

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

**Present:**

Mr. Justice Mushir Alam  
Mr. Justice Qazi Faez Isa

**S.M.C.7 of 2017 and C.M.As. 8732 and 8803 of 2017 in S.M.C.7 of 2017**

Suo Moto Action Regarding Islamabad -Rawalpindi Sit-in (Dharna) Case  
(S.M.C.7/2017)

Impleadment Application by S. Iftikhar Gillani  
(C.M.A.8732/2017 S.M.C.7/2017)

Impleadment Application by Siraj Ahmed and others  
(C.M.A.8803/2017 S.M.C.7/2017)

For Federation:	Mr. Ashtar Ausaf, Attorney General for Pakistan
For Islamabad:	Mian Abdur Rauf, AG, Islamabad.
For Govt of Punjab:	Mr. Razzaq A. Mirza, Addl. AG Pb.
For M/o Defence:	Lt. Cdr. Shafiq ur Rehman, Dy. Director (Legal)
For PEMRA:	Hafiz S. A Rehman, Sr.ASC Ms. Amna Nasir, Head (Legal) Mr. Sardar Irfan, DG PEMRA
In CMA 8732 of 2017:	Syed Iftikhar Hussain Gillani, Sr.ASC
In CMA 8803 of 2017:	Nemo
Date of Hearing:	03.01.2018

**ORDER**

**Mushir Alam, J:**

**C.M.As. 8732 and 8803 of 2017**

The Civil Misc. Applications No.8732 and 8803 of 2017 seek impleadment as a party in this Suo Moto Case No.7 of 2017. This Court has already taken notice of the matter and adding parties may encourage uncalled for further applications that may detract from the issue in hand, accordingly, both these application are dismissed. It may however be noted that the learned Attorney General for Pakistan has undertaken to look into the grievance of Syed Iftikhar Hussain Gillani,

learned Sr. ASC as mentioned in his application (CMA 8732 of 2017) which pertains to the right of way under the Constitution and to access this Court.

2. PEMRA has filed a report with loads of documents, we may observe that such report is not in compliance with the order of this Court dated 30.11.2017. The report called for was required to be confined to the matter in issue. The report filed is self laudatory and refers to action taken by PEMRA against various media houses in respect of other matters. We were dismayed by the assistance rendered by Ms. Amna Nasir, Head (Legal) and Sardar Irfan, DG, PEMRA on behalf of the PEMRA, they, however, apologized for the inconvenience caused to the Court sought to withdraw CMA No.26 of 2018, which is allowed to be withdrawn. Let the fresh concise statement confining to the matter in issue be filed within ten days with advance copy to the learned Attorney General for Pakistan who may assist the Court, as to the manner in which PEMRA, is required to act and perform its duties in accordance with law and whether it did so in this matter.

3. The representatives of PEMRA stated that the office of Chairman, PEMRA is vacant. It may be observed that under the law absence of any member of the authority does not make the authority non-functional. The legal department and other departments continue their working and independently assist the authority, therefore, such plea is not accepted.

4. Lt. Cdr. Shafiq ur Rehman, Deputy Director Ministry of Defence (an officer of BPS-18) is in attendance and states that the Inter Services Intelligence (ISI) is under the control of Ministry of Defence and Intelligence Bureau (IB) is under the domain and control of the Ministry of Interior. He however was not able to respond to the matters raised in

the orders passed by this Court nor did ISI file any report in this regard. The learned Attorney General is also not satisfied with such representation and concedes that in a matter of such sensitivity and importance senior officers of not less than Secretary grade and who are fully conversant with the matter in issue and in a position to answer questions with full responsibility should appear and assist the Court to arrive at a just conclusion, accordingly, we so direct.

5. The learned Attorney General for Pakistan states that in view of the importance of this case he may be briefed by ISI himself and if satisfied that the matter in issue as divulged by the agency concerned cannot be disclosed in open Court he may request for in-camera briefing, but will only make this request if necessary and not otherwise as it may sensationalize the issue. ISI should submit fresh report within a fortnight which shall comprehensively attend to all matters which they were required to in previous orders. ISI shall also mention whether the organization/s and their leadership, which had taken the law into their own hands and paralyzed the twin cities, are under surveillance and whether their antecedents have been determined. In this regard we expect that comprehensive information should be provided. In addition the Court be informed whether ISI monitors extremist organizations/ persons and those who jeopardize the functioning of the State. ISI should also report on whether the social media presence of those spewing hatred/extremism and attacking the State is monitored and what, if any, steps taken to contain them.

6. The learned Attorney General shall also assist the Court as to the authority that monitors, and may regulate/control, social media (such as Youtube, Facebook and Twitter) as it is noted that extremism and/or terrorism is being advocated thereon and is freely circulated on social media unchecked; and if it remains unchecked it may well become

impossible to control, with grave consequences. In addition we be informed whether those who are violating the Constitution and laws of Pakistan on social media are prosecuted.

7. We appreciate the concern expressed by senior counsel Syed Iftikhar Hussain Gillani who was deeply saddened by the manner in which the situation was handled by the State functionaries. We also appreciate his offer of assistance as and when required in the matter.

8. Report of loss and damaged caused to the public and private property, persons and members of law enforcing agencies have been filed, however, deaths caused on account of inability to reach hospitals, etc. has not been mentioned, which should also be submitted before the next date of hearing.

9. A report disclosing the cost, incurred by the State on the *dharna*, which needless to state is borne by the public exchequer, must also be submitted, including the cost incurred in treating the injured and the compensation, if any, paid with regard to destruction/damage to property and on account of injuries/deaths.

10. The learned Attorney General states that he will be out of Pakistan on official duty and will not be available before 19<sup>th</sup> January, 2018.

11. Re-list in the first week of **February, 2018**. As we have been hearing this matter on a number of dates it would be appropriate to treat it as part-heard.

**Judge**

**Judge**