

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Munib Akhtar
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mr. Justice Muhammad Ali Mazhar

SUO MOTO CASE NO.2 OF 2022

(Re: Apprehension of Undermining the Criminal Justice System by Persons in Authority. Prima Facie Violation of Article 10A, 25 and 4 of the Constitution)

In attendance:

Mr. Ashtar Ausaf Ali,
Attorney General for Pakistan
Ch. Aamir Rehman, Addl. AG
Mr. Qasim Ali Chohan, Addl. AG Punjab
Mr. Salman Talibuddin, AG Sindh
(V.L. Karachi)
Mr. Fauzi Zafar, Addl. AG Sindh
Mian Shafaqat Jan, Addl. AG KP
Mr. M. Ayaz Sawati, Addl. AG
Mr. Jahangir Jadoon, AG ICT
Syed Asghar Haider, PG NAB
Mr. Hassan Abbas, Addl. PG NAB
Mr. Sattar M. Awan, Spl. Prosecutor
Dr. Faiz Shah, PG Sindh
Mr. Arif Kamal Lone, PG Punjab
Mr. Irfan Qadir, ASC (For PM)
Mr. Asif Iqbal, Dy. Reg. (Lit) IHC
Mr. Momin Agha, Addl. Sec. Interior
Mr. Azim, S.O. ECL
Mr. Shahid Latif, Dy. Reg. LHC
Mr. Amjad Ali, Law Officer
Mr. M. Qaiser, Addl. Dir. FIA

Date of Hearing : 27.05.2022

ORDER

We have read separate reports filed by the Ministry of Interior, Director General, Federal Investigation Agency ("**FIA**") and Additional Prosecutor General, National Accountability Bureau ("**NAB**").

2. It is observed that the amendments made on 22.04.2022 in the Exit From Pakistan (Control) Rules, 2010 ("**Rules**") have been enforced retrospectively. This appears to have been done without the necessary authorization for giving such an effect to the amendments in the Rules. It is also not clear whether the Rules have been approved by the Federal Cabinet and, if so, whether beneficiaries of the amendments recused themselves from attending the relevant meeting. In this regard it has to be shown whether avoidance of conflict of interest was duly catered for; data regarding the names of the beneficiaries of such relief who have left Pakistan also needs to be provided. The foregoing information shall be supplied by the learned Attorney General.

3. The names of 174 persons who are accused in NAB cases have been removed from the Exit Control List ("**ECL**"). This was done, *prima facie*, without consulting the NAB authorities and as a result of retrospective implementation of the amendments. Learned Attorney General shall apprise about the grounds that prevailed for dispensing with consultation before passing the orders. On their part the NAB authorities shall specify the nature of offences under the NAB Ordinance alleged against those accused persons whose names have been removed from the ECL.

4. The FIA report deals with the security and protection of record in one case only whereas our last order issued directions for ensuring that for all high-profile cases. A list of all high-profile cases in the charge of FIA shall be provided to the Court. The Director General and the Director, Law FIA shall attend Court on the next date of hearing.

5. Relist on **03.06.2022 at 11:15 am.**

CHIEF JUSTICE

JUDGE

JUDGE

JUDGE

JUDGE

Islamabad
27.05.2022
Irshad Hussain /*