

**IN THE SUPREME COURT OF PAKISTAN**  
(Original/Advisory Jurisdiction)

**PRESENT:**

Mr. Justice Umar Ata Bandial, CJ  
Mr. Justice Munib Akhtar

**CONSTITUTION PETITION NO.2 OF 2022**

(Re: restraining Political Parties from holding Public Meetings in  
Islamabad before Voting on No-confidence Motion)

**REFERENCE NO.1 OF 2022**

(Reference by the President of Islamic Republic of Pakistan  
under Article 186 of the Constitution, seeking interpretation  
of Article 63-A of the Constitution)

Supreme Court Bar Association of Pakistan  
through its President

**...Petitioner(s)**

**Versus**

Federation of Pakistan through  
M/o Interior Islamabad and others

**...Respondent(s)**

- |  |   |  |
|--|---|--|
| For the Petitioner(s)<br>(in Const.P.2/2022) | : | Mr. Mansoor Usman Awan, ASC.<br>with Mr. Anees M.Shahzad, AOR<br>a/w Mr. Ahsan Bhoon, ASC, Sardar<br>Akbar Ali Dogar, ASC, Mr. Qamar<br>Sabzwari, ASC, Mr. Azam Nazeer Tarrar,<br>ASC, Syed Qalb-e-Hassan, ASC and<br>Raja Shafqat Abbasi, ASC |
| For Federation of Pak                        | : | Mr. Khalid Javed Khan,<br>Attorney General for Pakistan.<br>Mr. Sohail Mehmood, Addl. A.G.<br>Mr. Muhammad Ayub, Addl. Secy<br>Interior<br>Ahsan Younas, IGP Islamabad   |
| For Govt. of Sindh                           | : | Mr. Salman Talib-ud-Din, A.G. Sindh<br>(Thr. Video-link, Karachi)<br>Mr. Fauzi Zafar, Addl. A.G. Sindh   |
| For PTI                                      | : | Mr. Ali Zafar, ASC   |
| For PMLN and<br>opposition leader            | : | Mr. Makhdoom Ali Khan, Sr. ASC<br>a/w Mr. Saad M.Hashmi, Adv.,<br>Mr. Sarmad Hani, Advocate and<br>Mian Shehbaz Sharif   |
| For PPPP                                     | : | Mr. Farooq H. Naek, Sr. ASC a/w<br>Mr. Bilawal Bhutto Zardari  |

For JUI(F) : Mr. Kamran Murtaza, Sr. ASC a/w  
Maulana Fazal ur Rehman

For BNP(M) : Mr. Mustafa Ramday, ASC a/w  
Mr. Akhtar Mengal

For ANP : Ameer Haider Hoti

For National Assembly : Mr. Abdul Latif Yousafzai, ASC a/w  
Mr. Tahir Hussain, Secretary,  
Mr. Muhammad Mushtaq, Addl. Secy.

For I.C.T. : Mr. Niazullah Khan Niazi, A.G.  
Islamabad

Date of Hearing : 21.03.2022

### **ORDER**

We have heard learned counsel for the Petitioner SCBA in CP 2/2022, the learned Attorney General for Pakistan, the learned Advocates General for Sindh and Islamabad and learned counsel appearing for the various political parties.

2. As earlier directed the IG Police, Islamabad has filed a report in relation to the incident at the Sindh House. We have been apprised of the strict measures being taken to avoid any repetition of such an incident anywhere in the Red Zone in relation to the moving and voting upon of the no confidence motion. The IG states that the FIR already registered will be vigorously pursued in accordance with law. The learned Advocate General Sindh has expressed strong reservations as to the FIR and desires for the Province's version to be put on the record. The learned Advocate General Islamabad assures us that any representation made by the Province through the learned Advocate General will be dealt with in accordance with law. It is directed that the concerns expressed by the learned Advocate General Sindh must be addressed and action taken in accordance with law.

3. Learned counsel for SCBA as also learned counsel appearing for the political parties as have filed the no confidence resolution have expressed strong reservations and concerns that the Speaker has summoned the session of the National Assembly requisitioned by said parties for 25.03.2022, which is beyond the stipulated 14 days period. Our attention has been drawn to order issued by the Speaker in this regard. We are not inclined to take up this matter as it is collateral to the questions of constitutional interpretation raised before the Court not only in terms of CP 2/2022 but also the Reference filed by the President today in terms of Article 186 (Reference 1/2022). In any event, for such matters the Constitution envisages a remedy before Parliament itself.

4. We have also gone through the various reliefs sought in CP 2/2022. With reference to the first four reliefs the learned Attorney General has made a categorical statement before the Court that the Federal Government shall not in any manner hinder or obstruct, or interfere with, any members of the National Assembly (including those of PTI) who wish to attend the session summoned as above, and to participate in, and cast their votes, on the no confidence resolution. It is so noted. With regard to the fifth relief, that in our view is linked to the questions referred to this Court by the President. The two matters will therefore be heard together. For this purpose notice is issued to the petitioner SCBA in CP 2/2022. Notices are also issued in relation to the Reference to the political parties who are before us in terms of our previous order. (All notices are issued through learned counsel appearing on their behalf.) While no notices are being issued formally to those political parties as are allied to PTI (and with it constitute the Federal Government), if the said parties are desirous of being heard they

will be allowed to do so but only through learned counsel appearing on their behalf.

5. Grave concern has also been expressed as to announcements made by various political parties, including PTI, PML(N), JUI(F) and BNP (Mengal) regarding rallies to be held by them in the coming days at Islamabad and the influx into the Capital and especially in the Red Zone of their supporters from all over the country in the tens (if not hundreds) of thousands. The learned Attorney General has made a suggestion that if representatives of the various political parties sit with the Capital administration a via media and mechanism can be worked out as to holding of the rallies and the days and venues thereof (especially keeping in mind the requirements of the Red Zone and the clear commitments made on behalf of the Federal Government by the learned Attorney General as noted above) and all related matters. We regard this as a reasonable and practicable suggestion. Learned counsel for the various political parties have acceded to this proposal though, let it be noted, learned counsel for PPP, PML(N) and JUI(F) have, on instructions, expressed some reservations as to whether any fruitful outcome will be achieved. Learned counsel, nonetheless, do state that good faith efforts will be made by all concerned. We therefore direct the learned Attorney General to coordinate with learned counsel for the political parties and/or the parties' representatives to arrange the meeting(s) with the administration on an urgent priority basis in terms as suggested by him.

6. We are cognizant that there is great urgency as the matter is obviously time constrained. Therefore, it is directed that all learned counsel appearing in these matters must file concise statements of

their submissions by or before 24.03.2022 so that the oral hearing can be completed within an acceptable timeframe.

7. Let these matters come up on **24.03.2022 at 1:00 pm.**

**Chief Justice**

**Judge**

Islamabad, the  
21<sup>st</sup> March, 2022