

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

**Present:**

Justice Qazi Faez Isa, CJ  
Justice Amin-ud-Din Khan  
Justice Jamal Khan Mandokhail  
Justice Athar Minallah  
Justice Syed Hasan Azhar Rizvi

**Intra Court Appeals No. 2, 3 and 4 of 2023**

**In**

**Constitution Petition No. 21 of 2022**

**AND**

**CMA No. 9264/2023 in ICA No. 02 of 2023**

*Islamic Republic of Pakistan through Secretary M/o  
Law and Justice, Govt. of Pakistan, Islamabad.*  
(in ICA No. 2/2023)

*Zuhair Ahmed Siddiqui.*  
(in ICA No. 3/2023)

*Muhammad Zahid Imran and another.*  
(in ICA No. 4/2023)

... Appellants/Applicant

**Versus**

*Imran Ahmed Khan Niazi and others.*  
(in ICA Nos. 2 and 3/2023)

*Federation of Pakistan through Secretary, Law and  
Justice Division, Islamabad and another.*  
(in ICA No. 4/2023)

... Respondents

For the Appellant:  
(in ICA No. 2/23)

Mr. M. Makhdoom Ali Khan, Sr. ASC.  
Mr. Saad Mumtaz Hashmi, ASC.  
Mr. Anis Muhammad Shahzad, AOR.

For the Appellant:  
(in ICA No. 3/23)

Mr. Farooq H. Naek, Sr. ASC.

For the Appellants:  
(in ICA No. 4/23)

Nemo.

Respondent No. 1 & 3:  
(In ICA Nos. 2, 3 & 4/23)

Mr. Imran Ahmed Khan Niazi, In-person.  
(Through video-link from Central Jail Rawalpindi)

On Court's Notice:

Khawaja Haris Ahmad, Sr. ASC.

For the Federation:

Mr. Mansoor Usman Awan,  
Attorney-General for Pakistan.  
Ch. Aamir Rehman,  
Additional Attorney-General for Pakistan.

	Malik Javed Iqbal, Additional Attorney-General for Pakistan. Ahmed-ur-Rehman, Adv. Saad Javid Satti, Adv. Maryam Rasheed, Adv.
For the NAB:	Ch. Mumtaz Yousaf, Additional Prosecutor-General, NAB. Mr. Nasir Mehmood Mughal, Deputy Prosecutor-General, NAB.
For Islamabad Capital Territory:	Mr. Ayyaz Shaukat, Advocate-General, Islamabad.
For Govt. of Sindh:	Mr. Jawad Dero, Additional Advocate-General, Sindh.
For Govt. of KP:	Mr. Shah Faisal, Advocate-General, KP.
For Govt. of Punjab:	Mr. Khalid Ishaq, Advocate-General, Punjab. Mr. Waseem Mumtaz Malik, Additional Advocate-General, Punjab.
For Govt. of Balochistan:	Mr. Muhammad Ayaz Swati, Additional Advocate-General, Balochistan.
Dates of Hearing:	30.05.2024.

**ORDER**

**CMA No. 5172/2024**

1. Through this application it is prayed by the learned Advocate-General of Khyber Pakhtunkhwa that these court proceedings be live-streamed. The only reason given in support of the application is that the '*non live showing of only the above mentioned case amongst others is discrimination*'. However, the reason is factually incorrect because only a very few cases have been/are live-streamed. There are also instances of cases which were initially live streamed but in the interest of justice it was discontinued. The application also does not cite any law in its support. The learned Advocate-General surely must know that Article 25 of the Constitution stipulates that *all citizens are equal before the law and are entitled to equal protection of law*, but the application does not say how the Government of Khyber Pakhtunkhwa is being denied equality or *equal protection of law*. Therefore,

on this ground alone the said application could be dismissed, but we did not do so and have decided it on merits.

2. A proper consideration of the request necessitates context. *Vide* order dated 13 April 2021 (passed as CMA No. 1243/2021 in CRP No. 296/2020) this Court had held that:

‘...right of the people to have access to information in matters of public importance under Article 19-A of the Constitution is recognized, the details and modalities of which are to be decided by the Full Court on the administrative side’.

3. A Full-Court Meeting was held on 18 September 2023 in which it was decided, by majority, that:

‘It was resolved that a pilot project may be started with telecasting cases fixed before the Full Court Bench today, that is, regarding the Supreme Court (Practice and Procedure) Act, 2023 and it must be telecast live, to assess the short comings and to formulate modalities in an effective manner.’

‘A Committee comprising of Hon’ble Justice Muhammad Ali Mazhar and Hon’ble Justice Athar Minallah was also constituted to consider future telecast/streaming and work out the modalities regarding telecast/streaming of other Court cases in the shortest possible time.’

4. Subsequently, Office Order No. F.1/17/2009(201)-SCA dated 18 October 2023 was issued, which is reproduced hereunder:

‘The Full Court in its meeting held on 18.09.2023 constituted a Committee comprising Hon’ble Justice Muhammad Ali Mazhar and Hon’ble Justice Athar Minallah to consider future telecast/live streaming and to work out the modalities regarding telecast/streaming of the Court hearings

2. This issues with the approval of the Hon’ble Chief Justice of Pakistan.’

The Committee’s report dated 16 October 2023 attended to the technical aspects of the matter, and concluded by stating that ‘*We can also frame the Rules or SOPs to be followed*’ with regard to live streaming, but this has not yet been done.

5. For the first time in its history, on 18 September 2023, the proceedings of the Supreme Court were live broadcast and then live-

streamed. Thereafter, from time to time, matters which were considered to be of public interest were live-streamed; 40 hearings have so far been live-streamed. This initiative was taken to provide to the general public and lawyers throughout Pakistan direct access to the courtroom in respect of matters of public interest. The objective was manifold, including: educational, openness and transparency, forestalling misreporting or one-sided reporting, facilitating lawyers on how best to articulate their propositions, how to effectively conduct cases and how to behave in the courtroom.

6. However, in live-streaming cases there is always a possibility that the facility may be misused or exploited for ulterior or personal purposes. There is also the possibility of grandstanding while the nation watches. This Court must be vigilant against such misuse and/or exploitation.

7. Mr. Imran Ahmed Khan Niazi (**Mr. Niazi**) filed a constitutional petition (CP No. 21/2022) directly in the Supreme Court, under Article 184(3) of the Constitution of the Islamic Republic of Pakistan. Mr. Niazi had engaged the services of Mr. Muhammad Amir Malik as his Advocate-on-Record and a large number of lawyers represented him<sup>1</sup> in CP No. 21/2022; Senior Advocate Khawaja Haris Ahmad was his lead counsel.

8. 53 hearings of CP No. 21/2022 were held and, as per the record, Mr. Niazi did not personally attend a single hearing. And, neither he, the Government of Khyber Pakhtunkhwa nor any other party requested to live broadcast/stream the hearings.

9. Against the Judgment dated 15 September 2023 passed in CP No. 21/2022 two intra court appeals were filed (ICA Nos. 2 and 3 of 2023). Notices of the appeals were served on Mr. Niazi through the Jail Superintendent since he is incarcerated. Mr. Niazi submitted that he will represent himself. Therefore, directions were issued to connect him to this Court through video-link, which was done. On 30 May 2024 Mr. Niazi requested access to counsel and that he wanted to consult with Senior Advocate Khawaja Haris Ahmad. We directed that whenever the said

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<sup>1</sup> The following advocates of the Supreme Court: (1) Mr. Khawaja Haris, (2) Dr. Yaser Aman Khan, (3) Mr. Ahmad Rauf, (4) Mr. Sher Afghan, (5) Mr. M. Zubair Khalid, and the following advocates: (6) Kh. Issam Bin Harris, (7) Ms. Faiza Asad, (8) Mr. Sameer Khosa, (9) Mr. Bahadur Ali Bukhari, (10) Ms. Zainab Ch., (11) Ms. Maleeka Ali Bukhari, (12) Mr. Hashim Butt and (13) Mr. Shoaib Ilyas.

learned Senior Advocate wants to, he, along with two other lawyers, may meet Mr. Niazi with regard to these appeals. Therefore, since Mr. Niazi is now represented he need not be provided video-link facility, however, this facility is being continued.

10. The Government of Khyber Pakhtunkhwa was not arrayed by Mr. Niazi as a party in CP No. 21/2022, nor did it seek to be arrayed as a party. And, it did not participate in a single hearing. Since it was not a party in CP No. 21/2022 the Government of Khyber Pakhtunkhwa was not arrayed as a party in these appeals.

11. The public has shown little or no interest in the matter of whether the amendments made to the National Accountability Ordinance, 1999 are sustainable on the constitutional plane, nonetheless this Court, on its own volition was live-streaming the hearing of these appeals.

12. However, when the head of a political party wants to be heard, who is not an Advocate of this Court, there is a real probability that these hearings may be used for political purposes and point scoring and in respect of matters which do not concern these appeals. This was a paramount consideration when we had dismissed the application. And, our apprehension proved correct later in the day. When Mr. Niazi addressed this Court on (30 May 2024) he also mentioned other cases, the general elections held on 8 February 2023, a commission of inquiry and his incarceration; all these matters have nothing to do with the subject matter of these appeals. This cannot be permitted as it would thwart the proper administration of justice. Commenting on matters not under consideration may affect public perception. The rights of those who are not before us, including their fundamental right to *fair trial and due process* may also be affected.

13. The application, in addition to being not maintainable, has no merit. Surprisingly, the learned Advocate-General has also not stated why the sudden interest, or desire, for live-streaming, when his Government did not join the hearings of CP No. 21/2022, let alone make a similar request when this Court was hearing the petition. Considerable time of this Court was unnecessarily taken by attending to this application, which for the stated reasons is dismissed.

14. In conclusion, we would like to add that while a request to live broadcast or live-stream may be submitted, and may also be objected to, it is clarified that this, as matters presently stand, is in the exclusive domain of this Court.

Chief Justice

Judge

Judge

Judge

(Justice Athar Minallah dissented)

Islamabad  
1 June 2024

Approved for Reporting