**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 124TH MEETING HELD ON 29-04-2000 AT ISLAMABAD.**

**RESOLUTION NO.1**

"The Pakistan Bar Council places on record its deep sense of grief and sorrow on the passing away of Mr. Justice (Retd) Zaki-ud-Din Pal, an outstanding jurist and front-line fighter in the movement for the creation of Pakistan.

Mr. Justice Zaki-ud-Din Pal had been a Judge of the Lahore High Court for about 11 years and had chosen to leave the office of senior Judge of the High Court when he refused to take oath under the PCO in 1981 by Chief Martial Law Administrator. Before bis elevation as Judge of the High Court, he had also been President of the Lahore High Court Bar Association and was also a Member of the Pakistan Bar Council at the time of his elevation. He was dedicated to the ascendancy of Islam and had worked as a student leader in the movement for creation of Pakistan and had spread the message of Quaid-e-Azam throughout the subcontinent, He was a member of the Senate of Pakistan for six years.

Mr. Zaki-ud-Din Pal possessed versatile qualities of head and heart His legal acumen and political sagacity were par excellence and he was a man of unimpeachable integrity. As Judge of the High Court Mr. Justice Pal made glorious contributions to judicial literature which inter alia include Full Bench judgement in the case of Darwaish Arrbi of June, 1977 against the imposition of Martial Law in Lahore. He always fought for civil liberties, freedom of press and independence of judiciary. The legal fraternity is poorer on his passing away. May his soul rest in eternal heavenly peace and may Allah Almighty give courage and fortitude to his children and other bereaved."

**RESOLUTION NO. 2**

"The members of Pakistan Bar Council express their profound grief and sorrow on the brutal killing of Mr. Iqbal Raad, one of the defence counsel in the case against Mian Mohammad Nawaz Sharif and two others who were sitting with him in his law office at Karachi.

It is unfortunate that the persons who killed Mr. Iqbal Raad have not so far been brought to light despite the fact that his movements were on constant vigilance by the State Agencies. He had earlier complained that he was being threatened with dire consequences for defending the accused in that case. His killing is an interference in the discharge of duties by the advocates and is a signal to them that they can be targeted for defending the accused.

The legal fraternity in Pakistan strongly protests against the inaction of the authorities on broad day killing of Mr. Iqbal Raad, a senior Advocate who had also been Advocate General of Sindh and was defending no less a person who was Prime Minister of Pakistan. The Pakistan Bar Council shares the grief of the families of Mr. Iqbal Raad and two others killed along with him. May their soul rest in heavenly peace and May Allah Almighty give their families courage and fortitude to bear this tragedy."

**RESOLUTION NO. 3**

"Whereas the Lawyers in Pakistan have always stood for constitutional government, rule of law and democracy;

And whereas the interruptions in the constitutional rulc have caused great harm to the polity in Pakistan.

Therefore, the Pakistan Bar Council is of the considered view:

1. That the Constitution should be restored at the earliest so that the present constitutional void is brought to an end.
2. That a time frame be given for holding of general elections and handing over of the government to the party/ parties that are elected in such elections."

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

**ITS 121ST MEETING HELD ON 23-08-1999 AT LAHORE.**

**RESOLUTION NO. 1**

“The Chairman and Members of the Pakistan Bar Council place on record their deep sense of grief and sorrow on the sad demise of Mr. Muhammad Younas Bhatti, Advocate, Vice-President, Supreme Court Bar Association of Pakistan and former Vice-Chairman & Member of the Pakistan Bar Council. In his passing away a noble person has been lost, He was possessed of versatile qualities of head and heart. May his rest in eternal heavenly peace and may Allah Almighty grant courage and soul fortitude to his wife, children and other members of the bereaved family to bear this irreparable loss.

It is resolved that copies of this resolution be sent to Mrs. Muhammad Younas Bhatti, Mr. Muhammad Amir Bhatti, Secretary, High Court Bar Association, Multan and the Press".

The Council also expressed its grief and sorrow on the sad demise of Aunt of Mr. Abdul Haleem Pirzada, learned Member, and passed the following resolution, as proposed by Sh. Muhammad Naeem Goreja, learned Member: -

**RESOLUTION NO. 2**

"The Pakistan Bar Council expresses its deep sorrow and grief on the sad demise of Aunt of Mr. Abdul Haleem Pirzada, learned Member, and prays Allah to rest her soul in eternal peace and grant fortitude to Members of the bereaved family to bear the irreparable loss”

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

**ITS 118TH MEETING HELD ON 31-01-1999 AT ISLAMABAD.**

**RESOLUTION NO. 1**

"Pakistan Bar Council strongly condemns the barbaric missile attack by America and 8ritain on innocent Muslims of Iraq. It is unfortunate that America has assumed the role of international policeman and the Britain has joined America in Inhuman attacks on population of Iraq.

United Nations has been rendered negatory by America and Britain and they have indulged in inhuman acts without taking the United Nations into confidence. The targets of the new imperialism under the garb of New World Order is none except the Islamic World.

It, is high time for the Muslims all over the world to get united against the threats posed by new imperialism who always adopted double standards in the matter of violation of human rights and enforcement of U.N. Resolutions.

Pakistan should move ahead for Islamic Summit to take stock of evil design of new imperialism against the Islamic World.

Pakistan Bar Council expresses its solidarity with the people of Iraq and the Muslim World.

United Nations must withdraw sanctions imposed against Iraq without any loss of time"

**RESOLUTION NO. 2**

“The Pakistan Bar Council view with grave concern the setting up of Military Courts in the Country. The Council is of considered view that:

* The Military Courts are negation of the constitutional framework in Pakistan.
* There is no place for any system parallel to the courts established under the constitution.
* The breakdown of law and order and spread of terrorism in the country is on account of failure of governance and Military Courts are no solution to the problem.
* The Government cannot cover up its failure by taking extra constitutional measure of setting up of Military Court. The Military Court s and involvement of armed forces in civilian administration 1s detrimental to the institution of armed forces and the national interest and is likely to adversely effect their morale and defence capability.

The Pakistan Bar Council calls upon the Government to rescind the establishment of Military Courts forthwith and resolve the problems of terrorism and breakdown of law and order within the constitutional framework"

**RESOLUTION NO. 3**

"The Pakistan Bar Council strongly condems persecution of Newspapers at the hands of the Government. The Council views it as gross violation of the freedom of press and a blatant attempt to muzzle the voice of print media. The Council reiterates the resolve of the lawyer community in Pakistan to uphold the fundamental rights of the citizens including those of freedom of speech and press.

The Pakistan Bar Council calls upon the Government to desist from further persecution of Newspapers".

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

**ITS 116TH MEETING HELD ON 19-09-1998 AT ISLAMABAD.**

**RESOLUTION**

“Whereas Objectives Resolution, which is the fundamental constitutional documents of Pakistan, has postulated, amongst others, the following:

1. That the powers and authority of the State should exercise through the chosen repress natives of the people;
2. The principles of democracy, freedom equality tolerance and social justice as enunciated by Islam, should be fully observed;
3. The independence of the judiciary should be fully secured; and
4. The legitimate interests of the minorities and backward and depressed classes should be safeguarded.

And whereas the objectives Resolution has been made an operative’s part of the Constitution under Article 2A,

And whereas article 2 of the Constitution declares Islam as the state religion of Pakistan;

And whereas Article 227 provides that all existing laws should be brought in conformity with the Injections of Islam as laid doon in the Holy Quran and Sunnah and that no law should be enacted which is repugnant to such Injunctions;

And whereas several other provisions including Article 230 ensure the Islamic character of the Constitution and the laws.

The Pakistan Bar Council is deeply distressed with the introduction of the proposed 15th Amendment and regards the same as unnecessary and superfluous and expresses its concerns and resolves as under:

1. The Islamic provisions contained in the Constitution are adequate for the purposes of bringing the existing laws or any future legislation in conformity with the Injections of Islam and all organs of the state are called upon to strike down all laws repugnant to the injunctions of Islam and bring those laws in conformity with the injunctions of Islam under the existing provisions of the Constitution.
2. That it has the potential of undoing the Federation and jeopardizing the provincial autonomy under the Constitution.
3. That it will result in the destruction of the Judiciary as an independent organ of the State. Its decisions will be flouted and over ridden by the executive through directives issued 1n the name of Islam and by placing such directives beyond correction through jud1cial review.
4. That it is an attempt to impose personal dictatorship in the name of Islam and to rule through decrees, edicts or farmans. It would get the clock back and push the country into the dark ages.
5. That it will create more divisions and accentuate the existing ones in the country and will lead to more sectarian and other violence thus worsening already

grim law and order situation.

vi) That the Constitution w1ll lose all its efficacy and will be rendered into a meaningless document. It will be altered at the sweet will of the Government in power.

vii) The Parliament and the Provincial Assemblies will lose their character as law makers and the legislation would nol longer be the business of the chosen representatives of the people.

viii) That the freedom of press and speech w1ll cease to exist and a draconian censorship will be imposed through executive directives.

ix) The law of the land will slide into complete uncertainty and fundamental rights and civil liberties of the citizens will be totally jeopardized,

x) That the right of dissent by the bar and the political parties will be killed and those exercising their freedom of expression will be victimized.

xi) That already difficult position of women in the society will be rendered untenable and their rights jeopardized.

xii) That the rights and legitimate interests of the minorities will be negated and they will suffer from grave insecurity.

The Pakistan Bar Council feels that the proposed amendment sordid attempt to impose dictatorship in the name of Islam and Shariah by the Government in power for its own political ends end by its leaders for their personal agenda, in particular, to cover up their misdeeds and misgovernment.

The Pakistan Bar Council, therefore, demands that the proposed 15th Amendment be immediately withdrawn. The Council also calls upon the lawyers throughout the country to vehemently oppose the same and raise their voice and to demonstrate against its passage."

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

**ITS 115TH MEETING HELD ON 26-06-1998 AT QUETTA.**

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

"The Pakistan 8ar Council joins hands with the people of Pakistan in bowing down in gratitude before Allah Almighty on achieving nuclear capabilities by Pakistan through nuclear tests at Chaghi on May 28, 1998. Nuclear experiments by Pakistan are only guarantors for peace in the region. Nuclear tests had become essential for defence of Pakistan and in fact have removed the imbalance of power in the region. This achievement by the nuclear Scientists and Engineers of Pakistan deserves maximum commendation, Whole Pakistan nation salutes these heroes and is proud of their capabilities. Nuclear Scientists and armed forces of Pakistan deserve our gratitude and sincere congratulations. There is every react for the Pakistan Bar Council in joining the to thank God on Pakistan becoming sixth nuclear power and first Islamic country to achieve nuclear capabilities."

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

**ITS 114TH MEETING HELD ON 18-04-1998 AT ISLAMABAD.**

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

"Whereas Pakistan Bar Council is seriously disturbed over the present state of appointment of Judges or High Courts which is neither transparent nor based on merits;

And whereas the system of appointment of Judges requires radical restructuring in order to ensure that no consideration other than merit should prevail in such appointments;

And whereas the Council views with di disapproval any attempt to make such appointments on the consideration’s favoritism, nepotism and ethnicity;

And whereas failure to promptly fill the vacancies to the High Courts has led to the malaise of wheeling dealing amongst the high elite in the organs of state advancing their respective favorites and relatives for high Judicial offices;

And whereas the Supreme Judicial Council has become an ineffective and redundant body and requires to be re-constituted.

Therefore, the Council resolves as under: -

1. That the Supreme Judicial Council should be reconstituted to include Members of the Parliament including the opposition, and Pakistan Bar Council representing all provinces, and should be assigned the function of approval of persons nominated by the judicial consultees for appointment as Judges.
2. That in order to make the system transparent, the reconstituted Supreme Judicial Council should be holding public hearing before finalizing its recommendations.
3. That ill such time appropriate constitutional amendments are made for reconstitution of the Supreme Judicial Council, the appointments to the High Courts should be made in order to ensure that;

* they are free from favoritism, nepotism and ethnic factors;
* Preference be given to Advocates of standing and maturity and in particular they should not be below fifty and above fifty-seven years of age.
* the names of the nominees be made public and Bar Council be consulted in that behalf.
* That the Judgement of 20th of March, 1996, of the Supreme Court in respect of prompt filling of the vacancies in the Superior Courts should not be allowed to remain vacant.
* The Counci1 shall challenge any appointment which in its opinion is made on the basis of favoritism, nepotism or ethnicity.”

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

**ITS 113TH MEETING HELD ON 29-03-1998 AT LAHORE.**

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

"Pakistan Bar Council views with grave concern that one of its learned Members Mr. Farooq Hamid Naik has been placed on the Exit Control List (ECL) and has been prevented from leaving the Country.

The Council resolves that the name of Mr. Naik be immediately removed from the Exit Control list and he should not be harassed in any manner whatsoever"

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

**ITS 111TH MEETING HELD ON 01-11-1997 AT ISLAMABAD.**

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

"The Members of the Pakistan Bar Council express their deep sense of grief and sorrow on the passing away of Mr. Justice (Rtd) K. A. Ghani, Father of their learned colleague Mr. Arif Hussain Khilji. In him the legal fraternity has last a noble guide. May his soul rest in eternal heavenly peace and may Allah Almighty give Mr. Arif Hussain Khilji and other Members of the bereaved family fortitude to bear their irreparable loss."

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

"Pakistan Bar Council, as the apex body of lawyers in Pakistan, is deeply distressed with the present stable of constitutional crisis and deadlock in Pakistan, which is causing extreme anxiety amongst its citizens who are already laboring under insurmountable burdens of survival due to runaway inflation, high un-employment, widespread illiteracy. continuing mis-governance, deep rooted corruption, deep seated inefficiency and economic retardation. The Pakistan 8ar Council is constrained to make the following comments on the self-generator confrontation between the three Organs of the State-Executive, Legislature and Judiciary.

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

**ITS 110TH MEETING HELD ON 12-10-1997 AT LAHORE.**

"The Pakistan Bar Council in its emergent meeting held on 12th October, 1997 at Lahore considering the letter dated October, 11, 1997 written on behalf of the Supreme Court Bar Association of Pakistan, in the larger interest of the legal fraternity, resolves as under.

The proposal of holding of the elections to the Supreme Court Bar Association on 15-11-97 as per schedule attached with the letter which is in accordance with the Resolution of the Pakistan Bar Council, under the Chairmanship of Mr. Abdus Sanad Dogar, learned Member of the Pakistan Bar Council, is accepted subject to the following conditions: -

1. The Committee headed by Mr. Abdus Samad Dogar shall consist of the following Members of the Pakistan Bar Council.

(1) Syed Zafar Ali Shah

(2) Mr. Muhammad Bilal

(3) Mr. Javaid A. Khan

2. The Petitions filed on behalf of the Supreme Court Bar Association before the Lahore High Court and the Supreme Court shall be withdrawn forthwith.

3. Sh. Asghar Hameed, learned Member, has undertaken to withdraw his petitions in this behalf before the Lahore High Court and the Supreme Court forthwith.

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

**ITS 109TH MEETING HELD ON 04-10-1997 AT KARACHI.**

"Whereas the Executive Committee of the Supreme Court Bar Association has postponed election of office bearer and Members of Executive Committee of the sald Association which earlier were announced to be held in September, 1997:

And whereas no reason or Justification has been given or made Public as to postponement of elections of the Supreme Court Bar Association;

And whereas about fifty Members of the Supreme Court Bar Association have made written complaints with the Pakistan Bar Counc1 against the postponement of elections of the said Association beyond 30-9-97 by its Executive Committee and extension of its life beyond its term, requesting the Pakistan Bar Council to take over affairs of the Supreme Court Bar Association to ensure holding of its elections at the earliest.

Therefore, the Pakistan Bar Council, keeping in view the relevant Provisions of the Legal Practitioners 8 Ber Councils Act, 1973, and that of the Supreme Court Bar Association of Pakistan Rules, 1989, resolves as under: -

1. That the office bearers and Members of the Executive Committee of the Supreme Court Bar Association elected in September, 1995 have ceased to hold office with effect from 1-10-1997;
2. That the Pakistan Bar Council take over the affairs of the Supreme Court Bar Association with immediate effect to hold elections of office bearers and Members of the Executive Committee of the Supreme Court Bar Association on 15-11-97. The Executive Committee of the Pakistan Bar Council is authorized to hold such elections; and
3. That the accounts of the Supreme Court Bar Association of Pakistan be seized forthwith and no one will operate any such accounts till election of the office bearers and Members of the Executive Committee of the Supreme Court 8ar Association of Pakistan in November,1997."

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

**ITS 108TH MEETING HELD ON 21-06-1997 AT PESHAWAR.**

1. Withdrawal of amendment in the Central Excise Act, 1944.

**RESOLUTION NO.01**

"Resolved by the Pakistan Bar Council that the Federal Ministry of Finance & Economic Affairs he Called upon to withdraw the amendment in the Central Excise Act, 1944 to levy duty on Advocates".

1. Process of accountability under the Ehtesab Ordinance,1996

The Council thoroughly deliberated upon the Process of accountability under the Ehtisab Ordinance, 1996 and noted as under: -

1. Exemption to certain individuals and institutions from accountability in Ehtisab Ordinance might prove fatal to the basic concept of accountability (Ehtisab).
2. The daily statements of the Care-Taker Prime Minister and his Cabinet colleagues confessing their inability to collect necessary evidence and proofs to punish the guilty involved in large scale corruption, misappropriation and loss of public money had caused immense frustration and disillusionment amongst the masses in the country.
3. People were dissatisfied as focus was only on recovery of Government and bank dues. Neither corruption had been weeded out nor any serious attempts had been made to eradicate the same from Governmental circles and to punish the guilty.
4. They would process had been carried out in a haphazard manner. No homework, it seemed, had been done before dissolution of assemblies. The onus was on the Government and Investigating Agencies to collect the proof. The Care Taker Prime Minister in his speeches, on the other hand had continuously been admitting the Government, failure, to collect necessary proof and evidence and instead had been exhorting the public to do so. An impression had been given that the whole process had failed.

Finally, it resolved to call upon the Government of Pakistan to streamline the whole process of accountability by enforcing a comprehensive piece of legislation and taking effective steps to punish the culprits whether they be members of bureaucracy or elected representatives of the People."

1. Resumption of practice by Judges of the High Courts affected by the Judgement dated 20-3-96 of the Supreme Court of Pakistan.

**RESOLUTION NO.02**

"Resolved by the Pakistan Bar Council that and advocate who joins a constitutional office of Judge of a High Court loses his right to practice law, ceases to be an advocate and goes out of discipline of the 8ar Councils. Therefore, all Ex-Judges who want to start practice as Advocates must get licenses from the respective Bar Councils. Start of practice without licences afresh, as indicated, will render such persons liable to disciplinary action.

Also resolved that Ex-Judges who have started practice without licences may be informed accordingly.

Also resolved to send copies of the resolution to the Registrars of the Supreme Court, Federal Shariat Court and High Courts for information".

1. Appointment of Judges to the Superior Courts.

**RESOLUTION NO.03**

"Resolved by the Pakistan Bar Council to respectfully request the Government of Pakistan and the Hon'ble Chief Justices not to make recommendations or appointments of Judges of the superior judiciary without consulting the representative bodies of the legal profession who are in a better position to judge antecedents, integrity, competence

and suitability of recommenders to fill in those offices as the celebrated Judgement of March 20, 1996 has demonstrated the faulty and questionable

recommendations and appointments.

Also resolved to send copies of the resolution to the Hon'ble Chief Justice of Pakistan, the Hon'ble Chief Justices of the Federal Shariat Court and High Courts, the Prime Minister's Secretariat and the Federal Ministry of Law and Justice for

information.

A1so resolved to send a copy of the resolution to the learned Attorney-General for Pakistan to take up the matter with the quarters concerned"."

1. Refusal of the learned Chief Justice of Baluchistan High Courts to aet as Governor.

**RESOLUTION NO.04**

"Resolved that the Pakistan Bar Council expresses its deep appreciation of refusal of the Hon'ble Chief Justice of Baluchistan High Court to accept office of the Acting Governor of Baluchistan in order to advance the cause of separation of executive from judiciary.

Also resolved to request the Chief Justices of the High Courts to kindly follow the example set by the Chief Justice of Baluchistan High Court.

Also resolved to request the Hon'ble members of the Superior judiciary not to attend political functions arranged by the Governments, nor to attend the oath taking ceremonies of the Government dignitaries un-necessarily, nor to attend private dinner functions arranged by the State functionaries in their honor so as to set out healthy traditions and remove doubts from the mind of the public about the independence of judiciary.

Also resolved to send copies of resolution to the Registrar of the Supreme Court, Federal Shariat Court, High Court and Federal Ministry of Law & Justice for information".

1. Process of accountability.

**RESOLUTION NO.05**

"Resolved by the Pakistan Bar Council that it expresses its deep appreciation of the accountability process started by the Government of Pakistan against bureaucracy with an expectation that accountability will be taken to its logical conclusion without any pressure or favor and without any victimization or discrimination.

Also resolved that the Pakistan Bar Council calls upon the Government of Pakistan to start accountability process against the representatives of the people, past or present, with the same seriousness and earnestness as it has started against the bureaucracy.

Also resolved by the Council to call upon the Provincial Governments to follow the suit.

Also resolved by the Council that copies of the resolution be sent to the Prime Minister of Pakistan Attorney-General for Pakistan and the Chief Ministers for information and necessary action"

1. Legislation through Ordinances.

**RESOLUTION NO.06**

"Whereas the Pakistan Bar Council has expressed in the past its dissatisfaction over the heavy legislation in the country through Ordinances instead of Acts of the and Provincial Assemblies as its mode mockery of the whole legislative system provided in the Constitution, although the nation spends crores of rupees yearly on the public representatives;

And whereas last year was the worst instance of all, when the provisions of Article 89 relating to the power of President and Article 128 relating to the power of Governor to promulgate Ordinance were excessively resorted to;

And whereas the present ruling party and its allies have absolute majority in the parliament and almost in all have the provincial Assemblies.

Therefore, the Pakistan Bar Council resolves to call upon Federal and Provincial Governments to ensure that the legislation may be made in the country through Acts of Parliament and Provincial Assemblies and not through ordinances."

1. 13th Amendment in the Constitution.

**RESOLUTION NO.07**

"Resolved by the Pakistan Bar Council that it places on record its deep appreciation of the efforts made by the Prime Minister of Pakistan, Mian Muhammad Nawaz Sharif, and all political parties represented in the Senate and National Assembly through their elected members, and congratulates them all on passing the bill unanimously making 13th amendment in the Constitution of 1973 to put the parliamentary political system in the Country on even keel.

Also resolved to send copies of the resolution to the Prime Minister, Chairman, Senate, Speaker National Assembly, Minister for Law, Justice & Parliamentary Affairs and Attorney-General for Pakistan for information".

1. Fixation of number of Judges of the Supreme Court.

The Council on the recommendation of its Law Reforms Committee, proposed the following Draft Bill to the Federal Government for legislation regarding fixation of number of Judges of the Supreme Court as required under Article 176 of the Constitution which requirement had not been implemented for the last 24 years: -

"A BILL"

to determine the number of

Judges of the Supreme Court.

Whereas it is expedient to determine the number of Judges of the Supreme Court. It is hereby enacted as follows: -

1. Short Title and Commencement: - (1) This act may be called "The Pakistan Supreme Court Judges Act, 1997".

(2) It shall come into force at once.

2. The Supreme Court of Pakistan shall consist of a Chief Justice to be known as Chief Justice of Pakistan and fourteen other Judges.

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

**ITS 105TH MEETING HELD ON 02-11-1996 AT ISLAMABAD.**

**RESOLUTION**

"The people of Pakistan after many trials and tribulations finally promulgated the Constitution of the Islamic Republic of Pakistan 1973. The genesis of the people for the Parliamentary form of Government was sought to be transformed into Presidential form of government through the 8th Amendment which par force was adopted by a helpless Parliament elected on non-party basis. However, the spirit of the Constitution as enforced by the people of Pakistan remains Parliamentary in character. Any attempt to exclude the Prime Minister Head of the Cabinet and Leader of the House of the National Assembly would tantamount to oust the voice of the people in filling up offices of national signific-cance. The exclusion of the Head of Government cannot be countenanced in a Parliamentary form of government. It is also a matter of concern that lately the Institutional Head of the State, the Government and the Judiciary are publicly exhibiting their variance on quite a few issues which are being battled in the Superior Courts, the adversarial approach by exalted personalities who are to shape the destiny of the nation is injurious to peace progress and prosperity of the country. We would surest a periodical meeting of the Heads of the Institutional pillars of the State to resolve all issues of national significance through mutuel consultation.

We firmly believe and reaffirm our unfilleting faith in the Parliamentary form of government end resolve to preserve and protect the Constitution of the Islamic Republic of Pakistan."

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

**ITS 104TH MEETING HELD ON 03-10-1996 AT ISLAMABAD.**

**RESOLUTION NO.1**

"The Pakistan 8ar Council expresses its deept anquish on the extrajudicial killings at the hands of Police, law enforcing and intelligence agencies in the Islamic Republic of Pakistan. By giving a so-called free hand to the police and State agencies, the Federal Government has for all intents and purposes made this sacred land ours a Police State in violation of Law and Constitution. Fake police encounters have become a rule of the day. It is unfortunate that Mir Murtaza 8hutto, head of Pakistan. Peoples Party (Shaheed Bhutto) Group and his seven associates have fallen victim to State Terrorism at Karachi. All that is happening is nothing, but gross violation of human rights and fundamental rights guaranteed by the Constitution. We should raise strong voice of protest against these brutalities and take steps that these violations of human rights and fundamental rights, should be brought to notice of the Supreme Court for immediate remedial action in terms of clause (3) of Article 184 of the Constitution of the Islamic Republic of Pakistan."

**RESOLUTION NO.2**

“The Pakistan Bar Council is of the view that after great reluctance and taking more than six months, the Government has implemented the historic verdict of the Supreme Court rendered on 20th March, 1996 to a large extent Appointment of a permanent Judge of the Supreme Court from the Province of Baluchistan has not so far been made despite initiation to this effect by the Chief Justice of Pakistan. Shariat Appellate Bench of the Supreme Court, the constitution thereof is imperative under clause (3) of Article 203-F of the Constitution, is non-existent and practically abolished by the Government by termination of the services of two Ulema from the shariat Appellate Bench of the Supreme Court. A large number of appeals under the Hadood Ordinances and pertaining to declaration of various laws as repugnant to the injunctions of Holy Quran and Sunnah including appeals in respect of Riba and Court fee are pending decision before the Shariat Appellate Bench of Supreme Court which has not been functioning for the last more than five months.

Same is the position with regard to the Constitution of the Federal Shariat Court which is required to consist of at least eight Muslim judges under Article 203-C of the Constitution. At present only Chief Justice and one judge from Ulema are working. This action is a violation of the Constitution. The Government is required immediately to constitute the Shariat Appellate Bench of the Supreme Court and Federal Shariat Court as envisaged by the Constitution.

It is also worthy of notice that the appointment of some additional judges was not confirmed and the same has been declared by Supreme Court in its judgement of 20th March, 1996 as invalid. Their cases were required to the reconsidered in accordance with the provisions of the Constitution. The Chief Justice of Lahore High Court and the Chief Justice of Pakistan have rendered their consultations but the Government is sitting over the same without any rhyme and reason and this is a willful failure to obey, honour and implement the verdict of the Supreme Court.

It is hoped that in view of the above, the Government shall take immediate steps to obey, honour and implement the verdict of the Supreme Court in its true letter and spirit."

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

**ITS 101ST MEETING HELD ON 19-04-1996 AT KARACHI.**

**RESOLUTION**

"The Pakistan Bar Council hereby resolves that the Parliament or Provincial Assemblies on passing of a law or the President or Governor on promulgation of an ordinance or the Federal Law Ministry or Provincial Law Departments on preparing a Bill should immediately send copies of such Statutes/Ordinances/Bills to the Pakistan Bar Council and Provincial Bar Councils.

The Council also resolves that all Law reporting Journals in Pakistan be asked to publish immediately all laws passed by the Federal and Provincial Legislatures, Ordinances promulgated by the President or Governor and "Notifications issued by different departments and bodies.”

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

**ITS 100th MEETING HELD ON 06-04-1996 AT LAHORE.**

**RESOLUTION**

"The Pakistan Bar Council resolves to call upon the President of Pakistan and all constitutional functionaries including the Executive and Judiciary to implement the Judgement of the Supreme Court dated 20-03-1996 in letter and spirit.

The Council further resolves to condemn strongly the atrocities committed by the district authorities and Police of Lahore on the Lawyers in the premises of Lahore High Court on 27.03.1996 when they were holding a demonstration for implementation of the Judgment dated 20-03-1996.

The Council also resolves to call upon all concerned quarters to refrain themselves from rendering controversial the Judgment in any manner by any media including electronic media”.

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

**ITS 97th MEETING HELD ON 03-08-1995 AT KARACHI.**

**RESOLUTION**

"Here as election to the office bearers and the Excusive Committee of the Supreme Court Bar Association were held in April, 1993 for a period of two years which term has already expired and

Whereas fresh election was not held within the period stipulated by the Supreme Court Bar Association of Pakistan Rules, 1989; and

Whereas such situation has been considered by the Pakistan Bar Council with reference to the election proposed to be held on 28th September, 1995 by the Supreme Court Bar Association.

Now, therefore, the Pakistan Bar Council in its meeting held at Karachi on 03-08-1995 hereby resolves as under: -

1. That the failure to hold elections of the office Bearers and Executive Committee of Supreme Court Bar Association in improper and contrary to the mandate confreres by the Rules;
2. That the Supreme Court Bar Association should ensure holding of future elections by the date contained in Rules 14 (d) of the Rules. It be clarified that the term of office bearers of Executive Committee Members to be elected during forthcoming election shall expire on 30-04-1997;
3. That the forthcoming election scheduled for 28th September, 1995 should not further be delayed or changed;
4. That all application for membership pending or submitted in accordance with Rules on or before 28-08-1995 be accepted and such Member be included in electoral roll for the coming election;
5. That the clearance of dues by existing Members should be allowed till 28-08-1995 enabling such Members to exercise their right of franchise;
6. That the letter dated 05-07-1995 of the Secretary Supreme Court Bar Association be withdrawn by the Association being uncalled for and unjustified and;
7. That it is noted with appreciation that Mr. A. Karim Malik, Member, Pakistan Bar Council who also happened to be President of the Supreme Court Bar Association after having been heard at length, assured the Council that above terms of the Resolution would be implemented by Association.”

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

**ITS 96th MEETING HELD ON 30-06-1995 AT QUETTA.**

**RESOLUTION**

"Resolved that the amendments made in the Qanoon-e-Shahadat, 1984 and code of Criminal procedure making legally admissible the confession allegedly made before an officer of the police force of the rank of DSP in highly condemnable being patently violative of the fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan, negation of human dignity and also contrary to the declaration of Human Rights. Such a law is a slur on the fair name of the Islamic Republic of Pakistan and needs to be scrapped without any lose of time. The Government is paving way for turning Pakistan into a Police State”

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

**ITS 95th MEETING HELD ON 03-06-1995 AT RAWALPINDI.**

**RESOLUTION**

"The Pakistan Bar Council strongly condemns the incident of calculated destruction of the Mosque and shrine of Sheikh Noor-ud-Din Wali at Charar Sharif by the Indian armed Forces in Indian occupied Jammu & Kashmir. The Council expresses its deep concern on the continuing excesses of Indian troops on Muslims of Indian occupied Kashmir struggling for their right of self-determination in accordance with United Nation's Resolutions.

The Council while condemning the sad incident of Charar Sharif and continued genocide of Muslims in Indian held Kashmir, calls upon the United Nations and other International Human Rights Bodies for taking immediate practical steps to check and stop the atrocities being committed by Indian Forces on Muslims of held Kashmir and impress upon the Indian Government to implement U.N. Resolutions giving the right of self-determination to the people of held Kashmir."

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

**ITS 91ST MEETING HELD ON 31-03-1994 AT KARACHI.**

**RESOLUTION**

"The Pakistan 8ar Council expresses its deep shock and grief on the sad demise of Mr. Sharaf Faridi its Member. The invaluable services rendered by Mr. Sharaf Faridi in his personal and representative capacity for lawyers of the country in general and professional institutions like Pakistan 8ar Council and the Bar Associations at the District and High Court levels, would be remembered for long time. The vacuum created by his death would be difficult to be filled.

The Council is of the view that the example and traditions set by late Mr. Faridi for serving the legal profession and its Members should be followed by Members of the Bar. His popularity amongst lawyers community could be gauged from the fact that he was elected as President of the Karachi Bar Association during early years of his joining the legal profession and thereafter his election to the Pakistan Bar Council for 3 consecutive terms and then his election as President of the Sindh High Court Bar Association for five consecutive years.

The Council prayers Almighty to rest his soul in eternal peace and grant courage to the bereaved family and his friends in the profession, to sustain the loss."

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

**ITS 80th MEETING HELD ON 19-12-1991 AT KARACHI.**

**RESOLUTION**

"The Pakistan Bar Council in its meeting held on 19-12-1991 at Karachi under the Chairmanship of Ch. Ahmed Hassen, its Vic e-Chairman passed the following Resolution.

The Pakistan Bar Council condemns the alleged incidents of violations end disgrace against Vina Haya and other women in Pakistan. The Pakistan Bar Council expresses its deep concern over the deteriorating law and order situation throughout Pakistan in 'general and in the Province of Sind in particular. This Council calls upon the concerned authorities to take firm and strict action against the culprits and bring them to book forthwith regardless of their position.

Pakistan Bar Council al so condemns the incident of intimidation against Mrs. Ismat Mehdi, Advocate, Karachi by the party she is appealing against in a Court of law. It is further resolved that the Chief Minister, I.G., and Home Secretary, Sindh be requested to take up the complaint of Mrs. Ismat Mehdi and have the same thoroughly investigated."

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

**ITS 78th MEETING HELD ON 18-07-1991 AT LAHORE.**

**RESOLUTION**

"The Pakistan Bar Council in its meeting held on 18th July, 1991 takes serious view of the hurriedly introduced laws and constitutional amendments curtailing the fundamental rights of the citizens and of the Courts. The Council in the light of past experience considers that such laws will be abused by the administration against the law-abiding citizens.

The Council is of the opinion that the existing laws are adequate to meet any difficult law and order situation provided that they are properly and honestly implemented and the law enforcing agencies perform their functions honestly and diligently. The Council calls upon the Government to stream line law enforcing agencies and to in force the existing laws in a proper and effective manner in order to control the alarming law and order situation in the Country prevailing at present.

The Council demands that all proposed legislations specially the Constitutional amendments should be widely circulated so as to enable the citizens of this Country to present their point of view before any laws are enacted."

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

**ITS 76th MEETING HELD ON 07-02-1991 AT KARACHI.**

**RESOLUTION NO.01**

"This meeting of the Pakistan Bar Council expresses its grave condemn over the situation in the Gulf and is particularly alarmed at its consequences for third world countries in general and the Muslim Ummah, in particular. While the withdrawal of the Irani forces from Kuwait, as a prelude to a just and honorable settlement of all bilateral disputes between Iraq and Kuwait, has been the hope end desire of Muslims all over the world, the massive use of force by the United States end its allied forces, as a a part of a calculated strategy to destroy the entire infrastructure of Iraq, cannot be condoned. Under the garb of creating new world order, the United States and its western Allies have embarked ed on a premeditated course of controlling the naturel resources of the Middle East. It is the duty of the Third world countries, especially the Muslim Ummah to resist the imposition of the so-called new world order that is based on double standards and notions of self-righteousness, especially when judged against the role of these very powers that be, in the context of the plight of the people of Kashmir, Palestine and South Africa. One needs no reminding that while the third world countries are being asked to make disproportionate economic sacrifices in obeying the resolutions of the Security Council with regard to the sanctions against Iraq, the western powers had for years invariably ignored the will of the international community with regard to sanctions end resolutions against India, Israel and South Africa. The so-called new world order is being built not upon the principles of equality and universal economic and social justice but upon the arrogance of American military power.

This meeting of the Pakistan Bar Council condemns the wanton and indiscriminate attack by the United States and its coalition forces against Iraqi targets end civilians that have no NEXUS with the mandate of the Security Council in relation to the restoration of the sovereignty of Kuwait The recent booming raids on civilian trucks carrying oil from Iraq to Jorden, is a case in point. One wonders as to how the supply of fuel to Jordan is relatable to the removal of Iraqi force s £from Kuwait.

The Bar Council is of the considered view that the United States and its Allies have over-stepped the mandate of the Security Council end that the real aim of their relentless attacks is to preserve American and Israel hegemony in the region.

The Pakistan Bar Council, therefore, calls for an immediate ceasefire, the simultaneous induction in Kuwait of an Islamic force from non-belligerent countries and the withdrawal of all foreign forces end armadas from the Middle Fast to be backed up by an international conference for the resolution of all issues in the region, including the issues of Kashmir, Palestine and south Africa, The Bar Council calls upon the Government and people of Pakistan to direct their energies towards this end."

**RESOLUTION NO.02**

“Resolved that in terms of Rule 129 (b) of the Pakistan Legal practitioners & Bar Councils Rules, 1976 from now onward Mr. Muhammad Younus Bhatt, newly elected Vice-Chairman, will operate the Accounts of the Pakistan Ber Council, maintained by it with different Banks in place of Mr. Abdul Hakeem Khan Kundi, outgoing Vice Chairmen jointly with Mr. Muhammad Arshed, Secretary Pakistan Bar Council the Bankers of Pakistan Bar Council may. Be informed accordingly."

**RESOLUTION NO.03**

"Even though the Pakistan Bar Council appreciates and supports the desire of the superior courts to reduce the pendency of cases, yet it cannot but take notice of the fact that the Government has done nothing in this behalf and the strength of the judiciary remains the same, and as such the superior judiciary has sought to achieve the laudable objective by acceleration of the court process and hearing which threatens to upset the accepted norms of judicial procedure and interferes with the judicial powers of the Courts and has seriously effected the extent and quality of assistance to the court, and which continues to reflect on the quality of justice required to be dispensed.

The Council, therefore, resolves that a delegation consisting of the Vice-Chairmen, Mr. Muneer Malik, Mian Hisamuddin, Mr. Khalid Malik, Mr. Aamer Raze A. Khan, Mr. M. Bilal and Mr. Iqbal Ahmed Khan, Members of the Pakistan Bar Council should call upon the Chief Justice of Pakistan and Chief Justices of the High Courts and request them to take appropriate measures in this behalf."

**RESOLUTION NO.04**

"This meeting of the Pakistan Bar Council condemns the unprovocated attack by the Law Enforcing Agencies on the Members of the Karachi Bar Association on 16th January, 1991 during the course of a peaceful demonstration outside the U.S. Consulate in Karachi. The Bar Council reaffirms the right of the citizens of this country to demonstrate peacefully to canvass their point of view with the concerned authorities. The Bar Council condemns the incident of firing and Lathi-charge and express its complete solidarity with the Karachi Bar Association."

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

**ITS 75th MEETING HELD ON 14-12-1990 AT LAHORE.**

**RESOLUTION**

"The meeting of the Pakistan Bar Council has duly considered the plight of the Muslim in India, with particular reference to the desecrate on of the Babri Masjid and the carnage of the Muslim population in various parts of India and the brutal oppression of the Muslims and other freedom loving people of Indian occupied Jammu and Kashmir. The Pakistan Bar Council vociferously condemns the Indian states authorities and their para military and so-called vigilant organization for the reign of terror they have let loose with the calculated objective of crushing the diboration movement and subjugating the Muslims of India through naked force.

The Pakistan Bar Council is of the firm Conviction that through preplanned conspiracy, the western media and the Indian state agencies are for closing scrutiny of the brutalities being committed by the Indian authorities. In the background, the Pakistan Bar Council authorized its Human Rights Committee to make arrangements for standing a fact-finding mission to India and India occupied Jammu & Kashmir and to report its findings to the Council”.

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

**ITS 74th MEETING HELD ON 21-06-1990 AT QUETTA.**

**RESOLUTION NO. 1**

"The people of N.W.F.P. and Baluchistan are facing great inconvenience and hardship due to PATA Regulations of 1975 8 1976 and Civil and Criminal Law Special Provisions Ordinances No. I and II. The enforcement of these Regulations and Ordinances have curtailed the functions and powers of the judiciary as a result of which the rate of crime has considerably been increased in the above- said Provinces.

For the purpose of creating uniformity of laws and for integrity of the country the above-said Regulations and Ordinances should be repealed forthwith.

The Pakistan Bar Council, therefore, resolves to demand of the Government to repeal above-said PATA Regulations and Ordinances No. I and II of 1968 forthwith."

**RESOLUTION NO. 2**

"Whereas the Building of the Supreme Court of Pakistan is being constructed in Islamabad and the Supreme Court is likely to be shifted to Islamabad within next 1-2 years;

And whereas with the shifting of Supreme Court to Islamabad the Advocates of the Supreme Court will also have to shift there and in such an eventuality they will be facing problems with regard to their chambers and residences;

And whereas quite a few plots were allotted to Advocates in early 1970's in Islamabad for their residences;

And whereas the number of Advocates of the Supreme Court has considerably been increased during the last one and a half decade;

And whereas in case of shifting of Supreme Court to Islamabad the offices of the Pakistan Bar Council will also have to be shifted there as a result of which the employees of the Council will also be shifting to Islamabad;

Therefore, the Pakistan Bar Council resolves to request the Federal Government through Prime Minister of Pakistan to allocate space around the Supreme Court Building in Islamabad, for construction of building of offices of the Pakistan Bar Council, chambers of Advocates of the Supreme Court and residences of employees of the Pakistan Bar Council. The Council also resolves to request the Federal Government for allotment of residential plots to Advocates of the Supreme Court in Islamabad."

**RESOLUTION NO. 3**

"The High Courts and the Supreme Court of Pakistan do not have the Judges according to their sanctioned strength. The vacancies lying in all the High Courts and the Supreme Court for the last couple of years have not been filled in spite of demands from the Bar.

To meet with the problem of ever-increasing litigation in Pakistan and to clear the pendency of cases, not only the early appointments of Judges of High Courts and Supreme Court against the vacant posts are essential but the increase of number of Judges is also desirable. This is all the more necessary to achieve the objective of speedy dispensation of justice and quick disposal of pending cases.

The Pakistan Bar Council, therefore, calls upon the respective Governments to make immediate appointments of Judges of the High Courts and Supreme Court against the vacant posts and also consider on priority basis, the matter of increasing the number of Judges of the superior and lower Judiciary."

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

**ITS 71th MEETING HELD ON 01-02-1990 AT QUETTA.**

**RESOLUTION NO. 1**

"The Pakistan Bar Council has taken serious view of the grave situation created in the occupied territory of Jammu and Kashmir by use of brutal force by the Indian Government. The fresh wave of liberation movement of Kashmiri Muslims is natural consequence of the denial of right of self-determination to the people of Kashmir since 1947. The Indian Government instead of accepting. the just and universally recognized principle of self-determination and acting upon the Resolutions of the United Nations for holding plebiscite in the territory of the Indian Held Jammu and Kashmir has been flagrantly flouting the Resolutions of the United Nations for adopting repressive and inhuman acts on innocent people of the Indian Held Kashmir.

It is well known universally that the wave of liberation has started all over the world particularly in Asia, Africa & Eastern Europe end the Kashmiri people are n0 exception to it. It is pitty that whenever Kashmiri Muslims voice their feelings for liberation, the Indian Government on the one hand starts repression and genocide of the Kashmiri Muslims and on the other hand it black-mails the Pakistan for sending its gorillas in Indian occupied Kashmir. These often-repeated Indian tactics are well known and this policy cannot continue indefinitely. The Pakistan Bar Council expects from the free world particularly the Muslim world not to remain silent spectator on the barbarous and inhuman atrocities and brutalities perpetrated by the Indian armed forces and Police on the un-armed people of India occupied Jammu and Kashmir. It is unfortunate that Hum a Rights Agencies all Over the world have not yet taken serious note of atrocities and flagrant violation of Human Rights in the occupied Kashmir. Hundreds of Muslims including children and ladies have been killed inhumanly and thousands of freedom fighters are rottoning in jails in most inhuman conditions.

The Pakistan Bar Council also takes serious note of mischievous policy of the Indian Government in trying to convert the Muslim majority into a minority artificially by

migration of Hindus from interior of India to occupied Kashmir under long planning.

The Pakistan Bar Council strongly urges upon the United Nations to take serious note of the prevailing situation in the occupied Kashmir and to take effective measures for implementation of its Resolutions on Kashmir for holding plebiscite and in case of refusal of the Indian Government to co-operate with the world body, the UN must take deterrent action by discontinuing economic aid to India by its member States. The Bar Council also calls upon the Human Rights Commission and other International Human Rights bodies as well as the legal fraternity of the whole world, who believe in the rule of law, civil liberties and Charter of the United Nations, to take effective steps in aid of implementation of the Resolutions of the United Nations for holding plebiscite in the Indian occupied Kashmir under the auspices of United Nations.

While strongly condemning the Indian Government for using the naked force against the innocent people of Kashmir, the Pakistan Bar Council vehemently impresses upon the Pakistan Government to take bold stand on this issue instead of being black mailed by the Indian Government. In fact, the Simla Pact has lost its utility during last 16 years as it has been frustrated by the Indian Government itself and it should therefore be no longer hindrance in taking the Kashmir issue to United Nations. The Pakistan Bar Council also places on record the services of freedom fighter for the liberation of Kashmiris and assure then fullest support on this issue."

**RESOLUTION NO. 2**

"The Pakistan Bar Council takes serious view of the grave situation prevailing in the autonomous State of Azerbaijan. The policy of ruling the people by repression & force under dictatorship of one party under the Communist theory has completely failed all over the world end it is impossible for the Russian Government to rule the people any longer by use of naked force. The wave of self-determination and liberation movement all over the world particularly in Eastern Europe, Africa & Asia appear to have inspired the Muslim majority in Azerbaijan to liberate the autonomous State of Azerbaijan and thus Russia being a permanent Member of Security Council must yield to the wishes of the people in accordance with U.N Charter.

The Pakistan Bar Council, therefore, strongly condemns the use of force by Russian army on the freedom fighters of Azerbaijan and strongly urges upon the United Nations, International Human Rights bodies particularly the Muslim world, to take practical steps for resolving the issue by pressurizing the Russian Government to allow the people of Azerbaijan to exercise the right of self-determination according to U.N Charter."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 70th MEETING HELD ON 07-08-DEC-1989 AT RAWALPINDI.**

**RESOLUTION**

"Whereas the Pakistan Bar Council expressed its strong disapproval of the language, manner and the style in which the letter No.4864/P8C/SEC/89 dated October 11, 1989 addressed by the Secretary, Pakistan Bar Council, Rawalpindi to the Registrar, Supreme Court of Pakistan, Rawalpindi on the subject of the Advocates Rest House (Supreme Court Building), Rawalpindi has been replied by the Assistant Registrar, Supreme Court vide his letter No. AR (1)/89 dated October 26, 1989;

And whereas the Council is immensely dismayed with the behavior and attitude of the Registrar of the Supreme Court over the years in which he has been dealing "in correspondence and other matters" with the Pakistan Bar Council, the highest elected body of the legal profession in the country, a reality which perhaps he is not readily prepared to acknowledge or accept and which cannot be more exemplified then the fact that even in the instant case the Registrar has thought it improper or below his dignity to reply the letter of the Pakistan Bar Council under his own signatures and has instead chosen to direct the Assistant Registrar to sign and reply the letter in question;

And whereas it is a fact that after the shifting of the Supreme Court from Lahore to Rawalpindi in 1975, at the time of its inauguration by the then Prime Minister of Pakistan, he, in company of the then Law Minister, learned Judges of the Supreme Court, Attorney General for Pakistan, Members of the Pakistan Bar Council and Members of the Bar, while taking a round of the Supreme Court Building when reached the Advocates Rest House told the Pakistan Bar Council that the Rest House had been constructed for the Members of the Pakistan Bar Council and outstation Advocates who were to visit Rawalpindi/Islamabad in connection with their professional and Bar Council's jobs;

And whereas the Pakistan Bar Council in the past always strived for expansion of the Rest House in view of the increasing number of Advocates visiting Rawalpindi/ Islamabad, and on the other hand several attempts were made by the Supreme Court to deny this facility to the Members of the Bar and reserved the rooms for Members of the 8ench and Law Officers;

And whereas when the Ministry for Housing and works, Government of Pakistan, Islamabad wanted to close down the Rest House in 1987 and its budget was withheld by them it was due to the efforts of the Pakistan Bar Council that the funds were released and facility was continued through on its own part, the Supreme Court changed the name of the Rest House for the reasons not known to the Council;

And whereas the record will show that a irregularities have been committed by the Registrar and his subordinates in the past in making allocation of the Rooms as those were given to certain Law 0fficers and other favorites who were not visiting Rawalpindi for professional job but were on private visits with their families sometimes for months together, against the protestations of the Pakistan Bar Council;

And whereas the Council strongly feels that the Law Officers in Government employment have other Government places and Rest Houses to stay in and should not have any claim on the small number of rooms which are meant for Advocates and Members of the Pakistan Bar Council.

Therefore, the Pakistan Bar Council resolves to approach the Ministries concerned, that is to say, the Ministry of Justice and Ministry of Housing & works to manage the Rest House through the Pakistan Bar Council and to entrust the allocation of rooms to the Advocates to the office of the Pakistan Bar Council as the Rest House is meant for Advocates and the Members of their elected bodies.

It further resolves to approach the Hon'ble Chief Justice of Pakistan to express its full dissatisfaction with the present system of allocation of rooms of the Rest House by the Registrar and his staff which often smacks of favoritism and discrimination and to request that the job of allocation of the rooms be entrusted to the Pakistan Bar Council

as the Rest House is meant for the legal profession alone. It also resolves that if the grievance of the Pakistan Bar Council is not redressed the Pakistan Bar Council shall take into confidence the legal fraternity in the country for any further action in this behalf.

It also resolves that copies of the Resolution be sent to the Hon'ble Chief Justice and the Judges of the Supreme Court, Ministry of Justice, Ministry of Housing & Works, Government of Pakistan and Registrar, Supreme Court for information and necessary action."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 68th MEETING HELD ON 01-06-1989 AT RAWALPINDI.**

**RESOLUTION NO.01**

"Whereas the Pakistan Bar Council, with a view to provide free Legal aid to the poor, destitute, orphans, widows and other deserving litigants, enacted the Pakistan Bar Council Free Legal Aid Scheme in 1988;

And whereas under the Scheme the free legal aid is to be provided in the following categories of cases; i) Accidents; ii) Succession Certificate cases iii) Cases relating to family laws; iv) Ejectment cases and v) Detention cases etc.

And whereas under the Scheme Free Legal Committees at Federal, Provincial and District levels are to be constituted which are also required to constitute their Sub-Committees and to maintain Panels of Advocates for conducting cases in the Courts; and

Whereas for the successful implementation of the Scheme substantial funds are required which the Pakistan Bar Council, with its meagre resources, cannot manage.

The Pakistan Bar Council, therefore, resolves to request the Federal Government to give substantial Grant-in-Aid to it from the funds of Zakat for implementation of the Pakistan Bar Council Free Legal Aid Scheme. The Council also requests its chairman to use his good offices for obtaining Grant-in-Aid from the Government."

**RESOLUTION NO.02**

"The Pakistan Bar Council takes serious note of the un substantiated allegations levelled against a Member of this Council all edging that ne compromised the interests of the State: during u visit to New Delhi.

The Council calls upon the Members of the Federal Government, the Provincial Governments end the political parties to refrain from making such allegations end counter charges in order to ensure that the democratic order presently established in Pakistan is not vitiated."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 67th MEETING HELD ON 06-04-1989 AT LAHORE.**

**RESOLUTION NO.01**

“Mr. Buknuddin Kasmi, Mr. Abdul Haleem Pirzada and Mr. Faiz Muhammad Khosa opposed the Resolution, particularly Mr. Kasmi resented the resolution. They were of the view that since the contents of letters of Khan Wali Khan, purported to have been sent to foreign Governments, were not, before o the Council and the matter had already been taken up in the National Assembly, it would not be appropriate for the Bar Council to express its comment. They were further of the view that a highest body of lawyers like Pakistan Bar Council should not condemn a seasoned politician unheard. they also recalled that in 1977 during the PNA movement many politicians belonging to then opposition, not only wrote letters to foreign Governments but also personally approach foreign Ambassadors but at that time the Pakistan Bar Council did not pass any such Resolution.

Mr. Abdul Hakeem Kundi was of the view that since the matter had already been taken up in the National Assembly and was of political nature, it was not appropriate for the Pakistan Ber Council to pass such a Resolution in that regard. He, therefore also opposed the Resolution.

On the other hand Raja Haq Nawaz Khan, Mr. A. Karim Malik, Mr. Iqbal Ahmed Khan, Ch. Muhammad Ashraf Ch, Muhammad Anwer Bhinder, Sh. Asghar Hameed and Mr. Muhammad Younus Bhatti supported the Resolution, However Syed Zafer Ali Shah, and Afzal Haider abstained.

The following Resolution was, therefore, passed by the majority vote: -

**RESOLUTION NO.02**

“It is resolved by the Pakistan Box Council that the recent ultroneous, political activities and letters to the Heads of the Foreign Governments of Khan Wali Khan touching the external and internal policies of the Government are highly objectionable and against the national interest. No greater injury can be inflicted on the nation then his letter to the Indian Prime Minister Rajiv Gandhi making an earnest appeal to him to interfere in the Afghan issue to bring a settlement. His blaming the Pakistan Army for the present situation Afghanistan is highly in dignified.

The Pakistan Bar Council takes serious notice of the natter and condemns the highly irresponsible and improper activities of Khan Wali Khan. The Council further views with concern the insensitiveness and culpable silence of the Federal Government about the whole issue."**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 66th MEETING HELD ON 26-01-1989 AT RAWALPINDI.**

**RESOLUTION NO.01**

"The Pakistan Bar Council has noted with concern that the framers of the present Constitution provided three years period under Article 175 (3) of the Constitution for separation of Judiciary from the Executive. The period has however been extended from time to time up to 14th August, 1987 but no step worth name has been taken during last

16 years for implementation of this provision of the Constitution. It is recommended by the by the Pakistan Bar Council that separates machinery is necessary to be provided for achievement of this objective but absolutely no effort has been made in this regard and thus this important rart of the Constitution is being frustrated and defeated. The Pakistan Bar Council, therefore, re-iterated its earlier demand in this regard and resolved that the constitutional obligation to separate the Judiciary from the Executive should be fulfilled by the Government the at the earliest as the time limit fixed in the Constitution has already expired."

**RESOLUTION NO.02**

"Whereas under section 7 of the Legal Practitioners and Bar Council Act, 1973 the election of the Provincial Bar Council was required to be held so as to conclude on or before the thirtieth day of November, 1988 in which year the term of the Bar Council expired.

And whereas for conducting and holding election of a Provincial Bar Council the Advocate-General of the concerned province was to act as the returning Officer;

And whereas the election of the Sindh Bar Council could not be held by the specified date for the reason that during the relevant period the post of the Advocate-General, Sindh was lying vacant;

And whereas the delay in election of the Sindh Bar Council would also delay holding of election of the Pakistan Bar Council;

And whereas the Sindh Bar Council has not prepared the district-wise Polls of Advocates of Karachi Division and as such allocation and determination of the number of seats district-wise is not possible;

And whereas the Chairman, Sindh Bar Council has requested the Pakistan Bar Council for taking up the matter with the federal Government in the Ministry of Law & Justice, for making appropriate amendments in the Legal Practitioners & Bar Councils Act, 1973 immediately: -

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 65th MEETING HELD ON 26-10-1988 AT RAWALPINDI.**

**RESOLUTION**

"Whereas the Pakistan Bar Council is the highest and the most prestigious institution in the legal hierarchy of the country and serves as a beacon light for the celebrated and enlightened legal fraternity, and

"Whereas in the Provincial Bar Council’s election there is a pre-condition that only an Advocate of five years standing at the High Court is eligible to contest.

Therefore, it is resolved that an amendment in the Legal Practitioners and Bar Council Act and Rules be made to the effect that for all Elections to the Pakistan Bar Council bodies others prescribed qualification it be added and prescribed with immediate effect that only and Advocate of Five years standing at the Supreme Court Shall be eligible and qualified to contest the Pakistan Bar Council Elections.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 64th MEETING HELD ON 29-09-1988 AT LAHORE.**

**RESOLUTION NO.01**

"It is resolved by the Pakistan Bar Council that it be recommended to the Honorable Supreme Court of Pakistan that second proviso to Rule 2, proviso to Rule 4, Rules 3, and 31 in Order IV of the Supreme Court Rules,.1980. as amended on February 14, 1988, may kindly be deleted and the second proviso to Rule 2, proviso to Rule 4 as it stood originally in the Supreme Court Rules, 1980, be substituted fer it so as to bring it in consonance with the amendments made in the Legal Practitioners & Bar Councils Act, 1973 through Act VIII of 1987."

**RESOLUTION NO.02**

"In view of the increase in population and the influx of the fresh graduate the pressure for admission in the Law Colleges is increasing every year. The children of the Advocates are finding it difficult to get admission. In the Law Colleges at present only 3% seats are reserved for the children of the Advocates and old students. This reservation is too small. The Advocates should have a preferential right to get their children admitted in Law Colleges In Medical Colleges even the children of the Doctors and Medical Practitioners have an allocation of 10% seats. The Pakistan Bar Council, therefore, resolves that at least 3% seats should be reserved for the children of the Members of   
Pakistan Bar Council, 3% for the children of the Members of Provincial Bar Councils and 5% for the children of the Advocates in all the Lew Colleges"

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 63rd MEETING HELD ON 11/12-08-1988 AT KARACHI.**

**RESOLUTION NO.01**

"Resolved that the Pakistan Bar Council deeply condoles the sad demise of Mr. Mohammad Aslam brother of Ch. Mohammad Ashraf, Member of the Pakistan Bar Council, who died at Sahiwal on 12.6.38 and conveys its heartfelt condolences to the said Honorable Member Ch. Mohammad Ashraf and the Members of the family of the deceased. May his soul rests in eternal peace.'

The Fateha, was also offered for the departed soul.

On being informed oy Mr. G. M. Qureshi and Abdul Hakeem Kundi the Council also expressed its shock and grief on the sad demise of Mr. Mazhar Qazi, Advocate, Karachi and Mr. Azizullah Bani, Advocate Peshawar.

Fateha was also offered for the departed souls.

**RESOLUTION NO.02**

"WHEREAS the President of Pakistan has dissolved the National Assembly of Pakistan and the Federal Cabinet and this action was not only abrupt, undemocratic and arbitrary but unconstitutional;

AND WHEREAS all the Provincial Assemblies and provincial Cabinets in Pakistan have also been dissolved by the respective Governors. under the direction and with the approval of the president of Pakistan which actions were also uncalled from, undemocratic and unconstitutional;

AND WHEREAS the dissolution of tho National and provincial Assemblies has not only hampered the political process but there is a positive deviation from constitutional requirements in not appointing a date in time for holding the General Election within 90 days of the dissolution of the Assemblies ae required by Art. 48 (3) of the Constitution and also not appointing a Caro taker Cabinet headed by prime Minister as contemplated by Art. 48 (5) road with Art, 91 of the Constitution, which has caused political uncertainty at the national level;

AND WHEREAS the violations of the Constitution amount to an offence of treason under Art. 6 of the Constitution;

AND WHEREAS it has a now been announced by Gangrel Ziaul Haq that the next General Elections will bo hold on non-party basis which the people believe would have disastrous social and political effects on the Federating units and which announcement is violative of tho decision of the Supreme Court of Pakistan;

AND WHEREAS the peoples of Pakistan are untitled to have the Federal and provincial Governments of their own choice elected on the basis of adult franchiso on party basis is accordance with Constitution of 1973 as the holding of elections on non-party basis would again be against the will of the people and wishes of all the political parties of the country;

AND WHEREAS the formulation of long-term fiscal policies, Islamisation are the responsibilities of the elected Government and not within the powers of the president when the National assembly is not in existences.

THEREFORE, the Pakistan Bar Council resolves

(a) to urge upon the Federal Government to take appropriate action in respect of violation of the Constitution, and

(b) the General Elections should be hold in a free, fair and impartial manner on party basis so that the people of Pakistan are enabled to elect representatives of their choice to the National and provincial Assemblies and consequently the Federal and provisional Government may be formed."

The Resolution under item No. 6 of Minutes of meeting of the Law Reforms Committee with regard to the Sheria'h Ordinance was also adopted with certain amendments which runs as under:-

**RESOLUTION NO.03**

" WHEREAS the Constitution of Islamic Republic of Pakistan lays down that the principle of democracy, freedom, equality, tolerance and social justice as annunciated by Islam shall be fully observed in Pakistan and that the Muslims shall be enabled to order their lives in their individual and collective spheres in accordance with the teaching of Islam as sot out in the Holy Quran and Sunnah;

AND

2. AND WHEREAS it has been provided in Article 227 of the Constitution that all existing laws shall be brought in conformity with Injections of Islam and no law shall be enacted which is repugnant to Islamic Injunctions;

3. AND WHEREAS a constitutional form known as Council of Islamic Ideology already exists to mako recommendations for the enforcement of Islamic injunctions in respect of the existing laws through the agency of the Parliament;

4. AND WHEREAS the Federal shariat Court has already been established under Article 203 A of the Constitution to examine and decide the question whether or not any law or provision of law is repugnant to injunctions of Islam;

AND WHEREAS to divert the attention or the people and to justify the action of dissolution of the National Assembly the President has promulgated the Shariah Ordinance which in no way advances the cause of Shariat and injunctions of Islam;

"THEREFORE, the Pakistan Bar Council resolves that the Muslims of Pakistan are committed coordain their lives in accordance with injunctions of Islam and any legislation on in this behalf should be left the elected Assemblies which will consist of chosen representative of people. "

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 62nd MEETING HELD ON 24-03-1988 AT KARACHI.**

**RESOLUTION NO.01**

"The Pakistan Bar Council has taken note of the Resolution of the Tharperkar District Bar Association dated 29.2. 1988 (copy enclosed). The Council is of the considered view that in order to ascertain the true facts leading to the ugly incident in front of the office of the Deputy Commissioner Tharparkar at Mirpur Khas on 27.2.1988, rosulating in death of four persons and serious injuries to many, it will be proper and in the interest of justice if a Judicial inquiry is immediately ordered by the Provincial Government to be conducted by a High Court Judge end its report made public and suitable action is taken in the light of its findings against the culprits."

**RESOLUTION NO.02**

"Whereas 14 candidates were declared successful against requisitioned Posts of Civil Judges after passing through process of Witten examination and interview conducted by the N.W.F.P. Public Service Commission;

And whereas the N.W.F.P. Assembly has passed a bill regularizing services of ad-hoc appointees, thereby depriving the aforementioned successful candidates from appointment.

The Pakistan Bar Council, therefore, resolves to call upon the Provincial Government to appoint the successful candidates against the Posts of Civil Judges."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 61st MEETING HELD ON 29-01-1988 AT KARACHI.**

**RESOLUTION NO.01**

"Whereas the House has requested Mr. Muhammad Bashir Khan to accept the Vice-Chairmanship of the Pakistan Bar Council for the Current year;

And whereas while accepting the proposal gratefully he has expressed his inability to act as Vice-Chairman with effect from 1-7-1988 onward due to his personal engagements;

And whereas the House has decided to request Syed Afzel Haidar to act as a Vice Chairman with effect from 1-7--1988 for the remaining period of the term.

The Pakistan Bar Council, therefore, unanimously resolves to elect Mr. Mohammad Bashir Khan as a Vice Chairman till 30-6-1988 and Syed Afzal Haidar as a Vice-chairman with effect from 1-7-1988 till the expiry of the year"

**RESOLUTION NO.02**

"Whereas the Pakistan Bar Council strongly disapproved the manner and mode of affecting amendment in the civil Services (Qualification for appointment as High court Judge), Not, 1965, whereby a class of civil servants is sought to be inducted into superior judiciary,

And whereas the Pakistan Bar Council firmly believes that these amendments are not innocuous as they are being claimed by the Federal Government,

And whereas the aforesaid amendments are in effect the rejection of the recommendations made by Pakistan Bar Council to the Federal Government last year whereby the Council demanded that only members of the legal profession should be appointed as Judges of the High Court as is universally practiced excepting the Sub-Continent which, during the colonial times, was governed by the Government of India Act, 1935;

And whereas the Pakistan Bar Council also views with deep concern that the provision contained in Article 177 (2) of the 1973 constitution, whereby a number of legal

profession having not less than 15 years practice at the High Court level is eligible to be appointed as a Judge of the Supreme Court, has so far completely and unjustly been ignored, rather made redundant;

And whereas all such acts and omissions arc taking place particularly during a period when the Prime Minister of Pakistan is claiming that a democratic era has ushered in and the Government is further claiming a strong and independent Judiciary in the country as envisaged by the 1973 Constitution.

The Pakistan Bar Council, therefore, resolves to call upon the Federal Government to-

1. delete forthwith altogether clauses (b) end (c) of Sub Article (2) of Article 193 of the Constitution as also to -withhold the final passage and approval of the aforesaid amendment in Civil Ser Civil Service (Qualification for appointment High Court Judge), Act so as to make it Constitutionally incumbent to appoint Judges of the High Court only from the legal profession; and
2. appoint one third Judges of the Supreme Court district from the legal profession to give effect, to the Constitutional provision of Article 177 (2)."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 59th MEETING HELD ON 20-10-1987 AT RAWALPINDI.**

**RESOLUTION NO. 1**

"Resolved that a delegation, consisting of all the Members f the Pakistan Bar Council, under the leadership of Chairman of the Pakistan Bar Council, should visit China and U. S.S.R. for the purpose of studying the legal and judicial systems in these two countries.

It is further resolved that the learned Chairman Pakistan Bar Council may be requested to make arrangements in this behalf."

**RESOLUTION NO. 2**

"Whereas the Pakistan Bar Council in its address of welcome presented to the Prime Minister of Pakistan in the Fifth Pakistan Jurists Conference on 28th March, 1986, represented that due to lack of cooperation from the Government the Rules for legal education framed by the Pakistan Bar Council in the year 1978 could not be implemented and requested him to look into the matter and make his Government helpful to the Council in the implementation of the Rules;

And whereas the Prime Minister in his reply promised that he would like the Justice Division to examine the question of implementation of the said Rules;

And whereas, in pursuance of the above promise, a meeting of the representatives of the Pakistan Bar Council, Provincial Bar Councils, Universities, Law Colleges, Provincial Iaw Departments and Federal Ministries of Justice and Education was convened at Islamabad by Mr. Iqbal Ahmed Khan, the then Federal Minister for Justice, who is also chairman of the Legal Education Committee of the Pakistan Bar Council; and certain deliberations took place with a resolve to decide the matter in a subsequent meeting to be hold shortly,

And whereas no such meeting has been held so far and the whole matter is pending final decision,

Therefore, the Pakistan Bar Council passes the following Resolution

"It is resolved by the Pakistan Bar Council that the Chairman of the Legal Education Committee, Mr. Iqbal Ahmad Khan be requested to pursue the natter further with the Government to have a final decision in the matter without further loss of time."

**RESOLUTION NO. 3**

"Whereas the Pakistan Bar Council, with a view to provide free legal aid to the poor, destitute, orphans, widows and other deserving Litigants, enacted the Pakistan Bar Council Free Legal Aid Scheme in 1988;

And whereas under the Scheme the free legal aid is to be provided in the following categories of cases; i) Accidents; ii) Secession Certificate Casos; iii) Cases relating to family laws iv) Ejection Cases; and v) Detention cases etc.

And under the Scheme Free Legal committee at Federal, Provincial and District levels are to be constituted which azo also required to constitute their Sub-Committees and to maintain Panels of Advocates for conducting oases in the Courts, and

Whereas for the successful implementation of the Scheme substantial funds are required which the Pakistan Bar Council, with its meagre resources, cannot manage.

The Pakistan Bar Council, therefore resolves to request the Federal Government to give substantial Grant-in-Aid to it form the funds of zakat for implementation of the Pakistan Bar Council Free Legal Aid Scheme. The Council also requests its chairman to use his good offices for obtaining Grant-in-Aid from the Government.”

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 57th MEETING HELD ON 27,28-MAR-1987 AT RAWALPINDI.**

**RESOLUTION**

"It is resolved by the Pakistan Bar Council that the draft Bill regarding withdrawal of amendments in the Legal Practitioners & Bar Councils Act, 1973, was unanimously agreed upon by the representatives of the Pakistan Bar Council and all the four Provincial Bar Councils of the country at a joint meeting held under the chairmanship of the Federal Minister for Justice in early, 1986 the agreed bill was thereafter moved by the Federal Minister for Justice & Parliamentary Affairs in the National Assembly in July, 1986. The said bill was then referred to the Standing Committee on Law & Parliamentary Affairs which also recommended its passage without any change, It is unfortunate that the Bill was taken up for consideration after a long time and that too on the last day of the previous session of the National Assembly, which was again deferred.

The Pakistan Bar Council was of the view that the passage of the Bill is of vital concern to the legal fraternity. There is a lot of unrest amongst the lawyers on account of non-passage of the Bill for such a long time, It has generated considerable confusion as regards the enrolment and disciplinary matters of the Advocates.

The Pakistan Bar Council, therefore, urges upon the Federal Government and all Members of the Parliament to expedite the passage of the Bill without any further loss of time.

It was also resolved that copies of the above resolution be sent to the Prime Minister, Justice Minister and Mr. Iqbal Ahmed Khan, Federal Minister & Member of the Pakistan Bar Council.

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 55th MEETING HELD ON 20-01-1987 AT KARACHI.**

**RESOLUTION NO.1**

"The Pakistan Bar Council expresses its deep sorrow on the sad demise of late Mr. Justice Ghulam Sardar Shah, former Judge of the supreme court of Pakistan. This council feels hurt that late Mr. Shah who was a great patriot and champion of rule of law had to pass the last days of his life in foreign land in pathetic conditions.

This Council expresses its full sympathies with the braved family and prays for Almighty's blessings for the departed soul Fateha was also offered for the departed soul.

A copy of the above resolution was also decided to be sent to the Members of the braved family.

**RESOLUTION NO.2**

The Pakistan Bar Council expresses its deep sorrow on the sad demise of the mother Mr. Amir Raza A. Khan, Senior Advocate of Lahore. The Council expresses its sympathies with the braved family and prays for Allah's Blessings for the departed soul. Fateha was also offered for the departed soul."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 54th MEETING HELD ON 17-10-1986 AT KARACHI.**

**RESOLUTION NO.1**

"The Members of the Pakistan Bar Council place on record their deep sense of grief and sorrow on the sad demise of Mr. Justice Muhammad Zafarullah, Judge of Lahore High Court in a tragic road accident. He was a devoted Judge and a noble personality possessed of outstanding qualities of head and heart. Before elevation as Judge of the High Court he had been a distinguished member of the Civil Service of Pakistan. As a Judge he was courteous, kind and always independent and fearless in his judgements. His death is a loss to the Bench and Bar. We equally share the loss to the bereaved family.

We pray to Allah Almighty to bestow his soul with eternal heavenly peace and give his wife, children, parents and other members of the bereaved family courage and fortitude to bear this irreparable loss which we share with them."

**RESOLUTION NO.2**

“This Council places on record its deep sense of sorrow on the sad demise of Pir Said Ali Shah, former Vice Chairman and Member of the Pakistan Bar Council. As a Member of the Bar Council, he always took keen interest in the affairs of this Council and always defended the cause of fraternity firmly & resolutely inside and outside the Bar Council. In him the legal fraternity has lost a distinguished and an experienced Member of the Bar.

We pray to the God Almighty that his soul may rest id. peace in heavens and give the bereaved family fortitude enough to bear this irreparable loss.

Copy of this resolution be forwarded to the members of the bereaved family."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 51st MEETING HELD ON 31-01-1986 AT KARACHI.**

**RESOLUTION**

"The Pakistan Bar Council resolved that since it has been decided to hold the Jurists Conference instead of the Seminar, the Account previously opened under the name and style of "Paki stan Bar Council Seminar Account" with the Habib Bank Itd, The Mall, Lahore, be closed and the instead a new account under the name of "fifth Pakistan Jurists Conference, 1986" be opened with the said Bank,"

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 49th MEETING HELD ON 18-10-1985 AT LAHORE.**

**RESOLUTION NO.1**

"The Pakistan Bar Council reiterating numerous resolutions passed by it in the past, resolved to call upon the Government to: -

i) abolish all the Military Courts forthwith along with the Martial Law;

ii) make all the sentences awarded by the Military Courts subject to the judicial review;

iii) submit all the cases of capital punishment awarded by the Military

Courts but not executed so far, to the respective High Courts for review;

iv) restore the Constitution of 1973 passed by the National Assembly in its original form,

v) implement the "Pakistan Bar Council Legal Education Rules, 1978" forthwith;

vi) allocate funds to the Paki stan Bar Council by the Federal Government and to the Provincial Bar Councils by the respective Provincial Governments,

annually on permanent basis, according to the requirements of the Bar Councils in pursuance of the provisions of Section 57 of the Legal Practitioners and Bar Councils Act, 1973;

vii) provide furnished office premises to each Bar Council according to their

requirements;

viii) amend the relevant provisions of law providing that no Advocate could held more than one retainership at a time; &

ix) amend the relevant law providing that no law officer can appear in Courts on behalf of statutory bodies, autonomous or semi-autonomous bodies or

Corporations in Private cases,"

**RESOLUTION NO.2**

"This meeting of the Pakistan Bar Council notes: -

1. that the Members of the Pakistan Bar Council, in the course of dis-charge of their duties as such members, have to travel and visit diverse places;
2. that some-times the members have to face embarrassing situation for want of their proper identification.

It is, therefore, resolved that the members may be issued proper identity cards on the line of such cards issued to members of the National & Provincial Assemblies, or in the alternate, they may be provided with letters of introduction, under the hand and seal of the Chairman Pakistan Bar Council.”

**RESOLUTION NO.3**

"This meeting of the Pakistan Bar Council notes with concern that the Civil Judges, Senior Civil Judges Additional District Judges and District Judges, incorrectly termed as the sub-ordinate judiciary has not been able to receive proper attention at the hands of Government in the matter of emoluments and privileges, which their onerous offices demand;

It is also noted with concern that these judges are equated with ordinary Government Servants, where-as they man that organ of the state which is district and is

separate from the Executive Government and the legislatures It is further noted with concern that even while treating these Judges as ordinary Government Servants, they are not classed with technical and professional categories,

It is also noted by this Council that the duties of proper dispensation of justice to all manner of people can be dis-charged by the State only if judiciary at all levels is properly strengthened, and particularly at the level of Tehsil and District;

It is also noted that Additional District Judges, who are appellate courts against Judgments given by Senior Civil Judges are placed in Grade-18 along-with Senior Civil Judges.

It is therefore resolved that: -

1. these four classes of Judges should be treated distinctly and separately from ordinary civil servants.
2. that they should be allowed salaries and privileges commensurate with, and in keeping with, the dignity of their office.
3. that such emoluments and privileges should be determined by statutes of the appropriate legislatures.
4. that pending such statutory provisions the Judges of these Courts: -

a) should be classed with technical and professional categories of Government servants, and allowed to move over to the next higher scale after reaching the ceiling of their existing scales, and

b) the Additional District Judges should be placed in Gwade-19, while District Judges be allowed special pay for doing administrative work.

**RESOLUTION NO. 4**

"This meeting of the Pakistan Bar Council notes: -

1. that the Pakistan Bar Council in its 46th meeting held on 2.8.1984 considered the proposal of "the Free Legal Aid Scheme", and constituted a committee named as "The Free Legal Aid Committee", and elected Mr. Raknuddin Kasimi as its Chairman, and Mr. Asghar Hameed as its Member,
2. that this committee was constituted to provide free legal aid to deserving and needy persons,
3. that Free Legal Aid Committee cannot and could not function properly without funds.

This meeting of the Pakistan Bar Council resolves that the Federal Government and the Provincial Governments should be requested to provide funds for meeting expenses of indigent litigants, in connection with the miscellaneous expenses like Court Fees etc., and fees of such Counsel who accepts such briefs at reduced rates."

**RESOLUTION NO. 4**

"Whereas the Offence of Zina (Enforcement of Hudood) Ordinance (VII) of 1979, was promulgated in order to bring the existing laws in conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah,

And whereas in order to achieve the said purpose, the offences are made triable by a Court of Sessions who is to try the cases at Tehsil Headquarters and a Federal Sheriat Court has also been established to hear the appeals and revisions against the orders of a court of Sessions apart from its other functions.

And whereas in the present set up of the Shariat Courts numerous practical difficulties are being faced by the public at large,

Now, therefore, following amendments in the said Ordinance and the rules framed thereunder are hereby proposed: -

1. The Court of Sessions invested with the powers to hear and displace of the Hudood cases at Tehsil level has no jurisdiction to hear and dispose of the bail applications at Tehsil Headquarters. The litigant public as such has to approach the same Court at District Headquarters for bail matters. This of course creates a strange situation that a Court invested with the power of disposing of the main case, cannot hear the interim matter at tehsil Headquarters. In this way, not only the public at large has to suffer a monetary loss as well as loss of tine but also the public exchequer is burdened with unnecessary expenses as a Sessions or an Additional Sessions Judge is to visit the Tehsil Headquarters fer only a limited purpose.

It is, therefore, suggested that the Sessions/Additional Sessions Judges may be invested with the powers to hear the bail applications and other ancillary matters at the Tehsil Headquarters where they are to try the Hudood cases. Further also they should be authorized to hear other criminal matters while on tour to the Tehsil Headquarters. In the alternative the Hudood cases may be tried at District Headquarters level instead of sending the Sessions/additional Sessions Judges to the tehsil Headquarters.

1. The appeal/revision against-the orders/judgments passed by the Sessions/additional Sessions Judges in Hudood cases, lies before the Hederal Shariet Court. Strangely enough a case which is tried at the Tehsil level, appeal against thereof is to be heard either at Islamabad or at Provincial Headquarters by the Federal Shariat Court. This also has caused a great inconvenience and has become very expensive to the litigant public. The purpose of providing door step justice, stands frustrated in this manner. If the Benches of various High Courts have been established at Divisional Headquarters in order to provide speedy and door step justice, why the powers of Federal Shariat Court cannot be conferred on the Judges of the High Court working at its Benches or why the Federal Shariet Court be not asked to hold its Circuit Benches at High Court Benches level.

It is, therefore, suggested that cither powers be conferred on the High Court Judges working at Benches level to hear appeal/revision in Hudood cases or the Federal Shariat Court be directed to hold its Circuit Benches at the High Court Benches level to hear and dispose of the matters pertaining to the area of the respective High Court Benches.

1. The procedure to file an appeal before the Federal Shariat Court is not only a difficult one but also it has made the filing of appeal costly one. In an ordinary criminal case, the appellant can file an appeal with the copy of judgment that too supplied to him free of cost, by spending a sun of Rs.20/- only whereas for filing an appeal before the Federal Sheriat Court, one has to spend at least a sum of Rs.1000/- as even a convict appellant is required to supply certified copy of the FIR with its English version, entire evidence both oral and documentary along with copy of judgment in the shape of paper book. Ten paper books i.e., ten copies of the entire record have to be supplied by an appellant to the Federal Shariat Court, It is pertinent to note that in criminal matters the convict is not only supplied with the copy of the judgment but also he is exempt from payment of any Court Fee. Additionally, if he is not in a position to engage & lawyer, he is provided with the legal assistance at State expenses. But if he is to prefer an appeal before the Federal Shariat Court, he is bound to append at least one thousand rupees for the same apart from other expenditure. This obviously is against the policy of establish shing the Federel Sheriat Court and principles of administration of justice in Islam. It is, therefore, suggested that the relevant rules may be amended suitably and an appellant/revision petitioner may be required only to file memorandum of appeal/revision along with the copy of the judgment supplied to him. The Court of Sessions may be bound dewn to send the record of the case within a period of not more than 15 days by getting prepared the requisite number of copies of the entire record at State expenses. If the printing of record is necessary in sone cases, it should be done at State expenses like murder reference etc."

**RESOLUTION NO. 5**

"Whereas the public at large suffer a loss of life and property due to the negligent acts and omissions of the Government/Semi-Government Departments, Autonomous Bodies, Organizations and Institutions.

And whereas due to the non-availability of the sufficient funds and due to non-disposal of the cases speedily, the public at large do not take any action against said acts and omissions resulting into damage to their lives and properties,

And whereas due to the said reasons, the number of incidents causing damage to lives and properties of the citizens, is increasing considerably,

Now, therefore, it is resolved that necessary amendment in the Court Fee Act should be made in order to provide an exemption of Court Fee on damages suits of any amount as well as suits filed under the Law of Torts, to the citizens. So that they may be able to sue the Departments, Organizations, Autonomous Bodies, Institutions etc., responsible for the wrongs caused to them. However, the Court fee may be recovered from the judgments-debtor(s) at the time of execution of the decree. In this way, the public at large shall be able to protect their lives and properties in a better manner and at the same time the public exchequer shall also not suffer. This will also improve the working and it shall minimize the sad and unfortunate incidents taking place due to the acts and omissions of the Government/Semi-Government Departments, Organizations, Institutions and Autonomous Bodies. They shall be put to guards,"

**RESOLUTION NO. 6**

"That in view of the deterioration in the standard of advocacy and numerous other difficulties being faced by the legal fraternity, following suggestions may be taken into consideration for improveaent in the legal education systen and in order to uplift the inage of legal profession :-

1. That the L.L.B. course should be of three years instead of two years for the students who went to join the legal profession. Out of these three years, one year (last year) should be the practical training course in the Courts as well as through the law moots and lectures on the subject of legal ethics in the colleges. After completion of the course, there should be written examination conducted jointly by the Provincial Ba: Councils and the concerned Universities. of course, the first two years course should be regulated by the concerned University alone and after passing f the same, practical training should start. After passing the examination held at the end of the 3rd year in the manner suggested above, the law graduates should be allowed to join the profession.
2. For the students who want to improve their qualifications end want to know the law of the land, the LL.B. course should be for two years and they should be exempted from the third-year course. They should be awarded the academic degree after the completion of two years academic course. But they shall be barred from joining the legal profession without obtaining professional. degree.
3. That the age limit for the students who join the law college with an intention to enter in the legal profession, should be fixed as 26 like the other Master’s Degrees courses of the Universities, the maximum age limit to join the legal profession should also be fixed as 35 years with an exception that person from service or law officer may join at any age. this Ways only the genuine persons shall be able. to enter into the legal professional
4. That there should be no age limit as it is now for the students who want to improve their academic qualifications by joining two years course. This procedure will on the one hand encourage the genuine students and uplift the standard of advocacy and prestige of legal profession and on the other hand it shall di course the persons who are now responsible for the deterioration and degradation of the legal profession.

**RESOLUTION NO. 7**

“That the syllabus fer law course was prescribed and is continuing since long. It needs revision from time to time which was not been done appropriately. One of the examples for the sane 1s Paper-II of the F.E.L Class (Constitutional Law). The syllabus

of this paper comprises of the following: -

**Section-I**

British Constitutional Law. (30 marks)

**Section-II**

Constitutional History of Pakistan. (20 marks)

It includes:

i) Government of India Act, 1935.

ii) Indian Independence Act, 1947.

iii) Objectives Resolution, 1949.

iv) 1956-Constitution.

v) 1962-Constitution.

vi) 1972-Interin Constitution.

vii) Seven Leading Cases

**Section-III**

1973-Constitution (50 Marks)

Strangely enough, Section-II which comprises of seven items has been allocated only 20 merks. Although a deeper study is not required, yet the students and the teachers have to study then as a whole in order to be fully aware of the topics. This. not only causes a frustration in the student’s community but also a burden on the teaching staff. On the other hand, Section-I of the paper i.e., British Constitutional Law carries 30 marks. This section is no more required to be taught in this country particularly in the era of Islamization and when the western democracy has been discarded. Even otherwise we have already experienced more than four Constitutions in this country and it is more necessary for the students to know about the sane rather than the British

Constitutional Law.

is, therefore, suggested that the syllabus of Paper-II of the F.E.L., class may be amended suitably in order to bring the some in accordance with the requirements of the day. Section-II i.e., end British Constitutional Law may be deleted from the syllabus the marks allocated to the said section i.e., 30 marks may be added to Section-II of the said paper i.e., Constitutional Hi story of Pakistan which should carry 50 marks,

**RESOLUTION NO. 8**

"Whereas Islam prohibits wanton restrants, detention and arrest;

And whereas the Members of Legal fraternity have consistently espoused the cause of human dignity;

And whereas the trend of restricting the movement of political workers and Leaders within provinces of Pakistan continues unabated; which ultimately paves way for - Provincialism;

And whereas detention orders arc ruthlessly passed against heads o Political parties, political leaders and workers which acts are flagrant abuse of human rights,

The Pakistan Bar Council, therefore, calls upon the concerned authorities to release all political detenues forthwith and also to ensure that movements of Political Workers and Leaders are not restricted within particular provinces.

Copy of this resolution be sent to the Ministry of Law, Ministry of Interior, Hone Secretaries of the four Provinces and the Press.

**RESOLUTION NO. 9**

"This Council condemns the arrest of Mr. Aitzaz Ahsan, Member Pakistan Bar Council, certain Lawyers and political workers from Regel Chowk, Lahore.

This Council express deep concern at the continued suppression of human rights, liberties and political process inspect of the alleged pledge to lift Martial Law.

This Council has as a mark of protest against this injustice adjourned its 49th meeting being held in the premises of Lahore High Court Bar Association and urges upon the public functionaries to desist from taking such actions. The Council demands the release of Mr. Aitzaz Ahsan and others forthwith."

**RESOLUTION PASSED BY THE PAKISTAN BAR COUNCIL IN ITS 48th MEETING HELD ON 02-05-1985 AT LAHORE.**

**RESOLUTION NO. 1**

"The Pakistan Lawyers Convention held at Lahore on 3rd May, 1985 under the auspices of the Pakistan Bar Council unanimously resolves as follows: -

"WHEREAS services of the members of the legal profession towards the creation of Pakistan are well-known and well-recognized;

AND WHEREAS since independence the profession has strived fearlessly for the rule of law and establishment of true democratic system in the country;

AND WHEREAS members of the legal profession believe that the welfare of the people depends upon the security and protection of their rights which can only be guaranteed through a competent, independent and effective judiciary;

AND WHEREAS the original Constitution of 1973, unanimously approved by the elected representatives of the people, has been drastically amended so as to change its entire basis, and most of the Articles including those relating to fundamental rights, powers of the superior judiciary still remain suspended, all such steps are negation of the Rule of Law and run counter to the aspirations of the people,

AND WHEREAS all the representative organizations of lawyers have consistently voiced their feelings against some of the actions initiated to curtail the jurisdiction of the Courts and fundamental changes being made in this behalf in the Constitution and other laws;

THERFORE, the Pakistan Lawyers Convention resolves that the following measures be adopted

immediately: -

1. Enforcement of the original 1973 Constitution in toto and immediate withdrawal of Martial Law.
2. Freedom of judiciary from influences and pressures of the executive and creation of conditions where the judiciary can administer even-handed justice without fear or favor and between the rich and the poor and the State and the citizens alike.
3. Complete separation of judiciary from executive end non-association of members of the Superior Judiciary with State functions organized by the Executive.
4. Removal of all restrictions on the Press, labor organizations and student unions.
5. Streamlining the State machinery by removing red-Taoism, nepotism and corruption.
6. No fundamental change or amendments in the procedural laws, a product of experience gained through years about the working of society. prevalent in the entire civilized world, unless any of them is found violative of an injunction of the Holy Quran and Sunna.
7. Complete elimination of violence and terrorism perpetrated by the law-enforcing agencies on innocent Pakistani citizens and their protection from torture and so-called police encounters."

**RESOLUTION NO. 2**

The Pakistan Lawyers Convention held at Lahore on 3rd May, 1985 under the auspices of the Pakistan Bar Council unanimously resolves as follows: -

WHEREAS following the example of several other countries, the Government of Pakistan promulgated the Legal Practitioners & Bar Councils Act (III of 1965) repealing thereby the Legal Practitioners Act 1879, Bar Councils Act, 1926, and several other

laws;

AND WHEREAS by the said Act III of 1965 the call of the times was heeded to and members of the Bar Councils and nominees of the Superior Judiciary were authorized and made competent jointly, inter alia, to decide or adjudicate upon the enrolment and disciplinary matters of the Advocates;

AND WHEREAS the position relating to the above two matters was maintained under the Legal Practitioners & Bar Councils Act (XXXV of 1973) which repealed Act III of 1965;

AND WHEREAS the arrangements as regards the disciplinary matters have worked very satisfactorily since promulgation of Act III of 1965 and Act xxxv of 1973;

WHIEREAS after elections to the National assembly on 25th Feb, 1985, and before the meeting of the National Assembly, Gen. Muhamad Zia-ul-Haq thought it expedient to promulgate on 2nd March 1985, the Legal Practitioners & Bar Councils (Amendments) Ordinance, 1985 amending thereby the Legal Practitioner & Bar Councils Act (xxxv of 1973) so as to take away the powers of the Pakistan Bar Council to enroll the advocates of the Supreme Court of Pakistan and the powers of the Provincial Bar Councils and Pakistan Bar Council in the disciplinary matters of all categories of advocates;

AND WHEREAS the above said amending Ordinance was enforced on the same date on which the Constitutional amendments in 1973 constriction were announced by Gen. Muhammad Zia-ul-Haq so as to undermine the reaction against the drastic amendments;

AND WHEREAS the Pakistan Lawyers Convention notes with regret the statement of Gen. Muhammad Zia-ul-Haq in his interview with the daily Nawe-i-Waqt, published in its special supplement dated 8th March, 1985, claiming that the amendments had been affected at the instance of the judiciary and the language used by him against the members of. the legal profession, which smacked of vengeance and retaliation for the roll of advocates for restoration of democracy, justiciability of fundamental rights and rule of law in the country, as enunciated in the Constitution;

THEREFORE, the Pakistan lawyers Convention resolves to call upon the Government of Pakistan to withdraw the Legal Practitioners & Bar Councils (Amendment) Ordinance, 1985 forthwith The Pakistan Lawyers Convention also resolves to send a copy of the resolution to Prime Minister of Pakistan, Ministry of Justice and Parliamentary Affairs, Members of Parliament, Pakistan Bar Council, Provincial Ber Councils, Bar Associations in the country, and the Press.”