

Yahya Afridi, J.- Invoking the original jurisdiction of this Court vested under Article 184(3) of the Constitution of Islamic Republic of Pakistan, 1973 (“**Constitution**”), and that too, on a *suo motu* motion, should be scarcely exercised. This caution of judicial restraint should be further guarded when the matter for determination is inquisitorial, requiring a factual probe before a definite declaration, and/or, direction is rendered by this Court.

2. In the instant matter, none can doubt the *bone fide* of invoking the *suo motu* jurisdiction under Article 184(3) of the Constitution. However, when the letter of the six worthy Judges of the Islamabad High Court craves for formulating the administrative course of conduct for serving judges to not only address any intrusion of the executive in their judicial functions, but more importantly, their mode and manner of interaction with the executive, to judicially proceed in the present proceedings would surely lead to an adverse spectacle – a sight I seriously urge should be avoided.

3. To proceed on the proposed action of *suo motu* would negate the lessons we have learnt from our recent judicial precedents and, thus, we must not be moved into action by public sentiments no matter how pressing the issue may appear.

4. One must also not ignore that the High Courts under the Constitution are independent establishments, envisaged to regulate not only their administrative functions, but also provide security to and safeguard judicial officers in their discharge of judicial functions. Law on the matter is already in the field. The inaction on the part of the Chief Justice or the Judges of the High Court not to exercise the jurisdiction and powers vested in him or them, should not lead this Court to super-impose the exercise of its jurisdiction under Article 184(3) of the Constitution. This may affect the functioning of the worthy Chief

Justices and worthy Judges of the High Courts, and would to my mind amount to interference in the independence of the High Courts.

5. Given the above, none can dispute that the anxiety of the six worthy Judges of the Islamabad High Court raised in their letter dated 25.03.2024 addressed to the Supreme Judicial Council, most certainly warrants positive consideration, *inter alia*, for inserting appropriate provisions to regulate the interaction of judges with the executive and the remedial response of the judiciary to any attempt or actual interference in its judicial functions in the Code of Conduct of Judges of the superior judiciary, as provided under Article 209(8) of the Constitution.

6. And thus, I respectfully recuse myself from the bench hearing the present *suo motu* proceedings.

Judge