

RESOLUTIONS/DECISIONS PASSED/TAKEN BY THE ACTION COMMITTEE OF BAR LEADERS (CONSTITUTED IN THE NATIONAL CONFERENCE OF LAWYERS REPRESENTATIVES IN FEBRUARY, 2003) IN ITS MEETING HELD FROM TIME TO TIME.

MEETING DATE: 15-02-2003, VENUE: ISLAMABAD.

R E S O L U T I O N S

1. The Conference depreciates 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 unconstitutional LFO. It disables the Judiciary from examining the Constitutionality 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 honourably. 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 constituent 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 28th 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 8th 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, Provincial Bar Councils.
3. Vice Chairman, Provincial Bar Councils.
4. President, Supreme Court Bar Association.
5. President, High Court Bar Associations.”

(1) **All Pakistan Lawyers Conventions.**

All Pakistan Lawyers Conventions to be sponsored by the Pakistan Bar Council and the Supreme Court Bar Association will be organized and hosted by respective Provincial Bar Councils and High Court Bar Associations on the dates and at the places mentioned as below: -

Saturday, the 22 nd March, 2003	.....	..	Peshawar
Saturday, the 19 th April, 2003	.....	..	Lahore
Saturday, the 17 th May, 23003	.....	..	Karachi
Saturday, the 7 th June, 2003	.....	..	Islamabad
Saturday, the 28 th June, 2003	.....	..	Quetta

(2) **Black Day:**

As earlier decided by the National Conference of Lawyers Representatives, the Lawyers throughout Pakistan will observe Black Day on 8th March, 2003 against the Legal Framework Order (LFO) and enhancement in retirement age of Judges of superior Courts. Black Flags will be hoisted over Buildings of all the Bar Associations and the Lawyers will wear black badges and hold protest meetings in respective Bar premises. The Action Committee will suggest outlines of the Resolution to be passed by the Bar Associations throughout Pakistan on 08-03-2003.

(3) **Token Strike:**

The Lawyers will also observe token strike by abstaining from appearing before the Courts from 11-00 a.m. to 12-00 Noon on 8th March 2003.

(4) **Letter to the Chief Justice of Pakistan.**

The Action Committee would address a letter to the Hon’ble Chief Justice of Pakistan, who will be retiring on 8th March 2003 under the 1973 Constitution, requesting him to lay down his robes as the Chief Justice to avert Constitutional crises in the Country.

(5) **issuance of List of Judges of the superior Courts:**

The Pakistan Bar Council will issue and circulate the names of Judges of Superior Courts Indicating dates of their retirement under the 1973 Constitution.

(6) **Judges not to be invited to Bar functions after attaining the age of retirement.**

The Action Committee appealed to all the Bar Councils and Bar Councils and Bar Associations throughout the Country that they should not invite Judges of the Superior Courts who continue in office after attaining the age of retirement under the original 1973 Constitution. The Bar bodies or their representatives will also not appear before the Judges of superior courts who continue in office after attaining the age of superannuation in case they were required to appear.

(7) **Co-ordination with Parliament.**

With a view to impress upon the Members of the Parliament to play their effective role to undo the Legal Framework Order (LFO), the Action Committee decided to hold a meeting of its Members with the Heads of political Parties and their Parliamentary leaders on 28-02-2003 at 6-00 p.m. in Bar premises in the Supreme Court Building, Islamabad to be followed by a DINNER.

(8) **Issuance of a Paper articulating reasons of opposing the LFO.**

Mr. Muneer A. Malik and Mr. Muhammad Yaseen Azad will draft a Paper articulating reasons of opposing the LFO and extension in retirement age of Judges of the superior Courts.

No. 246/PBC/SEC/2003
February 24, 2003

Mr. Justice Sheikh Riaz Ahmad,
Chief Justice of Pakistan,
Supreme Court Building,
Islamabad.

Mr. Chief Justice,

Representatives and leaders of the Bar across the length and breadth of the country have denounced the attempt to enhance the retirement age of Judges of the Superior Courts on the brute force of the Legal Framework Order. Any judge who continues to hold the Constitutional office of a judge of the Superior Courts beyond the age mandated by the 1973 Constitution shall, in the eyes of the legal fraternity, be at best, a judge defacto and not dejure.

Under the 1973 constitution you shall be retiring as Chief Justice on 8th March 2003. It is our hope that a Constitutional crisis can be averted by your laying down the robes of Chief Justice on the said date.

Sd/-
Mian Abbas Ahmad
Vice-Chairman
Pakistan Bar Council

Sd/-
Muhammad Kazim Khan
Chairman, Executive Committee
Pakistan Bar Council

Sd/-
Hamid Khan
President
Supreme Court Bar Association

Sd/-
Qazi Muhammad Anwar
Member
Pakistan Bar Council

Sd/-
Arif Chaudhry
Vice-Chairman
Punjab Bar Council

Sd/-
Muhammad Yasin Azad
Vice-Chairman
Sindh Bar Council

Sd/-
Muneer A. Malik
President
High Court Bar Association
Karachi

Sd/-
Amanuallah Kanrani
President
High Court Bar Association
Quetta

Sd/-
Muhammad Ikram Chaudhry
President
High Court Bar Association
Rawalpindi

Sd/-
Hafiz Abdul Rehman Ansari
President
High Court Bar Association
Lahore

MEETING DATE: 18-04-2003, VENUE: LAHORE.

R E S O L U T I O N

- (1) The Members of Action Committee with other Lawyers and their representatives will hold protest demonstration against LFO in front of the Parliament House, Islamabad on the day of next Joint Session of the Parliament to be addressed by General Pervaiz Musharaf. It will be endeavoured to inform Members of the Action Committee in that regard on time but in case the Joint Session was convened on a short notice, the news released through media (print or electronic) would be treated as notice to Members. The Members of the Action Committee will assemble in office of the Pakistan Bar Council, Islamabad a day before the Joint Session at 6-00 p.m.
- (2) The modalities and date of DIRECT ACTION will be considered and decided in the next meeting of Action Committee at Islamabad on 03-05-2003 at 5-00 p.m.
- (3) A Joint meeting of members of the Action Committee with Parliamentary leaders of political parties will also be convened for 03-05-03 at 4-00 p.m. In Library of the Supreme Court Bar Association, Islamabad to which Parliamentary leaders of all the political parties will be invited
- (4) The matter of extending invitation to former Judges of superior Courts (who declined to take oath under PCO) for attending Lawyers Conventions was left to host Bar Associations/Councils for taking appropriate decision.
- (5) The Members of Action Committee will mobilize Parliamentarians belonging to their respective areas in support of the viewpoint and stand of Lawyers against the LFO.
- (6) Since the Pakistan Bar Council had already organized in National Conference of Lawyers Representatives on 01-02-03 against LFO now all the four Provincial Bar Council may organize such representatives Conferences at their respective places for mounting pressure against LFO.
- (7) The Presidents of Karachi, Peshawar, Lahore and Baluchistan Bar Associations be co-opted as Members of the Action Committee.
- (8) The Lawyers throughout Pakistan will observe ANTI LFO Day on 09-05-03 when they will also hold protest meetings in their respective Bar Associations.
- (9) Mr. Hamid Khan and Mr. Muneer A. Malik were authorized to draft Resolutions to be placed before the second All Pakistan Lawyers Convention on 19-04-03, for passage.

MEETING DATE:27-06-2003, VENUE: LAHORE.

“The Committee expressed its utmost concern on the unjustified action of the Supreme Court administration to seal and close the office/Library and Bar Rooms of the Supreme Court Bar Association at Islamabad, Lahore and Karachi. The Committee was of the view that the administration of the apex Court of the Country neither was expected of nor justified to deprive Members of the Bar from their Bar premises thus causing obstruction in the process of administration of Justice and lawful activities of Members of the Supreme Court Bar Association. The Lawyers fraternity has always strived for the supremacy of the Constitution; rule of Law and independence of Judiciary and its present struggle is also aimed at to achieving the above objectives. The unprecedented action of the administration of the apex Court is deplorable to say the least.

Therefore, Committee, while condemning the action of the Supreme Court administration called upon it for immediate de-sealing and opening of office, Library and Bar Rooms of the Supreme Court Bar Association at Islamabad, Lahore and Karachi.

The Committee also decided that Lawyers throughout Pakistan will observe Protest Day on 10th July, 2003 against sealing and closure of offices, Libraries and Bar Rooms of the Supreme Court Bar Association at Islamabad, Lahore and Karachi when they will hold Protest meeting in their respective Bar premises, hoist black flags on Bar Rooms and wear black badges.”

Ruling of Speaker of National Assembly on L.F.O.

“The Action Committee comprising of Bar Leaders expressed its concern on the Ruling of Speaker of the National Assembly declaring the L.F.O. as part of the Constitution. The Committee is of the considered view that the Speaker, National Assembly, in no way, is competent to give such a Ruling. He in fact has tried to exceed his powers and limits and as such has acted extra-constitutionally because the Parliament is the only competent forum and authority to amend the Constitution and that too in accordance with the provisions enshrined in the Constitution. The Ruling of the Speaker on the L.F.O .has, therefore, no legal value.”

No. 725/PBC/SEC/2003

June 28, 2003

Mr. Justice Munir A. Sheikh,
Judge,
Supreme Court of Pakistan,
Islamabad.

Respected Sheikh Sahib,

There is a tide in the affairs of men which taken at the flood leads on to fortune
Omitted, all the journeys of their lives are lost in shallows and in miseries. On such a full
sea are we now afloat. We must either sail our purpose or lose our ventures.

We, the undersigned commend you for the manner in which you have adorned
your robes. In fact, in light of the judgments of the apex court in the cases of Al-Jehad
Trust and Asad Ali Shah, we consider you to be the incumbent Chief Justice of Pakistan.
We have profound respect for your integrity, learning and sense of fair play.

We know that recent events, such as the sealing of the Supreme Court Bar
Association premises, must have pained you deeply. We can understand that you will not
for a moment accept that might makes right or that personal ambition overrides morality.
We recognize that you have been unfairly superseded and understand that this is so,
because the powers that be are afraid of your independence.

We the undersigned, therefore, request you to rise once more and to lay down
your robes on attaining the age of 65 years as enshrined in the Constitution of 1973 in its
unadulterated form. Needless to state, we write with the highest of expectations.

Yours Sincerely

Sd/-
(Mian Abbas Ahmad)
Vice-Chairman
Pakistan Bar Council

Sd/-
(Muhammad Kazim Khan)
Chairman, Executive Committee
Pakistan Bar Council

Sd/-
(Hamid Khan)
President
Supreme Court Bar Association

Sd/-
(Muhammad Yasin Azad)
Vice-Chairman
Sindh Bar Council

Sd/-
(Muneer A. Malik)
President
Sindh High Court Bar Association

Sd/-
(Sanaullah Khan Gandapur)
Vice-Chairman
NWFP Bar Council

Sd/-
(Hafiz Abdul Rehman Ansari)
President
Lahore High Court Bar Association

Sd/-
(Kamran Murtaza)
Vice-Chairman
Baluchistan Bar Council

Sd/-
(Amanullah Khan Kanrani)
President
Baluchistan High Court Bar Association

Sd/-
(Sh. Jamshed Hayat)
Chairman, Executive Committee
Punjab Bar Council

Sd/-
(Safeeruallah Khan)
President
Peshawar High Court Bar Association

Sd/-
(Muhammad Ali Abbasi)
President
Karachi Bar Association

Sd/-
(Muhammad Mohsin Javed)
President
Baluchistan Bar Association

Sd/-
(Wakil Zaman Khattak)
President
Peshawar Bar Association

MEETING DATE: 25-07-2003. VENUE: QUETTA.

(1) **Permanence of the Action Committee.**

The Participants were of the unanimous view that the Action Committee constituted in the National Conference of Lawyers Representatives in February, 2003, having been constituted on permanent basis, would continue functioning as such in future as well.

(2) **Constitution of a Tribunal to try persons guilty of abrogating/subverting the Constitution.**

It was decided, in principle, to constitute a Tribunal to try all those guilty of abrogating and subverting the Constitution of 1973 and/or conspiring to do so and to propose and award punishment for them. The composition of the Tribunal would however, be decided later.

(3) **Long March.**

The Committee decided, in principle, to take out Long March against L.F.O. the date and route of which would be decided in due course of time.

(4) **National Conference of Lawyers Representatives.**

It was decided another National Conference of Lawyers Representatives might be convened under auspices of the Pakistan Bar Council on 05-09-2003 at Lahore to chalk out future course of action by the legal fraternity against the Legal Framework Order in the light of Government – Opposition dialogue (on L.F.O) scheduled to start from 27-7-2003 and their eventual agreement on the subject.

(5) **Constitution of Lawyers struggle against L.F.O.**

The Committee decided that Lawyer's struggle against L.F.O. for restoration of the 1973 Constitution, independence of Judiciary and Rule of Law will continue and to mount pressure for achieving these objectives, periodical Conventions/Meetings of Lawyers at different levels, would be organized.

(6) **Condemnation of Sialkot Jail incident.**

The Committee strongly condemned the Police and other authorities for mishandling the situation in Sialkot Jail causing deaths of three Judges and injuries to other civil Judges and demanded a high level Judicial inquiry of the tragic incident and strong action against those responsible.

(7) **Provincial Autonomy.**

The Committee was of the view that provincial autonomy under the Constitution was the guarantee for united Pakistan and its integrity and prosperity. It was, therefore, decided that the Lawyers will also strive for provincial autonomy under provisions of the Constitution given in its original form.

(8) **Co-option.**

The Committee decided to co-opt Raja Sajjad Ahmad, Vice-Chairman, Azad Jammu & Kashmir Bar Council, as its Member from AJK.

MEETING DATE: 08-08-2003, VENUE: ISLAMABAD.

RESOLUTIONS

“In view of the ongoing parlays between various parties on the Legal Framework Order, we consider it appropriate to once again reiterate our principle stand as follows:

1. That the Legal Framework Order is not a part of the Constitution and that only Parliament has the legal competency to amend the Constitution in accordance with the mechanism for amendment provided for in Article 239 of the Constitution.
2. While recognizing the competence of Parliament, we reiterate that this power is to be exercised for preserving and protecting the basic structure of the Constitution to wit:
 - (a) that Pakistan will be and continue to remain a federal parliamentary democracy;
 - (b) that the military establishment is and shall remain subservient to civilian authority, and
 - (c) that only a truly independent superior judiciary can guarantee adherence to the Constitution and for the realization of the principles of state policy enshrined therein.
3. We believe that the assumption of the office of President of Pakistan by a person in military uniform and his concurrent holding of the post of Chief of Army Staff negates the principle of civilian supremacy over the military thereby undermining the basic structure of the 1973 Constitution.
4. Since there can be no supremacy of the military establishment over the Civilian authority under the Constitution, and therefore the question of creating a National Security Council should not arise.
5. That the discretionary powers of the President to dissolve the National Assembly and the Provincial Assemblies through amendment of Articles 258(2)(b) and 112(2)(b) will seriously destabilize civilian government as has been established in the past. Such provisions undermine the concept of a federal parliamentary democracy.

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6. That the inclusion of large number of statutes under the Sixth Schedule to the Constitution has virtually destroyed the legislative authority of the Parliament and the Provincial Assemblies. This must be deleted the Sixth Schedule.

7. That independence of judiciary is imperative for any democratic constitutional system. Therefore, extension in the retirement age given by the Military Ruler to judges unconstitutionally to subjugate judiciary to his own will should be immediately done away with. Any extension of the retirement age of incumbent judges, particularly of those who have already attained the age of retirement, whether by a military ruler or by parliament itself, shall only reinforce the perception that the superior judiciary has been granted a dubious favour, more particularly when it has ceased to be independent.

We urge all the democratic forces, inside and outside Parliament, to remain steadfast in their allegiance to the above principles, the more so in view of the solemn declarations that they have inked with us. We resolve to continue our struggle until the attainment of the above principled stand.”

No. 907/PBC/SEC/2003
August 13, 2003

The Hon'ble
Mr. Justice Karamat Nazir Bhandari,
Judge, Lahore High Court,
Ad hoc Judge of the Supreme Court,
Islamabad.

Dear Sir,

The Members of the legal fraternity across the length and breadth of the country have rejected the Legal Framework Order overwhelmingly and do not recognize it as a part of the Constitution.

But for the said Order, being an Adhoc Judge of the Supreme Court of Pakistan you will attain the age of retirement on 17th August, 2003. It is our sincere hope that you shall preserve your distinguished career and lay down the robes of your office on 17th August, 2003, thereby upholding the supremacy of the 1973 Constitution and take an honoured place amongst the members of the legal fraternity to which you will again belong on your retirement.

Sd/-
(Mian Abbas Ahmad)
Vice-Chairman
Pakistan Bar Council

Sd/-
(Muhammad Kazim Khan)
Chairman, Executive Committee
Pakistan Bar Council

Sd/-
(Hamid Khan)
President
Supreme Court Bar Association

Sd/-
(Muneer A. Malik)
President
Sindh High Court Bar Association

Sd/-
(Raja Sajjad Ahmad)
Vice-Chairman
AJK Bar Council

Sd/-
(Muhammad Yasin Azad)
Vice-Chairman
Sindh Bar Council

Sd/-
(Muhammd Ikram Chaudhry)
President
High Court Bar Association
Rawalpindi

Sd/-
(Wakeel Zaman Khattak)
President
Peshawar Bar Association

Sd/-
(Muzaffar Khan Swati)
President
High Court Bar Association
Abbottabad

Sd/-
(Muhammad Mohsin Javaid)
President
Baluchistan Bar Association

...

MEETING DATE: 23-08-2003, VENUE: LAHORE.

“The matter of impending appointment of new Judges of the Lahore High Court was discussed. The Committee was of the view that since General Pervaiz Musharraf has illegally assumed the office of President and Sh. Riaz Ahmad was also continuing in office of Chief Justice illegally despite his retirement under 1973 Constitution they were not legally competent to act as appointing authority and consultee, respectively for appointment of Judges of the high Courts. They should, therefore, refrain from making appointments of Judges of the Lahore High Court and left the matter to future legal and competent authorities/consultees. The Committee also resolved that if any appointment is made that will not be accepted as legal appointment and Representatives of Bar Bodies would boycott Oath Taking ceremonies of such appointees.”

MEETING DATE: 6TH & 7TH DECEMBER, 2003, VENUE: LAHORE.

R E S O L U T I O N

- (1) that the constitutional package proposed/agreed between MMA and General Musharraf's Government should be finalized only in the light of and restoration of 1973 Constitution as it was on 12th October, 1999.
- (2) to remind MMA and other political/parliamentary leaders and parties of the commitment/undertaking they made with Lawyers Representatives and the Nation on various constitutional issues like the L.F.O. and enhancement of retirement age of Judges of Superior Courts.
- (3) to demand the MMA to stand by its commitments on constitutional/ legal issues in the most crucial and dangerous phase of Pakistan's sovereignty and not to agree to any thing like giving further.
 - (a) one years extention of Army Rule to General Musharraf till December 2004
 - (b) not to agree to constitutional amendments to give any enhancement in retirement age of Judges of Superoir Courts
 - (c) not to agree to Army's constitutional role in any manner.
 - (d) to seek free and independent judiciary and the supremacy of Parliament by totally rejecting the six schedule areas stated in the L.F.O.
 - (e) to demand total rejection of L.F.O. and withdrawal of Armed forces to barracks and the political process to be allowed under the Constitution.
- (4) to Make public the undertaking/commitments of MMA with the Lawyers community on L.F.O. it the same are not honoured.
- (5) to reject the L.F.O. being an unconstitutional document as it deprives the nation of their fundamental rights to have:-
 - (a) Provincial autonomy.
 - (b) an independent and free judiciary, and
 - (c) a Supreme legislative body (Parliament).
- (6) to have transparency and merit in appointment of Judges and accountability process through an independent and reprehensive judicial commission.
- (7) condemn once again the closure of the library and office of the Supreme Court Bar Association and despite the re-opening, the usurper Chief Justice responsible

for the act would live with stigma of this dastardly act. The Committee appreciated the resolution of the Executive Committee of the Supreme Court Bar Association dated 15-11-2003 refusing to see the usurper Chief Justice for re-opening of the library and offices of the Supreme Court Bar Association. The Members of Executive Committee of the Supreme Court Bar Association who are reported to have met the usurper Chief Justice have done so in their Personal capacity and not as representatives of Lawyers. They have violated the resolution of their own parent body and resolve of the Lawyers throughout Pakistan for which they deserve to be condemned.

- (8) to demand the Army to confine themselves to the only role envisaged in the 1973 Constitution and allow democracy and constitutional rule in the country.
- (9) to condemn the demolition of lawyers Chambers by the Lahore High Court Administration and demand appropriate resolution of the issue through the Lahore High Court Bar Association. The Committee also condemned the assaults on the protest camp of Lahore High Court Bar Association on 1st November, 2003 by the persons sent by the vested interests and the invasion of Lahore High Court Bar by the outsiders on 3rd November, 2002. Those were the most condemnable acts designed to undermine the sancity of the Bar premises.
- (10) to condemn the American aggression on Iraq and Afghanistan and demand immediate restoration of right to rule to the people of both the countries in accordance with their wishes and ideals.
- (11) to condemn ruthless killing of Kashmiri Muslims by the Indian Armed Forces.
- (12) to strongly condemn General Musharraf's assuming all powers to himself and taking decisions of national security and sovereignty without even taking into confidence the newly elected parliament of his own choice.
- (13) to demand immediate release of all political prisoners including Javaid Hashmi, Asif Zardari and Sajid Naqvi.
- (14) to assure the lawyers fraternity and the Nation to serve the cause of rule of law and the constitution as moral and legal obligation.

MEETING DATE: 23RD DECEMBER, 2003, VENUE: ISLAMABAD.

R E S O L U T I O N

- (1) that MMA-Government Constitutional Package shall be examined and analyzed in the light of 1973 Constitution and commitments made with the Bar, in the next meeting of Action Committee to be held on 11-01-2001 at Peshawar.
- (2) We completely reject extension in the retirement age of the Judges and there is no justification for extending the retirement age even for one year.
- (3) Once again, we reject L.F.O. as unconstitutional and demand restoration of the Constitution as it stood on 12th October, 1999.
- (4) We reject the proposal of continuation of General Musharraf as President and we reiterate our stand that Musharraf has usurped the office of the President and is liable for trial under Article 6 of the Constitution.
- (5) We condemn as unconstitutional the proposal of vote of confidence to Gen. Musharraf. Such vote cannot legitimize a usurper.
- (6) We condemn unilateral and unconstitutional decisions of Gen. Musharraf on granting bases to U.S.A. in Pakistan.
- (7) We demand restoration of legislative authority to Parliament and Provincial Assemblies in order to achieve provincial autonomy.
- (8) We reiterate our resolve to continue struggle for restoration of Constitution and democracy in Pakistan.
- (9) We condemn the arrest and investigation of scientists which is against the national interest and is an attempt by Musharraf to appease Bush administration.

MEETING DATE: 11TH JANUARY, 2004, VENUE: PESHAWAR.

DECLARATION

“WHEREAS the movement of Lawyers in Pakistan is for restoration of the Constitution as it stood on 12th 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 autonomy.

The Joint Action Committee (JAC) of the lawyer’s representatives in Pakistan in its meeting held on 11th 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 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 Musharaf as President because his assumption and continuation in 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) and 112 (2) (b), respectively, as destructive of the Federal Parliamentary System and violative of the basic structure and features of the Constitution.
4. JAC is of considered view that inclusion of important laws in the Sixth Scheduled to the Constitution has undermined the legislative function and powers of the Parliament and the Provincial Assemblies and is opposed to the provincial autonomy.

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, and all vacancies in the Superior Courts should be filled forthwith 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 Scientists 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 Mehmood, President of Supreme Court Bar Association of Pakistan with messers Hamid Khan and Muhammad Ikram Chaudhry as its members. The Committee shall prepare a comprehensive proposal on judicial reforms for adoption by the lawyers representative conference. It will also prepare a paper for dissemination to lawyers and the people pf Pakistan as to how the 17th Amendment has violated the basic structure and features of Constitution.
11. That a Lawyer's Representative Conference will be held on Thursday 12th, February 2004 at 10-00 a.m. at Lahore in the premises of Lahore High Court Bar Association.
12. That the Bars will observe protest day throughout Pakistan against the 17th Amendments (The Day shall be Notified subsequently).

MEETING DATE: 18-07-2004. VENUE: LAHORE.

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

“The Action Committee of Bar Leaders comprising Lawyers Representatives in its meeting held on 18-07-2004 at Lahore takes serious view of recent political changes and developments taken place in the Country. The forced procurement of resignation of Mr. Zafarullah Jamali with simultaneous announcement of two future Prime Ministers, one for just 45 days and the other for the time thereafter, is clear negation of the system of Parliamentary democracy and amounts to contempt of the present Parliament. The deliberate attempts at the hands of the Army Chief to subvert the Parliamentary democracy aiming at to establish one man rule in the Country are highly condemnable.

The Action Committee takes strong exception nomination of Mr. Shaukat Aziz as Prime Minister of Pakistan. He neither has roots in Pakistan nor has ever served the Country politically but has been imposed for the top slot on dictation of a foreign power for fulfilling and serving its requirements and interest.

The Committee, therefore, resolves to call upon the Lawyers throughout Pakistan to observe BLACK DAY on 18-08-2004 to condemn and protest against blatant attempts of subversion of Parliamentary democracy and nomination of Mr. Shaukat Aziz as Prime Minister ignoring all existing Members of the National Assembly. The Lawyers will hoist Black Flags at their Bar buildings and hold protest meetings in their Bar Rooms.

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

“The Joint Action committee of Bar Leaders in its meeting held on 18-07-2004 at Lahore resolved to express complete solidarity with District Bar Association, Gujrat and strongly condemned the highhandedness and excesses of the total administration specially Raja Munawar Hussain, DPO, Gujrat against Members of District Bar Association, Gujrat who not only managed registration of false FIR against office bearers of the District Bar Association but also organized storming of the District Bar Association, Gujrat. It was pertinently noted that the DPO, Gujrat is one of the accused involve in killings of Judges at Sialkot and, therefore, should not be allowed to retain the office.

The Committee condemned the Provincial Government who instead of taking steps to redress grievances of Lawyers protesting against callous attitude of local Police headed by Raja Munawar Hussain, DPO, is protecting the ill reputed DPO, Gujrat. The Committee also criticized the indifferent attitude of the Prime Minister who despite assurances given to office bearers of the District Bar Association, Gujrat, has failed to resolve the problem.

The Action Committee demanded of Provincial Government for immediate removal of Raja Munawar Hussain, DPO, Gujrat and called upon the Lawyers throughout Pakistan to observe nation-wide strike on Wednesday the 28th July, 2004 from 11-00 a.m. onward if the DPO, Gujrat is not removed by then. The Lawyers will also hoist Black Flags on their Bar Buildings and hold protest meetings in their Bar Rooms to mount pressure on the Provincial Government for removal of the DPO Gujrat.”

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

The Joint Action Committee in its meeting held at Lahore on 18-07-2004 unanimously Resolved that

- (i) The delay in the filling of the Supreme Court vacancies has been taken seriously because it amounts to negation of Judgment of Judge's Case and the practice of Judicial appointments.
- (ii) The appointments in the Supreme Court be made immediately and the four Chief Justices of Punjab, Sindh, NWFP, Baluchistan being senior most, be elevated as Judges of the Supreme Court forthwith.
- (iii) The Joint Action Committee has taken serious note of News item appearing in the daily The News, Lahore dated 18-07-2004 that the delay in the recommendations was caused by the Supreme Court and not the Government.
- (iv) The Committee calls upon for immediate and categorical statement/clarification by the Supreme Court of Pakistan on the alleged delay attributed to the Supreme Court regarding recommendations for filling in Supreme Court vacancies.
- (v) The appointments to fill in vacancies of respective provincial High Courts are made soon after the appointments of the respective Chief Justices of all the four Provinces.

**RESOLUTIONS PASSED IN ALL PAKISTAN LAWYERS CONVENTION
HELD ON 29TH JANUARY, 2005 AT KARACHI UNDER AUSPICES OF
THE PAKITAN BAR COUNCIL.**

All Pakistan Lawyers Convention was held on 29th January 2005 at Shuhada-e-Punjab Hall of the Karachi Bar Association, City Court Premises at Karachi which was chaired by Mr. Rasheed A. Raxvi, Vice-Chairman, Pakistan Bar Council and was attended by several Presidents and office bearers of the High Court and District Bar Association as well as members of different Provincial Bar Councils wherein the following resolutions were adopted unanimously;

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

“The participants of all Pakistan Lawyers Convention held at Karachi on the 29th January, 2005 reiterate the resolves of earlier lawyers conventions pertaining to the passing of seventeenth Constitutional Amendment which has passed the way for the Chief of Army Staff to remain as President of Pakistan which is in flagrant violation of the basic principles of the Constitution of the Islamic Republic of Pakistan, 1973. This has resulted in the incorporation of the Legal Framework Order as part of the Constitution, 1973, thus destroying the basic features of the Constitution. It has also destroyed civil fabric of the Country and has justified participation of Armed Forces in the field of politics and legislation. Never in the past, was the Constitution ever defaced in as in shape of the 17th Amendment. While critically analyzing the role of all those forces and political parties who are responsible for passing of the seventeenth Constitutional Amendment, this Lawyers Convention calls upon the entire legal fraternity, all political parties and the democratic forces in the country to unite and struggle against the intervention of Armed Forces in politics and in all other civil institution of the State with a further commitment to struggle for repeal of not only the seventeenth Constitutional Amendment but all such other amendments in the Constitution of 1973 made during the military dictatorship as being violative of the basic structure of the Constitution and to make Pakistan a truly democratic Country with a strong and truly independent judiciary.

This House takes serious note of the adoption of “The President To Hold Another Office Act, 2004” by the Parliament and terms it to be anti democratic and violative of the Constitution. It is very unique in the entire history of legislation that a Constitution was amended by an ordinary pieces of legislation which has been tailored for one man. This Act will weaken all such institutions needed for a democratic and civilized society.”

(2)

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

“This House strongly condemns the government’s attempt to create a parallel Judiciary by establishing the Federal Court. It is a considered view of the legal fraternity that the malicious move behind establishment the Federal Court is to curtail and limit the Jurisdiction of the High Courts, particularly the power of judicial review commonly known as writ jurisdiction. It is very shocking to mote that the so called Judges to be appointed on the Federal Courts include public servants of grade 21 which militates against the independence of the judiciary. These Judges shall be appointed by the President and will take with to obey the directions of the President instead of taking oath to defend and uphold the Constitution and the Law of Land. Their retirement age will be 68 years in contrast to the age limit of High Courts and Supreme Court judges which amounts to discrimination. It is considered view of this Lawyers Convention that as of the past military rulers, this present regime wants to destroy the judicial system of Pakistan and further wants to keep the High Court Judges under threat of their transfer to the Federal Courts. The purpose of establishment of Federal Courts is to keep the financial, taxation and other allied matters under total control of the government functionaries depriving traders and the business community of their rights to seek remedies from an independent forum. Therefore, this Convention vehemently opposes creation of Federal Courts and makes commitment to the nation through this house to appose the establishment of parallel Judicial system by the present regime.”

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

“The participants of this Convention of Lawyers from all the four federating units of Pakistan have shown their serious concern and resentment on the incidents in Sui, Dera Bugti in particulars and a political turmoil and unrest throughout the Province of Baluchistan in general. In the considered view of the participants of this Convention, all this unrest, disputes and resentments are a result of the long outstanding demand of the federating units pertaining to Provincial Autonomy and strangely the Federal state authority instead of settling the fundamental questions politically is once again trying to use the brutal state machinery to suppress the will of the people which may harm the very solidarity of the Country and is condemnable. This all Pakistan Convention of Lawyers strongly and unequivocally demands that all economic and financial resources of the federating units be placed in absolute control of the respective units; concurred Legislative List under the Constitution of 1973 be abolished forthwith and its subjects be given in the legislative control of the Provinces as promised by the frames of the Constitution and the question of Provincial Autonomy be settled without any further delay. This Constitution further demands that all political and economic disputes between federating units and the federation be decided through negotiations with political parties of various shades and their leaders.”

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

“The Convention of all Pakistan Lawyers has taken a very strong note of a Press report wherein a tribal Jirga has declared Dr. Shazia Memon a victim of rape and brutality in Sui-Dera Bugti Area as ‘Kari’ and ordered for her killing which has put the victim into a further disress. The Convention appeals to the learned Chief Justice and Judges of the Hon’ble High Court of Sindh to take Suo Moto notice and initiate contempt of Court proceedings as a Hon’ble Court of Sindh has already declared the Jirga’s system as illegal. This Convention also strongly condemns the Government of Sindh for its efforts to present a Bill in the name of ‘amicable resolution of disputes’ through Jirga’s wit intention to give the legal force to the Constitution and decisions of Jirga’s of the decadent fudal and tribal society and demand for immediate withdrawal of such Bill and further to enforce the decisions of the Hon’ble High Court in its letter and spirit. This Convention also demands for immediate arrest of culprits responsible for this incident of rape and their trial under the law of the land.”

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

“This All Pakistan Lawyers Convention has expressed its serious concern over the different procedure and rules for appointment of Judges and Judicial Magistrates in the four Provinces. This House demands for a uniform rule throughout the four Provinces for appointment of Judges of subordinate Judiciary and Judicial Magistrate. This House further demand that the minimum qualification for such appointment should be three (3) years active practice as Lawyers. It is further demanded that before such appointment, the appointing Authority should obtain clearance from the concerned Bar Council pertaining to professional conduct of such candidates.”