

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT:**

Mr. Justice Umar Ata Bandial, CJ  
Mr. Justice Ijaz ul Ahsan  
Mr. Justice Muhammad Ali Mazhar

**SUO MOTO CASE NO.1 OF 2022**

(Re: ruling by the Deputy Speaker of the National Assembly under  
Article 5 of the Constitution qua voting on No-confidence Motion  
against the Prime Minister of Pakistan)

In attendance:

For the Petitioner(s) : Mr. Khalid Javed Khan,  
Attorney General for Pakistan.  
Mr. Sohail Mehmood, Addl. AGP.,  
Mr. Ahsan Bhoon, ASC/  
President, SCBA.  
Mr. Farooq H. Naek, Sr. ASC.  
Sardar Muhammad Latif Khan  
Khosa, Sr. ASC.  
Dr. Babar Awan, Sr. ASC.  
Mr. Azam Nazeer Tarar, ASC.  
Mr. Kamran Murtaza, Sr. ASC.

Date of Hearing : 03.04.2022

**O R D E R**

Office has initiated a note stating events that took place today in the National Assembly and have been widely reported on electronic and social media that motion of no-confidence against the Prime Minister of Pakistan was to be voted upon by the National Assembly today i.e. 03.04.2022. However, reportedly the (Deputy) Speaker of the National Assembly has dismissed the said motion in the light of Article 5 of the Constitution of 1973. The following order was passed on the note in chambers:

“Several Hon. Judges of the Court have met me earlier today to share their concern about the constitutional situation following the rejection of the motion of no confidence against the Prime Minister by the Deputy Speaker today on the basis of Article 5 of the Constitution. In view of the above consensus, power under Article 184(3) of the Constitution is invoked to initiate original

proceedings before the Court. To be heard by Bench comprising CJP, Ijaz-ul-Ahsan, J and Muhammad Ali Mazhar, J.”

2. The matter was accordingly registered as SMC No.1 of 2022 and fixed for hearing today.

3. The hearing was attended by the learned Attorney General for Pakistan, the President of the Supreme Court Bar Association along with the other learned counsel representing different parties noted in the title of the order.

4. At the outset, notice is issued to the learned Attorney General for Pakistan under Order XXVIA CPC on the constitutionality of the decision of the Deputy Speaker today to dismiss the motion of no confidence on the basis of Article 5 of the Constitution. It is contended that, *prima facie*, there is neither a finding recorded in the matter nor was a hearing granted to the affected party. We would also like to examine whether such action is protected by the ouster contained in Article 69 of the Constitution.

5. The matter of concern for this Court is that peace and public order is maintained in the country. Accordingly, all the political parties involved in the process of the no confidence motion in the National Assembly and other political forces are directed to observe the law and maintain peace and public order. No state functionaries or bodies shall take any extra-constitutional measure and shall act strictly in accordance with Constitution and the law as guided by the principles laid down by this Court in the case of Sindh High Court Bar Association vs. Federation of Pakistan (PLD 2009 SC 879). Any order

passed by the Prime Minister and the President shall be subject to the order of this Court.

6. We have also been informed that Pakistan Peoples Party as well as the Supreme Court Bar Association have filed Constitution Petitions under Article 184(3) of the Constitution on the same subject. Let the office register these and notices be issued to the respondents therein and to all the political parties that are already before us in Const. Petition No.2 of 2022 i.e. Pakistan Tehreek-e-Insaf, Pakistan Muslim League (N), Pakistan People's Party, Jamiat Ulema-e-Islam(F), Balochistan National Party (Mengal) and Awami National Party through their respective Secretary Generals, who shall be heard only through their counsel on their behalf. Notice be also issued to the Federal Secretary Interior and the Secretary Defence to report the steps being taken to ensure public order, peace and tranquillity throughout the country. Notice be also issued to Supreme Court Bar Association and the Pakistan Bar Council to assist the Court in these Suo Moto proceedings and the Constitution Petitions filed under Article 184(3) *ibid*. The Attorney General for Pakistan be also issued notice under Order XXVIIA CPC in these matters.

7. Mr. Azam Nazeer Tarar, ASC has reported that the proceedings of the Punjab Provincial Assembly were fixed today for the election of the new Chief Minister of Punjab. These proceedings have been adjourned by the Deputy Speaker of the Assembly to another date without citing any reason or cause. A large number of MPAs are still in the premises of the House of the Provincial Assembly which is creating an unpleasant

situation both inside and outside the House. Notice under Order XXVIA CPC be issued to Advocate General Punjab to examine the vires of the decision by the Deputy Speaker of the Punjab Assembly and the situation that has arisen as a consequence thereof. All the political parties involved in the process of election of the new Chief Minister shall exercise restraint and maintain peace and public order. It is directed that the state functionaries and the law enforcement agencies of the Province shall ensure that peace and public order is maintained in the Province and they act strictly in accordance with the Constitution and the law guided by the principle laid down by this Court in Sindh High Court Bar Association's case (*ibid*).

8. Since these matters relate to an urgent issue, therefore, office is directed to fix the same tomorrow i.e. **04.04.2022 at 1:00 pm** before a larger bench.

Islamabad  
03.04.2022