

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

**PRESENT:**

Mr. Justice Umar Ata Bandial, CJ  
Mr. Justice Ijaz ul Ahsan  
Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Munib Akhtar  
Mr. Justice Yahya Afridi  
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi  
Mrs. Justice Ayesha A. Malik

**CONSTITUTION PETITION NO.24 TO 26 OF 2023**  
(Trials of Civilian under the Army Act, 1952 is violative of Constitution)

**AND**

**C.M. APPEAL NO. 80 OF 2023 IN CONST. PETITION NIL OF 2023**  
(Declaration of trial of civilians under the Army Act, 1952 as unconstitutional, void and of no legal effect.)

Jawwad S. Khawaja  
(in Const.P.24/2023)

Aitzaz Ahsan  
(in Const.P.25/2023)

Karamat Ali and others  
(in Const.P.26/2023)

Imran Ahmed Khan Niazi  
(in C.M. Appeal 80/2023)

... **Petitioner(s)**

**Versus**

Federation of Pakistan, etc.  
(in Const.P.24/2023)

Federation of Pakistan through the  
Secretary, Ministry of Law and Justice,  
Islamabad and others  
(in Const.P.25-26/2023)

Federation of Pakistan through Ministry  
of Defence through its Secretary and  
other  
(in C.M. Appeal 80/2023)

...**Respondent(s)**

For the petitioner(s) : Kh. Ahmad Hosain, ASC  
(in Const.P.24/2023)

Sardar Muhammad Latif Khan  
Khosa, Sr. ASC  
(in Const.P.25/2023)

Mr. Faisal Siddiqi, ASC  
(in Const.P.26/2023)

Mr. Shoaib Shaheen, ASC  
Mr. Ajmal Ghaffar, ASC  
Syed Rifaqat Hussain Shah, AOR  
(in C.M. Appeal 80/23)

For the Federation : Mr. Mansoor Usman Awan,  
Attorney General for Pakistan  
Ch. Aamir Rehman, Addl. AGP

Date of hearing : 22.06.2023. (1:30 pm)

### **ORDER**

We have heard the submissions made by Sardar Latif Khan Khosa, Sr. ASC, learned counsel for the petitioner in Const. P. No. 25 of 2023. To come up tomorrow for submissions by Mr.Faisal Siddiqi, ASC for the petitioner in Const. P. 26 of 2023 followed by learned counsel for the petitioners in other petitions.

2. Issue notice to all the respondents in the listed petitions. Notice shall also be issued to the learned Attorney General for Pakistan in terms of Order XXVIIA CPC on the constitutional questions raised in these petitions for our determination.

3. Learned Attorney General for Pakistan who is present during the proceedings today has been asked to provide the following information to the Court:

- i) Total number of detainees in the civil and military custody on account of offences allegedly committed by them under any law in the incidents occurred on 9<sup>th</sup> May, 2023 or thereafter?

- ii) How many of such detainees are women and juveniles?
- iii) How many Advocates/Journalists are in civil and military custody?

To come up tomorrow i.e. 23.06.2023 at 9:30 am

Chief Justice

Judge

Judge

Judge

Judge

Judge

Judge

Islamabad,  
22.06.2023.