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CJP says ‘attack’ on independence of judiciary will not be tolerated, hints at forming full court

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Chief Justice of Pakistan (CJP) Qazi Faez Isa said on Wednesday that an “attack” on the independence of the judiciary will not be tolerated as he hinted towards forming a full court as the apex court commenced heard the suo motu on a letter by six Islamabad High Court (IHC) judges alleging interference by the country’s intelligence apparatus in judicial affairs. The move came

after former chief justice of Pakistan Tassaduq Hussain Jilani recused himself from heading a one-man inquiry commission formed by the government to investigate the claims. A seven-member bench of the apex court, presided by Chief Justice of Pakistan (CJP) Qazi Faez Isa and comprising justices Syed Mansoor Ali Shah, Jamal Khan Mandokhail, Athar Minallah, Musarrat Hilali, Yahya Afridi, and Naeem Akhtar Afghan, heard the case. During the hearing today, Attorney General for Pakistan Mansoor Usman Awan appeared before the court alongside Hamid Khan, representing former prime minister Imran Khan, and Ahmed Hussain, who appeared as counsel for Aitzaz. At the beginning of the hearing, Hamid informed the court of his request to be included as a respondent in the case. Chief Justice Isa responded, “Gone are the days when it was the chief justice’s will. We have constituted a committee to fix cases [for hearing].” He noted the absence of Hamid’s petition, adding that the committee would decide on the matter once the plea was received. The chief justice also expressed concern over petitions being reported in the media before they were even filed, deeming it “inappropriate.” He pondered, “When we talk about pressure being exerted, is this also exerting pressure on us in a way?” and emphasised his stance of never giving in to any pressure. Justice Isa expressed displeasure at lawyers calling for suo motu notices, stating, “The lawyers are saying to take a suo motu [notice]; then they should leave their practice.” AGP Awan then read out the press release issued by the top court after the

meeting between the CJP and PM Shehbaz on March 28. Recalling his meeting with the IHC judges the day he received their letter, Justice Isa questioned, “If we had not given importance to this matter, then could this meeting not be held after Ramazan?” He emphasized that a full court acted as an “administrative body and does not play a judicial function.” Referring to his meeting with PM Shehbaz, Justice Isa clarified that he met the premier as the “administrative head” of the SC, stressing that it was an “official administrative” meeting. AGP Awan also highlighted inappropriate comments made on social media about the inquiry commission formed, mentioning ex-CJP Nasirul Mulk’s name and PM Shehbaz’s meeting with Jilani. Responding to concerns about attacks on the judiciary’s independence, CJP Isa asserted, “If there is any kind of attack on the judiciary’s independence, I would be at the frontline [in defending judiciary] and for sure, my fellow judges would be standing with me in this. And we never accept interference. “If someone has another agenda to do so and so, then they may become the Supreme Court Bar president or the chief justice and enact his will. We will not tolerate pressure of this kind,” he added. AGP Awan emphasised the inquiry commission’s powers, while CJP Isa clarified that the SC does not have the authority to form a commission according to the Constitution. The AGP urged the chief justice to consider the portion of the IHC judges’ letter pertaining to the SJC. CJP Isa reiterated the need for institutions to remain within their limits and stressed the importance of

accountability. “Every institution should remain within its limits. It might be that in the past our institution might have gone beyond its limits, but that is not the case now,” said Justice Isa. The hearing also discussed the case of former IHC judge Shaukat Aziz Siddiqui and the issue of political engineering. The situation unfolded after a group of lawyers and civil society members on Sunday urged the top court to initiate suo motu proceedings on the matter, as it rejected the ‘powerless’ one-man commission. Through a letter, they urged the top court to take “cognisance of the matter in its jurisdiction under Article 184(3) of the Constitution as this issue eminently relates to public interest and to the enforcement of fundamental rights”. In a startling letter written to the Supreme Judicial Council (SJC) members, the IHC judges had accused the country’s intelligence apparatus of pressurizing judges through abduction and torture of their relatives and secret surveillance inside their homes. The letter, addressed to Chief Justice Qazi Faez Isa, Supreme Court Justices Mansoor Ali Shah and Munib Akhtar and chief justices of the IHC and the Peshawar High Court, also questioned if there exists a state police to “intimidate” and coerce judges.