

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

### PASSED IN THE NATIONAL CONFERENCE OF LAWYERS REPRESENTATIVES HELD ON 20-03-2004 AT LAHORE UNDER AUSPICES OF THE PAKISTAN BAR COUNCIL.

The National Conference of Lawyers Representatives reviewed the lawyer's struggle for restoration of 1973 Constitution, Rule of Law and Democracy in Pakistan and resolves as under:-

- (a) The Conference considered the consequences of 17<sup>th</sup> Amendment and making of L.F.O. part of the Constitution. It unanimously rejects 17<sup>th</sup> Amendment because it:-
- (i) It confers the status of President on General Pervaiz Musharaf and also approves referendum held against the spirit of the Constitution;
  - (ii) It opens the way for illegal floor-crossing to help Musharaf and his political agents/beneficiaries;
  - (iii) It allows the Judges of Superior Courts to continue in their office without actually taking fresh oath. The Conference demands taking of fresh Oath by Judges immediately;
  - (iv) It takes away the remaining provincial autonomy by deleting police and local Government laws from the pale of provincial legislation;
  - (v) It restricts the powers of Parliament to legislate on NAB Ordinance State Bank of Pakistan, election and political parties laws etc; denying the people's representatives to legislate;
  - (vi) It curtails independence of judiciary and ultimately negates fundamental rights of citizens; and
  - (vii) accepts an Army General in service as President against the letter and spirit of the Constitution which postulates parliamentary form of Government.
- (b) The Conference condemns deliberate delay in the appointment of Judges of the Supreme Court of Pakistan against existing vacancies in violation of the verdict in the Judges case (PLD 1996 S.C. 324) which requires filling of vacancies within thirty days of their occurrence. The Conference feels that this delay is sinister and meant to keep the favorite Chief Justices of the High Courts in office.

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- (c) The Conference unanimously demands that Chief Justice of Pakistan Should immediately send requisition to the Federal Government for filling the vacancies of Supreme Court and play his constitutional role to save the fundamental rights of citizens.
- (d) The Conference strongly condemns the action of Musharaf regime in Wana area of NWFP causing killings of innocent citizens. It is believed that Government's action is due to pressure of the U.S. Government and George W. Bush. This campaign is initiated to initiated to please and protest U.S. interests and to perpetuate perpetuate Musharraf's unconstitutional rule in Pakistan with the support of U.S. Government.
- (e) The Conference also condemns the operation of armed forces in Waziristan area. It is felt that if such ruthless operation continues, it might adversely affect integrity, unity and sovereignty of Pakistan.
- (f) The Conference announced country wide Protest Day on 26<sup>th</sup> March, 2004 against Wana and Waziristan operations. All the Bar Councils and Bar Associations shall observe the Protest Day on 26<sup>th</sup> March, 2004 by holding protest meetings in their respective premises.
- (g) The Conference demands all political parties to raise voice against unconstitutional acts of Musharaf regime and its flagrant disregard of law and human rights in Wana and Waziristan.
- (h) The Conference unanimously approves and appreciates the idea of trial of all those who have subverted the Constitution of 1973 and thus committed high treason. The mover of proposal Mr. Ahmad Awais, President, Lahore High Court Bar Association shall submit written working paper setting out requisite parameters for consideration of the members of Joint Action Committee within 10 days and details shall be determined by the Joint Action Committee in its meeting to be held at Islamabad on 17-04-2004.
- (i) The Conference gives fresh mandate to Joint Action Committee for continuing lawyer's movement for objectives of restoration of Constitution as it stood on 12 October 1999, for establish rule of law and supremacy of constitution, independence of judiciary, elimination of military dictatorship in the country and achievement of provincial autonomy under the Constitution.
- (j) The Conference demands immediate release of political detainees including Asif Ali Zardari, Makhdoom Javaid Hashmi, Allama Sajid Naqvi and others.

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- (k) The Conference repeats its constant stand that re-employment of retired Judges of superior Judiciary violates the independence of judiciary.
- (l) The Conference condemns the move of the Government contemplating to introduce a Bill in the Parliament for establishing the National Security Council being against the basic structure of 1973 Constitution and true spirit of democracy.
- (m) The Conference demands that Ms. Benazir Bhutto, Chairperson, PPP and Mian Nawaz Sharif, leader of PML(N) and other political leaders & workers be allowed to return to Pakistan to play their due role for creation of atmosphere of cohesion and unity in national politics.
- (n) The Conference condemns the role and support of MMA to the Government facilitating in passage of 17<sup>th</sup> Amendment disregarding their commitment made with the legal fraternity on the issue of L.F.O.
- (o) The Conference expresses its concern and strongly condemns the arrests of Dr. A. Qadeer Khan and other Nuclear Scientists and calls upon the Government to release them immediately recognizing their heroic role for their Motherland.

**RESOLUTIONS PASSED IN ALL PAKISTAN LAWYERS CONVENTION  
HELD AT LAHORE ON 20-11-2004 UNDER AUSPICES OF THE  
PAKISTAN BAR COUNCIL.**

“The participants of All Pakistan Lawyers Convention are deeply distressed over the Bill passed by the Parliament allowing Musharraf to retain the offices of the President and the Chief of Army Staff. In the opinion of the lawyers fraternity, this Bill is clearly unconstitutional and accounts to subversion of the Constitution. The Convention strongly believes that Pervaiz Musharaf has taken over the office of the President of Pakistan through unconstitutional means and is continuing in that office unconstitutionally. Neither the fraudulent referendum of April 2002 nor the so-called vote of confidence of January 2004 conferred any legitimacy on him. In the opinion of the lawyer’s community he was and continues to be usurper and subverted of the Constitution.

This Convention calls upon Musharraf to quit both the offices of President and Chief of Army Staff by 31<sup>st</sup> December 2004 at the latest making way for election of the President of Pakistan under the Constitution and appointment of the Chief of Army Staff by a constitutionally elected President. This Convention has decided to hold Black Day throughout Pakistan on 10<sup>th</sup> of January 2005 as a protest for continuation of Musharraf in the office of the President and Chief of Army Staff. The Convention has also decided to hold All Pakistan Lawyers Convention on Saturday, 29 January 2005 at Karachi.

**OTHERS RESOLUTIONS PASSED IN ALL LAWYERS CONVENTION  
HELD AT LAHORE ON 20-11-2004 UNDER AUSPICES OF THE  
PAKISTAN BAR COUNCIL**

1. The Convention strongly condemns the continued aggression of United States against the people of Iraq. The Convention also condemns the bloody assault of American troops on city of Falujah causing death of thousands of innocent civilians, women and children. The acts of the American armed forces and its allies in Iraq are international crimes committed against the people of Iraq. This Convention demands withdrawal of all foreign forces from the soil of Iraq and to allow the people of Iraq to elect their Government and run their affairs without outside interference.
2. The Convention deeply condoles the death of Palestinian leaders Yasir Arfat. He was a great leader of the Palestinians in their cause for self-determination and against the illegal occupation by brutal Israeli forces and the terrorist state of Israel. This Convention pays rich tributes to Late Yasir Arfat for his epic struggle against Israeli occupation over the Palistinian lands
3. The Convention condemns the military action against the citizens of Pakistan in the tribal areas of Wana and Waziristan. This Convention is of the considered view that such actions are liable to create disaffection amongst the people of Pakistan living in the areas subjected indiscriminate military action by the Musharraf regime at the behest of foreign powers.
4. The Convention condemns the deliberate escape of police official accused in the murder case of civil judges in Sialkot Jail from the Anti-Terrorist Court, Gujranwala. The Convention believes that their escape is on account of the misuse of their position and influence as police officials. Those on duty for arresting them are liable to be prosecuted and tried for abetting their illegal escape from justice.

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

### PASSED IN ALL PAKISTAN LAWYERS REPRESENTATIVES MEETING HELD ON 02-10-2004 AT LAHORE UNDER AUSPICES OF THE PAKISTAN BAR COUNCIL.

“All Pakistan Lawyers Representative Meeting held at Lahore on 02-10-2004 under auspices of the Pakistan Bar Council has noted with serious concern the resolutions of Punjab and Sindh Assemblies and statements of other politicians from ruling party urging General Pervaiz Musharraf to continue with the office of Army Chief for next five years. This meeting 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 continuation in army uniform. This House is of the considered view that such Resolutions and statements are absolutely false, baseless, misleading and unconstitutional. It amounts to perpetuating fraud on the Constitutional 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 effect on federating units. We have not learnt any lesson from the separation of East Pakistan, in the year 1971.

The entire legal fraternity had forcefully apposed the imposition of Legal Framework Order 2002 being unconstitutional and malafide. Likewise, approval of the 17<sup>th</sup> Amendment to the Constitution 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 the basic structure of the Constitution.

An assessment of Constitutions of various countries discloses that there exist no provision in any Constitution of any true democratic country, such as U.S.A. India, France, Germany, Canada, Australia, Malaysia, and even 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 if war on terrorism. On the contrary, such alleged circumstances make it absolutely imperative that these two separate High Offices be held by two different personalities so as to improve the efficiency of military in order to combat terrorism and the President to run the day to day affairs of the Country.

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

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violating his oath of office as prescribed vide Article 244 of the Constitution of 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 prohibits an Army General to assume the highest executive office. It amounts to usurpation and the Meeting does not hesitate in proceeding General Pervez Musharraf as usurper.

The All Pakistan Lawyers Representatives Meeting also resolves:-

- (1) that Lawyers throughout Pakistan will observe 12<sup>th</sup> October, 2004 as BLACK DAY re-iterating their condemnation of Army takeover on 12-10-1999 when Constitutionally elected Government of people representatives was dislodged attracting provisions of Article 6 of the Constitution. The Lawyers will hoist Black Flags on their Bar buildings, wear black arm bands and hold protest meetings in their respective Bar Rooms.
- (2) that All Pakistan Lawyers Convention will be held on 20-11-2004 at Lahore under auspices of the Pakistan Bar Council to amount pressure against 17<sup>th</sup> Amendment and holding of two offices i.e. Army Chief and President by General Pervez Musharraf and for restoration of the 1973 Constitution, Rule of Law, establishment of true parliamentary democracy and independence of judiciary. The All Pakistan Lawyers Convention on 20<sup>th</sup> November, 2004 will be followed by Lawyers Conventions at Karachi, Peshawar and Quetta.
- (3) to condemn the most saddest incident of Sialkot causing loss of 29 innocent lives which proves that the Government has miserably failed to maintain law and order in the Country and to provide security and protection to citizens. The Government is called upon that culprits may be arrested and taken to task immediately Fateha was also offered for departed souls.
- (4) to condemn the on going Military operation in Wana and Waziristan Area as a result of which hundreds of innocent civilians have been killed. There is also justification whatsoever for the Army to kill innocent citizens of its own country least bothering about increasingly developing hatred against it.

**DECLARATION OF JOINT ACTION COMMITTEE ADOPTED ON 11<sup>TH</sup>  
JANUARY, 2004 AT PESHAWAR.**

WHEREAS the movement of lawyers in Pakistan is for restoration of Constitution as it stood on 12<sup>th</sup> October, 1999;

AND WHEREAS military rule is repugnant to the supremacy of the Constitution and the rule of law in Pakistan.

AND WHEREAS the lawyers will continue their struggle till revival of 1973 Constitution, supremacy of the Parliament, independence of judiciary and provincial authority.

The Joint Action Committee (JAC) of the lawyer's representatives in Pakistan in its meeting held on 11<sup>th</sup> January, 2004 at Peshawar do hereby adopt the following declaration;

1. Seventeenth Constitution Amendment is rejected having been adopted on the presumption that Legal Framework Order (LFO) 2002 was part of the Constitution. JAC neither reiterates its standpoint that no individual has power to amend the Constitution and the Supreme Court can neither itself nor can authorize any one else to amend the constitution.
2. JAC does not accept Musharraf as President because his assumption and continuation to office as President is unconstitutional and the same cannot be legitimized or rendered Constitutional through referendum or so-called vote of confidence.
3. JAC rejects discretionary powers of President to dissolve National and Provincial Assemblies under Article 58(2) (b) respectively function as destruction of the Federal Parliament System and violative of the basic structure and features of the Constitution.
4. JAC is of consideration view that inclusion of important law in the Sixth Schedule to the Constitution has undermined the legislative function and powers of the Parliament and Provincial Assemblies and is opposed to the provincial authority.
5. JAC is of the opinion that all Judges of the Superior Courts should be administered oath under the Constitution to protect, preserve and defend the Constitution. Without such oath, the superior courts lack the character of being constitutional courts.
6. JAC demands that there should be no reduction in number of judges of the Supreme Court, that all vacancies in the superior courts should be filled forthwith

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and all appointments to the Supreme Court and the Chief Justices of High Courts be made on the principle of seniority.

7. JAC demands that the Kashmir issue be resolved on the basis of self determination of the people of Kashmir.
8. JAC condemns the arrest and humiliation of the Scientist of Pakistan by submitting them to investigation of foreign agencies. This is in clear violation of sovereignty of Pakistan and their fundamental rights.
9. JAC condemns the military operation being carried out in the territories of Pakistan at the behest of foreign powers.
10. JAC appoints a Committee headed by Mr. Tariq Mahmood, President of Supreme Court Bar Association of Pakistan with messes Hamid Khan and Muhammad Ikram Chaudhry as its members. The Committee shall prepare a comprehensive proposal on judicial reforms for adoption by the lawyer's representative conference. It will also prepare a paper for dissemination to lawyer and the people of Pakistan as to law the 17<sup>th</sup> Amendment has violated the basic structure and features of the Constitution.
11. That lawyer's representative Conference will be held on Thursday 12<sup>th</sup> February 2004 at Lahore in the premises Lahore High Court Bar Association.
12. That the Bar will observe protest day throughout Pakistan against the 17<sup>th</sup> Amendment.

**RESOLUTIONS PASSED IN ALL PAKISTAN LAWYERS  
REPRESENTATIVES CONFERENCE HELD ON 05-09-2003 AT LAHORE  
UNDER AUSPICES OF THE PAKISTAN BAR COUNCIL.**

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

“This all Pakistan Lawyers Representatives Conference held at Lahore on 5<sup>th</sup> September, 2003 has reviewed the struggle of the legal fraternity since the holding of the last representative Conference of Lawyers held at Islamabad on 1<sup>st</sup> February, 2003 for the restoration of the 1973 Constitution as it stood on 12<sup>th</sup> October 1999, for the supremacy of the Rule of Law and independence of Judiciary and notes with satisfaction the successful holding of National Conventions of Peshawar on 22<sup>nd</sup> March, 2003, at Lahore on 19<sup>th</sup> April 2003, at Karachi on 17<sup>th</sup> May, 2003, at Islamabad on 9<sup>th</sup> June, 2003 and at Quetta on 26<sup>th</sup> July, 2003.

This Conference reiterates as follows:-

- (a) We reject and denounce the black Legal Framework Order, the object of which is to entrench the forces and individuals that seized control of all State appreciation on the barrel of their guns.
- (b) The L.F.O. is not and can never be a part of the Legal order of the Country Only Parliament has the authority to amend the Constitution and in accordance with the procedure prescribed in the Constitution itself without impairing its Basic Structure or Salient Features,
- (c) Neither any Court nor any individual has any power to amend the Constitution and much less can any Court bereft of such power confer the same to any individual.
- (d) That General Musharaf being disqualified to serve as President of Pakistan under the Article 41 and 43 of the Constitution read with the Second Schedule thereof cannot take shelter under a rigged and fraudulent referendum.
- (e) That the Pakistan of Quaid-e-Azam envisages the supremacy of civil authority, but in the Pakistan of General Musharaf the people's willed and civilian authority have been subjugated to military might. We reject the proposed National Security Council, the attempted conferment of discretionary powers on the President to dissolve the assemblies, the addendums to the matters listed in the Sixth Schedule of the Constitution and the extension in the retirement age of Superior Judiciary.
- (f) We demand that all Judges of Supreme Courts who have not attained the age of retirement under the 1973 Constitution as it stood on 12<sup>th</sup> October, 1999 should make Oath under the Constitution of Pakistan to preserve,

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protest and defend the Constitution of the Islamic Republic of Pakistan as it existed on the said date. We consider it to be an affront to the independence of the Judiciary and a flagrant breach of the Code of Conduct and Ethics for the Superior Judiciary for a Chief Justice beholden for his appointment to the usurpers of state power to make public statements defending the L.F.O. and pledging to defend it as if it was a part of the Constitution. On the country we hold that the decision to boycott the Oath taking ceremony of Judges at Lahore on 03-09-2003 and at Quetta on 04-09-2003 is in complete harmony and in consonance with the views and feelings of the Legal fraternity.

- g) We reiterate that the Basic situation of the Constitution and its salient and Islamic provisions that Pakistan shall be federal parliamentary democracy with autonomy for federating units, where the armed forces are subservient to the civil authority, wherein the fundamental rights enshrined in the Constitution including the right of access to justice and an independent judiciary are sacrosanct, is inviolable.
- h) That the grant of extension to judges of the superior courts in the age of retirement is a carrot that debases independence of those who accept it, rendering them as usurpers equally culpable as General Musharraf.
- i) That to safeguard against future usurpers and adventures, the present usurpers and their collaborations must not be granted indemnity or immunity for their misdeeds but should, on the contrary, be tried under Article 6 of the Constitution.
- j) We condemn the sealing of the offices of the Supreme Court Bar Association and demand their immediate and unconstitutional de-sealing.

This Conference also notes with satisfaction the role played by the Joint Action Committee in giving concrete shape to the struggle for the attainment of the aforesaid objectives, expresses its full confidence in the Joint Action Committee and empowers the Joint Action Committee to Continue with the responsibilities that it was charged with by the Islamabad Conference of February 1<sup>st</sup>, 2003.

We approve the proposal to hold a Long March Commencing from Lahore to Islamabad on 13<sup>th</sup> October, 2003 and the holding of a National Convention at Islamabad on the following day. The Joint Action Committee is fully empowered to take such further steps in furtherance of our peaceful struggle, including direct action by way of hunger strikes and demonstrations for the realization of our aforesaid objectives.”

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

“We condemn American in Bannu and surrendering of Pak sovereignty by Gen. Musharraf. Lawyers condemn Musharraf regime and its co-operation with F. B.I. and U. S. forces in Pakistan.

We condemn false statements consistently made by Govt. functionaries of present regime. We demand immediate dismissal of Gen. Musharraf. We also condemn U.S. atrocities in Afghanistan and Iraq.”

**RESOLUTIONS PASSED IN THE 5<sup>TH</sup> ALL PAKISTAN LAWYERS  
CONVENTION HELD ON 26-07-2003 AT QUETTA UNDER AUSPICES  
OF THE PAKISTAN BAR COUNCIL.**

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

This All Pakistan Lawyers Convention held at Quetta on 26<sup>th</sup> July, 2003 at a crucial time in the history of Pakistan reiterates the decision and resolutions of the previous conventions held this year and reaffirms its resolve to continue accelerating its struggle for the attainment of true democracy, the restoration of the 1973 Constitution with all its provisions, particularly those relating to the independence of the judiciary, the sovereignty of the people and the parliament and the supremacy of the rule of law.

We take note on the impending dialogue between the establishment and the opposition leadership on the so called Legal Framework Order and once again highlight our principled stand visa:

1. That the legal Framework Order is not a substantive part of the Constitution. No individual is empowered to amend the Constitution as amendment can be effected only in accordance with the mechanism provided in the Constitution itself.
2. That the National Security Council contemplated by the LFO destroys the principle of representative government and supremacy of parliament.
3. That the LFO under the garb of amending Article 58(2)(b) of the Constitution in fact seeks to impose a presidential form of government that is completely abhorrent to the federal parliamentary democracy guaranteed by the 1973 Constitution.
4. That the extension in the retirement age of the superior judiciary is completely incompatible with its independence and is a reward from the powers that be to the superior judiciary for legitimizing and illegitimate take over on 12<sup>th</sup> October, 1999.
5. That General Musharraf is not and cannot be the Constitutional President of Pakistan and under no legal touchstone can the so called referendum over ride the mandatory provisions of the Constitution with regard to the qualifications and the method of electing the President.
6. That the attempted grant of immunity to certain as called laws promulgated by the usurpers of state power through the introduction of the sixth schedule of the Constitution through the LFO makes a mockery of parliamentary supremacy.

We remind the opposition of the joint declaration that they have signed with us pledging to abide by the said principle and to struggle jointly for the attainment of the aforesaid objectives and we reaffirm our commitment to the people of Pakistan to be the conscience of the people and to struggle for these principle until their undiluted realization.

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

This Convention deplores the promulgation of the Contempt Courts Ordinance, 2003 and is of the considered view that it is a futile attempt to muzzle the campaign of the Legal Fraternity to express the misdeeds of the superior judiciary and its collusion with the military establishment. This Convention congratulates the Pakistan Bar Council for publishing the white paper on the Judiciary and adopts it as a paper issued by the entire legal fraternity.

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

This All Pakistan Lawyers Convention held at Quetta on 26<sup>th</sup> July, 2003 unequivocally opposes the dispatch of Pakistan troops to Iraq on any pretext whatsoever. It is for the occupation forces alone to bear the consequences of their illegal occupation and under no circumstances should the armed forces of Pakistan become the mercenary division of the occupation forces. In fact, instead of even contemplating the dispatch of troops, our government should be demanding the immediate end of the occupation of Iraq and expose the Anglo-American designs of dominating the resources of other sovereign people and nations. The attempt to force down the recognition of Israel is an inseparable part of this design and we urge the people to unite to foil these nefarious designs.

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

This all Pakistan Lawyers Convention expresses its deep sorrow on the carnage occurring at Quetta on 4<sup>th</sup> July 2003 and condemns the failure of the government to protect the lives and property of the people and their places of worship. The dastardly killings are a conspiracy to undermine the unity of the Federation.

The Convention is deeply shocked at the killings of innocent citizens including judges in the premises of Sialkot Jail and it is particularly disturbed as to how firearms were smuggled into the jail premises.

The Convention prays to Allah to grant mercy to the deceased's souls and resolve to commemorate 30<sup>th</sup> July 2003 as a day of both protest and mourning and urges every bar association to act accordingly

**R E S O L U T I O N N O. 5.**

This Convention resolves that the movement of Lawyers will work towards provincial autonomy under the provisions of the Constitution given in its original form. It is hereby declared that provincial autonomy under the Constitution is the guarantee for united Pakistan and its integrity and prosperity.

**RESOLUTION ADOPTED AT THE “ALL PAKISTAN LAWYERS CONVENTION 2003” HELD UNDER THE AEGIS OF THE SINDH HIGH COURT BAR ASSOCIATION KARACHI BAR ASSOCIATION AND SINDH BAR COUNCIL AT KARACHI HELD ON 17<sup>TH</sup> MAY, 2003.**

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

“This all Pakistan Lawyers Convention while reaffirming and fully endorsing the earlier resolutions adopted at the Conventions and Conferences held at Islamabad, Peshawar and at Lahore firmly resolves to continue the struggle launched by the legal fraternity against “Legal Framework Order” till it is scrapped. The LFO is by no means and cannot be a substantive part of the Constitution of the Islamic Republic of Pakistan 1973. The LFO is ex-facie a device on the part of the General Pervaiz Musharraf to perpetuate himself in the self-assumed office of the President of Pakistan, which he has, like his predecessors, Field Marshal Ayub Khan, General Yahaya Khan and General Zia-ul-Haq usurped through extra-Constitutional devices by use of force dismissing elected government and dissolving Parliament by subverting and invading the provisions of the Constitution.

The legal fraternity is on record as having consistently resisted the adventurism of the army generals and therefore even now cannot be a silent spectator when General Pervaiz Musharraf is engaged in disfiguring the Constitution simply to perpetuate himself in the office of the President and promote his dictatorial regime.

The LFO is a well-calculated attempt in futility on the part of General Musharraf to change and amend the Constitution for attainment of personal ends at the cost of the solidarity and sovereignty of the Country. The LFO undermines the sanctity and supremacy of the Parliament. It is an instrument demonstrative of the whims and caprice of one man as against the WILL OF THE PEOPLE who have chosen their representatives to promote a democratic, federal and parliamentary system of government.

In furtherance of his unlawful and unconstitutional design, General Musharraf also deemed it expedient on the eve of elections to make further inroads to the Constitution whereby the superannuation age of the Judges of the Superior Judiciary was extended, which action is nothing short of political. Bribery and undermines the independence and credibility of the superior Judiciary. The convention, therefore, reiterates and condemns the LFO in unequivocal terms and refuses to accept it as a substantive part of the Constitution in as much as neither the Supreme Court of Pakistan nor any individual can amend or alter the Constitution which authority entirely rests with the Parliament in accordance with the amending provisions of the Constitution itself.

The legal fraternity expresses its appreciation for the parliamentarians who have launched a struggle against LFO and urges them to remain steadfast and not to make any compromises or concessions that would be a betrayal of the sacred trust and confidence reposed by the people.”

**RESOLUTIONS PASSED IN THE SECOND ALL PAKISTAN LAWYERS CONVENTION HELD AT LAHORE 19-04-2003 ORGANIZED AND HOSTED BY LAHORE HIGH COURT BAR ASSOCIATION AND SPONSORED BY PAKSITAN BAR COUNCIL & SUPREME COURT BAR ASSOCIATION.**

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

This National Convention of Lawyers held under the auspices of the Lahore High Court Bar Association.

Reaffirms the resolutions adopted at the National Convention held at Peshawar on 22-03-2003 and takes note that the legal fraternity has demonstrated exemplary unity in its ranks for the attainment of the supremacy of the rule of law;

Recognizes that only the people of Pakistan through their lawfully elected representatives are competent to amend the unanimously adopted Constitution of 1973;

Declares that the 1973 Constitution can be amended only by the methodology prescribed under article 239 of the Constitution and once again rejects all attempts to incorporate the Legal Framework Order as a substantive part of the Constitution in departure from the prescribed Constitutional scheme;

Demands that the 1973 Constitution be restored in the form that it stood as of 12<sup>th</sup> October 1999 and that judges of the superior judiciary who has not attained the age of retirement under the Constitution Oath under the 1973 Constitution.

Resolves to continue the struggle for the restoration of the 1973 Constitution, the supremacy of Parliament, the independence of the judiciary and establishment of the Rule of law and calls upon all democratic forces to join hands for the attainment of the said objectives.

This National Convention once again reiterates its rejection of any move to enhance the retirement age of incumbent judges of the superior Courts and reaffirms the decision to refrain from litigating Constitutional issues before the apex Court as it has ceased to be independent.

We resolve that the struggle by the elected Member of Parliament to seek restoration of 1973 Constitution faithfully and fairly represent the sentiments of the Pakistani people and in particular the principle stand of the members of legal fraternity. We unequivocally reject the stance of the government accusing those who reject the L.F.O. of obstructing the democratic process. On the contrary we maintain that any so-called set up where Parliament is not sovereign is a sham and a fraud on democracy.

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We are of the view that each and every amendment introduction by the General Pervaiz Musharraf since October 12, 1999 is calculated to destroy the democratic institutions of the Country so as to perpetuate himself in the self assumed office of the President in complete negation of the Objectives Resolution of 1940.

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

This All Pakistan Lawyers Convention reiterates its previous resolution condemning the Anglo-American aggression on Iraq in flagrant disregard of all principles of international Law and the charter of the United Nation. It demands an immediate end to the occupation of Iraq and the immediate withdrawal of all foreign forces.

This Convention demands of the Government of Pakistan that it insist (1) that the Anglo-American forces be replaced by a United Nation peace keeping force, the primary task of which should be to conduct free and fair elections that would enable the Iraqi people to be governed by their chosen representatives, (2) that the vital assets and oil fields of the Iraqi nation be preserved for the benefit of the Iraqi people and (3) that the reconstruction of Iraq be carried out under the aegis of the United Nations to ensure that the wealth of Iraq is not plundered by the Anglo-American multinationals.

This Convention of representatives of the Lawyers in the Country takes serious note of the loot and plunder committed in Iraq while occupational forces of U.S.A. and its allies are in full control. We also are deeply pained that in a deliberate and calculated manner the Holy shrines of Islam, the historic library of Baghdad and relics of historical importance were looted and destroyed , for which the responsibility entirely rests upon the U.S.A and its cohorts.

**RESOLUTIONS PASSED IN THE 1<sup>ST</sup> ALL PAKISTAN LAWYERS  
CONVENTION HELD ON 22-03-2003 AT PESHAWAR UNDER  
AUSPICES OF THE PAKISTAN BAR COUNCIL.**

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

The Convention condemns the Legal Framework Order and decision that it is not part of the Constitution. Its provisions cannot change or alter Constitution including the matter of retirement age of judges fixed under the Constitution. The Lawyers had repeatedly called upon the Judges not to accept this dubious gift from the military rulers and to renounce the same and retire honorably on attaining the age of superannuation fixed under the Constitution, unadulterated by the LFO. The Convention condemns the former Chief Justice Sheikh Riaz Ahmed and former Judge of Supreme Court (R) Qazi Muhammad Farooq and Justice (R) Ashraf Leghari of Sindh High Court for continuing to act as Chief Justice and Judges. The Convention regards them usurpers and violators of the constitution.

The Convention is of the considered view that this has further undermined independence and credibility of the judiciary. In the opinion of the Convention, it is an ill-gotten gain received from an illegitimate regime under an invalid and unconstitutional document in the stealth of the right. The Convention is of the firm opinion that Constitution can only be amended by the Parliament by two-third majority of each house of the Parliament and no individual can amend or alter the Constitution. The Supreme Court can neither itself amend the Constitution nor can authorize any person to do so.

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

The convention condemns in the strongest terms naked and barbarious invasion of Iraq by the American and British armed forces. It is a blatant violation of the International Law and a branch of the U.N. Charter. The barbarious bombardment of Iraqi cities by Anglo American forces arm defenseless Iraqi citizens establishes not only arrogant used of force but also calls disregard of human lives and liberties. The convention calls upon the entire civilized World to isolate and ostracize U.S.A., U.K. and other countries co-operating with them. The Convention condemns Bush and Blair administration as predators of twenty first Century and calls upon all countries of the world to unite against them and to resist them in their nefarious designs.

The Convention also views with concern and disappointment that Government has failed to take a clear stand against the war being imposed on Iraq. The Convention wants to make it clear to General Musharraf and Mr. Jamili that the people of Pakistan will not allow them to pursue pro-American policies of sport aggression.

**RESOLUTIONS PASSED BY THE NATIONAL CONFERENCE OF  
LAWYERS REPRESENTATIVES HELD ON 01-02-2003 AT ISLAMABAD  
UNDER AUSPICES OF THE PAKISTAN BAR COUNCIL.**

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

The National Conference of Lawyers Representatives held at Islamabad on Saturday, 1<sup>st</sup> February 2003 under the auspices of Pakistan Bar Council passed the following resolution:

1. The Conference is deeply disturbed over the continuing uncertainty caused by Legal Framework Order (LFO) about the constitutional matters of grave and far reaching consequences. The country is faced with an anarchic situation regarding its basic law, which is seriously undermining affective constitutional and legal order in the country.
2. The LFO is an attempt of introducing arbitrary and self-serving amendment in the Constitution by a military ruler without subjecting proposals for amendment to the wisdom of elected representatives of the people and to valuable and necessary debate in Parliament. The Convention therefore depreciates the LFO as an extra constitution measure which can not form part of the Constitution.
3. The Constitution is of the consideration view that 1973 Constitution is the only Constitution of Pakistan which was agreed upon by all political parties in the Parliament and grant care should be taken in preserving it. Any amendment attempted to be introduced through LFO by an individual would contaminate the Constitution and undermine its sanctity.
4. The Conference calls upon the Parliament to consider LFO as proposed for constitutional amendments free from all extraneous pressures and reject those portions which undermine parliamentary form of government, process of presidential elections and independence of judiciary.
5. The Conference calls upon the lawyers throughout the country as guardians of the Constitution to spare no effort to undo the LFO and to continue their struggle for restoration of the Constitution in its original form unpolluted by LFO.

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

The National Convention of Lawyers Representatives held at Islamabad on 1<sup>st</sup> February 2003 under the auspices of the Pakistan Bar Council resolved as under:-

1. The Conference deprecates the Legal Framework (Amendment) Order 2002 enhancing the retirement age of judges as a blatant violation of the principle of independence of judiciary. It is an ill-gotten gain obtained from an illegitimate regime in the stealth of the night under an invalid and

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unconstitutionality of LFO having become beneficiaries of the same. The lawyer fraternity in Pakistan regards this amendment as the death knell of independence and credibility of judiciary.

2. The Conference calls upon all the judges to repudiate this dubious gift and appeals to the judges who have passed the age of superannuating to retire honorably. The conference wants to remind the judiciary that its writ runs by virtue of its moral authority and the perception of its independence. The acceptance of this dubious favour from the Military Ruler has undone moral authority, credibility and independence of judiciary.
3. To ensure independence of judiciary in Pakistan is a constitutional made by the Pakistan before the United Nation and is a requirement of the U.N. Charter. The government and judiciary are bound to fulfill this commitment before the international community.
4. The Conference appeals to the members of judiciary to renounce the enhancement in the retirement age by 28<sup>th</sup> of February, 2003 at the latest otherwise the lawyers community would be compelled to launch a movement to accomplish this object and would take the following steps:-
  - (a) To observe a black day throughout Pakistan on 8<sup>th</sup> March, 2003 and in this behalf to hoist black flags over the Bar Association buildings, wear black badges and to hold meeting in their respective Bar premises.
  - (b) To hold conventions at the national and provincial capitals on the dates to be determined by the Action Committee consisting of:-
    1. Vice-Chairman, Pakistan Bar Council.
    2. Chairman Executive Committee, Pakistan Bar Council.
    3. Vice-Chairmen, Provincial Bar Councils.
    4. President, Supreme Court Bar Association.
    5. Presidents, High Court Bar Associations.

### **RESOLUTION NO. 3**

The National Conference Lawyer Representatives held at Islamabad under the auspices of the Pakistan Bar Council on 1<sup>st</sup> February, 2003 resolve as under:-

1. The Conference is deeply disturbed over the fact that the judges of the superior courts have not taken oath under the Constitution despite restoration of the Constitution. This is causing serious constitutional crises because the judges have not committed themselves to preserve, protect and defend the constitution by making oath to do so. This anomalous

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situation should be remedied immediately and all judges of superior courts should insist on making oath under the constitution.

2. The Conference takes serious note of the press reports that if oath is administered under the constitution, the government might not invite some of the judges to make oath. The Conference is of the firm opinion that such an exercise of pick and choose amongst judges, who have not retired under the Constitution, would be most unfortunate and a fatal blow to the independence and credibility of judiciary. Thus, all the Supreme Court Judges, who have not attained the age of 65, and all the High Court judges, who have not attained the age of 62, should be invited to make oath to preserve, protect and defend the Constitution.

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

The National Conference of Lawyers Representatives held at Islamabad on 1st February 2003 under the auspices of Pakistan Bar Council deplors the arrogant insistence of the United States on undertaking unilateral military action against Iraq. This is a blatant violation of United Nations Charter and usurpation of the authority of the Security Council. The Conference call upon all the nations in the World to unite against the threatened War on Iraq and to frustrate the US designs.

The Conference considers the policies and attitude of Bush Administration as discriminatory towards Muslims Countries forcing them to disarm while arming Israel and India to the teeth. The Conference also condemns the policy of the U.S. government targeting Muslims in the United State for the humiliation of investigation, finger printing, photographing and interrogation like criminal in the name and garb of registration procedures.

The conference condemns the arrest, detention and humiliation of Pakistani citizens at the behest of FBI and other foreign investigation agencies. The Conference considers the occurrence of such incidents as violative of the sovereignty and independence of Pakistan and negation of fundamental rights of Pakistani citizens.

The Conference calls upon the government to vote in the Security Council against the resolution for military action against Iraq and no military bases be given to the U.S.A. and the existing U.S.A should be asked to vacate its military bases in Pakistan.

#### **R E S O L U T I O N N O. 5**

This conference is of the considered opinion that unless, as a first step, the Superior Judiciary renounces the benefit sought to be conferred on it by enhancement the age of retirement; no purpose would be served by challenging the LFO before the Superior Judiciary. This Conference resolves to mobilize the entire legal fraternity to vociferously protest against the LFO and calls upon all former Judges of the Superior Judiciary to come forward and lend their moral authority for the cause of the Rule of Law by participating in conventions and conferences to be held in the future in this regard.

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

### Passed in the “National Lawyers Representatives Conference” held on 20-04-2002 at Lahore under auspices of the Pakistan Bar Council.

WHEREAS the military rulers in Pakistan have abused in the past the process referendum to perpetuate themselves in power:

AND WHEREAS the people of Pakistan have rejected such referendum as hoax and sham:

AND WHEREAS the lawyers fraternity in Pakistan is unanimous that election of President through referendum or continuation in office as President are inherently and blatantly unconstitutional;

AND WHEREAS the lawyers in Pakistan as guardians of constitution and upholders of rule of law have rejected the Referendum Order 2002 and to consider the referendum purportedly are being held thereunder as fraud on the Constitution;

AND WHEREAS the people of Pakistan in general and the lawyers in particular are shocked over the misuse of government funds and state resources for perpetuating a military ruler in power and claim accountability of those funds;

NOW, THEREFORE, the participants of the National Lawyers Representatives Conference held at Lahore on Saturday, 20<sup>th</sup> April, 2002 under auspices of the Pakistan Bar Council do hereby resolve as under:-

- (1) That the Referendum Order, 2002 and the referendum being held thereunder on 30<sup>th</sup> April, 2002 to perpetuate General Pervez Musharraf in power are gross violation and contravention of the Constitution.
- (2) That the Referendum can not be a substitute for Presidential election and regardless of the result of the so called referendum on 30<sup>th</sup> April, 2002; no legitimacy will be conferred on General Pervez Musharraf to continue in power.
- (3) That General Pervez Musharraf and his military junta shall be responsible and accountable for every penny of public money being misspent on the contrived and bogus public meetings being held at various centers in Pakistan.
- (4) That General Pervez Musharraf being in the service of Pakistan is neither qualified to contest the election for President of Pakistan nor can confer

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upon himself the office of President through any means whatsoever including the subterfuge of referendum..

- (5) That General Pervez Musharraf is violating his Oath of Office under the Constitution as a member of the Armed Forces by participating in political activities for which he is liable to be punished under the law.
- (6) That General Pervez Musharraf and his colleagues in the military junta have done great disservice to the country and have contravened the national interest by politicization of the Armed Forces and by undermining the morale and effectiveness of Armed Forces as an efficient fighting force.
- (7) That speech of General Pervez Musharraf on 8<sup>th</sup> April, 2002 and the referendum being held thereafter clearly indicate that his ambition to perpetuate himself in power would undo parliamentary democracy in Pakistan and could pave way to disaffection amongst people of Pakistan by breach of Constitutional consensus on the parliamentary democracy.
- (8) That continuation of military rule in Pakistan is extremely harmful to the unity and solidarity of the country and general elections to the Parliament and the Provincial Assemblies should be held forthwith in order to transfer power to the representatives of the people of Pakistan.
- (9) The Conference calls upon the people of Pakistan to boycott unconstitutional referendum on 30<sup>th</sup> April, 2002.
- (10) The Conference pays rich tributes to Justice (Retd) Tariq Mahmood of Baluchistan High Court for resigning his office on the principle that Election Commission has not constitutional jurisdiction to hold referendum. His resignation has further eroded the legitimacy and credibility of the process of referendum.
- (11) The Conference condemns those lawyers who have jointed the military government despite collective opinion of the lawyer community that the present military government and referendum called by it are unconstitutional.
- (12) The Conference, calls upon all the Bar Councils and Bar Associations in the country to observe PROTEST DAY on THURSDAY the 25<sup>th</sup> April, 2002, and hold protest meetings and rallies and take out processions throughout the country to condemn referendum being held on 30<sup>th</sup> April, 2002.
- (13) The Conference condemns in the strongest terms the violence against members of the press in Faisalabad which clearly manifests the dictatorial tendencies of the present military regime.

**RESOLUTIONS UNANIMOUSLY ADOPTED IN THE ALL PAKISTAN LAWYERS REPRESENTATIVES MEETING HELD ON 9<sup>TH</sup> MARCH, 2002 AT KARACHI HALL LAHORE HIGH COURT BAR ASSOCIATION, LAHORE UNDER AUSPICES OF THE PAKISTAN BAR COUNCIL.**

**RESOLUTION No. 1**

WHEREAS the lawyer fraternity throughout Pakistan is of the considered opinion that military courts or courts with participation of members of the armed forces are unconstitutional;

AND WHEREAS promulgation of Anti-terrorism (Amendment) Ordinance, 2002 is inherently unconstitutional for the reason that it provides for participation of members of the armed forces as adjudicators on the Anti-terrorism courts thereby restricting access to justice.

AND WHEREAS representatives of lawyers throughout Pakistan have assembled in Lahore on 9<sup>th</sup> of March 2002 on the invitation of the Pakistan Bar Council to consider a resolution against Anti-terrorism (Amendment) Ordinance, 2002.

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council does hereby resolve as under:-

1. That the promulgation of Anti-terrorism (Amendment) Ordinance, 2002 is strongly condemned.
2. That such Ordinance is clearly unconstitutional for the reason that the Constitution does not envisage members of the armed forces to act as adjudicators of trial of civilians.
3. That the said Ordinance is also unconstitutional in view of the judgment of the Supreme Court in the case titled 'Sh. Liaquat Hussain vs. Federation of Pakistan' (PLD 1999 SC 504).
4. That this Conference calls upon the Pakistan Bar Council, Supreme Court Bar Association, Provincial Bar Councils and High Court Bar Associations to challenge constitutionality of the said Ordinance before the Supreme Court of Pakistan.

**RESOLUTION No. 2**

All Pakistan Lawyers representatives Conference held under the auspices of the Pakistan Bar Council on 9<sup>th</sup> March 2002 views with grave concern the intended

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constitutional amendment package by the present military regime and does hereby resolve as under:-

1. That lawyers fraternity is of the considered view that the present military regime has no authority to amend the constitution which can only be amended in accordance with the process provided under Article 239 of the Constitution.
2. That the lawyers fraternity has rejected the verdict of the Supreme Court in Zafar Ali's case conferring the power on the Chief Executive to amend the constitution and this conference does hereby reiterate the same.
3. That the creation of new Provinces by dividing and partitioning the existing Provinces is a matter of constitutional amendment, which the military regime has no authority to make.
4. That this conference express in strongest terms even the raising of issue of creation of new Provinces on the part of the military regime and the very discussion of the same is against the national interest and national unity.

### **RESOLUTION No. 3**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council views with grave concern the floating of the idea of holding referendum for extending term of office as President to General Pervez Musharraf and resolve as under: -

1. That the referendum for conferring term of office as President of Pakistan is inherently unconstitutional and referendum cannot take place of election to the office of the President.
2. That the referendum previously held for conferring term to the office as President on the heads of the military governments have been rejected by the people and such referendums held in 1960 and 1984 have been condemned by the people of Pakistan as sham and fraud.
3. That any effort on the part of General Pervez Musharraf to continue as President on the basis of referendum would not only be a negation of the constitution but would also have no credibility amongst the eye of the people of Pakistan.

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**RESOLUTION No. 4**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council rejects the appointment of Justice (Retd) Irshad Hasan Khan as Chief Election Commissioner of Pakistan and resolve as under: -

1. That the appointment of Justice (Retd) Irshad Hasan Khan is unfair and result of a deal between him and the military regime to manipulate the results of the forthcoming general elections to the Parliament and the Provincial Assemblies.
2. That conference holds that Justice (Retd) Irshad Hasan Khan is a controversial person and his continuation in office as Chief Election Commissioner will jeopardize the credibility of the forthcoming general elections to the Parliament and the Provincial Assemblies.
3. That the conference proposes that Justice (Retd) Irshad Hasan Khan be removed from the office of Chief Election Commissioner forthwith and a person of unimpeachable integrity and credibility be appointed in his place. This Conference proposes the names of Justice (Retd) Fakharuddin G. Ebrahim, Justice (Retd) Ajmal Mian and Justice (Retd) Zafar Hussain Mirza so that appointment of any one of them is made as Chief Election Commissioner.

**RESOLUTION No. 5**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council is shocked by the genocide of Indian Muslims in the State of Gujrat and elsewhere in India and resolve as under: -

1. That the communal riots in the State of Gujrat and elsewhere in India leading to merciless killings of and atrocities against Indian Muslims were provoked by Hindus extremists of VHP and RSS with the obvious blessings of the party in power Bhartia Janta Party.
2. That 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 this conference calls upon the BJP Government in the center and in Gujrat to accept the responsibility of the genocide of Muslims and should resign forthwith and hand over the reins of power to moderate parties who can do justice between Hindus and Muslim communities in India.

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**R E S O L U T I O N N O. 6**

All Pakistan Lawyers Representatives Conference held under the auspices of 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 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 government who are violating the norms of international law in respect of prisoners of war.

**R E S O L U T I O N N O. 7**

All Pakistan Lawyers Representatives Conference held under the auspices of 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's targets and Palestinians cities. This conference 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. 8**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council demands immediate withdrawal of US and other foreign armed forces from Pakistan. This Conference firmly believes that the presence of foreign troops in Pakistan is a violation of its sovereignty and independence loving people of Pakistan.

**R E S O L U T I O N N O. 9**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council demands immediate restoration of political activities throughout Pakistan and release of all the political détentés forthwith.

**R E S O L U T I O N N O. 10**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council disapproves the election of junior judges of the Lahore High Court to the Supreme Court of Pakistan and fully supports the petitions filed by the Pakistan Bar Council and the Supreme Court Bar Association challenging these appointment as unconstitutional.

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**RESOLUTION No. 11**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council condemns the recent appointment of five judges to the Lahore High Court being violative of the quota of lawyers in the appointment of High Court judges and also being violative of the seniority principle amongst the sessions judges.

**RESOLUTION NO. 12**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council demands appointment of judges against vacancies lying vacant for a long time in the Sindh High Court and other High Courts without any further delay.

**RESOLUTION No. 13**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council is of the considered view that the judges of the Superior Courts should neither be offered nor should they accept any employment after their retirement being violative of the independence of judiciary.

**RESOLUTION NO. 14**

All Pakistan Lawyers Representatives Conference held under the auspices of the Pakistan Bar Council condemns the amendment in Section 426 and 497 of the Code of Criminal Procedure withdrawing the provision of statutory bail therefore and it is demanded that the same be restored forthwith.

**JOINT COMMUNIQUE**  
**OF THE MEETING OF MEMBERS OF JOINT ACTION COMMITTEE**  
**REPRESENTING THE PAKISTAN BAR COUNCIL AND OTHER**  
**NATIONAL AND PROVINCIAL BAR BODIES WITH**  
**PARLIAMENTARY LEADERS OF POLITICAL PARTIES HELD AT**  
**LAHORE ON 23-08-2003,**

“Members of the Joint Action Committee comprising Bar Leaders held a joint meeting with Parliamentary leaders of Political Parties on 23<sup>rd</sup> of August, 2003 in the premises of Lahore High Court Bar Association, Lahore and jointly resolved as follows: -

1. We reject Legal Framework Order (LFO) as unconstitutional and invalid being an affront to the supremacy of the Parliament to amend the Constitution. It is a vicious attempt on the part of General Musharraf to contaminate the Constitution and to perpetuate himself in power.
2. The Supreme Court has neither itself any authority to amend the Constitutional nor can it confer such authority on any individual. Therefore, the very basis of LFO is invalid and unconstitutional.
3. No person in the service of Pakistan, military or civil, can assume the office of the President of Pakistan. Any person, who is not qualified for election as President of Pakistan under the Article 41 and 43 read with Second Schedule of Constitution, can neither be a candidate for election as President nor can he act as President.
4. The provision in the Constitution regarding referendum cannot be used for election as President of Pakistan. Thus, General Pervaiz Musharraf could not constitutionally assume the office of President on the basis of the referendum held on 30<sup>th</sup> of April 2002 which was in any case farcical and fraudulent.
5. The proposed National Security Council is against the fundamental constitutional principle of supremacy of civilian authority over the military authority. It cannot, therefore, become part of the Constitution.
6. The discretionary powers of the President to dissolve the National Assembly and Provincial Assemblies under Article 58(2)(b) and 112(2)(b) representatively destabilized civilian governments in the past and were rightly deleted by the Parliament under the 13<sup>th</sup> Amendment to the Constitution in 1997. There is no constitutional and political justification whatsoever to include them in the Constitution once again.
7. Independence of Judiciary is imperative for an democratic constitutional system and the extension in the retirement age, given by the military ruler to the judges through amendment in the LFO to subjugate judiciary to his own will, is unconstitutional and violative of the requirement of independent

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judiciary. The judges who have passed the retirement age are working unconstitutionally and have undermined independence and credibility of judiciary.

8. All the judges of the superior courts should immediately make oath under the Constitution to preserve, protect and defend the Constitution of the Islamic Republic of Pakistan, as it existed before 12<sup>th</sup> October 1999.
9. No status should be added to the Sixth Schedule of the Constitution because such inclusion would virtually destroy the legislative authority of the Parliament and the Provincial Assemblies.
10. No amendment should be made in the basic structure of the Constitution which includes the following:
  - i) Federal Parliamentary democracy;
  - ii) Fundamental rights;
  - iii) Independence of judiciary;
  - iv) The provincial autonomy;
  - v) Islamic provision;
11. All the orders/ordinances/instruments enforced/promulgated by General Pervaiz Musharraf after his take over as from 12 October 1999 till the advent of Parliament cannot be indemnified as valid legislation, but instead should be placed as ordinances before the concerned assemblies and be deemed to have been repealed if not passed within the period provided under the constitution.
12. The defections and Horse Trading in politics burlled through the unanimously passed 14<sup>th</sup> amendment in the constitution in 1997, was maliciously suspended and by winning over parliamentarian for the kings party installed in power and that Article 63-A so mutilated under LFO to give them protection need to be restored in its original shape.
13. NAB headed by an Army General and used to subjugate political process and for victimizing leaders and activists of opposition parties, be forthwith disbanded and across the board accountability headed by retired superior Court Judges of unimpeachable character be brought through parliament for trial of criminal misconduct and corruption of all holders of public offices upon complaint of every citizen of Pakistan.
14. Subversion of Constitution of Islamic of Pakistan 1973, punishable under Article-6 of the constitution be enforced in letter and spirit and Army Chief and his collaborators be punished to enforce supremacy of constitution and Rule of Law which will forestall future adventurists from their chauvinistic designs.

## **JOINT COMMUNIQUE**

### **OF THE MEETING OF MEMBERS OF ACTION COMMITTEE REPRESENTATING THE PAKISTAN BAR COUNCIL AND OTHER NATIONAL AND PROVINCIAL BAR BODIES WITH PARLIAMENTARY LEADERS OF POLITICAL PARTIES HELD AT ISLAMABAD ON 03-05-2003.**

”Members of the Action Committee comprising Bar Leaders held a Joint meeting with the Parliamentary leaders of Political Parties on 3<sup>rd</sup> May, 2003 in the Supreme Court Bar premises, Islamabad and resolve as follow:-

1. We affirm, uphold and re-iterate the joint declaration dated 17-08-2002 and Joint Communiqué dated 28-02-03 between the bar and the leaders of the Political Parties and further endorse the Resolutions adopted in the first and second All Pakistan Lawyers Convention held on 22-03-03 at Peshawar and on 19-04-03 at Lahore.
2. The Bar appreciated and fully backed the struggle of the Parliamentarians inside the National Assembly and the Senate against the Legal Framework Order, while the leaders of the Political Parties salute the struggle of the legal fraternity which forced the Government to hold parleys to resolve the issue of Legal Framework Order.
3. The Legal Framework Order promulgated by Gen. Pervez Musharraf being bereft of any legal or moral authority, did not become part of the Constitution of the Islamic Republic of Pakistan and hence we reject the same as of no legal consequence.
4. The unanimously adopted Constitution of the Islamic Republic of Pakistan 1973 carries an inbuilt mechanism of introducing amendments therein under Article 238 and 239 and any person or authority trying to amend it contrary to such provisions would be subverting the Constitution and thus committing high treason.
5. The Legal Framework Order should forthwith be placed before the Parliament as a proposed Constitutional Bill because it is the Parliament alone which can bring about amendments with 2/3<sup>rd</sup> majority of both Houses. However there can be no compromise on principles particularly pertaining to the supremacy of Parliament, the federal parliamentary system of government, the election of the President in terms of Article 41(3) and the second schedule of the Constitution, the independence of judiciary and the tracheotomy of powers in the unadulterated Constitution of 1973.

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6. The independence of Judiciary is all-important for the social, moral and even the economic strength of the society. The judges of superior courts should be immediately administrated oath under the Constitution of 1973 and those who have passed the age of superannuation should quit their offices forthwith. We also salute those Judges who refused to take Oath under the P.C.O and had the other Judges emulated their example they would have uphold the majesty of people and would have established allegiance to the Constitution rather than an individual.
7. We condemn the blatant intrusion of foreign intelligence and investigating agencies like FBI/CIA in Pakistan by raiding houses and ruthlessly violating the privacy of Pakistani Nationals and by picking them up and dumping them in foreign territories without any sovereignty of Pakistan which cannot be countenanced by the self respecting people of Pakistan.
8. We have noticed with grave concern the human rights abuses particularly when people, without resources to law, are being apprehended, detained and not released despite release orders by courts.
9. We also condemn the political persecution and victimization of the highest order which continues unabated, Selective prosecution be ended forthwith, NAB be abolished and unified Judicial system be introduced scrapping all special Courts/Tribunals so that uniform rule of law reigns the Country.
10. We condemn Gen. Pervaiz Musharraf's remarks about the Parliament calling it uncivilized. This reflects his inbuilt hatred for civilian rule and constitutes an admission on his part that he is not an elected President because he ought to know that President is a part of the Parliament. The Parliamentarians are therefore right in saying that they would not allow a stranger/outsider to address the joint session of the Parliament.
11. While we firmly believe that democracy should be set on rails without any delay so that stability through continuity of institutionalized civil society rehabilitates healthy activity in all walks of life. We hope and expect that the Opposition and Treasury Benches would rise above their narrow political interests and restore the rule of law and supremacy of the Constitution of 1973 unadulterated by LFO.

## **JOINT COMMUNIQUE**

### **OF THE MEETING OF MEMBERS OF ACTION COMMITTEE REPRESENTING THE PAKSITAN BAR COUNCIL AND OTHER NATIONAL AND PROVINCIAL BAR BODIES WITH HEADS OF POLITICAL PARTIES AND THEIR PARLIAMENTARY LEADERS HELD AT ISLAMABAD ON 28-02-2003.**

“We resolve to continue our struggle both jointly and from our respective platforms for the supremacy of Parliament and we have a complete identity of views that the Legal Framework Order is not and cannot be made a part of the 1973 Constitution except by approval of the two thirds majority provided by Article 239 of the Constitution.

We recognize the imperative of co-ordinating our struggle and towards that end resolve to consult with each other on a regular and structured basis.

We jointly condemn the distribution by establishment of the printed Constitution of the Islamic Republic of Pakistan wherein the provisions of the LFO have been incorporated as if they were already a substantive part of the Constitution.

We jointly urge the Chief Justice of Pakistan to lay down his robes on the day he attains the age of 65 years to prevent deepening of the existing Constitutional crises and confusion.”

**THE REPRESENTATIVES OF THE BAR AND POLITICAL PARTIES IN THEIR JOINT MEETING HELD ON SATURDAY, 17<sup>TH</sup> OF AUGUST, 2002 IN LAHORE UNDER THE AUSPICES OF PAKISTAN BAR COUNCIL IN THE KARACHI HALL OF THE LAHORE HIGH COURT BAR ASSOCIATION HAVE AGREED UPON THE FOLLOWING:-**

**JOINT DECLARATION**

Whereas constitutional amendment packages circulated by the present military government are negation of the constitutional principle that the amendment to the constitution is the sole and exclusive function of the parliament.

And whereas the proposed constitutional amendments or any of them, if enforced by the military ruler, would deface the constitution which was approved unanimously by all the political forces in the country.

And whereas the so-called referendum held on 30<sup>th</sup> April 2002 was farce and did not lend any legitimacy on Gen. Pervez Musharaf to serve as a President.

And whereas it is imperative for the national interest to hold fair, free, impartial and transparent general elections in order to transfer the state power to the elected representatives of the people of Pakistan.

And whereas the present military government should not be partisan the election process and should avoid interference in the electoral process through bureaucracy and intelligence agencies.

And whereas an independent Election Commission is absolutely necessary for holding of fair, free, impartial and transparent elections.

And whereas political activities should be allowed immediately and party candidates should be free to conduct their election campaign.

Therefore, we the participants of the joint meeting do hereby agree on the following declaration:

1. We categorically reject the proposed constitutional amendment packages and hereby reiterate that amendment in the constitution is the sole and exclusive function of the parliament and no military ruler or any individual can amend, alter or in any way interfere with the constitution.
2. The political parties participating in this joint meeting do hereby commit and confirm that if any constitutional amendment is imposed by Gen. Pervez Musharaf on the people of Pakistan and if their members are elected to the

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parliament, they will undo such amendments and will restore the sanctity of the constitution and will not validate all that has been done unconstitutionally.

3. We hereby reject the so called referendum held on 30<sup>th</sup> April, 2002 and declare that no legitimacy has been conferred on Gen. Pervez Musharraf to serve as President or his performance.
4. The political parties, participating in the joint meeting, do hereby commit and confirm that after the elections to the parliament and the provincial assemblies they would hold the elections of the President in accordance with the provisions of the constitution.
5. We condemn the pre-poll rigging being done through frequent changes in the election laws and constitutional amendments through Orders and Ordinances and by interference in the election process through frequent transfers and postings of government officials and by use of intelligence agencies.
6. We demand immediate withdrawal of all recent changes in election laws and those Orders and Ordinances which have virtually amended the constitution.
7. The present Chief Election Commissioner has lost credibility by holding of rigged and farcical referendum and he should resign or be removed forthwith and that an independent Election Commission be constituted immediately.
8. The present military government should desist from interfering in the election process and its governors and ministers should not be allowed to participate in the forthcoming general elections.
9. The ban on political activities should be lifted immediately and all political parties and political workers should be allowed to participate in the election campaign.
10. No political leaders, workers or party candidates should be detained under the detention laws or by involving them in false criminal cases during the election process in order to ensure free and fair election.
11. International election observers should not only be allowed but be facilitated in observing election campaign and holding of elections on the polling day and representatives of Pakistan and Provincial Bar Councils, Supreme Court and High Court Bar Associations and other Bar Associations be authorized to monitor the poll to ensure free, fair and transparent election.