQUISITIONED) MEETING HELD ON 02-04-2006 AT KARA CHI.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council, in its meeting held on Sunday, 2<sup>nd</sup> April 2006, at Karachi, has taken a very serious note of the following proposals being floated by the Government in the name of Judicial reforms:-

- i) That a Federal Court would be established which would exercise all the statutory jurisdiction which are at present conferred in the High Courts.
- ii) That a Federal High Court would be established in the capital city of Islamabad which would have exclusive jurisdiction over all federal matters.
- iii) That the High Courts would be divided into four Divisions, Constitutional, Commercial, Criminal and Civil and that each Division would have its own Senior Judge to regulate and administer the Division under him.
- iv) That the proposed legislation for the above purposes has already been drafted by the Law Ministry and that such legislation would be introduced in the near future.

The Pakistan Bar Council rejects all the above proposals and is of the opinion that any legislation to establish Federal Court, Federal High Court or independence Divisions within the existing High Courts, would be violative of the Constitution and the provisions particularly those relating to independence of judiciary.

The Council feels that such proposals are being considered in order to further weaken the judiciary and make it ineffective and subordinate to the will of the Executive.”

**R E S O L U T I O N N O. 2**

**Resolution re: Baluchistan**

“The Pakistan Bar Council views with serious concern the military operation being carried out in the Province of Baluchistan. General Pervez Musharaf, instead of implementing the recommendations of the two Parliamentary committees headed by Senator Mushahid Hussain and Senator Waseen Sajjad has chosen military action against the Baluchi People to subjugate them under the shadow of his bayonet. People’s demands always require political solutions and military operations can never break the will of the people at large. The military rulers never learn any lesson from history not even from events leading to the break up of Pakistan and creation of Bangladesh. The mass scale ejection of the BUGTIS, MURREES AND MENGLES from their hearth and home is counter productive and destructive of the Federation. The partison attitude of the Army in escorting around men into the houses and onto the lands of the Bugtis tantamount to igniting lawlessness and open war. The people of Pakistan in general and the lawyer’s community in

(2)

particular cannot sit back as silent spectators. We therefore call upon the Government of Pakistan to forthwith stop the military action in Baluchistan and address the problems politically so as to strengthen the Federation and the motherland. We call upon all Bar Associations of the country to observe day of solidarity with the people of Baluchistan and pass resolutions on the issues of Baluchistan.

The Council resolves that a lawyers convention will be held in Quetta under the aegis of Pakistan Bar Court in which Members of all the Provincial Bar Councils representatives of High Court Bar Associations and District Bar Associations will be invited to participation in order to express their complete solidarity with the people of Baluchistan and shares their voice in their legitimate demand of provincial autonomy under the Constitution.”

### **R E S O L U T I O N N O. 3**

#### **Resolution re: Waziristan**

“The Pakistan Bar Council is extremely perturbed over the continuing military operation in Waziristan and other areas of the Frontier Province America and Pentagon has not only used the Pak Army in killing its own people under the garb of flushing out terrorists but has covertly allowed American and allied forces to directly bombard Pak villages resulting in civilian casualties including women and children. Such compromise of sovereign territory is incomprehensible. We would therefore call upon the Government to stop all such hostilities forthwith and restore civilian supremacy and preserve territorial integrity of Pakistan.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 156<sup>TH</sup> MEETING (FIRST MEETING OF THE NEWLY ELECTED PAKISTAN BAR COUNCIL) HELD ON 22<sup>ND</sup> JANUARY, 2006 AT ISLAMABAD.**

**R E S U L U T I O N S N O. 1**

“On the proposal of Mr. Safir Ullah Khan, seconded by Mr. Muhammad Yousuf Leghari and Qazi Muhammad Anwar, the Pakistan Bar Council opposed the construction of Kalabagh Dam without securing and evolving consensus of all the federating units. The construction of the Dam in absence of such a consensus would be against the interest and solidarity of Pakistan, the Members were of the view.”

**R E S U L A T I O N N O. 2**

“The Pakistan Bar Council, in its meeting held on 22 January 2006, strongly condemns the military action in Kohlu and Dera Bugti and other parts of Baluchistan. The Council affirms its complete behalf in and support of provincial autonomy under the Construction and no military action or solution can defeat the legitimate rights and aspirations of the people of Baluchistan. The Council demands immediate withdrawal of military personnel form Kohlu and other areas of Baluchistan. The Council condoles the death of innocent citizens of Pakistan and expresses its solidarity with bereaved families.”

**R E S U L U T I O N N O. 3**

“Pakistan Bar Council, in its meeting held on 22 January 2006, strongly condemns wanton attack of U.S forces in Bajaur Agency resulting in death and injuries to the innocent Pakistani including Women and Children. Such an unfortunate incident is a result of a policy of foreign masters and protection of foreign interests. The Council condoles the death of innocent citizens of Pakistan and expresses its solidarity with bereaved families.”

**RESOLUTIONS PASSED BY THE PAKSTAN BAR COUNCIL IN ITS 155<sup>TH</sup>  
(REQUISITIONED) MEETING HELD ON 15-10-2005 AT LAHORE:**

**R E S U L U T I O N NO. 1**

“The Lawyers community of Pakistan is deeply grieved over the calamity of grave magnitude which was befallen the motherland. The Earthquake which has rocked and shaken the Capital, N.W.F.P, Northern Areas, Kashmir, areas of Punjab and other parts of the Country loss of colossal human life, destroying houses, buildings, schools, and infrastructure. While remote areas completely out of are being reached to help out the affectees, the Print and Electronic Media, National and International, have indeed played a very positive role. They were mainly responsible for highlighting the magnitude of human sufferings and destruction/displacement of millions. The civil Society in Pakistan and the world community have responded very conveniently. The feeling of the world being a global village are a greet source of solace to the people of Pakistan and the rush of technical teams with necessary machinery of goods has indeed been quite timely.

Whereas we mourn the death and pray that may GOD in his infinite mercy give them the choicest place in heaven. We hope that the injured are cured to get back to their normal stride.

We expect the world community to help to rehabilitate the millions who have lost every thing, their dear ones, their home and hearth, their business and even their limbs. The infra structure destroyed in consequence need to be rebuilt with new zeal and fervour which should be capable of resisting Jolt’s of such scales.

We cannot help showing our disapproval of the manner in which the Government has failed to cope with the gigantic problem whereas Civil Government has exhibited its complete lack of preparedness for such a calamity. General Pervaiz Musharraf could not send Helicopters/Engineering core & crises/desiaster management teams outside Islamabad well in time resulting in loss of valuable lives and destruction of buildings and infrastructure.”

We expect that all resources are mobilized towards ameliorating the misories of the people of Pakistan.”

**R E S U L U T I O N NO. 2**

“Pakistan Bar Council, in its meeting held on 15<sup>th</sup> October at Lahore strongly disapproves the decision of the Executive Committee of the Supreme Court Bar Association taken on 13<sup>th</sup> October in postponing the Annual General meeting and election of the Supreme Court Bar Association to dates in November 2005. The Council is of the firm opinion that in view of Rule 12 and Rule 14 (d) of the Supreme Court Bar Association Rules, the term of office bearers and Members of the Executive shall expire on 31<sup>st</sup> October, 2005 and they cannot act as such after the date”.

In pursuance of Rule 2 (f) of Supreme Court Bar Association Rules read with Section 13 (I) (Ic) of the Legal Practitioners and Bar Councils Act, 1973, the Pakistan Bar Council directs the Executive Committee of Supreme Court Bar Association:

1. To hold election of the office bearers and Members of the Executive Committee of Supreme Court Bar Association on Saturday, 29 October, 2005 and declare the result of the election on 31<sup>st</sup> October, 2005.
2. In case of failure to do so, the Executive Committee of the Pakistan Bar Council shall hold such elections on the said date.
3. The Executive Committee of Supreme Court Bar Association shall inform the Executive Committee of Pakistan Bar Council by 19<sup>th</sup> October 2005 at the latest that it is holding the election as per programme given above. In case of failure to do so, the election record be handed over to the Secretary of the Pakistan Bar Council, so that its Executive Committee proceeds to hold the election on 19<sup>th</sup> October, 2005.”



**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS EMERGENT (154<sup>TH</sup>) MEETING HELD ON 15-09-2005 AT ISLAMABAD.**

**R E S U L U T I O N NO. 1**

**Appointment of permanent and as-hoc Judges If the Supreme Court.**

“Whereas the Judiciary in Pakistan has been in serious decline over the last more than fifty years and has gradually lost its independence;

And whereas Musharraf regime has stripped the judiciary off its remaining independence and credibility and the judiciary has touched its lowest ebb;

And whereas the manner and method of appointments in the superior judiciary is one of the main causes of the institutional decay;

And whereas the judgment in judge’s case has been nullified by the subsequent judicial appointments and the principle of seniority in such appointments has been repeatedly violated particularly amongst the judges from the Punjab;

And whereas the appointment of Judges to the Supreme Court is shocking for the Bar being in violation of the principles that it has stood for over the years;

Now, therefore, the Pakistan Bar Council in its meeting being held on 15<sup>th</sup> October 2005 resolves as under:

- (1) The appointment of two judges from the Lahore High court while letting of the Chief Justice of that Court to continue as such is not only a violation of the seniority principle but a clear affront to the independence of judiciary by perpetuating favourite judges in key positions to ensure verdicts favourable to the regime in power.
- (2) The Lawyers and people in Pakistan have noticed with deep disappointment that different and dubious practices have been followed in respect of different High Courts in the appointment of Judges of the Supreme Court. In the last five years, in province other than the Punjab, only Chief Justices of High Courts have been appointed as judges of the Supreme Court, while in the Punjab the Chief Justices of the High Courts have been repeatedly retained while juniors were appointed to the Supreme Court. This practice is reprehensible and based on sinister motives designed to undermine independent judiciary and destroy the judicial fabric in the country.
- (3) The appointment of ad-hoc judges in the Supreme Court is revival of condemnable practice of ah-hocism, which caused incalculable harm to the judiciary in the past. The Council demands immediate revocation of ad-hoc appointments.
- (4) The appointment of Justice (R) Bhandari as ad-hoc Judge of the Supreme Court is blatantly unconstitutional in view of the provisions of Article 182 of the Constitution. There is absolutely no provision for a retired judge of a High Court to be appointed ad-hoc judge of the Supreme Court and all those who are parties to such an appointment have virtually subverted the constitution.”

**R E S U L U T I O N NO. 2**

**Rigging in the local bodies elections**

“The Pakistan Bar Council, in its meeting held on 15<sup>th</sup> September, 2005 expresses its shock and dismay over the electoral fraud and massive rigging committed in the recently held elections to the local bodies in the country. The lawyers throughout Pakistan noticed the following wholesale malpractices and fraud during such elections:

1. The Election Commission was an active party to the farce in the name of local bodies election. It deliberately turned its face and shut its eyes to the massive rigging and electoral fraud committed by the federal and provincial governments and their operatives at every level. This exercise is a slur in the name of elections and democracy and another serious blow to democratic process in the country.
2. The local body polls have generated stories of such gross electoral malpractices unheard of even in the flawed political history of Pakistan. The partisan conduct of polling staff, stuffing of ballot boxes, defacing and spoiling of ballot papers, sale of unused ballot papers by returning officers and polling staff, miscounting of ballots, issuance of fake results by returning officers, changing of results after the unofficial count result at the behest of the government surrogates or due to corruption of the returning officers or district returning officers were widely noticed by the people of Pakistan who feel insulted as a result of such sordid exercise.
3. The judicial officers acting in the capacity of returning officers or district returning officers, have been seen as indulging in corrupt practices either to please the governments in power and their henchmen or for enriching themselves by receiving bribes and other illegal gratifications. They changed the results of the counts, dishonestly ordered repelling or its stoppage and sold unused ballots to the highest bidder. They brought shame to the name of judiciary and further debased the institution of judiciary.
4. The results of such elections do not lend any legitimacy to the persons holding offices as a consequence thereof.”

**R E S U L U T I O N NO. 3**

**Democracy of historic buildings of the Lahore High Court.**

“The Pakistan Bar Council in its meeting held on 15<sup>th</sup> September, 2005 strongly condemns further demolition of the historic building of the Lahore High Court. It is an act of highhandedness depriving the people of Pakistan of one off their heritage buildings.



**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 153<sup>rd</sup> MEETING HELD ON 23-07-2005 AT PESHAWAR.**

**R E S U L U T I O N                      N O . 1**

“The Hasba Bill as moved in the N.W.F.P Assembly, if enacted shall give unbridled and unlimited powers to Mohtasib. Its provisions are in violation of fundamental rights as enshrined in the Constitution. It has the potential to cause serious harassment to the common man at the hands of the state operatives. It shall render already oppressed lives of the common citizens all the more oppressed and it is a sordid attempt to play politics with the lives of the people in the name of religion.

It is, therefore, resolved that such a Bill must not be enacted as law in the interest of the people of N.W.F.P.”

**R E S U L U T I O N                      N O . 2**

“On the proposal of Mr. Hamid Khan, the Pakistan Bar Council strongly condemned the London Bombing and termed it a naked and shameful act of terrorism which has caused deaths of many innocent people. The Council called upon the Governments of all the Countries to rise above the religious and regional prejudices in order to eliminate the root causes of terrorism which has deeply disturbed the world peace.

The Council also condemned the brutal act of the London Police causing death of the innocent citizen of Brazil simply on the suspicion of his being a terrorist. The Council called upon the Government of U.K. to ensure that such like incidents are not repeated.”

**R E S U L U T I O N N O . 3**

“Fair and free elections are the essence of democracy to be transparent are being rigged by the Rulers, who have no roots in the people. The Dictatorial regime is monitoring the elections on Army lines. Gen-Musharaf recently called meeting of all high ranking police officers of the country obviously some task has been assigned to them for the forthcoming local bodies elections. The Military and Civil Bureaucracy seem to be incharge of billing out official nominees in the local body election. In Sindh potential opposition candidates and their chief supporters are being arrested, humiliated, harassed and sought to be brow beaten into submission. The worst type of administrative tyranny is let loose upon them. In the constituency of opposition leader Nawab Abdul Ghani Talpur MNAs/ in old District Tharparkar, his nominees are being tortured. Midnight raid are being carried out, their house and shops/business outlets are razed and they are being framed in false cases and sent to the Anti-Terrorist Courts. Respectable older members of several tribes have been arrested and are being tortured to change their loyalties several dozen houses, shops, hotels on the super Highway on and around Nooriabad were grounded. After upgrading Tehsil Jamshoro out of District Tharparkar into a District the former District Nazim Malik Assad Sikandirs tribe too was identically dealt with and all out efforts are affect to keep him out from the top slot. From

U.C Kaloi, Arbab Abdul Khaliq real brother of Chief Minister Sindh. i.e contesting as Nazim and his apposite candidate Rasul Bux Lund with Chetan Megore as Naib Nazim were under all pressure to withdraw and their passages were blocked by mobile squad to forestall their appearance before the Returning Officer at Tehsil Diplo, such Methodology all over has been order of the day.

Although with the announcement of Election Schedule complex ban was imposed upon transfers of Govt. Employee, yet the transfers have taken place at will. Ministers have been charged who have brought in personnel of their choice and shifted out any prudent, upright and self respecting public servant.

New Districts and Tehsils created to eliminate opponents. Constituencies which under the local Government Law, could not be changed have been shuffled to suit the official nominees. Few glaring examples being of District Jehlum and Rawalpindi. At the former place Supreme Court and latter High Court set aside such delimitations.

The Elections are being proclaimed by the Government as on non-party basis. But all the Executive heads/Authorities at Federal and Provincial Level, have openly fielded and are supporting official candidates. The Prime Minister in Hyderabad flanked by Local Bodies candidates announced Rs. 1 billion development Fund. The Chief Minister Punjab in Rawalpindi likewise alongwith Nazim contestants announced 100million Rs. towards projects to win votes for official Nominees. To crown it up Gen. Pervaiz Musharraf at Murree announced Sui Gas Project with rejoicing of the official Nazim candidates. The Ministers and Parliamentarians are free contest and what level playing conditions towards free and fair election?

All cantonments which are over whelmingly civilian populated are out of the local Body Laws and hence no election are being held in all big cities of Pakistan comprising such areas. The Army strangle directly continues as Station Commanders control the Cantonments areas. Local Govt. Laws have been so amended the District Nazims have been made subservient to the Chief Ministers who can remove them. The DPO who was originally accountable to the Nazim will henceforth be answerable to the Chief Minister. The safety commission/consultative body instead of comprising local respectable and independent persons would now include Parliamentarians nominated by the Chief Minister which obviously means the policing would be controlled by Govt. Party and would compound miseries of the people who are already victims of all types of police excesses. Thus instead of empowering the people at the grass root level and through District Assemblies/District Governments authorizing them to administer affairs concerning public welfare including Education, Employment, Healthcare, Development, Law and order and peaceful co-existence with honour and dignity they have been put under control of Federal/Provincial Governments. The spirit and ethos of the Devolution plan has been thrown to the winds. Through such tainted, twisted elections the unpopular regime aims at rigging the general Election.

The Pakistan Bar Council thus feels that the Election Commission of Pakistan must take notice of all the illegalities, irregularities and take all steps to ensure fair, free and transparent elections and fulfil its constitutional and legal obligations.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 152<sup>ND</sup> MEETING HELD ON 02-07-2005 AT QUETTA.**

**R E S U L U T I O N N O . 1**

”This Apex body of Lawyers in Pakistan has received with great dismay and shock the news in respect of introduction of “the promotion of Reconciliation, Tolerance and Unity Bill”. The people of this country have bitter experience of frequent intervention of Pakistan Military in over throwing civilian and political Governments. We would like to record our great appreciation to the historical verdict of Fiji High Court through which the military takes over in Fiji was declared to be illegal and violative of Fiji Constitution.

We fully support the views of the learned President and other Members of the Fiji Law Society and express our view that if the law violators who attempted to subvert the constitution of Fiji; who attempted to derail the democratic system in Fiji should not be granted any amnesty as proposed. Indeed, this will demoralize the judiciary and people of Fiji and at the same time will encourage and promote the Military adventurism.

We, the Members of the Pakistan Bar Council on behalf of the entire lawyers community of this country, express our full support to the stand taken by the President and Members of the Fiji Law Society and call upon entire legal fraternity of the world to support the just cause of Fiji Law Society.”

**R E S U L U T I O N N O. 2**

”The recent exorbitant increase in oil price after the passing of Budget which itself provided no relief to the common man is incomprehensible. Such a rise would affect the price of all consumer goods. The nation 40% of which is already living below the poverty line while equal number of Pakistanis are sustaining between 1 to 2 Dollars, and the price spiral would put them down too, into the poverty level. The Pakistan Bar Council disapproves and strongly condemns the unbearable increase in oil price and demands immediate withdrawal and reduction in the price of oil.”

**R E S U L U T I O N N O. 3**

“With the dissolution of Local bodies and the scheduled Election, the Local Government Ordinance, 2001 in all the Provinces of Pakistan have been so amended and tailor made to suit the Government in power. Since the four Ordinances were placed in 6<sup>th</sup> schedule of the Constitution through the 17<sup>th</sup> Amendment already rejected by the Pakistan Bar Council, the amendment in the Local Government Ordinance, have been made with the prior permission a blessing of Gen. Pervez Musharaf. Instead of empowering the people at the Local Level for administering their affairs the control would vest in the Chief Minister instead of the Provincial Assembly for removal of District Nazim. With permission to the sitting Ministers & Parliamentarians to contest Local Body Elections

the non-party, character basis of Election has been overturned only in favour of the Ruling party. How can any other candidate compete the state authority? The Ban on transfers pronounced by the Chief Election commissioner has been violated and blue eyed officials have been posted to monitor Election of the official nominees. The names of Nazims approved by the Government Party in power have been announced, further crippling the tame Beurocracy who would dance to their tunes.

Funds in the name of Development are being poured in by the official nominees to win the Votes. Even the Chief Executive/Ministers are going around announcing projects and giving funds at various places with their nominees who are thereby credited for the so called uplift project in the areas/Constituencies of Union Councils all over, have been illegally changed to eliminate opponents and facilitate the Government candidates.

The Pakistan Bar Council having noticed such developments is deeply concerned that the democratic process in being subverted and appeals to the Chief Election Commissioner to ensure that the pre-election rigging is stemmed and equal-level conditions are created for a fair, free and transparent Election.”



**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 151<sup>ST</sup>  
MEETING HELD ON 05-03-2005 AT ISLAMABAD.**

**R E S O L U T I O N**

”We the Members of the Pakistan Bar Council in 151<sup>st</sup> meeting of the Council held on 5<sup>th</sup> March , 2005, do hereby resolve as under:-

- (1) The Pakistan Bar Council condemns and rejects the sordid attempt of the present military regime to establish parallel judiciary in the name of Federal Court of Pakistan. The Pakistan Bar Council is of considered view that establishment of Federal Court would be unconstitutional and the lawyers fraternity throughout Pakistan would launch a movement against it, and
- (2) The Pakistan Bar Council demands that existing Courts under the Constitution, the Supreme Court and High Courts, be strengthened and all existing vacancies in the Supreme Courts be filled forthwith on the basis of merit and seniority.”

**RESOLUTION PASSED BY THE PAKITAN BAR COUNCIL IN ITS 149<sup>TH</sup> (REQUISITIONED) MEETING HELD ON 09-11-2004 AT ISLAMABAD UNDER THE CHAIRMANSHIP OF MR. RASHEED A. RAZVI, VICE-CHAIRMAN, PAKISTAN BAR COUNCIL.**

**Legal Practitioners and Bar Councils (Amendment) Ordinance,2004**

The Pakistan Bar Council in its emergent meeting held on 9<sup>th</sup> November, 2004 at Islamabad considered the recently promulgated Ordinance No. III of 2004 namely the “Legal Practitioners & Bar Councils (Amendment) Ordinance, 2004” and after thorough deliberations resolve that :>

- (1) the Pakistan Bar Council places on record its protest on the inordinate delay in acceptance of its recommendations regarding amendments in the Legal Practitioners & Bar Councils Act. 1973 send to the Ministry of Law, Justice and Human Rights way back in July, 2002 and for delayed promulgation of the Ordinance No. III of 2004. The Council also records its protest to the effect that only two Sections of the Legal Practitioners & Bar Councils Act. 1973 regarding election of the Provincial Bar Councils have been amended and that too not strictly in accordance with its recommendations and that rest of the recommendations of the Pakistan Bar Council have not been incorporated in the Ordinance.
- (2) the Chairman, Sindh Bar Council should include district Mithi with relevant area of Sindh preferably Mirpur Khas in the notification regarding allocation of seats to different districts.
- (3) while endorsing the revised election schedule published by the Returning Officers of the Punjab and Sindh Bar Councils, the Pakistan Bar Council; emphasized that by all means the election process of the Provincial Bar Councils be concluded by 31<sup>st</sup> December, 2004.
- (4) the Pakistan Bar Council approves the letter of the learned Vice-Chairman, Pakistan Bar Council addressed to the Chairman, Baluchistan Bar Council emphasizing holding of election of the Baluchistan Bar Council before 31-12-2004.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 148<sup>TH</sup>  
MEETING HELD ON 12-09-2004 AT ISLAMABAD.**

**INSERTION OF NEW SECTION 54-A BY THE GOVT IN THE LEGAL  
PRACTITIONERS & BAR COUNCILS ACT, 1973, ETC, ETC.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council condemns in the strongest terms the attempt on the part of the ruling party, acting at the instance of the military establishment, to muzzle the movement of the lawyers for the establishment of a democratic civil society and the return to constitutional government by amending the Legal Practitioners & Bar Councils Act, 1973. The Pakistan Bar Council had after a detailed examination of existing provisions of Section 54 of the Legal Practitioners & Bar Councils Act pertaining to disciplinary action recommended doing away with the existing power of the superior courts to suspend an Advocate from practice. Instead of paying heed to the will of the legal fraternity as manifested through the elected representatives of its apex body, the Government has chosen to move a Bill that seeks to enlarge the power of suspension by conferring on the superior courts the power of disbarment of advocates not only for alleged professional misconduct but for “other misconduct” as well, it is the considered view of the Pakistan Bar Council that amendments are being introduced to enable selective action against Advocates who are in the forefront of the democratic struggle under the vague and undefined term of “other misconduct”. The existing disciplinary provisions provide for disciplinary committees comprising of elected representatives of the Bar and headed by a Judge of the relevant superior court.

The Pakistan Bar Council is of the considered view that the proposed amendment confers a power on the superior courts to usurp the existing jurisdiction of the Bar Councils under Section 54 by introduction of a new Section namely. Section 54-A. The proposed amendment militates against the independence of the legal profession and confers the power to debar Advocates for contempt, bypassing the ordinary law of contempt of court and seeks to exclude the pronouncement of judgment upon an Advocate by his peers in the profession. The proposed amendment is also fraught with grave consequences for relationship between the Bench and the Bar, which the ruling elite is consciously trying to subvert for its own nefarious ends. The legal fraternity shall blacklist those legislators who vote in support of the proposed amendment and the Pakistan Bar Council calls upon all layers and other democratic minded forces to resist the proposed amendments.”

**R E S O L U T I O N N O. 2**

“The Pakistan Bar Council (PBC) has noted with serious concern the press statements of the Chief Minister of Punjab and other politicians from party urging General Pervez Musharraf to continue with the office of Army Chief for next five years. PBC has also noted with great shock the interview of General Pervez Musharraf on a private T. V channel falsely claiming that 96% people of Pakistan are in favour of his constitution in army uniform. It is considered view of the Pakistan Bar Council that such statements are absolutely false, baseless, misleading and unconstitutional. It amounts to perpetuating fraud on the Constitution and the people of Pakistan. Such political frauds were played by the previous military rulers like General Ayub Khan and General Zia-ul-Haq. The present incumbent General Pervez Musharraf is no different and is working on the same lines as that of earlier dictators. It is very unfortunate that after October 1999 Pakistan has once again fallen in the lap of dictatorship. This situation is alarming and shall cause adverse affect on federating units. We have not learnt any lesson from the separation of East Pakistan, in the year 1971.

The Pakistan Bar Council and the entire legal fraternity had forcefully opposed the imposition of Legal Framework Order 2002 being unconstitutional and malafide. Likewise approval of 17<sup>th</sup> amendment by parliament under influence of military authority is also against the basic structure of the Constitution. Under identical circumstances the Indian Supreme Court has struck down such Amendments in their Constitution being violative of the doctrine of basic structure of the Constitution.

The Council has examined Constitution of different countries. There is no provision in any Constitution of any true democratic country like U.S. A, India, France, Germany, Canada, Australia, Malaysia and even in the Constitution of Russian Federation where an Army General is permitted to hold and possess the highest office of the Country. i.e. President. Therefore, under no circumstances,

the self-styled President is entitled to retain the Office of Army General, whether under condition of war or under the pretext of war on terrorism. On the contrary, such alleged circumstances make it absolutely necessary that these two High Offices be held by two different personalities so as to improve the efficiency of military and to combat terrorism.

The Constitution of 1973 also prohibits holding of two public offices, i.e. Army General and President at the same time. Article 43 read with Article 260 prohibits President not to hold any office of profit in the Service of Pakistan which includes service in Armed Forces. General Pervez Musharraf since October 1999 is continuously violating his oath of office as prescribed vides Article 244 of the Constitution 1973 which reads "That I will bear true faith and allegiance to Pakistan and uphold the Constitution which embodies will of the people". The constitutional functions of Armed Forces as prescribed in the Constitution are to defend Pakistan against external aggression or war and to act in aid of civil power when called upon. This impliedly prohibits an Army General to assume the highest executive office. It amounts to usurpation and we do not hesitate in proclaiming General Pervez Musharraf as usurper.

The Pakistan Bar council assures the nation in general and legal fraternity in particular that it will oppose with full force all such attempts by the present regime to destroy the true spirit of Constitution, 1973, and for that purpose has called layers representatives meeting on 02-10-2004 at LAHORE to chalk out future line of action."

### **R E S O L U T I O N N O . 3**

"The Pakistan Bar Council, in its meeting held at Islamabad on 12<sup>th</sup> September 2004, is seriously concerned about the plan to democratic and reconstructs part of the historic building of Lahore High Court, Lahore. The Council is deeply disturbed on the demolition of a portion of the building. The Council believes that the Lahore High Court building is our national heritage and should be preserved in its original shape, from and facade. The Chief Justice and Judges of the Lahore High Court are requested to respect the sentiments of the lawyers fraternity in particular and the people of Pakistan in general and not to demolish and reconstruct the historic building of the Lahore High Court and to restore that portion of the building, which has already been demolished, in its original form, shape and façade."

**RESOLUTION PASSED BY THE PAKITAN BAR COUNCIL IN ITS 147<sup>TH</sup> MEETING HELD ON 26-06-2004 AT QUETTA.**

**SOLIDARITY WITH DISTT. BAR ASSOCIATION, GUJRAT.**

“Pakistan Bar Council, in its meeting held at Quetta on 28<sup>th</sup> June, 2004, expressed its complete solidarity with District Bar Association, Gurjat and endorsed all the Resolutions by the Distt. Bar Association, Gujrat. The Council endorses all he resolution passed by the Punjab Bar Council and Lahore High Court Bar Association in respect of the continuing strike of District Bar Association, Gujrat.

The Council expressed its deep concern about registration of F.I.R against the President and other office bearers of Distt. Bar Association, Gujrat which is a clear high handedness of the local police and in particular the District Police Officer (DPO). The Council demanded immediate withdrawal of F.I.R, against the President and office bearers of Distt Bar Association, Gujrat and immediate transfer of DPO, Gujrar & disciplinary action against him.

The Council also resolved that if the demand of District Bar Association, Gujrat is not accepted within one week, the Vice-Chairman, Pakistan Bar Council would give a call for nationwide Lawyers strike on the date time determined by him.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 146<sup>TH</sup>  
MEETING HELD ON 17-04-2004 AT ISLAMABAD.**

**HANDING OVER OF PAKISTANI CITIZEN TO U.S, AUTHORITIES .ETC.ETC.**

**R E S O L U T I O N N O . I**

“The Pakistan Bar Council views with serious concern the practice of Government of Pakistan in handing over Pakistani Citizens to U.S., authorities without any due process of law, blind folded, on the smallest hint of U.S. and its functionaries like F.B.I. Such a practice is violative of the fundamental rights of the Citizens and in contravention of the United Nations Conventions on civil political rights.

The Council deems it an act of surrender of sovereignty of the state which is an of high treason and the state functionaries, responsible of such acts, are liable to be visited with appropriate parties under law.

The Pakistan Bar Council demands that this unconstitutional practice be abandoned forthwith.”

**R E S O L U T I O N N O . II**

“The Pakistan Bar Council in its 146<sup>th</sup> meeting held on 17-04-2004 reiterates that L.F.O. enforced by Gen. Pervaiz Musharraf after having illegally usurped power and dismissed the Parliament could not replace the legal order of the country and injected it in the Constitution of the Islamic Republic of Pakistan through the 17<sup>th</sup> Amendment having brought about fundamental structure changes which cannot be countenanced on the touch stone of any principles of prudential jurisdictional or supreme peoples lex {good of the people}. It rather tends to overturn the settled democratic Parliamentary form of governance into a Presidential one and accredits a uniformed armed personal as head of the state acknowledging the farcical Referendum and bypassing the mode of Election provided under Article 141 of Constitution which allows him to stay in power through a vote of confidence, totally alien to the fundamental law of the land. All important constitutional offices are to be filled in by the President and consultation has been defined as ‘Gup Shup’ not binding on the President. Besides through the 6<sup>th</sup> Schedule all the controversial draconian laws have been made untouchable even by the Parliament. Over 300 illegal Orders, Ordinances and legal instruments promulgated by Gen. Musharraf after his illegal take over; have been indemnified without discussion/scrutiny or debate. Such vital legislation should have been published/circulated to solicit public opinion as requires by Rules of the National Assembly and Senate.

Yet another anti people legislation requiring the formation of National Security Council has been hastily bulldozed through the Parliament which tentamounts to giving a permanent role to the Heads of the Armed Forces and thus insert the last nail in the coffin of the peoples Rules. It also renders the Parliament redundant and superfluous. The top General would be violating his Oath Article 144 of the Constitution not to indulge in politics.

**R E S O L U T I O N N O. III**

“The Pakistan Bar Council condemns the persecution of Javed Hashmi and is appalled over the manner in which through secretive Jail trial he has been convicted and sentenced to such long terms of imprisonment and heavy fine. The double standards of the system of Governance are repellent to conscience when those abrogating the Constitution and involved in NAB cases are ruling the Country while those criticizing them and championing people’s rights are being punished.

The Pakistan Bar Council demands just and fair appellate adjudication for Mr. Javed Hashmi. The Council further asks for immediate release of Mr. Asif Ali Zardari who is languishing in Jail for last 8 years when prisoners jailed with him, have been released having undergone life imprisonment.”

**R E S O L U T I O N N O – IV**

“The Pakistan Bar Council re-iterating its earlier stand condemns once again the Wana operation and calls upon the Federation to free itself from American dictation and act only towards promoting the will of the people of Pakistan.”

**R E S O L U T I O N NO - V**

“The Pakistan Bar Council calls upon the Chief Justice of Pakistan to ensure that vacancies to the Supreme Court are filled up without any delay and also those in the High Courts of the four Provinces are made up within the stipulated time as mandated in Judges Case by Full Bench of the Supreme Court of Pakistan.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 144<sup>TH</sup> MEETING HELD ON 26-07-2003 AT QUETTA.**

**MURDER OF THREE JUDGES AT SIALKOT JAIL.**

The Council strongly condemned the Police and other authorities for mishandling the situation in Sialkot Jail which lead to loss of precious lives of three Judges and injuries to others. The Council demanded a high level judicial inquiry of the tragic incident and stern action against all those responsible.

it was also decided that Lawyers throughout Pakistan would observe countrywide Mourning/Protest Day and boycott Courts on 30<sup>th</sup> July, 2003 against the tragic incident of Sialkot Jail and mishandling of the situation by the Police and other authorities causing deaths of three Judges and others.



**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 142<sup>ND</sup> MEETING HELD ON 08-03-2003 AT ISLAMABAD.**

**EXTENTION IN RETIREMENT AGE OF JUDGES OF SUPERIOR COURTS.ETC.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council in its meeting held on 08-03-2003 strongly condemns Justice Riaz Ahmad and Justice Qazi Muhammad Farooq for not laying down their robes despite having reached the age of retirement under the Constitution. Henceforth, in the opinion of the Council, they have ceased to be judges and have lost legal and moral authority and justification to continue as judges. This unfortunate step on their part has led Pakistan to another serious constitutional crisis because the Supreme Court has ceased to be constitutionally constituted because the Court is without a valid and Constitutional Chief Justice.

The Council has decided and calls upon all the Bar Councils and Bar Associations to socially boycott these retired judges and all other judges who attain the age of retirement. The Council calls upon all the Bar Councils and Bar Associations not to invite such retired judges in their functions and not to allow them to create any dissention or disunity amongst members of the legal fraternity.”

**R E S O L U T I O N N O. 2**

“The Pakistan Bar council in its meeting held on 08-03-2003 strongly condemns the press statement issued by Mr. Makhdoom Ali Khan, Attorney-General for Pakistan supporting three years extension in retirement age of the Judges. The Council feels that as ex-officio Chairman of the Council he is bound by the Resolution of the Council and his statement is clearly in defiance of the Resolution of the Council. This statement is obviously motivated and meant to please the military rulers and those judges who have accepted extension in retirement age under the L.F.O. and to save his jobs and a blatant attempt on the part of the Chief Law Officer of the federation to mislead the nation. The Council therefore, censures him for making statement in violation of its resolution.”

**R E S O L U T I O N N O. 3**

“The Pakistan Bar Council in its meeting held on 08-03-2003 condemns the act of Mr. Makhdoom Ali Khan, ex-officio Chairman of the Council to frustrate the decision of the Council to denotify Mr. Ejaz Ahmad Rana as member of the Pakistan Bar council. The Council feels that:-

- (i) he has delayed such denotification deliberately and maliciously to allow time to Mr. Ejaz Ahmad Rana to obtain stay order from High Court.
- (ii) there was no justification to issue show cause notice when Mr. Rana had already heard by the Council in its 136<sup>th</sup> meeting at Quetta before passing of the resolution. This was deliberately done to frustrate the resolution of the Pakistan Bar Council.

In view of such conduct, the Council has decided not to allow Mr. Makhdoom Ali Khan in future to preside over the meetings of the Council.”

No. 54 /PBC/SEC/2003  
January 06, 2003

Hon'ble Mr. Justice  
Qazi Muhammad Farooq,  
Supreme Court of Pakistan,  
Supreme Court Building,  
Islamabad.

Respected Qazi Sahib,

With utmost respect it is submitted that the Pakistan Bar Council in its meeting held on 4<sup>th</sup> January, 2003 has denounced enhancement of retirement age of judges under amendment to Legal Framework Order (LFO). (copy of the resolution is enclosed). In the opinion of the Council, LFO is an invalid and unconstitutional document. Since you have already attained the age of superannuation of 65 years, I have been asked by the Pakistan Bar Council to request you to retire honourably and not to act as judge after attaining the age of retirement.

Sir, no one knows better than your goodself that no individual, even if he is a military ruler, can amend the Constitution, which is the sole prerogative of the Parliament. Thus the LFO, unless ratified by the Parliament by 2/3<sup>rd</sup> majority of each of Houses of the Parliament, can not be deemed to be part of the Constitution. Thus the provisions of LFO are not operative and the Supreme Court judges cannot continue to serve as such after they attain the age of 65.

Sir, the lawyers community respects you for your learning, dignity, courtesy and integrity and it is expected of you that you would not succumb to the temptation of continuing in office under a document regarded by the lawyers as invalid and unconstitutional. In any case, LFO is an extremely controversial document and judges should avoid involvement in any controversy that would undermine their legal and moral authority. The lawyers' fraternity will appreciate If you set a good example by honourably retiring in accordance with the settled constitutional provisions regarding the retirement age.

We are looking forward to a positive response from you.

Regards,

Yours sincerely

Sd/-

(Mian Abbas Ahmad)

Vice - Chairman

Copy to the Hon'ble Chief Justices and Judges of the Supreme Court and High Courts for information.

(Mian Abbas Ahmad)

Vice\_Chairman

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 141<sup>ST</sup> MEETING HELD ON 04-01-2003 AT KARACHI.**

**PRE AND POST ELECTION RIGGING. ETC. ETC.**

**R E S O L U T I O N . N O . 1**

“The pre & post Election scenario in Pakistan reflects General Pervez Musharraf’s outrageous attempt to usher in Rule of his Kings Party in the Country.

The innumerable Orders/Ordinances promulgated by the Military Dictator in his attempt to keep Leaders of the two major political Parties out of the Electoral Process is a total mutilation of Democracy being blatant negation of the Peoples Rights to elect parliamentarians of their choice. The state machinery deployed for manipulating the Election and withholding result for 3 days after the poll is clear manifestation of the highest order rigging. Despite every effort the Kings Party could not muster even bare majority for which the State Machinery was again utilized to force desertion and win over M.N.As and M.P.As for which purposes Article 63 A disqualifying deserters was held in abeyance. Thus despite all the force, fraud and trickery through a razor thin majority the Kings Party managed the Election of its P.M. All key portfolios in the Cabinet were given to Deserters as reward for betraying their Party. Thereafter in Balochistan convicted persons were released to procure a coalition Government and in Sindh, the constitutional office of Governor was sacrificed and given to a person who was absconder and fugitive from Law and Justice for over a Decade and many Ministries daled out to deny the largest party of the Province the right to form Government. The actual power brokers went on the rampage and after letting loose reign of harassment enabled the PM to procure the Vote of Confidence. Even the Parliamentarians were tricked in the National Assembly as well as four Provincial Assemblies, when they were categorically told that they were taking Oath under the 1973 Constitution but now the Government claims and the Speaker National Assembly asserts that L.F.O. and other amendments through Presidential Orders had become part of the 1973 Constitution. The transitionary Constitutional deviation did not authorize General Pervaiz Musharaf to mutilate the Constitution of 1973. The instruments so made during the vacuum had to be put before the National Assembly which alone is competent to accept or reject the laws constituted during the interregnum. All Political Parties had undertaken to reject the arbitrary amendments in the Constitution being introduced by the General in the APC arranged by the Pakistan Bar Council and we proudly and thankfully acknowledge their principled stand taken in tune with their commitments, before and after taking Oath as MNAs and MPAs. Election to the Senate have also been prolonged and deferred for ulterior motivations with MPAs being forced to switch over loyalties. Upon completion of the Upper House Elections to fill the office of the President of Pakistan will have to be held under the 1973 Constitution of the Islamic Republic of Pakistan.

The Pakistan Bar Council, therefore, resolve as follows:

- a- That the pre & post election rigging as aforestated is abhorrent to conscience and condemned by the legal fraternity of Pakistan;
- b- That the Desertion Clause as per original Article 63 A of the Constitution 1973 be given full affect and those Members who have become turncoats be deseated to obliterate Politics of Horse Trading.
- c- That General Pervez Musharraf forthwith relinquish the Army Post and restrain D.G. Rangers, I.S.I., NAB & other State Agencies from haunting the MNAs/MPAs to win them over to support the Kings Party.
- d- That the Senate Elections be held as scheduled on the 4<sup>th</sup> February, 2003 and giving affect to the Desertion Clause in Article 63 A of the Constitution no MNA/MPA be forced to vote against his party decision.
- e- That the Elections to the office of the President must follow the completion of Electoral College as per Constitution of Islamic Republic of Pakistan, 1973.

(2)

- f. That the Parliament must ensure the independence of Judiciary and appoint a High Powered Parliamentary Commission to go through and assess the Judgments delivered on legal and Constitutional issues during the period of General Pervez Musharraf and place the report for remedial action as deemed expedient for upholding the Rule of Law and Constitution.
- g. That the Constitution of 1973 be enforced in letter a spirit shorn of all interceptions as from Oct 1999 onwards and any amendment sought may be oiluted piloted a Bill and processed in accordance with the provisions contained therein”.

### **R E S O L U T I O N N O . 2**

“Whereas the U.S. concerns for safety and security of its Citizens as a result of the after math of September 11 are its. Internal concerns, the inclusion of Pakistan Nationals, in the second Phase of Special Registration under the National Security Entry-Exit Registration system (NESSRS) was wholly unnecessary and an insult to the honor and dignity of Pakistan, General Pervaiz Musharaf a strong ally of the West against we on terror should seek review of the American administration decision and/or enforce reciprocity reminding the sacrifices and sufferance Pakistan endures in supporting American Interests in the pre & post Cold War Era in the World”.

### **R E S O L U T I O N N O . 3**

“With the ushering in of the democratic Government Pakistan must come out with an independent foreign policy befitting of a sovereign state. The American hegemony and its open proclamation of entering into Pakistan on pretext of chasing its irritants is a blatant violation of Pakistan’s territorial sovereignty. Likewise America’s loud and open support of Israel for its outrageous onslaught and massacre of the Palestinians has created the biggest crises on Earth. The Arab world is being completely put under fear of terrorist Sharon who with shameless impunity is killing innocent citizens in the Middle East.

Shockingly enough America does not see the mass destruction weapon being used produced and accumulated by Israel but it has created furor over Iraq’s capacity to defend itself. America bulldozed Resolution in the U.N. to have Iraq searched and scanned threadbare to see that it is completely subjugated. Even though the U.N. Inspectors have found no proof of any arsenal of mass destruction, yet America is moving ostensibly towards attacking Iraq. Now that every factory has been inspected and notified Iraq is vulnerable like a sitting duck. War on Iraq or any other sovereign state must be prevented.

All countries of the world must be denuded of arms of mass destruction and this exercise should start from the United States of America, Israel, India and all over the Globe, if this would is to sustain as a sanctuary of peace & humanity is prosper.

The Pakistan Bar council, therefore, resolves that the Pakistan being member of the Security Council of UN should move Resolution.

- (i) that no country on any pretext should violate the territorial sovereignty of any country;
- (ii) all countries of the world should surrender arms of mass destruction which should be destroyed under the supervision of U.N.;
- (iii) Israel should stop the genocide of the Palestinians forthwith and pull out all its troops and remove tanks and other military installation from the Arab world;
- (iv) the witch hunt roving inspection of entire Iraqi industrial outfits and other buildings under the dictatorial mandate of UN forced through the US, must be terminated immediately; and
- (v) war on no pretext should be imposed upon any country as sovereignty of a country cannot be compromised by a powerful state on the pretext of pre-emptive self defense, a theory coined and created by the U.S after September, 11, 2001.

#### **R E S O L U T I O N N O . 4**

“The Pakistan Bar Council, in its meeting held on 4<sup>th</sup> January, 2003 at Karachi, has condemned, in the strongest terms, the enhancement in the age of retirement of the judges of the superior Courts under an amendment to the Legal Framework Order (LFO) on 9<sup>th</sup> October, 2002. This has further undermined independence and credibility of the judiciary. In the opinion of the Council, it is an ill-gotten gain received from an illegitimate regime under an invalid and unconstitutional document in the stealth of the night. Such an amendment, apart from being unnecessary and violations of the settled question of retirement age under the Constitution, has incapacitated the judiciary from examining and adjudicating upon the legality and constitutionality of the LFO or any provision thereof, being the beneficiaries under the same.

The Council reiterates its previous stand that LFO is not part of the Constitution and its provisions cannot change or alter any constitutional and its provisions cannot change or alter any constitutional provision including the matter of retirement age of judges fixed under the Constitution. The Council therefore calls upon the judges not to accept this dubious gift from the military rulers and renounce the same and retire honorably on attaining the age of superannuation fixed under the Constitution, unadulterated by the LFO. Those Supreme Court and High Court judges, who continue to act as judge after attaining the age of 65 years and 62 years respectively, would be regarded as usurpers by the members of the Bar and a movement would be launched for the removal of such usurper judges.

The Vice-Chairman has been authorized to write letters urging the judges attaining the age of superannuation to retire honorably”.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 140<sup>TH</sup> MEETING HELD ON 28-09-2002 AT ISLAMABAD.**

**LEGAL FRAMWORK ORDER.ETC.ETC.**

**R E S O L U T I O N NO. 1**

“This house resolves in its 140<sup>th</sup> meeting held in the office of Pakistan Bar Council as follows:-

That the Legal Framework Order, 2002 is an instrument promulgated by General Pervez Musharraf purportedly enforced as the Chief Executive and Chief of Army Staff. The Pakistan Bar Council is of the considered opinion that General Pervez Musharraf neither had the legal nor the moral authority to enforce such an order which over ride the Constitution of the Islamic Republic of Pakistan which was unanimously passed by the Parliament in the year 1973. The Legal Framework Order tantamounts to rewriting the Constitution and for all practical purposes the Country would be regulated by the 2002 Order and not the 1973 Constitution. We strongly oppose and unanimously reject the Legal Framework Order, 2002. We beseech all Political Parties to undo the illegal and undemocratic Legal Framework Order, which has mutilated the Constitution of the Islamic Republic of Pakistan, in the Parliament which would emerge in consequence of the forthcoming General Election.”

**R E S O L U T I O N NO. 2**

“The Pakistan Bar Council in its meeting held on Saturday, 28<sup>th</sup> September, 2002 at Islamabad views the threats being extended by President Bush and Prime Minister Blair to invade Iraq with great concern. The Council condemns the unilateralism on the part of the United States and United Kingdom to enforce their decision and to ignore the United Nations in this matter. It is a case of utter lawlessness in the international affairs where powerful nations would be free to bully and blackmail small and weak nations without any deliberation process at the United Nations.

The Council strongly feels that Muslim Countries are being targeted with intent to disarm and weaken them and to expropriate their resources. The invasion of Iraq is likely to be followed by attack on other Muslim Countries like Iran, Syria, Saudi Arabia, Yemen and possibly Pakistan. The unilateralism on the part of the only super power has visibly instigated Israel to enslave Palestine and encouraged India to threaten Pakistan with war.

The Council calls upon the World Community to resist the United States in its design to attack Iraq and bring the matter before the Security Council. The Council appeals to three permanent members of the Security Council namely; France, China and Russia to veto any resolution to invade Iraq. The Council demands from the government of the U.S.A. and U.K. to respect international law and abide by the norms of international behaviour under the discipline of the United Nations Charter.

The Council calls upon the present Government to take clear stance against the designs to attack Iraq which sentiments are consensus of the people of the Pakistan on the matter.”

**R E S O L U T I O N NO. 3**

“The Pakistan Bar Council in its meeting held on 28<sup>th</sup> September, 2002, at Islamabad strongly condemns the present military regime for use of government machinery and resources in support of the political parties and candidates of its choice. It is an open secret that the government officials including Governors and Chief Secretaries are canvassing support for the candidates of PML (Q) and National Alliance and are distributing funds and other favours to help such candidates and to defeat candidates of other political parties. This situation has seriously impaired the credibility, fairness, impartiality and transparency of the general elections.

**R E S O L U T I O N N O. 4**

“Whereas this Bar Council is of the considered view that the elevation to the Superior Courts should be strictly on the basis of merits alone and that the appointment of Chief Justice of Provincial High Courts and elevation to the Supreme Court should be on the basis of seniority;

And whereas the consistent stand of this Bar Council was approved by the Supreme Court in the Al-Jehad case (Judges case) and to some extent in the recent Petition of Pakistan Bar Council and Supreme Court Bar Association.

Therefore, this Council takes serious notice of the violation of the verdict of Al-Jehad Trust case (Judges Case) by appointing a junior Judge as Chief Justice of the Lahore High Court and by appointing the senior puisne Judge as adhoc Judge in the Supreme Court of Pakistan. These appointments are the last nail in the coffin of the “Judges case” and another blow to the independence of judiciary.

We strongly disapprove the role of Judicial Consultees in submitting to wishes of the Executive in breach of the principle laid down by the Supreme Court.”

(3) **White paper on the Role of Judiciary.**

On the proposal of Mr. Muhammad Yousuf Leghari the Council decided, in principle to prepare and issue a White Paper on the Role of Judiciary in Pakistan. The Council therefore, constituted the following sub-Committee for preparation of the White Paper which after being prepared will be placed before the Pakistan Bar Council for approval before the name was issued:-

1.	Mr. Muhammad Yousuf Leghari	Chairman
2.	Mr. Hamid Khan	Member
3.	Hafiz Abdul Rehman Ansari	Member
4.	Mr. Muhammad Kazim Khan	Member
5.	Mr. Rasheed A. Razvi	Member
6.	Mr. Abdul Haleem Pirzada	Member
7.	Mr. Farooq H. Naik	Member
8.	Mian Abbas Ahmad	Member

The Members of the Committee would please facilitate the Chairman of the Committee by furnishing all possible information pertaining to the Judiciary.

**DECISION TAKEN BY THE PAKISTAN BAR COUNCIL IN  
ITS 139<sup>TH</sup> MEETING HELD ON 27-07-2002 AT ISLAMABAD.**

**HOLDING OF ALL PAKISTAN LAWERS REPRESENTATIVES MEETING**

The matter was deliberated upon at length whereafter it was decided, by majority, that the Pakistan Bar Council will hold a Joint Meeting of Representatives of Lawyers and Political Parties on 17-08-2002 at 10-00 a.m. in Karachi Hall of the High Court Bar Association, Lahore to arrive at a consensus on the proposed Constitutional Amendments Packages. The Heads of Political Parties, to whom the Questionnaire was sent, will be invited to the Joint Meeting. Two representatives of each Political Party, one of whom will be the spokesman, will be invited. In addition to Members of the Pakistan Bar Council, the Vice-Chairmen and Chairmen, Executive Committees of Provincial Bar Councils, Presidents and Secretaries of the Supreme Court Bar Association, all High Court Bar Associations and District Bar Associations of Lahore, Karachi, Peshawar and Quetta will also be requested to attend the Joint meeting.

It was also decided that the Pakistan Bar Council

1. rejects both the proposed Constitutional Amendments Packages and resolves that Gen. Parvez Musharraf has no authority to amend the Constitution.
2. will hold a joint meeting of the representatives of the political parties and the lawyers on Saturday the 17<sup>th</sup> August 2002 at Lahore to arrive at a consensus on the proposed Constitutional Amendments Packages.
3. condemns the legislations regarding elections and political parties which is designed to rig the general elections and to achieve results desired by the military regimes.
4. demands that the present Chief Election Commissioner (CEC) has lost all credibility after the holding of rigged referendum. With him in office, no fair, free, impartial or transparent election can be held. He should therefore be removed forthwith and a man of credibility like Fakharuddin G. Ibrahim, Ajmal Mian or Zafar Hussain Mirza be appointed.
5. condemns the efforts of military regime to induce the Superior Courts to give favourable verdict by surreptitiously offering extension in the retirement of the Judges. The PBC is of the considered view that the Lawyers will not accept or countenance any interference or change in the age of retirement of the Judges of the Superior Courts.
6. condemns all efforts of the military regime to rig the election and demands that all the transfers and postings of officers responsible for Administration made after May 1, 2002 be cancelled forthwith.



**DECISION TAKEN BY THE PAKISTAN BAR COUNCIL IN  
ITS 138<sup>TH</sup> MEETING HELD ON 13-07-2002 AT ISLAMABAD.**

**AMENDMENT IN THE CONSTITUTION**

After lengthy deliberations, as aforementioned, it was resolved that the Pakistan Bar Council was of the considered view that only the elected Parliament had the prerogative to make any amendment in the Constitution. The Council, therefore, unanimously rejected and condemned the proposed Constitutional Amendment Package. It also endorsed and adopted the Resolution (enclosed) passed in the Lawyers Representatives Conference held at Lahore on 06-07-2002.

The Council further resolved that with a view to mobilize public opinion views of the Political Parties on the Package might be elicited through the Questionnaire, as set out hereunder:

- |   |            |           |
|---|------------|-----------|
| (1) Whether, in the opinion of your Party, the Constitution should only be amended by a duly elected Parliament?  | <u>Yes</u> | <u>No</u> |
| (2) Whether, in the opinion of your Party, the Constitution can be amended by any individual/Military Ruler?  | <u>Yes</u> | <u>No</u> |
| (3) If the answer to Question No. 2 is in the affirmative, which of the amendments in the proposed Constitutional Amendments Package is acceptable to your Party? | .....      | .....     |

The Heads of different Political Parties would be requested to send views of their respective Parties on the Package by way of answering the above Questionnaire by 24-07-2002 and the Pakistan Bar Council would meet again on 27-07-2002 for further consideration of the matter.

**Strike Call:**

The Council endorsing the decision of the Lawyers Representatives Conference held at Lahore on 06-07-2002 called upon the Lawyers fraternity throughout Pakistan to observe strike on 15-07-2002 against the Constitutional Amendments Package issued by the Government. The Lawyers will hold protest meetings in their respective Bar premises to condemn the Package. It was also decided that the High Court and District Bar Associations throughout the Country may be informed accordingly through Telegrams.

**Not to Move the Supreme Court:**

The Pakistan Bar Council also resolved not to challenge the proposed Constitutional Amendments Package before the Supreme Court because it does not expect fair and impartial decision as the Judiciary had ceased to be independent after taking Oath under the Provisional Constitutional Order which was reflected from the recent decisions of the Supreme Court on Constitutional questions.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 135<sup>TH</sup> MEETING HELD ON 10-03-2002 AT LAHORE.**

**KILLINGS OF INDIAN MUSLIMS IN THE STATE OF GUJRAT.ETC. ETC.**

“The Pakistan Bar Council in shocked by the genocide of Indian Muslims in the State of Gujrat and elsewhere in India and resolves as under:-

**R E S O L U T I O N N O. 1**

1. That the communal riots in the State of Gujrat and elsewhere in India leading to merciless killings of atrocities against Indian Muslims were provoked by Hindu extremists of VHP and RSS with the obvious blessings of the party in power Bhartia Janta Jarty.
2. The BJP Government at the Center and in Gujrat is fully responsible for the genocide of Muslims and destruction of their properties and it is on account of BJP’s acts and omissions that hundreds of Muslims in Gujrat and elsewhere in India have been done to death and their properties worth billions of rupees have been burnt and destroyed.
- 3 That the Pakistan Bar Council calls upon the BJP Government in the Centre and in Gujrat to accept the responsibility of the genocide of Muslims and should resign forthwith and hand over the rains of power to moderate parties who can do justice between Hindus and Muslim communities in India.”

**R E S O L U T I O N N O. 2**

“The Pakistan Bar Council strongly condemns atrocities being committed by Israel against civilians in Palestine. Israeli government intoxicated by its military might and led by tyrant Ariel Sharon has committed unprecedented crimes by use of deadly weapons against civilian targets and Palestinian cities. The Council calls upon the world community to take immediate action and to bring to justice Ariel Sharon and other members of Israeli Cabinet responsible for such atrocities”.

**R E S O L U T I O N N O. 3**

“The Pakistan Bar Council condemns fresh air attacks by the USA in Afghanistan causing death and destruction to the innocents, Furthermore, such attacks are in clear violation of the international law and such attacks are tantamount to chemical warfare which is totally forbidden under all norms of civilized behaviour and international law and calls upon the United Nations to take appropriate action against those governments who are violating the rooms of international law in respect of prisoners of war.”

**R E S O L U T I O N N O. 4**

“The Pakistan Bar Council demands immediate withdrawal of US and other foreign armed forces from Pakistan. The Council firmly believes that the presence of foreign troops in Pakistan is a violation of its sovereignty and independence which cannot be countenanced by an independence loving people of Pakistan”.

The Council also decided, on the proposal of Hafix Abdul Rehman Ansari, learned Member, to call upon the Lawyers fraternity throughout the Country, to observe a token strike to condemn and register their protest against the genocide of Indian Muslims in the state of Gujrat and other parts of India, the atrocities being committed by Israel against civilians in Palestine and fresh air attacks by USA in Afghanistan causing death and destruction of innocents and to demand for immediate withdrawal of US and other foreign forces from Pakistan. The strike would be observed on Thursday, the 21<sup>st</sup> March from 12-00 noon to 1-00 p.m. when the Lawyers will also hold protest meetings in their respective Bars throughout Pakistan?

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 134<sup>TH</sup> MEETING HELD ON 27-01-2002 AT LAHORE.**

**ELEVATION OF JUNIOR JUDGES TO SUPREME COURT**

“The Pakistan Bar Council strongly condemns the elevation of Junior Judges of the Lahore High Court to the Supreme Court of Pakistan which is in clear violation of principles of Law settled by the Supreme Court in the ‘Al-Jihad Trust’ and ‘Malik Asad Ali’ cases. The Pakistan Bar Council proposes to prefer Petition under Article 184(3) of the Constitution before the Supreme Court calling in question such appointments. The Pakistan Bar Council also authorizes its Vice-Chairman, Mr. H. Shakil Ahmed to implement this Resolution as early as possible and to co-opt. other Members of the Pakistan Bar Council for prosecution of the said Petition”.

A Special Committee consisting of following Members of the Council was also constituted for implementation of the above Resolution:-

- |    |   |          |
|----|---|----------|
| 1. | Mr. H. Shakil Ahmed<br>Vice-Chairman, Pakistan Bar Council. | Chairman |
| 2. | Mr. Rasheed A. Razvi<br>from Karachi.                       | Member   |
| 3. | Qazi Muhammad Anwar<br>from Peshawar                        | Member   |
| 4. | Hafiz Abdul Rehman Ansari<br>from Lahore.                   | Member   |

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 133<sup>RD</sup> MEETING HELD ON 08-12-2001 AT ISLAMABAD.**

**U. S. ATTACK ON IRAQ ETC. ETC.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council reviewing the situation prevailing to Pakistan and surrounding countries, resolved as under:-

1. That U.S Bombing in Afghanistan is condemned as an act of extreme terrorism and violative of all recognized and established norms of International Law.
2. That the massacres, which have taken place throughout Afghanistan particularly at Qilla Jangi, due to the U.S. Bombing are condemned in the strongest terms. These massacres establish that the U.S.A. and its Western allies are the greatest outlaws under International Law. All those responsible for such massacres should be immediately arrested and brought to justice before a fair, impartial and just international tribunal.
3. That the U.S.A. and its Western allies are responsible for the death of innocent people and Country wide destruction in Afghanistan for which it is liable to pay WAR REPARATION to Afghanistan and the neighboring countries affected by such death and destruction.
4. That the U.S. bombing has caused suffering to the innocent people of Afghanistan who are facing the stark prospect of hunger and famine and have been forced out of their homes and pushed into Pakistan. Iran and other neighbouring countries as refugees thus burdening their limited resources. The U.S.A. and its Western allies are bound to pay compensation to all such people.
5. That the state terrorism unleashed by Israel over innocent Palestinians is condemned in the strongest terms and it is demanded that Ariel Sharon, who is himself a terrorist and butcher of Sabra and Shattial camps in Lebanon, should be tried by an international tribunal for his terrorist crimes”.

**R E S O L U T I O N N O. 2**

“The Council resolves that Judges of the Superior Courts should not be employed against any judicial, quasi judicial or administrative positions after their retirement. The Council is of the opinion that post retirement employment of Judges is violative of independence of judiciary and leads to influence and interference of the Executive in the affairs of judiciary”.

**R E S O L U T I O N N O. 3**

“The Council views with deep concern the statement of the Chief Executive, General Pervez Musharraf that he would continue as President after election to the Parliament and the Provincial Assemblies. The Council is of the view that there should be no interference with the Constitutional process and the election to the office of the President should be held immediately after the elections to the National and Provincial Assemblies and the Senate strictly in accordance with the provisions of the Constitution of 1973”.

**R E S O L U T I O N N O. 4**

“The Council was of the view that the exercise of Suo Motu jurisdiction by the Chief Justice of Pakistan, particularly at the time when he is retiring from the office of Chief Justice is not appropriate. The

invitation to the Members of the legal fraternity on the pretext of assistance is an eye wash. It was also expressed that not only the Pakistan Bar Council but other representative bodies should not participate in such proceedings, which apparently are not in accordance with the dictates of Constitution, Justice and fair play. It was, therefore, unanimously resolved that:-

- i) no representative of the Pakistan Bar Council will appear before the Supreme Court in Suo Motu Case No. 5 of 2001 pursuant to notice dated 03-12-2001 of the Chief Justice of Pakistan (Mr. Justice Irshad Hasan Khan).
- ii) All the Provincial Bar Councils, Supreme Court Bar Association, High Court Bar Associations and District Bar Associations be communicated the aforesaid views and decision of the Pakistan Bar Council for information. It would be appropriate if Members of the legal fraternity follow the footsteps of the Pakistan Bar Council”.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 131<sup>ST</sup> MEETING HELD ON 05-05-2001 AT LAHORE.**

**CONDEMNATION OF ACTION OF KESC AND ARMY MONITORING CELL.**

**R E S O L U T I O N N O. 1**

“The Pakistan Bar Council in its requisitioned meeting held on 05-05-2001 at Lahore under the Chairmanship of Hadi Shakeel Ahmad, Vice-Chairman, resolution as under:-

The military Rule which was already declared by this Council as illegal unconstitutional and an act of usurpation of the Peoples Rules has let loose a reign of harrasment through the Army Monitoring Cell, constituted at District level, and the civil rights of the people are being intercepted and administrative tyrrany of the highest order has rendered the lives of the people utterly miserable. The Officers/Officials of KESC and Army Monitoring Team, Karachi, illegal Raided the office of Mr. Farooq H. Naik, Member, Pakistan Bar Council, Karachi who is doing high profile cases which the Military Government is prosecuting with venomous vigour. The acts of transgression committed in consequences tentamounts to criminal misdeeds of the highest order. Such acts amount to obstruction of Justice and a negation of the legal and constitutional rights of the citizens of Pakistan to be defended by Lawyers of their choice.

This Council, therefore, strongly condemns the action of the KESE and the Army Monitoring Cell and demand that a Judicial inquiry into the incident, causes and purposes, be held by a Judge of the Supreme Court of Pakistan, that a criminal case be registered against the delinquents, who be immediately arrested and brought to task.

The Chief Justice of Pakistan should task notice and see that such incidents tentamounts to obstruction of justice may not occur and administrative tyrrany is stemmed once and for all”.

**R E S O L U T I O N N O. 2**

“Whereas the Hon’ble Supreme Court of Pakistan has delivered a Judgment in cases of Mohtarma Benazir Bhutto & Mr. Asif Ali Zardari where in a categorical verdict has been given in respect of biased attitude of Mr. Justice Rashid Aziz, the then Chief Justice of Lahore High Court and Mr. Justice Malik Muhammad Qayyum, a Judge of the said Court, in relation to the said case which is against the Code of conduct of Judges of the Superior Courts.

Therefore, the Pakistan Bar Council resolves to send a complaint under Article 209 of the Constitution for appropriate action as the Council is of the view that the references made in the Judgment to certain incidents constituting bias, are sufficient proof of the misconduct against those Judges.

It further resolves that pending initiation of action or adjudication on such a complaint, the entrustment of judicial work to the Judges concerned may be stopped forthwith as the same is detrimental to the very administration of justice and valuable rights of consumers of justice”.

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 130<sup>TH</sup> MEETING HELD ON 24-03-2001 AT KARACHI.**

**CONDEMNATION OF ATTACK OF INDIAN FORCES ON SYED ALI GILLANI.**

“The Pakistan Bar Council in its 130<sup>th</sup> meeting held on 24-03-2001 strongly condemns the attack of Indian Forces in Sri Nagar, on Syed Ali Gillani, a Leader of the All Parties Hurriyat Conference, who is political prisoner of India. It is a naked violation of Fundamental human rights and breach of the Human Rights Charter of UNO. Due to constant torture by the Indian Forces, Syed Ali Gillani had to be hospitalized and remained in hospital for treatment.

The Council strongly condemns this brutal and in-human act of Indian Forces and calls upon the Human Rights bodies in Pakistan and abroad to take serious notice of this incident and ever increasing atrocities being committed by the so-called law enforcing agencies, on the innocent Kashmiries. The Council also prays for early recovery and good health of Syed Ali Gillani.”

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 129<sup>TH</sup> MEETING HELD ON 20-01-2001 AT LAHORE.**

**RESTORATION OF CONSTITUTION ETC. ETC.**

Whereas the military regime take over on 12<sup>th</sup> October 1999 brought the constitutional rule in the Country at an end and the Constitution is held in abeyance since 14<sup>th</sup> October 1999.

And whereas the continued situation of constitutional void has landed the country into deep crises particularly in the areas of economy, law and order, Provincial harmony and other important national issued.

And whereas the military regime has miserably failed to attain any of its avowed objects that were spelled out in the speeches of Chief Executive on 13 and 17 October, 1999.

And whereas the actions of the military government in releasing and exiling Nawaz Sharif under pressure from a foreign government have undermined the verdicts and proceedings of the courts in the country and negated the sovereignty of Pakistan as a State.

And whereas the military government has lost its legitimacy and credibility due to its poor performance in general and exile of Nawaz Sharif in particular.

And whereas the military regime can no longer pursue the process of accountability with any credibility after Nawaz Sharif's exile.

And whereas the country cannot continue indefinitely in a state of uncertainty and constitutional void and the continuance of present state of affairs is a constant threat to the federation.

And whereas the polity in Pakistan is based on democracy, tolerance and social Justice and it cannot countenance any form of dictatorship or fascism.

And whereas the judgment of Supreme Court dated 12<sup>th</sup> May, 2000 has lost its efficiency in the face of the circumstances enumerated above.

And whereas the Lawyers in Pakistan have always been vanguard of democracy, constitutional rule and independence of Judiciary.

Now, therefore, the Pakistan Bar Council in its meeting held on 20<sup>th</sup> January, 2001, unanimously resolves as under:-

1. The Constitution should immediately be restored and Provisional Constitution Order (PCO) be revoked and the Armed Force should withdraw from the National political scene forthwith allowing constitutional processes in the country to take their course.
2. An interim government representing various political shades of opinion in the country be immediately formed in order to hold elections to the National and Provincial Assemblies under the Constitution within ninety days.
3. A powerful and independent election Commission be constituted in order to ensure free, fair and impartial general elections throughout the Country.
4. The exile of Nawaz Sharif is condemned as an unconstitutional act and a negation of sovereignty and independence of Judiciary in Pakistan.
5. The interference of the U.S. and Saudi Governments in the internal affairs of Pakistan is strongly condemned and military regime is censured for acting under foreign dictates in exiling Nawaz Sharif country to the verdicts of the Courts and proceedings pending before them.



(2)

6. It is a self evident truth that Pakistan was conceived as a democratic state and it is a bounden duty of the fraternity of the Lawyers to ensure democratic polity in Country and to resist and effort to impose dictatorial or fascist rule in any manner or sense whatsoever.
7. The Council vehemently opposes any proposal on the part of military regime to have a constitutional rule for the Armed Forces in Pakistan.
8. The Lawyers Community in Pakistan is called upon to undertake an activist role and vanguard of the constitution and democracy and to foil any attempt by any force within and outside Pakistan to lead the country into anarchy and chaos.
9. There is an emergent need for action take Pakistan out of deep crises faced by it at present due to runaway inflation, deteriorating law ad order situation drug and arms trafficking, refugee problem and lack of participation of the Provinces in the National affairs. These situations should be remedied immediately by taking emergency measures in which the Lawyers Community should play and active role.
10. The Council views with concern the extremely high oil and utility prices which have been raised a number of times within a year particularly when price of oil is going down internationally during the same period.
11. The Council shall initiate the process of awareness to actively pursue the objective of restoration of constitutional rule, holding of general elections, transfer of powers to the elected representative of people and restoration of self respect amongst the comity of Nations.

**RESOLUTIONS PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 128<sup>TH</sup>  
MEETING HELD ON 14-10-2000 AT ISLAMABAD**

**RESTORATION OF CONSTITUTION, ETC. ETC.**

“The Pakistan Bar Council, in its meeting held on 14<sup>th</sup> October, 2000, views with grave concern, the developments in the Country during the past year and in particular the following:-

1. Pakistan is without Constitution for the past one year which is causing great anxiety and disillusionment amongst the people of Pakistan and is leading towards isolation in the comity of Nations.
2. That the military regime has failed to achieve its avowed objects in so far as:-
  - the process of accountability is slow, selective and unfair and particularly it is directed against selected politicians and the accountability against members of the most corrupt establishment in the country is ignored.
  - the economy is suffering from deep recession and there is general feeling of uncertainty amongst major economic players in the country.
  - there is exodus of talented persons from Pakistan who are emigrating with their savings and resources thus causing a serious brain drain and flight of capital from the country.
  - a large number of draconian laws have been introduced and have been executed with harshness causing injury to civil rights and liberties of large number of citizens of Pakistan.
3. That there is discernable estrangement amongst the smaller Provinces where the feeling is strong that they are not getting their due in the federation particularly in the areas of employment and investment.
4. That independence of judiciary has suffered a major set back during the past year particularly when the judges were forced to take oath different from and repugnant to the oath under the Constitution and the same was made a vehicle for sacking and forcing out independent judges. This caused irreparable loss to nation as a whole. Furthermore the military regime should cease to interfere with the Judicial process.

That general elections to the National and Provincial Assemblies should be held at the earliest under the supervision of an independent and powerful Election Commission and immediately thereafter the power be handed over to the elected representatives of the people under the Constitution.

The devolution plan should be left the constitutionally elected representatives of the people for formulation and implementation and the general elections to the National and Provincial Assemblies should not be delayed under the excuse of holding local bodies' elections first”.

**R E S O L U T I O N N O. 2**

“The Pakistan Bar Council in its meeting held on 14<sup>th</sup> October, 2000 resolves that the Israel aggression let loose on the Palestine is detestable and calls for world's condemnation. The genocide of the Palestinians must end once and for all. The United Nations should take immediate action and stop Israel from violating the territorial integrity, solidarity and sanctity of Palestine, Lebanon and other Countries of the Arab world and to ensure the freedom of the Palestinian State in its full and total compactness.

The OIC should immediately meet and take effective, preventive and remedial measures to stop the killing and genocide of innocent Arabs being carried out at will by the Israelis”.

### R E S O L U T I O N N O. 3

“The Pakistan Bar Council, in its meeting held on 14<sup>th</sup> October, 2000, calls upon the Government to immediately release the Hamoodur Rehman Commission Report without any editing and censorship. The Council strongly feels that the Nation should not be kept in dark about the tragic loss of East Pakistan and the people and the institutions in the Country should learn from their past mistakes and take care not to repeat them, It is also resolved that the person responsible for the debacle should be brought to book”.

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL  
IN ITS 126<sup>TH</sup> MEETING HELD ON 11-08-2000 AT ISLAMABAD.**

**AMENDMENTS IN POLITICAL PARTIES ACT.**

“The Pakistan Bar Council, in its meeting held on 11-08-2000, do hereby resolves as under: -

1. That there is no justification for the recent amendment in the political Parties Act which the Council feels is beyond the mandate of the Military Government. The Military Government cannot make any change in the basic structure of the Political Parties in the Country. This amending Ordinance should be withdrawn forthwith.
2. That the amendment is contradictory to Fundamental rights guaranteed under Article 17 of the Constitution, hence void in terms of Article 8 of the Constitution.
3. That the ban on political activities in the Country, should immediately be lifted”.

**CONSTITUTION AMENDMENT BILL, APPROVED BY THE PAKISTAN BAR COUNCIL  
IN ITS 126<sup>TH</sup> MEETING AS PROPOSED BY MR. HAMID KHAN, ITS MEMBER,  
REGARDING ESTABLISHMENT OF THE "JUDICIAL COMMISSION" FOR MARKING  
APPOINTMENTS TO THE SUPERIOR JUDICIARY.**

**1. The Article 209 shall be substituted as under: -**

209. (1) There shall be a Judicial Commission of Pakistan referred to as the 'Commission' in this part.
- (2) The Commission shall consist of: -
- (a) The Chief Justice of Pakistan who shall be its Chairman;
  - (b) the two next most senior Judges of the Supreme Court;
  - (c) the four Chief Justices of High Courts;
  - (d) a member of the Pakistan Bar Council, nominated by the Council;
  - (e) the President of the Supreme Court Bar Association;
  - (f) four Presidents of the High Courts Bar Associations at the Principal Seats of the High Courts;
  - (g) a member of National Assembly nominated by the Prime Minister;
  - (h) a member of National Assembly nominated by the Leader of the Opposition in the National Assembly; and
  - (i) four members of Senate, one from each Province elected by the Senate for the purpose.
- (3) If at any time the Commission is inquiring into the capacity or conduct of a Judge who is a member of the Commission or a member of the Commission is absent or is unable to act due to illness or any other cause then the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2) shall act as a member of the Commission in his place.
- (4) If upon any matter inquired into by the Commission there is a difference of opinion amongst its members the opinion of the majority shall prevail and the report of the Commission to the President shall be expressed in terms of the view of the majority.
- (5) If, on information received from any source, the Chairman of the Commission may or on the requisition of not less than one-fourth of the total membership of the Commission, the Chairman, shall direct the Inquiry Committee of the Commission to enquire into the capacity and conduct of a Judge of the Supreme Court or of High Court as to whether he: -
- (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.
- (6) On receipt of the report of the Inquiry Committee the Council shall consider the matter and make appropriate recommendations to the President.
- (7) On receipt of the recommendations from the Commission to the effect that the Judge is incapable of performing the duties of his office or has been guilty of misconduct, the President shall remove the Judge from the office.

- (8) The Inquiry Committee shall be nominated by the Chairman of the Commission and shall be selected from the members of the Commission as under:-
- (a) Two members shall be drawn from amongst those referred to in paragraphs (a), (b) & (c) of clause (2).
  - (b) Two members shall be drawn from amongst those referred to in paragraphs (d), (e) & (f) of clause (2).
  - (c) One member shall be drawn from amongst those referred to in paragraphs (g), (h) & (I) of clause (2).
- (9) (a) The chairman of the Commission shall summon the meetings of the Commission.
- (b) A meeting can also be requisitioned by not less than one-third of the total members of the Commission.
- (c) The Commission shall meet at least twice in a calendar year.
- (d) The quorum of the meetings of the Commission and the Inquiry Committee shall not be less than one half of the membership of the commission or Committee.
- (e) No proceedings of the Commission or any report submitted by it shall be void because of any vacancy or vacancies in the membership of the Commission.
- (10) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.
- (11) The Commission shall issue a Code of Conduct to be observed by the Judges of the Supreme Court and the High Courts.

**2. The following amendments shall be made in Article 177:**

- (a) After the word 'President' appearing in the first instance in clause (1) the words "after consultation with the Commission" shall be added.
- (b) After the words "the Chief Justice" appearing at the end of clause (I) the words "and the Commission" shall be added.

**3. The following amendments shall be made in Article 193:-**

- (a) After sub-clauses (a) and (b) of clause (I), sub-clause (c) shall be added as under:-  
"(c) with the Commission; and"
- (b) Sub-clause (c) of clause (I) shall be re-numbered as sub-clause (d).
- (c) In sub clause (b) of clause (I) after ' semi colon' the word "and" shall be omitted.