

**IN THE SUPREME COURT OF PAKISTAN**

(Review Jurisdiction)

**Present:**

Justice Qazi Faez Isa, CJ  
Justice Munib Akhtar  
Justice Amin-ud-Din Khan  
Justice Jamal Khan Mandokhail  
Justice Mazhar Alam Khan Miankhel

**Civil Review Petition No. 197 of 2022 in  
Constitution Petition No. 2 of 2022**

*Supreme Court Bar Association of Pakistan  
through its President.*

... *Petitioner*

*Versus*

*Federation of Pakistan through Secretary M/o Interior,  
Islamabad and others.*

... *Respondents*

For the Petitioner:

Mr. Muhammad Shahzad Shaukat, ASC  
Mr. Muhammad Ahsan Bhoon, ASC

For the Federation:

Ch. Aamir Rehman, Addl. AGP

For the Respondents

(for PTI):

Syed Ali Zafar, ASC

(for PML(N)):

Mr. Haris Azmat, ASC

Date of Hearing:

30.09.2024

**ORDER**

The Presidential Reference and two Constitution Petitions were heard and decided by a majority of three to two by a Bench comprising of the following:

Umar Ata Bandial, CJ  
Ijaz ul Ahsan, J  
Mazhar Alam Khan Miankhel, J  
Munib Akhtar, J and  
Jamal Khan Mandokhail, J.

The majority judgment was authored by Munib Akhtar, J and concurred by Umar Ata Bandial, CJ and Ijaz ul Ahsan, J. The Judges in the minority, Mazhar Alam Khan Miankhel and Jamal Khan Mandokhail, JJ, wrote their separate dissenting Judgments/Opinion.

2. The Supreme Court Bar Association of Pakistan (**'SCBA'**) filed Civil Review Petition No. 197/2022 on 23 June 2022. It is pointed out by Ch. Aamir Rehman, learned Additional Attorney-General for Pakistan, that Mr.

Mansoor Usman Awan, ASC who was then representing the SCBA is now the Attorney-General for Pakistan, therefore, he will represent the Federation of Pakistan. The incumbent and the then Presidents of the SCBA are in attendance and confirm the same.

3. The learned Syed Ali Zafar states that he had sent his power of attorney to be engaged as counsel of Mr. Imran Ahmed Khan of Pakistan Tehreek-i-Insaf who had filed CP No. 9 of 2022 but the same has not been received back and he may be permitted to represent the said petitioner. He is allowed to do so.

4. Munib Akhtar, J has addressed a letter to the Registrar of the Supreme Court of Pakistan dated 30 September 2024, a copy whereof as per his direction has been placed on record. Munib Akhtar, J concludes his letter by stating, *'I must express my inability, at the present time, to be part of the bench constituted to hear the CRP. It may be noted that this is not a recusal and my present inability should not be misconstrued or misinterpreted as such.'* However, today Munib Akhtar, J headed Bench No. III and conducted cases, and we were together in the Judges tea room. Therefore, we direct the Registrar to place before his lordship the instant order with the request to his lordship to join the Bench. However, if his lordship does not do so the Committee constituted under section 2 of the Supreme Court (Practice and Procedure) Act, 2023 is required to appoint another Judge in his place on the Bench.

5. To come up tomorrow, that is, Tuesday, 1 October 2024 at 11.30 am.

Chief Justice

Judge

Judge

Judge

Judge

Islamabad  
30.09.2024  
(Farrukh)