

BEFORE THE SUPREME JUDICIAL COUNCIL

PRESENT:

Mr. Justice Mian Saqib Nisar, Chief Justice of Pakistan	Chairman
Mr. Justice Asif Saeed Khan Khosa, Judge, SCP	Member
Mr. Justice Gulzar Ahmed, Judge, SCP	Member
Mr. Justice Ahmed Ali M. Shaikh, Chief Justice, HCS	Member
Mr. Justice Muhammad Yawar Ali, Chief Justice, LHC	Member

In re: Supreme Judicial Council No. 347 of 2018

(Inquiry under Article 209 of the Constitution of the Islamic Republic of Pakistan, 1973 against Mr. Justice Shaukat Aziz Siddiqui, Judge, Islamabad High Court, Islamabad)

In attendance: Mr. Anwar Mansoor Khan, Attorney-General for Pakistan

Mr. Justice Shaukat Aziz Siddiqui, Judge, Islamabad High Court, Islamabad with Mr. Hamid Khan, Senior ASC

Date of hearing: 01.10.2018

REPORT
under Article 209(6) of the
Constitution of the Islamic Republic of Pakistan, 1973

Asif Saeed Khan Khosa, J. (Member): At a time when many inquiries under Article 209 of the Constitution of the Islamic Republic of Pakistan, 1973 were pending against him at different stages before the Supreme Judicial Council Mr. Justice Shaukat Aziz Siddiqui, Judge, Islamabad High Court, Islamabad addressed a meeting of the District Bar Association, Rawalpindi on 21.07.2018. That meeting was attended by a large number of Advocates including some office-bearers of the Punjab Bar Council, the High Court Bar Association and the District Bar Association, Rawalpindi. The transcript of the speech made by Justice Siddiqui on that occasion and the responses of the audience to some of his remarks are reproduced below:

"اللیں اللہ بکاف عبده) صدیر ذی وقار! محترم صدیدہا فی کورٹ بار ایسوسی ایشن جناب ذوالفقار عباس نقوی صاحب ممبر پنجاب بار کونسل، پچھلے محمد حسین صاحب، ممبر پنجاب بار کونسل محترمہ زادہ ایاز صاحبہ نائب صدیدہ ڈسکرکٹ بار ایسوسی ایشن اور برادر محترم راجہ عامر عباس صاحب سیکرٹری ڈسکرکٹ بار ایسوسی ایشن، میرے انتہائی واجب الاحترام بزرگ! میرے ہمسفر ساتھیوں اور میری قابل احترام ہمزا

میرے لیے یہ ایک اعزاز ہے۔ ایک مرتبہ ہے۔ کہ مجھے صدر محترم خرم مسعود کیانی صاحب نے دعوت دی کہ میں آپ کے ہاں آکے کچھ باتیں کروں پڑے عرصے سے خواہش تھی کہ میں اپنی بار میں آکر اپنے آپ کو احتساب کے لیے پیش کروں۔ میرا سب سے بڑا احتساب میری بار ہی کر سکتی ہے۔ یہ احتساب چند ٹھیکیوں کا نہیں چند سالوں کا نہیں، بلکہ تین دیساں پر مشتمل ایک لے جائے گا۔ اس کا احتساب غصے کے لیے میں نے اپنے آپ کو احتساب کے لیے آپ کے سامنے پیش کرنا تھا۔ لوگ آپ کو عرصے کے لیے میں نے اپنے آپ کو احتساب کے لیے آپ کے سامنے پیش کرنا تھا۔ لوگ آپ کو میرے بارے میں یہ تو کہیں گے کہ صدقی صاحب بعض اوقات مصلحت سے کام نہیں لیتے، بعض اوقات غصے کا اظہار کر دیتے ہیں۔ بعض اوقات فوجوں کی رہنمائی کرتے ہوئے شاہزادی کا اظہار کر دیتے ہیں۔ لیکن مجھے جس طرح اللہ تعالیٰ کی ذات کے اوپر ایمان ہے۔ اور جس طرح محسن انسانیت حضرت محمد ﷺ کی ذات اطراف کی خلافی میں اپنے آپ کو رکھتا ہوں، مجھے اس بات کا یقین ہے کہ میری بار میں سے کوئی ایک شخص بھی اٹھ کر یہ نہیں کہہ سکتا کہ شوکت عزیز صدقی کسی قسم کی کلپشن میں involve ہے۔ اور یہی وہ اختیار تھا، یہی وہ ایمان تھا، یہی وہ یقین تھا کہ میں نے اپنے بڑوں سے یہ کہا کہ مجھے in camera proceedings in camera proceedings کرنا ہے تو سر عام کریں میڈیا بھی اس میں موجود ہو، بار بھی اس میں موجود ہو، عام پبلک بھی اس میں موجود ہو، جب بھی کسی اہم نویجت کا فیصلہ میری طرف سے آتا ہے، تو ایک campaign چلا دی جاتی ہے، اور وہ ایک مخصوص کارزار سے چلا جاتی ہے۔ کہ شاہزادی ایہ تو وہی بچ صاحب ہیں جن کے اوپر کلپشن کے الزامات ہیں۔ آج میں میڈیا کے through آپ کی پوری بار کو اس بات کی دعوت دیتا ہوں کہ آئیں میرے گھر میں دیکھیں کہ اگر لگایا گیا الزام ایک فیصلہ بھی سچ ثابت ہو آپ مجھ سے استغصہ کا مطالبہ کریں میں استغصہ دیتا ہوں۔ لیکن اللہ تعالیٰ نے اپنی ایک ترتیب بنائی ہوتی ہے، اللہ تعالیٰ نے ہر چیز کے لیے ایک وقت معین کیا ہوتا ہے۔ اس لیے پہلے خواہش کے باوجود میں یہاں پر نہیں آسکا، آج اللہ تعالیٰ کا شکر ہے کہ آج آپ کے درمیان موجود ہوں۔ اور مجھے ایک عنوان میں بھی باندھا گیا ہے، (یہاں مجھے کوئی خطرہ نہیں) مجھے ایک عنوان بھی دیا گیا ہے۔ میں اس عنوان کے حوالے سے professional ethics کے حوالے سے آپ کے سامنے صرف چار باتیں رکھوں گا بار

میں کیا ہو رہا ہے؟ ہمارے نوجوان وکلاء کس کشمکش اور کس دور سے گزر رہے ہیں؟ انکی grooming وہ رہی ہے یا نہیں ہو رہی ہے؟ وہ اپنے ideals اور mentors کی کو بنائے ہوئے ہیں؟ یہ سب کو پتا ہے آپ سب جانتے ہیں، میں جو باقی آپ سے کہنے جا رہا ہوں اُس میں سے سب سے پہلی بات یہ ہے اور یہ professional ethics آپ کو شاہد یہ کسی کتاب میں لکھے ہوئے نہیں ملیں گے۔ میں نے 23 سال دکالت کی ہے اور الحمد للہ اب پونے سات سال بطور جج ہونے کو ہیں۔ میں ایک تجربے کی بنیاد پر آپ کے سامنے جو بھی اور اپنے مشاہدے کی بنیاد پر آپ کے سامنے بات رکھنے لگا ہوں حضور پاک رضی اللہ علیہ وسلم کی حدیث ہے کہ ہلاک ہوا وہ شخص جس نے کسی کی دنیا بنانے کے لیے اپنی حاصلت گنوا دی۔ یہ ہے professional ethics کی کی دنیا بنانے کے لیے یا کسی کی دنیا بگازنے کے لیے اپنی حاصلت مت خراب کچھ۔ دوسری بات اپنی شناخت اپنی پہچان پہنچا تعارف پہنچا نام بطور پیشہ درکیل کروائیں۔ کسی اور نام سے نہیں۔ تیسرا بات! ہماری ذمہ داری ایک پاکستانی کی حیثیت سے بہت بڑی ہے اپنی پروفیشنل ذمہ داریاں ایک بطور مسلمان ذمہ داریاں اور ایک پاکستانی کی حیثیت سے ذمہ داریاں۔ تیسرا جو میں آپ کو اب بات کھوں گا جائز میں کی کا سبب بننے والے جائز میں اضافے کے سولت کارمت بنیت اللہ کی رضا کی خاطر اس کی مخلوق کے حقوق اور اس کی مخلوق کو اٹھانے کی کوشش کچھ آخری بات کتاب سے دوستی، علم کی جستجو، دلیل کی طاقت، حکمت و دانائی کا نور اور دانش اور تدبیکی روشنی بننے اس کے علاوہ کامیابی کا کوئی راستہ نہیں ہے، کوئی شارٹ کٹ نہیں ہے۔ آپ اگر کسی خاص ماحول میں کچھ خاص افراد کی وجہ سے اپنی کامیابی کو سمجھتے ہیں تو یقین کچھ افراد کے ساتھ چلے جانے کے ساتھ سین تبدل ہو جاتا ہے اور پھر اس کے بعد آپ کو نئے سرے سے جدوجہد کرنی پڑتی ہے۔ professional ethics کے حوالے سے میرے پاس اس سے بڑی کوئی بات نہیں ہے۔ میری دانست میں آئین کے تناظر میں رہتے ہوئے میں نے آپ سے کچھ باقی بھی کرنی ہیں۔ میری دانست میں پاکستان اس وقت بہت ہی کشمکش اور ابتلا کے دور سے گزر رہا ہے۔ جو لوگ پاکستان کا موازنہ امریکہ کے ساتھ، برطانیہ کے ساتھ یا وہیں کہیں کے ساتھ، تکی کے ساتھ یا کسی اور ملک کے ساتھ کرتے ہیں تو میں سمجھتا ہوں وہ پاکستان کے ساتھ ہو زیادتی کرتے ہیں۔ پاکستان کا موازنہ بھارت سے ہو سکتا ہے پاکستان کا موازنہ بنگلہ دیش کے ساتھ ہو سکتا ہے، پاکستان کا موازنہ سری لنکا کے ساتھ ہو سکتا ہے، امریکہ کے ساتھ نہیں جہاں اخبارہ سو۔ 1776 سے ڈیموکریسی چلتی آ رہی ہے۔ اب آپ سوچیں کہ وہ کونسے حالات ہیں جو پاکستان میں ہیں اور بھارت میں نہیں ہیں کیا وہاں پر کرپشن نہیں ہے؟ کیا وہاں پر law and order situation نہیں ہے؟ کیا وہاں پر دشمنی کی کیا وہاں پر پولیس آفس ہو لاد جو ہے وہ کرپشن کے الزامات میں نہیں ہیں؟ اور وہ کونسے حالات ہیں جو پاکستان اور بھارت کے مختلف میں؟

اس کے باوجود بھارت ترقی کی راہ پر گامزن ہے۔ 2030 سنہ میں بھارت دنیا کی آٹھویں بڑی اکاؤنٹی ہوگا۔ اور ہم پنجھے کی طرف جاتے جا رہے ہیں۔ کیا ایک وکیل کی حیثیت سے آپ نے کبھی غور کیا ہے اس کی کیا وجہ ہے؟ اس کی وجہ یہ ہے کہ بھارت میں ایک دن کے لیے مارشل لاء نہیں لگایا۔ بھارت میں ایک دن کے لیے Constitution held in abeyance نہیں ہوا۔
بھارت میں ایک دن کے لیے political process نہیں ہوا۔ (تالیاں)

ہمیں بھارت کے ساتھ تعلقات، کشیگی، جنگ کی باتیں تو بتائی جاتی ہیں لیکن ہمیں یہ کبھی کوئی نہیں بتاتا کہ وہاں پر کسی Chief of Army Staff کا نام کوئی دوسرا بندہ نہیں جانتا۔ ہمیں کوئی یہ بات نہیں بتاتا کہ بھارت کے اندر کبھی political process نہیں رکتا۔ ہمیں بھارت کا وزیر اعظم چاہے کتنا بھی بڑا لگتا ہو لیکن یہ ایک امیر واقع ہے کہ بھارت کا وزیر اعظم اس وقت وہ شخص ہے جس نے ایک کھوکھے پر کھڑے ہو کر چائے تیار کی۔ اس نے اس کوچائے لوگوں کے سامنے serve کیا، اس کے بڑن دھوئے۔ یہ اس continuity process کی کفیجہ ہے کہ آج وہاں پر ہر ایک کھوکھے پر کھڑے ہو کر بات کر سکتا ہے۔

میرے ملک میں آج خوف کی فضا ہے۔ میرے ملک میں آج جبر کی فضا ہے اور مجھے یہ کہتے ہوئے نہاست محسوس ہوتی ہے کہ اگر آج پاکستان کے حالات کا تجربہ کیا جائے اور مختلف اداروں کو اس کی ذمہ داری دی جائے تو میں چار اداروں میں سے اگر انھاؤں عدیہ، فوج، پورکری اور سیاستدان تو میں عدیہ کو پھاٹاں فی صد اس چیز کا ذمہ دار سمجھتا ہوں۔ (تالیاں)

باقی پھاٹاں فی صد، باقی پھاٹاں فی صد آپ باقی تینوں اداروں پر تقسیم کر سکتے ہیں۔ اگرچہ یہ کہ کہاں یہ چور ہے لیکن حالات اس بات کے مقاضی تھے کہ وہ چوری کرے تو وہ پھر چور نہیں ہے... (Shame.....Shame.....Shame)

میں اللہ کو گواہ کر کے کہتا ہوں آپ اس بات کے اوپر، آپ میری ذات کے حوالے بہت اپنی طرح جانتے ہیں مجھے نہ کبھی توکری کی پرواہ رہی ہے اور نہ ہی توکری کی خاطر میں نے یہ عہدہ قبول کیا ہے آج اس دور میں اگر۔ آج کے اس دور میں اگر جسٹس منیر، مولوی تیز الدین کیمیں کا فیصلہ دیتا یا دو سو کیمیں کا فیصلہ دیتا تو یہاں کے عوام اس کی پیشیاں فوج کر کوئوں کو ڈال دیتے۔ بیان کے لوگوں

کو اس بات کا پتہ ہی نہیں ہے کہ جمیں میر نے اس پاکستان کے ساتھ کیا کھلوڑ کیا ہے؟ ابھی تک لاے کے students کو نہیں پتہ کہ اصل میں ہوا کیا تھا اور بد قسمتی ہے۔ یہ بد قسمتی ہے کہ جمیں میر کا کردار ہر کچھ عرصے بعد نہ ہو کے سامنے آ جاتا ہے۔ وہ کردار ذلیقہ علی یہٹو کی شہادت والے کردار ہوں، وہ کردار ارشاد حسن خان کی صورت میں ہوں، وہ کردار شیخ ریاض کی صورت میں ہوں، وہ کردار موجودہ دور کی صورت میں ہوں۔ یہ سب جمیں میر کے کردار ہیں۔ (تالیف)

کیا بات کرتے ہیں یہ جمیں میر! جس نے پاکستان کی قسمت کا اس انداز میں سودا کیا کہ جنل ایب خان کی کابینہ نے یہ وزیر قانون کا سودا کر کے بیٹھا در آپ کو پتہ ہے 1962 سنہ کے آئین میں پہلی مرتبہ پاکستان کے نام سے اسلامی جمہوریہ پاکستان ختم کیا گیا۔ اور یہ اس وقت کی اسلامی کو اعزاز جاتا ہے کہ انہوں نے پہلی قرارداد یہ پیش کی کہ اسلامی جمہوریہ پاکستان اس ملک کے ساتھ ہوگا۔ ارشاد حسن خان ٹین سال کے لیے چیف الیکشن کشہ بننے کی خاطر تم نے پریز مشف کو سندھوڑا عطا کی۔ (Shame..Shame).....

اور پھر جس طریقے سے اس ملک کی قسمت کے ساتھ کھلوڑ ہو رہے ہیں۔ میں آج کے دور کی آپ کے ساتھ بات کرتا ہوں جو میری اپنی ذات کے ساتھ پیش آئے۔ میں اللہ کو گواہ کر کے، آپ سب کو گواہ کر کے امانت کے طور پر، مجھے نہیں معلوم آج کے بعد کیا ہوگا لیکن میں آپ کو گواہ کر کے اپنی بار اپنی ماں کو گواہ کر کے یہ بات کر رہا ہوں۔ آج کے اس دور میں ISI پوری طرح judicial proceedings کرنے میں manipulate کرنے میں involve ہے۔ (Shame...Shame)

ISI کے لوگ مختلف جگہ پہنچ کر اپنی مرضی کے پہنچ بنا تے ہیں۔ (Shame..Shame)

کلیسوں کی marking ہوتی ہے۔ میں اپنی بائی کوڑ کی بات کرتا ہوں ISI والوں نے میرے چیف approach کر کے کہا کہ ہم نے الیکشن تک نواز شریف اور اسی کی پیٹ کو باہر نہیں آنے دینا۔ شوکت عزیز صدیقی کو پہنچ میں مت شامل کر دے۔ (Shame..Shame)

اور میرے چیف جمیں نے کہا جس پہنچ سے آپ easy ہیں، ہم وہ بنادیں گے (شیم شیم کے نعرے)

مجھے پتہ ہے کہ سپریم کورٹ میں کس کے ذریعے کون پیغام لے کر جاتا ہے (شیم شیم کے نعرے)

مجھے یہ پتہ ہے کہ Accountability کورٹ کی ہر روز کی proceedings کاں پہ جاتی رہی ہیں ؟ مجھے یہ وجہ معلوم ہے کہ اسلام آباد بائی کورٹ کا statute کے مطابق ان کیوں ختم کیا گیا تاکہ وہاں پر administrative control کورٹ پر Accountability کو نہ دیکھ سکے۔ آپ سے یہ باتیں میں میں نے اپنی جان توکری کی تو کل کوئی چیز proceedings کو نہ دیکھ سکے۔ کی ہے کہ مجھے یہ کہا گیا ہے، مجھے کہ جناب آپ مجھے پرواہ نہیں ہے کہ کری ہے وہ اس لیے کی ہے کہ مجھے یہ کہا گیا ہے، مجھے کہ جناب آپ مجھے ایک assurance دے دیں کہ ہماری مرضی کے مطابق فیصلہ کریں گے تو ہم آپ کے ریفرنس ختم کر دادیں گے (شیم شیم کے نعرے)

مجھے یہ کہا گیا کہ آپ اگر ہماری مرضی کے مطابق فلاں کیس میں فلاں فیصلہ دیں گے تو ہم نو میر تک نہیں ستر بیان آپ کو چیف جسٹس بنادیتے ہیں۔ تو میں نے انہیں کہا کہ میں اپنے ضمیر کو گروی کھنے سے پہلے کہ میں مرجاوں۔ (تالیاں)

میں نے کہا کہ میرت سے ایک سینئیٹی میر نہ ادھر ہوں گا مجھے ریفرنس کی پرواہ نہیں ہے آپ نے پہلے بھی ریفرنس کروائے ہیں، آپ دس اور کروا لجھئے گا جب تک میرے اللہ کو مستقرور ہے کہ میں نے اس عذرے پر رہتے ہوئے اللہ کی رضا کی خاطر کوئی کام کرنے ہیں تو میں کہتا رہوں گا چاہے ساری دنیا میرے مخالف ہو جائے اور جب اللہ کو مستقرور ہو گا کہ میں یہاں یہ کام نہیں کروں گا تو پھر تمام بریگیڈ بھی لکھتے ہو کر آجائیں تو میرا کچھ نہیں کر سکتے۔ (تالیاں)

میری آپ سے یہ گزارش ہے کہ آپ کی، آپ بار اور عدیہ ایک میں تو اب پہنچے بالکل نہیں کہتا میں تو اس کو ایک گھر کتنا ہوں ایک ہی گھر کی حوالی میں رہنے والے لوگ میں لیکن آپ کی حوالی میں ڈاکہ پڑ چکا ہے۔ آپ کی حوالی بنووق والوں کے کنزٹول میں آچکی ہے۔ (شیم شیم کے نعرے)

آپ کی آزادی صلب ہو چکی ہے آپ کی independence of judiciary جس پر آپ pride feel کرتے تھے اس پر سمجھوتے ہو چکے ہیں (شیم شیم کے نعرے)

یہ کسی دو افراد کے درمیان مقدارے کے فیصلے میں اپنے آپ کو independent ظاہر کرنا اور الصاف پسند ظاہر کرنا کوئی بڑی بات نہیں ہے۔ کسی مشهور فلسفی کی قول ہے کہ اگر آپ دیکھتا یہ چاہتے ہیں کہ حکمرانی کس کے پاس ہے تو آپ یہ دیکھیں کہ آپ کو کس کے خلاف بات کرنے کی اجازت نہیں ہے۔ آج یہ میٹھا والے، یہ بھی گھٹنے تیک چکے ہیں (شیم شیم کے نعرے)

یہ میٹھا والے اپنے اشتہاروں کی خاطر اور اپنے مفادات کی خاطر سچ بولنے سے گریزان ہیں۔ آج اس ادارے کے ادپر بھی مرضی کے ٹویٹس آتے ہیں مرضی کی directions آتی ہیں مرضی کی پریس ریلیز آتی ہے کہ یہ جاری کرو اور یہ جاری نہ کرو یہ پوچھ لیں یہ یہاں پر بیٹھے ہیں ان سے حلف لے لیں کہ کون ایک چیلن ہے جو یہ کہ سکتا ہے کہ ہمیں directions نہیں آئیں اور ہمیں آئیں آئیں ایس پر آرسے نہیں آئیں (شیم شیم کے نعرے)

جو ذیلیں، میٹھا جو کسی ملک کے لوگوں کے ضمیر کی آواز ہوتی ہے اس کے ادپر اگر پابندیاں لگا دی جائیں گی، اس کو اگر پابند سلاسل کر دیا جائے گا اس کے لوگوں کو اگر سی دیا جائے گا اس کے لوگوں کی آزادی سلب کر لی جائے گی تو پھر مجھے کہنے دیجئے کہ شاید یہ پاکستان ایک آزاد اسلامی جمہوری ملک نہیں رہے گا۔ ستر سال میں ہم نہ تو اس ملک کو اسلامی بناسکے نہ جمہوری بناسکے اور نہ ہی آئین کے تابع لاسکے اس وجہ سے اس ستر سال کی نندگی میں پہنچنیں سال ہمارے ڈکٹیٹریز کھا گئے۔ اس پہنچنیں سال میں ہمارے آئین کے ساتھ کھلوڑ کیے گئے، اس پہنچنیں سال میں ہمیں بات کرنے سے روکا گیا۔ یاد رکھیں اگر پور کوچور کے ساتھ ملے گا تو وہ الصاف نہیں کرے گا وہ توکری کرے گا۔ سچ توکری سے نہیں الصاف کرنے سے عدل کرنے سے دلیری کا مظاہرہ کرنے سے اور بلا تفہیت dispensation of justice کرنے سے بنتا ہے۔ اللہ تعالیٰ سے میری نیہ دعا ہے کہ اللہ تعالیٰ پاکستان کو سچ کرنے والے سچ کے مطابق فیصلہ کرنے والے حق بات کرنے والے منصف عطا کرے ورنہ پاکستان کا اللہ حافظ۔ و ما علینا الاملاع۔ ۱۱

(underlining has been supplied for emphasis)

2. On 23.07.2018 the Secretary of this Council (Registrar, Supreme Court of Pakistan) submitted the following note before the Chairman of the Council (Chief Justice of Pakistan):

"On 21.07.2018 Hon'ble Mr. Justice Siddiqui addressed District Bar Association Rawalpindi. During the speech he stated that Judiciary was mainly responsible for the atmosphere of coercion and fear that prevailed in Pakistan. In addition he accused the ISI of approaching Chief Justice of Islamabad High Court regarding fixation of cases and exclusion of Justice Shaukat Aziz Siddiqui from certain Benches. Furthermore he stated that he had knowledge of the person through whom messages are conveyed to the Supreme Court of Pakistan. Copy of the transcript is placed at F/A. The speech has tended to accuse a sensitive state agency of manipulation of judicial processes which may result in erosion of public confidence in the Superior Judiciary. The matter is put up for your consideration and appropriate orders.

Submitted please."

3. Upon perusal of that note put up by the Secretary of the Council the Chairman of the Council was pleased to pass the following order on the same day, i.e. 23.07.2018:

"The note put up by the Registrar and the transcript of the speech delivered by Mr. Justice Shaukat Aziz Siddiqui has been perused. The allegations leveled in the speech cast aspersions and malign the superior judiciary of the country and berate its independence. It also implicates some other national institutions. The Hon'ble Chief Justice of the Islamabad High Court, Islamabad may comment upon the veracity of the allegations leveled against him. He may also obtain from Mr. Justice Shaukat Aziz Siddiqui the material/evidence available with him (if any) to substantiate the allegations leveled in the speech. Such material/evidence (if any) and the comments of the Hon'ble Chief Justice may immediately be transmitted to the office of the undersigned in sealed cover for consideration and appropriate action, if necessary."

4. On 29.07.2018 the Chief Justice, Islamabad High Court, Islamabad wrote the following letter to the Chairman of this Council:

"To,

Mr. Justice Mian Saqib Nisar,
The Hon'ble Chief Justice of Pakistan.

Subject:

**ALLEGATIONS LEVELED BY MR. JUSTICE
SHAUKAT AZIZ SIDDIQUI JUDGE ISLAMABAD
HIGH COURT ISLAMABAD**

Your Honour;

In respectful compliance of the direction on the subject received through letter dated 23.7.2018, a request was made to Mr. Justice Shaukat Aziz Siddiqui through letter dated 24.7.2018 for provision of material/evidence available with him, but no reply has so far been received, hence my response is being submitted hereunder, as desired please.

Sir,

I do hereby categorically deny the allegations leveled by Mr. Siddiqui in his speech. No member of the agency/ISI had ever approached me or exerted any pressure for extending assurance for keeping the Ex-premier behind the bars till July 25, the Election Day.

I also categorically deny that the agency/ISI had ever approached or influenced me for constitution of any Bench for hearing appeal of the Former Prime Minister as alleged in the speech. The allegation of manipulation of judicial proceedings by the members of the Agency is baseless, false and concocted. During my entire career as Chief Justice IHC no such attempt was ever made.

Sir,

The constitution of Benches is prerogative of the Chief Justice and they are constituted in routine. I have performed my duties independently without any favour, fear or undue pressure throughout my tenure in accordance with Oath by following the Code of Conduct.

May it please your Lordship.

**MUHAMMAD ANWAR KHAN KASI,
Chief Justice, Islamabad High Court,
Islamabad"**

5. In the meanwhile on 22.07.2018 Justice Siddiqui wrote a letter to the Chairman of this Council addressing his lordship as the Chief Justice, Supreme Court of Pakistan and requested for constitution of a Commission "to probe about the authenticity and truthfulness of presented facts." On 02.08.2018 the Chairman had ordered the said letter to be placed on the record of the Council.

6. On 30.07.2018 the Secretary of the Council submitted the following note before the Chairman of the Council:

"A note had been submitted to Hon. Chief Justice regarding Hon. Mr. Justice Shaukat Aziz Siddiqui's address to District Bar Association, Rawalpindi on 21.07.2018. Text of the speech is enclosed in which inter-alia following allegations have been leveled:

i) ISI is fully involved in manipulation of judicial proceedings including marking of cases to Hon. Benches.

ii) He alleges that ISI personnel approached Chief Justice Islamabad High Court and asked him not to let Mr. Nawaz Sharif and his daughter come out of prison before General Elections and not to include Mr. Justice Shaukat Aziz Siddiqui in the Bench. Chief Justice Islamabad High Court responded that the Bench will be constituted as per their desire.

iii) He alleges that he even has the knowledge of the person who conveys messages to the Supreme Court.

iv) He alleges that daily proceedings of Accountability Court were being reported somewhere. He further alleges that he also knows the reason why the administrative control of Islamabad High Court as per statute was removed, so that no Judge could look into the proceedings.

v) He alleges that he was asked to give assurance that he would give decision as per their request, and then references pending against him would be closed.

vi) He alleges that if he decided cases according to their desire, he would be made Chief Justice Islamabad High Court by September.

2. Hon. Chief Justice of Pakistan/Chairman SJC had called for the response of Chief Justice of Islamabad High Court which has been received and placed on the file. He was also asked to procure evidence/material from Mr. Justice Shaukat Aziz Siddiqui but that has not been provided so far.

3. Submitted please."

7. Upon receipt of that note the Chairman of this Council had passed the following order on the same day:

"For opinion of my brother Justice Asif Saeed Khan Khosa in terms of clause 7(1)(a) of the Supreme Judicial Council Procedure of Enquiry 2005."

8. On 30.07.2018 the Member of the Council to whom the matter had been marked for an opinion had recorded the following opinion:

"The speech made by the Hon'ble Judge ostensibly offends against Articles II, III, V and IX of the Code of Conduct. I am, therefore, of the opinion that the matter requires an inquiry by the Supreme Judicial Council."

9. Upon receipt of that opinion of the Member the Chairman of the Council was pleased to pass the following order on 30.07.2018:

"Fix before the SJC in the meeting on 31/7/18 at 2.00 P.M."

10. On 31.07.2018 this Council met and the following order was passed by it on that date:

"MIAN SAQIB NISAR, CHAIRMAN.- After having examined the record and also the opinion of our brother Hon'ble Mr. Justice

Asif Saeed Khan Khosa and upon thoroughly discussing the matter while taking into consideration the material mentioned above we are inclined to issue a show cause notice to the respondent-Judge and send the relevant material to him calling upon him to explain his conduct within a period of 14 days from today. Let the matter be listed on **28.8.2018** for consideration of the reply of the respondent-Judge."

11. On 31.07.2018 the following Show Cause Notice was issued by the Council to Justice Siddiqui:

"IMMEDIATE/CONFIDENTIAL
No. 347/2018/SJC
Supreme Judicial Council
Islamabad, 31st July, 2018

Subject: **SHOW CAUSE NOTICE UNDER SUB-PARA (1) OF
PARA 9 OF THE SUPREME JUDICIAL COUNCIL
PROCEDURE OF ENQUIRY, 2005**

WHEREAS you, Hon. Mr. Justice Shaukat Aziz Siddiqui, having been appointed as Judge, Islamabad High Court, had made oath of the said office before the Chief Justice, Islamabad High Court pursuant to Article 194 of the Constitution of the Islamic Republic of Pakistan (hereinafter "**the Constitution**"); and presently holding the office of Judge, Islamabad High Court, Islamabad;

AND WHEREAS clause (7) of Article 209 of the Constitution states that a Judge of High Court shall not be removed from office except in the like manner and on like grounds as provided in the Article 209 of the Constitution;

AND WHEREAS the manner and grounds for removal of a Judge of High Court are provided in Article 209 of the Constitution read with the Supreme Judicial Council Procedure of Enquiry, 2005 (hereinafter "**the Procedure**") and the Code of Conduct for Judges of the Supreme Court and High Courts (hereinafter "**Code of Conduct**") framed by the Supreme Judicial Council (hereinafter "**the Council**") and issued under clause (8) of the aforesaid Article 209;

AND WHEREAS being holder of a high constitutional office of the Judge of High Court, you are required to fulfill your oath of office contained in the Third Schedule to the Constitution and to avoid displaying conduct unbecoming of your high constitutional office as well as any violation of the Code of Conduct since the same, *inter alia*, constitute instances of misconduct under sub-para (l) of para 3 of the Procedure and the grounds for removal of a Judge of High Court under clauses (5) and (6) of Article 209 of the Constitution;

AND WHEREAS the Code of Conduct requires you to demonstrate highest qualities of intellect and character, to be God-fearing, law-abiding, wise in opinion, cautious and forbearing, blameless and untouched by greed, to keep your conduct in all things, official and private, free from impropriety, to avoid all possible or potential conflict of interest, not to be swayed by any consideration of personal advantage either direct or indirect, not to employ influence of your position as Judge of High Court to gain undue advantage whether immediate or future and not to

incur any financial or other obligations to private institutions or persons which could embarrass you in the performance of your functions;

AND WHEREAS the Council has received information registered and numbered as SJC-347 of 2018 under clause (5) of Article 209 of the Constitution, read with para 5 of the Procedure, containing alleged misconduct on your part falling within the purview of paragraph (b) of the aforesaid clause (5) and clause (6) of Article 209;

AND WHEREAS after scrutinizing the said information, the Council is of the opinion that you may have been guilty of misconduct as contemplated by paragraph (b) of clause (5) and clause (6) of Article 209 of the Constitution and, accordingly, the Council has decided to enquire into the matter and to issue the instant show cause notice to you pursuant to sub-para (1) of para 9 of the Procedure;

NOW, THEREFORE, your lordship are hereby called upon to explain your conduct with regards to the following allegations which *prima facie* constitute misconduct on your part within the meaning of paragraph (b) of clause (5) and clause (6) of Article 209 of the Constitution:

1. You while addressing District Bar Association, Rawalpindi on 21.07.2018 have leveled the following serious allegations pertaining to Superior Judiciary and a state institution:-

i) That ISI is fully involved in manipulation of judicial proceedings including marking of cases to Hon. Benches.

ii) That ISI personnel approached Chief Justice Islamabad High Court and asked him not to let Mr. Nawaz Sharif and his daughter come out of prison before General Elections 2018 and not to include your lordship in the Bench; and that Chief Justice Islamabad High Court responded that the Bench will be constituted as per their desire.

iii) That your lordship claimed to even have knowledge of the person who conveys messages to the Supreme Court.

iv) That daily proceedings of Accountability Court were being reported somewhere, and that your lordship also knows the reason why the administrative control of Islamabad High Court as per statute was removed, so that no Judge could look into the proceedings.

v) That your lordship was asked to give assurance that your lordship would give decision as per their request, and then references pending against your lordship would be closed.

vi) That if your lordship decided cases according to their desire, your lordship would be made Chief Justice Islamabad High Court by September 2018.

2. Upon presentation of the transcript of your speech Hon. Chief Justice of Pakistan had been pleased to observe that the allegations leveled in the speech had cast aspersions and maligned the superior judiciary of the country, and berated its independence. It also implicates some other national institutions. The Hon. Chief Justice of the Islamabad High Court was asked to comment upon the veracity of the allegations leveled against him. He was also asked to obtain from your lordship the material/evidence available (if any) to be immediately transmitted

to the office of Chief Justice of Pakistan for consideration and appropriate action if necessary. In response Hon. Chief Justice of the Islamabad High Court offered his comments vide letter dated 29.7.2018, wherein his lordship responded that vide letter dated 24.7.2018 your lordship was requested for provision of material/evidence but no reply has been received from your lordship. Regarding allegations leveled against Hon. Chief Justice of the Islamabad High Court, his lordship has categorically denied all the allegations.

3. The above act on your part amounts to misconduct as envisaged in the provisions inter-alia of Articles II, III, V & IX of the Code of Conduct prescribed by the Supreme Judicial Council.

TAKE NOTICE that:

- i) Copies of the transcript of your speech numbered as SJC-347 of 2018, response of Hon. Chief Justice of the Islamabad High Court and order of Supreme Judicial Council dated 31.07.2018 passed in the said complaint have been enclosed herewith enabling your Hon. to explain your conduct;
- ii) Your reply/explanation, if any, must be received in the Council's Secretariat within fourteen (14) days, which shall be placed before the Council to proceed further with the inquiry; and
- iii) If no reply/explanation is received as aforesaid, it shall be deemed that you have nothing to offer in reply/explanation and the Council shall proceed further with the inquiry as deemed appropriate.

This is issued with the approval of the Council.

Encl: As above.

Arbab Muhammad Arif
Secretary

Hon Mr. Justice Shaukat Aziz Siddiqui,
Judge, Islamabad High Court
Islamabad."

12. Justice Siddiqui submitted his "Preliminary Reply" to the show cause notice on 15.08.2018 and then filed his "Added Reply" to the show cause notice on 27.08.2018. In none of the said replies he contested correctness of the transcript of his speech dispatched to him along with the show cause notice and reproduced above. In his Preliminary Reply Justice Siddiqui maintained that it was for the Supreme Judicial Council to establish that the allegations leveled by Justice Siddiqui were untrue; the allegations leveled against him were vague; the Supreme Judicial Council had a "strong bias" against him; he had spoken out against some wrongs in the working and processes of the judiciary; he had highlighted

improper influence of elements within the Armed Forces over State institutions and judicial process; he knew that for speaking out he would be "silenced and victimized" and there were plans afoot to remove him from the judiciary; the proceedings against him were to quell free speech; for raising concerns regarding outside influences attempting to manipulate the judiciary he had "been hounded with references and Show Cause Notices, all with the ulterior motive of silencing or removing me from the Bench"; his right to deliver a speech and the right of a Bar Association to invite him for the purpose were protected by Articles 19 and 19A of the Constitution; the "disclosures" made by him could not be termed as "misconduct"; it was his "duty" to take his parent Bar Association into confidence "when I notice blatant interference of an intelligence agency with the working of the Islamabad High Court"; he had felt that "the working and independence of the Islamabad High Court is under serious threat"; and he had followed the precedent of a former Chief Justice of Pakistan Mr. Justice Iftikhar Muhammad Chaudhry who had also addressed various Bar Associations during the Lawyers' Movement. In his Preliminary Reply Justice Siddiqui also maintained that it was his "duty and right" to speak out and voice his concerns regarding "improper influence and manipulation of the judiciary" because "the public in a democratic society has the right to know and debate such information". In support of the last mentioned stance he referred to a number of precedents from different parts of the world. In his Added Reply the stances taken in the Preliminary Reply were repeated, some instances of interactions and communications between Justice Siddiqui and the Chief Justice of the Islamabad High Court were referred to and some meetings and dialogues taking place between some named officers of the Pakistan Army and Justice Siddiqui at the latter's residence on different dates were mentioned. In that Added Reply some specific cases were also mentioned wherein Justice Siddiqui was approached by some officers of the Pakistan Army and attempts were made to influence the outcome of those cases. A reference was also made in that reply to the interviews of a former Chief

Justice of Pakistan and a former President of Pakistan and Chief of the Army Staff in order to show that extraneous influences are sometimes brought to bear upon the judiciary of this country. In that reply Justice Siddiqui also took exception to a remark made by the Chief Justice of Pakistan after the former's speech made on 21.07.2018. It was maintained by Justice Siddiqui in that reply that in his speech "there is no aspersion or maligning of the superior judiciary, rather the contents of my speech were specifically made to protect and defend the constitution and the superior judiciary from unlawful intervention." Regarding the present proceedings before this Council it was observed by Justice Siddiqui in that reply that "Rather a pre-meditated inquiry has been initiated against me, the result of which unfortunately will be that the truth will not come out but rather will be buried and the public and the institutions will remain in the dark." It was maintained by Justice Siddiqui that instead of requiring him to prove his allegations through independent evidence his statement in those regards ought to be taken as sufficient proof of the allegations as he is "a sworn Justice of the Honorable High Court of Islamabad". He finally maintained in that reply that no Article of the Code of Conduct had been violated by him.

13. This Council met on 14.09.2018 and the following order was passed by it on that date:

"MIAN SAQIB NISAR, CHAIRMAN.- The Council has deliberated upon the speech made by the respondent-Judge and his two replies given pursuant to the show cause notice dated 31.7.2018 and has decided to further proceed with the matter. Thus a notice be issued to the learned Attorney General for Pakistan for conducting the reference. The respondent-Judge is also required to appear in person along with the counsel, if any, on the next date of hearing. Re-list on 1.10.2018."

14. On 01.10.2018 this Council met again and heard the learned Attorney-General for Pakistan, Justice Siddiqui appearing in person and his learned counsel at some length. The learned Attorney-General for Pakistan conducting the proceedings submitted that the stand taken by Justice Siddiqui in his replies to the show cause notice that in his speech made before the District

Bar Association, Rawalpindi on 21.07.2018 he had not targeted or criticized the judiciary of Pakistan but had only highlighted the interference made and the pressures exerted by the Pakistan Army in general and ISI in particular in the working of the judiciary at all levels and tiers was factually incorrect. The learned Attorney-General read out some specific portions of that speech made by Justice Siddiqui and pointed out that as a matter of fact it was the judiciary of Pakistan as a whole, both past and present, which was the prime target of Justice Siddiqui's criticism. He also maintained that the said speech was nothing but incitement to hatred against the superior judiciary of the country and the recorded response of the audience showed that Justice Siddiqui had succeeded in his endeavour. The learned Attorney-General also referred to Article 209 of the Constitution, the Code of Conduct issued by the Supreme Judicial Council and the Supreme Judicial Council Procedure of Enquiry 2005 to maintain that the Constitution has not provided any definition of the word 'misconduct' mentioned in Article 209 thereof and the meanings and scope of 'misconduct' have been left by the Constitution to the Supreme Judicial Council to determine. According to him the Code of Conduct issued by the Supreme Judicial Council not only contains some specific Articles referring to some particular traits and patterns of behavior expected of a Judge of the superior judiciary but in the Preamble to the Code of Conduct it has explicitly been clarified that through the conduct mentioned in the Articles of the Code "an attempt is made to indicate certain traditional requirements of behavior in the Judges of the Superior Courts, conducive to the achievement of a standard of justice worthy of the nation" and that the Code "imposes patterns of behavior, which are the hall-mark of distinction of a Judge among his fellow-men". This, according to him, clearly shows that the Code of Conduct is not exhaustive of the patterns of behavior expected of a Judge of the superior judiciary but all the "traditional requirements of behavior" of a Judge are also ingrained in the Code of Conduct even if not expressly mentioned. The learned Attorney-General pointed out that this aspect of the matter stands clarified by the Supreme

Judicial Council Procedure of Enquiry 2005 according to which "misconduct" includes not only conduct in disregard of the Code of Conduct but also "conduct unbecoming of a Judge". He concluded by submitting that through the speech made by him Justice Siddiqui, a Judge of a High Court, had publically questioned the independence and integrity of the Chief Justice of his own Court, the Supreme Court of Pakistan, the Judicial Commission of Pakistan and the Supreme Judicial Council besides publically criticizing different judgments of the Supreme Court and their authors and he had, thus, demonstrated conduct unbecoming of a Judge apart from disregarding many express provisions of different Articles of the Code of Conduct. As against that the learned counsel for Justice Siddiqui and Justice Siddiqui himself submitted that a Judge of a High Court addressing a Bar Association was not against the traditions. They repeatedly maintained that the intention of Justice Siddiqui was not to malign the judiciary but was only to expose ISI and its interference in the working of the judiciary. It was, however, acknowledged by them in black and white that the choice of words by Justice Siddiqui in the speech might not have been appropriate.

15. After hearing the learned Attorney-General for Pakistan and Justice Siddiqui and his learned counsel at great length the matter was adjourned by the Council to 08.10.2018 for deliberating upon the respective submissions and to determine the way forward keeping in view the peculiar circumstances of the matter at hand. The Council met again on 08.10.2018 and the entire matter was deliberated upon from diverse angles. It was pertinently observed by the Council that Article 209(5) of the Constitution of the Islamic Republic of Pakistan, 1973 authorizes the Supreme Judicial Council to inquire into conduct of a Judge of the Supreme Court of Pakistan or of a High Court upon a direction of the President of Pakistan or on the basis of an information received from any source or on its own motion and the Supreme Judicial Council Procedure of Enquiry 2005 prescribes the mode of conducting such an inquiry. In the case of Justice Shaukat Aziz Siddiqui and

others v. Federation of Pakistan through Secretary Law and Justice, Islamabad and others (PLD 2018 SC 538) the Supreme Judicial Council Procedure of Enquiry 2005 was held by the Supreme Court of Pakistan to be constitutionally valid and compliant with the universally accepted principles of due process. In the present matter the initial scrutiny of the information was conducted in terms of Paragraph No. 7 of the said Procedure of Enquiry, a discussion and inquiry into the information was undertaken in terms of Paragraph No. 8 of the Procedure of Enquiry, a decision was taken to proceed against Justice Siddiqui and a show cause notice was issued to him along with the supporting material calling upon him to explain his conduct and after receipt of his two replies the Council had met and had decided to proceed further with the matter in terms of Paragraph No. 9 of the Procedure of Enquiry and thereafter the Attorney-General for Pakistan was required to conduct the proceedings in terms of Paragraph No. 10 of the Procedure of Enquiry. After that stage of the proceedings the said Procedure of Enquiry remains silent regarding the procedure to be adopted or followed in a given inquiry and the Council is extended the necessary discretion to adopt any procedure which may be found by it to suit the requirements of the inquiry. Such discretion of the Council is manifestly explicit from the contents of Paragraph No. 8(7) of the Procedure of Enquiry according to which "Without prejudice to the foregoing, the Council shall have inherent powers to adopt any procedure specific to the enquiry which is considered by the Council to be just and proper in the circumstances." As the proceedings against Justice Siddiqui were based squarely upon making of the above mentioned speech by him and the multiple and pervasive allegations leveled by him therein, therefore, the Council formed a view that the issue before it was not as to whether the allegations levelled by Justice Siddiqui in his speech against the superior judiciary and some other judicial and other constitutional institutions of the country were correct or not but the question before the Council was whether a senior serving Judge of a High Court ought to have leveled such allegations at a public forum or not, particularly when his speech was being

covered by many television channels spreading his message and views far and wide. In the Council's view the mandate of the Council was to look into the propriety or otherwise of the conduct of Justice Siddiqui in making such a speech at a public forum and the issue as to why he did that or what were his intentions in doing that were not within the scope of the inquiry being conducted by the Council and, thus, it was for him to justify his conduct *vis-à-vis* leveling such allegations at a public forum. In that backdrop no need was felt by the Council to adopt any other procedure and to proceed with formation of its opinion in terms of Article 209(6) of the Constitution on the basis of the transcript of the relevant speech made by Justice Siddiqui, the show cause notice issued to him, his two replies to the show cause notice and the submissions made by the learned Attorney-General for Pakistan and Justice Siddiqui and his learned counsel before the Council on 01.10.2018.

16. Upon a detailed consideration of the submissions made before the Council by the learned Attorney-General for Pakistan and Justice Siddiqui and his learned counsel and after going through the entire material available on the record and inquiring into the matter we have formed an opinion but before expressing that opinion we would like to record the reasons on the basis of which we have formed our opinion.

17. In his speech delivered on 21.07.2018 Justice Siddiqui had spoken about a number of matters and had leveled serious allegations against various national institutions, most significantly the superior judiciary and some constitutionally created judicial fora of this country, at a forum which was public and his speech had received wide publicity in national as well as international print, electronic and social media. The allegations leveled by him had not been substantiated by him in his speech but in his replies to the show cause notice he had referred to some matters in an effort to substantiate some of such allegations and to justify his conduct. The allegations leveled by him, his substantiation of the

same and the justifications advanced by him are reproduced here in the sequence in which the allegations were made in his speech:

(i) **Denunciation of the judiciary of this country as a whole for being under siege and institutional capture:**

It was maintained by Justice Siddiqui in his speech that the country was in the grip of fear and repression today and for such environment four institutions were responsible. According to him those four institutions were the judiciary, the armed forces, the bureaucracy and the politicians and the judiciary's share of responsibility in that regard was fifty per cent.

He stated that the Bar and the Bench lived in the compound of the same house but a dacoity had already been committed in that compound and the compound had already come under the control of people wielding guns. He told the audience that their independence had been usurped and independence of the judiciary over which they took pride had already been compromised.

In his Preliminary Reply to the show cause notice he maintained that "Unfortunately, improper influence by elements within the Armed Forces over state institutions (including the judiciary) is nothing new in Pakistan, as it has been commonplace for over seven decades of our nation's history."

In the same reply he also maintained that "I have raised concerns regarding outside influences attempting to manipulate the judiciary".

In his Added Reply to the show cause notice he referred to some interviews given by a former Chief Justice of Pakistan Mr. Justice Dr. Nasim Hasan Shah and a former President of Pakistan General Pervez Musharraf stately containing some admissions of influence on the judiciary of this country in the past.

Except for the above mentioned two interviews given in the past and referred to out of context no instance was quoted by Justice Siddiqui in order to establish that the judiciary of this country as a whole was under any siege or an institutional capture at present. Wild and pervasive allegations were leveled by him against the entire judiciary of the country without appreciating that thousands of Judges at all levels of the judiciary are performing their duties and discharging their functions in every nook and corner of the country honestly, fairly and completely independently and Justice Siddiqui claims to be one of them. Throwing restraint and caution to the wind Justice Siddiqui had been reckless in his allegations in this regard and his public denunciation of the judiciary as a whole had the tendency of lowering the estimation of the public *vis-à-vis* all the honest, hardworking, just and independent Judges in the country.

(ii) Targeting and insulting some former Chief Justices of Pakistan by name:

In his speech Justice Siddiqui spoke of the former Chief Justice of Pakistan Mr. Justice Muhammad Munir in a language unfit for a gentleman and certainly not befitting and behoving a Judge of a High Court. He said that if Justice Munir had decided cases like those of Maulvi Tamiz-ud-Din and Dosso today people would have lynched him and would have thrown pieces of his flesh before crows to eat. He went on to say that people and students of law don't know till now how Justice Munir had played with Pakistan's destiny. He added that it was unfortunate that characters like Justice Munir resurrected at regular intervals, including the characters involved in the martyrdom of Zulfiqar Ali Bhutto, characters like Chief Justice of Pakistan Mr. Justice Irshad Hassan Khan, characters like Chief Justice of Pakistan Mr. Justice Sh. Riaz Ahmed and characters on the stage today. According to him they were all characters of the type of Justice Munir. He also stated that Justice Munir bartered away Pakistan's fate for becoming Minister for Law in General Ayub Khan's cabinet

and Justice Irshad Hassan Khan granted a certificate of legitimacy to General Pervez Musharraf for becoming Chief Election Commissioner for three years.

A Judge, and that too of a High Court, is expected to be quite circumspect and careful in his remarks about other Judges and judicial verdicts. The remarks made by Justice Siddiqui about the above mentioned former Chief Justices of Pakistan and about some judicial verdicts rendered by them could be based upon his personal views or analysis but he was not expected to voice the same at a public forum and in such a derogatory manner. In his speech as well as in his replies to the show cause notice Justice Siddiqui has failed to refer to any material in support of his allegations leveled against the said former Chief Justices of Pakistan. Expression of his subjective views, even if perceived by him to be correct or popular, is a thing to be avoided by a Judge at a public forum no matter how tempting it may appear to him. Some of the matters indirectly and obliquely referred to by Justice Siddiqui pertained to judicial decisions relating to constitutional and political developments in the country in the past and making of a comment on political matters falls in the forbidden zone for a Judge. While making the above mentioned remarks Justice Siddiqui had failed to appreciate that some of the Chief Justices mentioned by him had already passed away and they, thus, could not respond to his allegations. Failure on the part of Justice Siddiqui to exercise restraint and extend due deference to his seniors, both dead and alive, depicted a conduct unbecoming of a Judge.

(iii) Attempts to influence Justice Siddiqui:

In his speech Justice Siddiqui had said that he wanted to talk to the audience about the present situation and to share with the gathering some of his "personal experiences" but in the entire speech he did not divulge any specific personal experience except referring in general and vague terms, and very briefly, to some

unnamed quarters asking him to decide a particular matter in a particular manner and that he had refused to oblige. Even in his Preliminary Reply to the show cause notice he had failed to disclose any detail in that regard. It was through his Added Reply to the show cause notice that he had for the first time provided some details in respect of that assertion. According to the details provided by him one Brig. Irfan Ramay, statedly an officer working in the Inter-Services Intelligence (ISI), had met Justice Siddiqui at his residence in Islamabad on 27.06.2018 and one Major General Faiz Hameed, statedly DG-C, ISI, had also met him at his residence in Islamabad on 29.06.2018 and 19.07.2018 and those officers had tried to persuade Justice Siddiqui to decide particular cases in a particular manner which requests had statedly been spurned and not acceded to by Justice Siddiqui.

In his Added Reply to the show cause notice Justice Siddiqui had also referred to some abortive efforts made by some unnamed operatives to influence him during the hearing of cases pertaining to the Faizabad sit-in, BOL Media Group and Axact which efforts were termed by him as manipulation of the judiciary.

There is no independent confirmation available regarding the facts asserted by Justice Siddiqui in respect of the meetings and the conversations statedly taking place in such meetings. Even if what he had asserted were to be accepted as correct still many questions abeg answers. Why did he receive or entertain the army officers at his residence? Why did he allow such officers to discuss judicial matters with him? Why did he not proceed against them for committing contempt? Why did he not inform the Chief Justice of his Court in that regard? Why did he not take the Chief Justice of Pakistan into confidence in the matter? He instead chose to go public in that connection for which he was not advised well. Before launching a tirade against the entire judiciary of the country and proclaiming that the judiciary as a whole was under siege and institutional capture he did not appreciate that if he had refused to succumb to the stated pressure applied on him then others in the

judiciary could also be as steadfast and resolute in their independence as he had claimed for himself. It appears that in his desire for publicity of his own virtues he outran his discretion and in the process he tried to cut down the very branch on which he was himself perched.

(iv) ISI's involvement in manipulation of judicial proceedings:

In his speech Justice Siddiqui had also talked about ISI's involvement in manipulation of judicial proceedings and it was maintained by him that operatives of ISI reach different places and get Benches constituted and cases marked according to their own wishes. In his speech as well as in both his replies to the show cause notice Justice Siddiqui had completely failed to substantiate his allegations in that regard. No specific instance had been mentioned by him in that respect nor any material had been produced by him in support of such allegation. That allegation had, thus, remained a bald allegation *sans* any proof whatsoever. Before leveling such a serious allegation Justice Siddiqui did not appreciate that he was going to undermine independence of all the Chief Justices of various Courts in the country and tarnish their image in the mind of the populace at large. By leveling such a sweeping allegation at a public forum in the absence of any material to support it Justice Siddiqui had exposed his own lack of sagacity and restraint required of a Judge of a High Court.

(v) Allegations leveled against the Chief Justice, Islamabad High Court, Islamabad:

Justice Siddiqui had alleged in his speech that the Chief Justice, Islamabad High Court, Islamabad was approached by the operatives of ISI requiring him not to include Justice Siddiqui in the Bench which was to hear the case of Mian Muhammad Nawaz Sharif and his daughter because they did not want Mian Muhammad Nawaz Sharif and his daughter to come out of the

prison till holding of the general elections in the country. Justice Siddiqui had gone on to allege that the Chief Justice, Islamabad High Court, Islamabad had assured those operatives of ISI that he would constitute a Bench for that case with which they would feel at ease.

In his Preliminary Reply to the show cause notice Justice Siddiqui had maintained that "I felt the working and independence of the Islamabad High Court is under serious threat."

In his Added Reply to the show cause notice he had observed that "I have been excluded from Division Bench-1 since October 2017."

He had further stated in his Added Reply to the show cause notice that "So from the start of Panama Cases it was ensured that I must not be part of any DB, so that the Writ Petitions arising out of the Misc. Applications before the AC may not come before me, even inadvertently."

It was clearly mentioned by him in the Added Reply to the show cause notice that an official of ISI had told him that the Chief Justice, Islamabad High Court, Islamabad had been approached and he had assured that he would constitute a Bench with which ISI would be comfortable.

It was clear from Justice Siddiqui's own stand taken in his Added Reply to the show cause notice that the information about the Chief Justice, Islamabad High Court, Islamabad having been approached by the operatives of ISI and his stated assurance given to them was based upon nothing but an information supplied to Justice Siddiqui by an official of ISI. Justice Siddiqui ought to have been careful before relying upon such information and before defaming and degrading the Chief Justice of his own Court before the public at large on the basis of such unsubstantiated and unconfirmed information. In his letter dated 29.07.2018 written to

the Chairman of this Council the Chief Justice, Islamabad High Court, Islamabad had categorically denied and contradicted the above mentioned allegation of Justice Siddiqui in the following words:

"I do hereby categorically deny the allegations leveled by Mr. Siddiqui in his speech. No member of the agency/ISI had ever approached me or exerted any pressure for extending assurance for keeping the Ex-premier behind the bars till July 25, the Election Day.

I also categorically deny that the agency/ISI had ever approached or influenced me for constitution of any Bench for hearing appeal of the Former Prime Minister as alleged in the speech. The allegation of manipulation of judicial proceedings by the members of the Agency is baseless, false and concocted. During my entire career as Chief Justice IHC no such attempt was ever made.

Sir,

The constitution of Benches is prerogative of the Chief Justice and they are constituted in routine. I have performed my duties independently without any favour, fear or undue pressure throughout my tenure in accordance with Oath by following the Code of Conduct."

In his Added Reply to the show cause notice Justice Siddiqui had maintained that "As a sworn Justice of the Honorable High Court of Islamabad, the Respondent perceives that his statement with regard to these matters would suffice, however unfortunately that does not seem to be the case." If mere word of mouth of Justice Siddiqui were to be accepted as correct regarding such a factual allegation because he is a Judge of a High Court then, through the same logic, the written letter of the Chief Justice of the same Court denying and contradicting that allegation ought to carry more weight and acceptability.

The allegation leveled by Justice Siddiqui against the Chief Justice of his Court also indirectly cast an aspersion upon the Division Bench of the Islamabad High Court, Islamabad which was to hear the case of Mian Muhammad Nawaz Sharif and his daughter. The innuendo was that any Bench of that Court other than that of Justice Siddiqui was to be a Bench with which ISI was "comfortable" or "at ease". Imputing lack of honesty or

independence to his own brother Judges in the same Court, and that too publically, is by itself a misconduct warned against by the Code of Conduct in explicit terms.

(vi) Allegation leveled against the Supreme Court of Pakistan:

It appears that while making his speech Justice Siddiqui got carried away and did not even spare the Supreme Court of Pakistan. He said, by way of a passing remark, that he knew through whom messages were sent to the Supreme Court and who delivered them. It is pertinent to mention that in the remaining part of that speech as well as in his two replies to the show cause notice he had failed to make any further comment in that regard. The damage was, however, done. His passing remark made at that public forum contained a very serious allegation that the Supreme Court of Pakistan was not independent and its Judges were controlled by some outsiders. Nothing could be more damaging to the judicial system of a country than an allegation being leveled by a Judge of a High Court that the Apex Court of the country was controlled from outside. This was a damning indictment of the Supreme Court and of all its Judges without any disclosed basis for the same. Justice Siddiqui had leveled the said allegation against the Supreme Court and all its Judges and not against any individual Judge. Such recklessness and irresponsible conduct of a Judge of a High Court is not countenanced by any standard of judicial propriety and the Code of Conduct in this country is no exception in that regard.

(vii) Allegation that the proceedings of the Accountability Court-I, Islamabad were controlled:

In his speech Justice Siddiqui had stated that he knew where the proceedings of the Accountability Court were taken to on a daily basis. He was, in all likelihood and in the context of his other allegations, talking about proceedings of the Accountability

Court-I, Islamabad in the trial of Mian Muhammad Nawaz Sharif and others.

In his Added Reply to the show cause notice he alleged that a special cell had been established in Islamabad to monitor the daily proceedings of the Accountability Court and for discussions with the team and witnesses of the National Accountability Bureau.

In the same reply he had also alleged that the officials of ISI used to visit the Presiding Officer of the Accountability Court in his chamber.

In his speech and both the replies to the show cause notice Justice Siddiqui had failed to provide any detail about the said allegations leveled by him. He had remained contented with raising suspicions about transparency and fairness of the relevant trial and had not bothered to substantiate his allegations. Such conduct was unbecoming of a Judge of a Court which was later on likely to hear appeals of the parties against the final judgment of the trial court. Such unsubstantiated allegations of Justice Siddiqui had a tendency to prejudice the higher Courts in that case in advance which raised questions about his interest in the case. He had already lamented in the same speech about his exclusion from a Division Bench of the Islamabad High Court, Islamabad which was to hear the miscellaneous matters arising in that case during the trial.

(viii) Allegation regarding removal of administrative control of the Islamabad High Court, Islamabad over the Accountability Court:

Justice Siddiqui had claimed in his speech that he knew the reason why the statutorily required administrative control of the Islamabad High Court, Islamabad over the Accountability Courts in Islamabad had been removed. He had gone on to claim that the control was removed so that no Judge of the Islamabad High

Court, Islamabad could supervise or monitor the proceedings of the Accountability Court conducting trial of Mian Muhammad Nawaz Sharif and his daughter.

In the remaining part of his speech and also in his replies to the show cause notice he had said nothing on the subject. His interest in the relevant criminal case was, however, obvious and apparent from his speech and his taking interest in that case at a stage when it was yet to reach the High Court of which he is a Judge is sufficient to raise an eyebrow reflecting upon his impartiality and conduct.

(ix) Independence of the Supreme Judicial Council doubted and motives attributed to it:

Justice Siddiqui had claimed in his speech that he was told by an official of ISI that if he could give an assurance that the decision of Mian Muhammad Nawaz Sharif's case would be rendered by the Islamabad High Court, Islamabad according to the wishes of ISI then ISI would get the references pending against Justice Siddiqui before the Supreme Judicial Council finished.

In his Preliminary Reply to the show cause notice he had observed that "I will be silenced and victimized. I have been told that plans are afoot to remove me from the judiciary for having spoken out thus."

In the same reply he had gone on to state that "Since I have raised concerns regarding outside influences attempting to manipulate the judiciary, I have been hounded with references and Show Cause Notices, all with the ulterior motive of silencing or removing me from the Bench."

In his Added Reply to the show cause notice he had alleged that "the Council is looking to punish and silence me for speaking out on what I have seen and witnessed."

In the same reply he had added that "Rather a pre-meditated inquiry has been initiated against me".

It is unfortunate that Justice Siddiqui had chosen to believe what was statedly told to him by an official of ISI regarding ISI having control over the fate of any reference pending against a Judge before the Supreme Judicial Council. It is sad that instead of believing in the independence of the most senior Judges of the country manning the Supreme Judicial Council Justice Siddiqui had opted to believe an official of ISI who had statedly met and tried to allure him and it is sadder that Justice Siddiqui had gone public with such newfound but totally unsubstantiated information. As a Judge of a High Court he was expected to be more discerning and circumspect.

According to the Code of Conduct a Judge is expected to be very careful with his words. The words "hounded with references" and "ulterior motive" used by Justice Siddiqui in his Preliminary Reply to the show cause notice were most inappropriate and the same could have been avoided by him, particularly when the Supreme Judicial Council comprises of not just the Chief Justice of Pakistan but also of two most senior Judges of the Supreme Court and two of the most senior Chief Justices of the High Courts against whom Justice Siddiqui had not voiced any grievance whatsoever.

(x) Assurance regarding appointment as Chief Justice of the Islamabad High Court, Islamabad:

Justice Siddiqui had claimed in his speech that he was told by an official of ISI that if a particular case was decided by him in a particular manner in accordance with the wishes of ISI then he would be made Chief Justice of the Islamabad High Court, Islamabad in the month of September instead of November.

The stated allurement was allegedly provided to Justice Siddiqui in a meeting regarding which there was no independent proof. The apparent willingness or readiness of Justice Siddiqui to believe anything which was statedly told to him by an official of ISI has been found by us to be surprising as well as disturbing. A Judge of a High Court is expected to be wise and not fickle of understanding and he is not expected to accept any threat or inducement as real or correct at its face value and then to rush to the public with an announcement. Appointment of a Chief Justice of a High Court is made after a recommendation by the Judicial Commission of Pakistan and an approval by a bipartisan Parliamentary Committee. Justice Siddiqui's understanding that an intelligence agency in the country was strong and powerful enough to influence majority of the members of the said two constitutional bodies has appeared to us to be naïve, to say the least. A Judge so apprehensive of the influence or power of an intelligence agency or conceding the same to the agency demonstrates a weakness in his character rather than strength and this aspect raises many questions.

(xi) Allegation regarding the media succumbing to pressure:

It was also observed by Justice Siddiqui in his speech that the media had also kneeled down before pressure; the media was shy of speaking the truth because of the temptation of getting advertisements and because of its own interests and benefits; and the media also received tweets and directions regarding what to release and what not to release and such directions were received by it from the ISPR.

We note that all this was said by Justice Siddiqui on the basis of his own perceptions and understanding of the current affairs and no basis for holding such views was disclosed by him either in his speech or in the replies to the show cause notice filed by him. A Judge of a High Court is expected to be very careful in the matter of expressing his subjective opinions and this is more

so in matters pertaining to public and private institutions, organizations and concerns like the media, etc..

18. It is clear from the discussion made above that except for a few specific instances where Justice Siddiqui had statedly met some officials or operatives of ISI at his residence in Islamabad no other specific detail or information was provided by him regarding any other allegation leveled by him. All the other allegations leveled by him were couched in generalized and unspecific terms and such allegations were based essentially upon his subjective and personal views about working of some institutions. As already observed above, there is no independent confirmation available regarding the facts asserted by Justice Siddiqui even in respect of his stated meetings with some officials or operatives of ISI and in respect of the conversations statedly taking place during such meetings. In order to make up for such deficiency of material in support of his allegations Justice Siddiqui had stated in his Added Reply to the show cause notice that "As a sworn Justice of the Honorable High Court of Islamabad, the Respondent perceives that his statement with regard to these matters would suffice, however unfortunately that does not seem to be the case." In his Preliminary Reply to the show cause notice he had stated that he spoke out "against wrongs to the judiciary workings and processes which have come within my knowledge as a judge of the Islamabad High Court". In his Added Reply to the show cause notice he maintained that he addressed his parent Bar Association "regarding matters concerning the independence of the judiciary that have come within my knowledge". In the same reply he had further maintained that "the disclosures I have made are based on honest belief and experience. They relate to matters, which have come within my personal knowledge as a judge of the Islamabad High Court". He had also stated in the same reply that "the Council is looking to punish and silence me for speaking out on what I have seen and witnessed." He had further stated in the said reply that "the disclosures that I have made in my speech 21.07.2018 in front of the Rawalpindi bar are based on first-hand knowledge as a

judge of the Islamabad High Court." In the same reply he had added that "The undersigned has first-hand knowledge from what he was seen and heard." He might have had personal knowledge about his stated meetings and conversations with some officials or operatives of ISI, for which there was no independent confirmation, but he could not, and did not, have personal or first-hand knowledge about the remaining allegations leveled by him which allegations were based upon nothing but private perceptions, speculations, conjectures and hearsay all of which fields he ought to have avoided entering while speaking at a public forum in his capacity as a Judge.

19. Invocation of Articles 19 and 19A of the Constitution of the Islamic Republic of Pakistan, 1973 by Justice Siddiqui in his defence has appeared to us to be misplaced and misconceived. The freedom of speech guaranteed by Article 19 of the Constitution is not without conditions. The oath made by a Judge of a High Court under Article 194 of the Constitution before entering upon his office binds him to abide by the Code of Conduct issued by the Supreme Judicial Council which Code, apart from some specified requirements mentioned therein, requires him, *inter alia*, to abide by "certain traditional requirements of behavior in the Judges of the Superior Courts". Traditionally Judges do not speak out publicly criticizing Judges and Courts superior in hierarchy and constitutional institutions, both judicial and others, are never targeted by them openly. In the case of Malik Shaukat Ali Dogar and 12 others v. Ghulam Qasim Khan Khakwani and others (PLD 1994 SC 281) the Supreme Court of Pakistan had held as follows:

"10. The learned judge seized of the case is ordinarily free to form his own views about the prevailing evils in the country and to suggest his own remedies but it is of utmost importance that in the process widespread, general, non-specific condemnation of the established institutions should not take place, nor should individuals be targeted, or a feeling of despondency or helplessness aggravated from such a level and such a quarter which is looked upon for its balance, restraint, wisdom, ability to guide and control."

If such restraints are traditionally applicable to Judges even during judicial proceedings then the same apply with greater force to their utterances in public. Apart from that the Constitution itself provides for removal of a Judge under certain conditions and the Code of Conduct is meant to ensure that a Judge's freedoms as a citizen are kept within certain "disciplines". In his replies to the show cause notice Justice Siddiqui had repeatedly referred to the former Chief Justice of Pakistan Mr. Justice Iftikhar Muhammad Chaudhry addressing various Bar Associations during what is popularly known as the Lawyers' Movement (2007-2009) but, as confirmed by the learned counsel for Justice Siddiqui before us, on all such occasions his lordship had remained circumspect and had not targeted any judicial or constitutional institution at all. Apart from that during that movement his lordship was temporarily and *de facto* out of his lordship's office. Article 19A of the Constitution deals with a citizen's right to have access to information but such right does not extend to compelling a Judge of a High Court to divulge in public his personal views and perceptions regarding the higher judiciary of the country or in respect of some other constitutional institutions.

20. In his replies to the show cause notice Justice Siddiqui had attributed bias to the Chief Justice of Pakistan who is the Chairman of this Council and such attribution was based merely upon some observations made by the Chief Justice in the Supreme Court in response to the reported observations of Justice Siddiqui in respect of the superior judiciary of Pakistan being under a siege and institutional capture. The Chief Justice of Pakistan had clarified in the Court that the judiciary of Pakistan was absolutely independent of any extraneous influence and was not under any siege or institutional capture. Those observations made by the Chairman in his judicial capacity as the Chief Justice of Pakistan cannot be made a basis for attributing bias to the Chairman with any degree of seriousness. As the head of the judiciary of Pakistan the Chief Justice of Pakistan had made that clarification so as to reinforce confidence of the people of the country in the institution

of judiciary which confidence Justice Siddiqui's speech had, a tendency to erode.

21. The precedent cases referred to by Justice Siddiqui in his replies to the show cause notice and cited before the Council have been found by us to be clearly distinguishable from the present matter. Those cases pertain to different countries and jurisdictions and the Codes of Conduct for the Judges of those countries, if any, have not been produced before us to show whether the relevant comments made by the relevant Judges were offensive to the same or not, which is the case here. Apart from that in all those cases some fault within the judicial system or within the court administration had been spoken about publically by the relevant Judge which was found to be justified. In none of those cases widespread denunciation of the judiciary as a whole was made by the concerned Judge, no derogatory remark was made against former Chief Justices of the country, no judicial verdicts of the highest court of the country were criticized, no allegation had been leveled against any constitutional institution, no allegation regarding abdication of administrative powers had been leveled against the Chief Justice of the same court, no allegation had been leveled against the highest court of the country regarding receiving dictation from outsiders, no allegation was leveled regarding control of a trial court from outside, no allegation had been leveled regarding removal of administrative control of a superior court over a court inferior in hierarchy, no allegation of ulterior motives had been leveled against the highest constitutional body of judicial accountability, no manipulation of the process of judicial appointments was alleged and no allegation had been leveled in those cases against the media of the country. Those precedent cases might have had some relevance to the case of Justice Siddiqui if he had, as a last resort, spoken out publically about some administrative or other difficulties being faced by him in holding his own Court but that is not the case here. In the present matter he had spoken out publically against many institutions and

individuals while professing and propagating his own self-righteousness at the cost of others.

22. Choosing a public forum for voicing his personal and subjective views and opinions Justice Siddiqui had denounced the judiciary of this country as a whole; he had targeted some former Chief Justices of Pakistan by name and had used offensive language to criticize their verdicts and conduct; he had admitted receiving and entertaining some officials and operatives of an intelligence agency at his residence and discussing pending judicial matters with them without disclosing it to his superiors in the judiciary; he had leveled allegations of exerting of undue influence upon him by some officials and operatives of an intelligence agency without substantiating the said allegations and without taking any action against them; it was alleged by him that the entire judicial process was manipulated by an intelligence agency but he could not substantiate that allegation; he had alleged that the administrative powers of the Chief Justice of his Court were exercised by the Chief Justice at the bidding of an intelligence agency which allegation was squarely denied and contradicted by the Chief Justice; he had alleged that the Supreme Court of Pakistan was receiving messages from outside and was, thus, acting upon dictation of outsiders; he had alleged that a particular trial before an Accountability Court was being monitored and controlled by an intelligence agency; it was alleged by him that the administrative control of the Islamabad High Court over the Accountability Court had been removed with *mala fide*; he had alleged that the most senior Judges in the country manning the Supreme Judicial Council could be manipulated by an intelligence agency to procure desired results of references against Judges; it was alleged by him that he was being hounded by the Supreme Judicial Council with references and the same was being done with ulterior motives; he had alleged that the Judicial Commission of Pakistan and the Parliamentary Committee could be manipulated by an intelligence agency to procure his appointment as Chief Justice of the Islamabad High Court, Islamabad before time; and

he had also alleged that the media in the country had succumbed to extraneous pressure. By leveling all such allegations publically without substantiating the same Justice Siddiqui had violated many Articles of the Code of Conduct issued by this Council under the mandate of Article 209(8) of the Constitution. According to Article-II of the Code of Conduct a Judge should be "abstemious, truthful of tongue, wise in opinion, cautious and forbearing" and "always preserving calmness, balance and complete detachment". According to Article-III of the Code of Conduct "To be above reproach, and for this purpose to keep his conduct in all things, official and private, free from impropriety is expected of a Judge." Article-V of the Code of Conduct mandates that "Functioning as he does in full view of the public, a Judge gets thereby all the publicity that is good for him. He should not seek more. In particular, he should not engage in any public controversy, least of all on a political question, notwithstanding that it involves a question of law." Article-IX of the Code of Conduct requires that "In his judicial work, and his relations with other Judges, a Judge should act always for the maintenance of harmony within his own Court, as well as among all Courts and for the integrity of the institution of justice. Disagreement with the opinion of any Judge, whether of equal or of inferior status, should invariably be expressed in terms of courtesy and restraint." It may be pertinent to mention here that the opening part of the Code of Conduct, the Preamble, reads as follows:

"The prime duty of a Judge as an individual is to present before the public an image of justice of the nation. As a member of the court, that duty is brought within the disciplines appropriate to a corporate body.

The Constitution, by declaring that all authority exercisable by the people is a sacred trust from Almighty Allah, makes it plain that the justice of this nation is of Divine origin. It connotes full implementation of the high principles, which are woven into the Constitution, as well as the universal requirements of natural justice. The oath of a Judge implies complete submission to the Constitution, and under the Constitution to the law. Subject to these governing obligations, his function of interpretation and application of the Constitution and the law is to be discharged for the maintenance of the Rule of Law over the whole range of human activities within the nation.

To be a living embodiment of these powers, functions, and obligations calls for possession of the highest qualities of intellect and character. Equally, it imposes patterns of behavior, which are the hall-mark of distinction of a Judge among his fellow-men.

In this Code, an attempt is made to indicate certain traditional requirements of behavior in the Judges of the Superior Courts, conducive to the achievement of a standard of justice worthy of a nation."

(underlining has been supplied for emphasis)

We have found the learned Attorney-General to be quite correct in submitting that it has been made obvious by the Code of Conduct itself that the Code is not exhaustive of the traits and patterns of behavior of a Judge of the superior judiciary and it only indicates certain traditional requirements of behavior in the Judges of the superior courts conducive to the achievement of a standard of justice worthy of the nation. The Code of Conduct insists upon the highest qualities of intellect and character and speaks of patterns of behavior which are the hallmark of distinction of a Judge among his fellowmen. It may not be possible to lay down an exhaustive list of such qualities or behavior and that is why the Code of Conduct only makes an "attempt" "to indicate certain traditional requirements of behavior" leaving it to the Supreme Judicial Council comprising of the most senior and experienced Judges in the country to consider whether an alleged conduct of a Judge is offensive to the qualities and behavior traditionally expected of a Judge or not. When the Supreme Court of Pakistan had observed in the case of *Malik Shaukat Ali Dogar (supra)* that "The learned judge seized of the case is ordinarily free to form his own views about the prevailing evils in the country and to suggest his own remedies but it is of utmost importance that in the process widespread, general, non-specific condemnation of the established institutions should not take place, nor should individuals be targeted, or a feeling of despondency or helplessness aggravated from such a level and such a quarter which is looked upon for its balance, restraint, wisdom, ability to guide and control" it had not based its observations on any statutory requirement or any specific Article in the Code of Conduct but had relied upon the "traditional requirements of behavior" expected of a Judge of a superior court.

For the reasons recorded above we have felt convinced that in the matter of making his speech before the District Bar Association, Rawalpindi on 21.07.2018 Justice Siddiqui had not only violated some express provisions of the Code of Conduct but he had also displayed conduct unbecoming of a Judge and had violated the traditional requirements of behavior expected of a Judge of a superior Court.

OPINION

This Council is unanimously of the opinion that in the matter of making his speech before the District Bar Association, Rawalpindi on 21.07.2018 Mr. Justice Shaukat Aziz Siddiqui, Judge, Islamabad High Court, Islamabad had displayed conduct unbecoming of a Judge of a High Court and was, thus, guilty of misconduct and he is, therefore, liable to be removed from his office under Article 209(6) of the Constitution of the Islamic Republic of Pakistan, 1973.

Sd/-
HCJP/Chairman

Sd/-
Hon'ble Member-I

Sd/-
Hon'ble Member-II

Sd/-
Hon'ble Member-III

Sd/-
Hon'ble Member-IV

Islamabad.

October 11, 2018