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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ
Mr. Justice Gulzar Ahmed
Mr. Justice Sh. Azmat Saeed

Suo Moto Case No.16 of 2011
(Implementation of this Court's
judgment dated 6.12.2011
regarding law & order situation
in Karachi)

And
Civil Misc. Application No.49/2013
(Anonymous Application regarding
Law & Order Situation in Karachi)

And
Criminal Original Petition No.96 of 2012
(Senator Haji Adeel V. Raja M. Abbas & others)

And
Criminal Original Petition No.106 & Crl.M.A
765/2012
(Contempt Proceedings against Altaf Hussain, Leader of MQM)

For the petitioner(s): Mr. Abdul Latif Afridi, ASC
(in Crl.O.P.96/2012)

Applicant: Syed Mehmood Akhtar Naqvi,
(in CMA 5385/12) In person

On Court Notice: Mr. Abdul Fattah Malik,
AG, Sindh
Mr. Muhammad Qasim Mirjat,
Addl. A.G
Raja Muhammad Abbas,
Chief Secretary, Sindh

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Mr. Wasim Ahmad,
Addl. Chief Secretary

Mr. Imran Atta Soomro,
Addl. Secretary Home

Mr. Fayyaz Leghari,
IGP, Sindh

Mr. Iqbal Mehmood,
Addl. I.G.P.

Mr. Ali Sher Jakhrani,
AIG Legal

For Altaf Hussain:
(alleged contemnor
in Crl.O.P.106/12)

Dr. Farooq Naseem, ASC
Dr. Kazi Khalid Ali, ASC

On Court's call:

Dr. Farooq Sattar,
Federal Minister/MNA

Mr. Rauf Siddiqi, MPA

Mr. Sanaullah Abbasi,
DIG, Hyderabad

Mr. Bashir Memon, DIG

Date of hearing:

07.01.2013.

ORDER

Suo Moto Case 16/2011:

In our order dated 14th December, 2012,
following directions were made:

"9. The Advocate General of the Province of Sindh is also directed to submit comprehensive compliance report in respect of the directions contained in Watan Party's case and the orders passed thereafter by a Bench seeking implementation of the judgment. And if the judgment is not implemented in letter

& spirit, he should pinpoint the person(s) individually and collectively responsible for the same. In the meanwhile the Provincial Government through its Chief Secretary should also furnish a statement as to why the killing in Karachi has again increased and what measures have been taken to ensure the safety and protection of the life and property of the citizens in Karachi. Detail of citizens, who were killed from 13.09.2011 to date, be also furnished."

2. A comprehensive report has not been submitted by the Advocate General, Sindh, except filing Criminal Misc. Application No.5/2013 in Criminal Original Petition No.96/2012. Learned Advocate General and the Chief Secretary as well as IGP, Sindh are hereby directed to put up a comprehensive report with reference to Order dated 6th October, 2011, passed by this Court and all subsequent Orders passed by the learned High Court in implementation proceedings as well as by the Bench of this Court, particularly, passed on 28th November, 2012. In the meanwhile, he is also required to submit as to whether in pursuance of the directions issued in Anita Turab case, action against those police officers/officials and other officers has been taken, who were promoted out of turn, if not so, what are the reasons?

CMA No.5385/2012:

3. Mr. Mehmood Akhtar Naqvi, has filed this CMA, wherein he has attributed serious allegations against the administration and according to him as the police and administration is not taking interest, therefore, the situation of law and order is not improving in Karachi city. In one of the paras of the application, he has named one Wasim Beater, who being a police official, is committing crimes. When we inquired from IGP and other police officers, present in Court, they stated that they had no knowledge about him. However, Mr. Waseem Ahmed, Additional Chief Secretary, pointed out that there is a person by the name of Waseem Beater but he had no knowledge to the extent of his involvement in the commission of crimes. On this, we inquired from Mr. Sana Ullah Abbasi and Mr. Bashir Memon, DIGs, as to whether, is there any such person, both of them categorically admitted that person of this name is involved in running gambling den etc. Mr. Sana Ullah Abbasi, even said that action must be taken against the said person and he may be brought to book under the law.

4. It is painfully noted that neither IGP nor any other senior officer who are responsible for maintaining the law and order situation in Karachi, had no knowledge about the Mafia. If same is the position, then how it would be possible to control the situation of law and order in Karachi. Mr. Fayyaz Leghari, IGP, however, stated that he was contacted by Syed Mehmood Akhtar Naqvi, who asked him for posting a person, namely, Ali Raza, as SHO Airport. This fact has been denied by the applicant. If such assertion is made to the police officers by Syed Mehmood Akhtar Naqvi, they should not entertain the same and it be brought to the notice of the Court.

5. The applicant stated that he has taken the names of the persons, including the police officials/officers and political figures, who are involved in disturbing the situation of law and order, therefore, he is apprehending danger to his life and property. In such view of the matter IGP, Sindh, is directed to provide him security and ensure that no harm is caused to him and his property.

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6. Notice of this CMA be issued to AG, Sindh, who after obtaining instructions from the Chief Secretary, IGP and others shall file reply on the next date of hearing.

Criminal Original Petition No.96 of 2012:

7. Let copy of Cr.M.A. No.5/2013 be handed over by the AG, Sindh to Mr. Abdul Latif Afridi, learned counsel appearing for Senator Haji Adeel for filing his reply. Criminal Original Petition No.96/2012 shall also be heard along with the main case. Both these cases are **adjourned to 22nd January, 2013.**

Criminal Original Petition No.106/2012 And Crl.M.A. 765/2012:

8. In compliance of order dated 14th December, 2012, notice of contempt was issued to Altaf Hussain, Leader of Muttahida Qaumi Movement (MQM) as on 2nd December, 2012, while addressing a large gathering, uncalled for aspersions cast and expressions were used against the Hon'ble Judges of this Court. Today, Dr. Farogh Nasim, learned ASC appeared and filed in Court a duly executed Power of Attorney along with unconditional apology of Altaf

Hussain. Contents whereof are reproduced herein
below:-

"UNCONDITIONAL APOLOGY BY MR. ALTAF
HUSSAIN

"It is respectfully submitted as follows:-

1. *A learned Full Bench of the Hon'ble Supreme Court of Pakistan has issued a notice for contempt of Court today (i.e. 14.12.2012) against me for my speech dated 02.12.2012, which has come to my knowledge through the media reports.*

2. *I have every intention to uphold the honour and dignity of the Courts of law. When I submit the instant unconditional apology I am most sincere in doing so and have a bonafide intention to tender an unconditional apology. All my life I have struggled for the rule of law and with the bottom of my heart I desire the majesty of the Courts to be second to none. Therefore, I am tendering this unconditional apology at the earliest opportunity available to me and hereby withdrawl all adverse remarks made by me in respect of the learned Judges in my speech dated 2.12.2012. In future also I shall do everything to uphold the dignity of Judges.*

3. *I hold the Hon'ble Supreme Court and each and every learned Judge of every Court including the Hon'ble Supreme Court in the highest esteem and verily believe in upholding the independence of judiciary and constitutionalism.*

4. *I, therefore, throw myself at the mercy of the Honb'ble Supreme Court and submit an unconditional apology for the speech in issue (dated 02.12.2012) and pray that the notice for contempt of Court may kindly be discharged in the interest of justice.*

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London

Dated: 14.12.2012

Sd/-

Altaf Hussain s/o late Nazeer Hussain,
Founder Leader
Muttahida Qaumi Movement (MQM)
First floor, Elizabeth House
54-58 High Street, Edgware
Middx HA8 7EJ
United Kingdom"

Mr. Altaf Hussain has not contested the proceedings of the Contempt of Court and has submitted unconditional apology for the speech in issue dated 2nd December, 2012 and prayed that notice of Contempt of Court may kindly be discharged in the interest of justice. Besides, he has also shown honour and respect to the Supreme Court and made commitment that in future he shall do everything to uphold the dignity of Judges.

9. This Court has repeatedly and consistently held that the ultimate purpose of proceedings for contempt is not the protection of a Judge personally but in fact it is for the protection of the public at large, whose rights and interests would obviously be affected, if by any act or omission of any party, the authority of the Court is lowered and the confidence of the people in the Administration of Justice is diminished or weakened.

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10. Thus, under the circumstances, keeping in view the unconditional apology, we accept the request so made by Mr. Altaf Hussain. Consequently, contempt notice issued to him is hereby discharged. Contempt matter stands disposed of.

11. It is to be noted that during pendency of the contempt proceedings against Mr. Altaf Hussain, one Mr. Rauf Siddiqui, MPA, has addressed a letter to the Chief Justice wherein he had used contemptuous language expressing his grievance that as to why notice had been issued to Mr. Altaf Hussain. Similarly, Dr. Farooq Sattar, MNA/Minister, while addressing a press conference on 16.12.2012 had used expressions against the Institution of Supreme Court, which were uncalled for. We have drawn attention of both of them, present in Court, towards their statements, they readily agreed to file unconditional apology. Contents of the same are as under:-

"Unconditional Apology

We render unconditional apology for any of our written or oral statements and throw ourselves to the mercy of this Hon'ble Court.

Sd/-
Dr. Farooq Sattar

Islamabad
Dt: 7.1.2013

Sd/-
Rauf Siddiqui"

Since unconditional apology has been filed, therefore,
no further action is called for.

Islamabad
7th January, 2013.

'APPROVED FOR REPORTING'
Nisar/*