

Scenario 83

JUSTICE [MOSTLY NOT] FOR ALL:

In ***Dr Shahid's live TV program*** on a Pakistani channel ***dated 14th December 2009***, former Chairman Ehtesab Saifur Rehman was taken on line who admitted that there were certain judges in the superior judiciary who were on the pay roll of the PPP [taking names of Justice Irshad Hasan Khan & Justice Sh Riaz] and were extending loss to the judicial cause so 'had to be monitored'. It might be a sprawl or a revengeful lie because Justice Irshad H Khan had upheld the military coup of Gen Musharraf in 2000 in famous Zafar Ali Shah judgment.

Justice Irshad Hasan was more criticised for giving Gen Musharraf three years in addition, to implement his 'program'; a relief by the apex court which was not even asked by the military government. Saifur Rehman was going one sided because when Dr Shahid asked him to comment upon the conduct of Justice Malik Qayyum in 'audio tape' context [*because Malik Qayyum had suffered just due to Saif's undue pressure*] Saifur Rehman had no words to answer.

What kind of judicial stuff Pakistan got; referring to another ***Live TV program 'Frontline' dated 1st May 2010***, in a remarkable performance, PPP Senator Faisal Raza Abidi shocked the hell out of anchor Kamran Shahid as he questioned the "**independence of judiciary**" in Pakistan live on TV. From the two books in hand, Senator Abidi read that:

'Lahore High Court's Chief Justice Khwaja Sharif admits having close ties with Sharifs family, staying with them, going to dinners with and being offered money from Punjab's Chief Minister Shahbaz Sharif while on tour to London; in blatant violation of the Code of Conduct for judges. Kh Sharif

Being the CJ of the Lahore High Court [LHC] later, Kh Sharif had not touched any case filed in or coming pending in the LHC which was related in any way with PML(N)'s office bearers especially of Sharif family or their friends. Senator Abidi stepped out to say on air that a case about disqualification of Kh Sa'ad Rafiq, then an MNA of PML(N) later Federal Minister of Railways in 2013, was kept pending since 2006 ignoring alleged assets and properties of millions disproportionate of his income. The main charge was that every year Kh Sa'ad Rafiq had 'legalised' his allegedly ill-gotten money by showing tens of prize bonds having millions in prizes on them. The High Court could not find it as a hilarious 'coincidence'.

QUESTIONING JUSTICE:

The Supreme Court of Pakistan had once narrated, in Constitutional Petition No: 60/96 [***Mahmood Khan Achakzai v. President of Pakistan***], that a constitution should be kept alive in line with the pace of progress, aspiration, will, needs and demands of the people. Constitution cannot be made static and there should be provisions for amendments.

Provisions may restrict the power of amendment specifically as provided in France and Germany but where an unrestricted power is given to the Legislature then the highest court would see whether an amendment to the existing constitution was duly proposed, adopted and assented in the manner required by the constitution so as to become a part thereof. The superior judiciary held that:

'However there are factors which restrict the power of the Legislature to amend the Constitution. It is the moral or political sentiment and more the pressure of public opinion which restricts and resists the unlimited power to amend the Constitution.'

In Pakistan although Article 239 confers unlimited powers to the Legislature, yet it cannot, by sheer force of morality, convert democratic form in completely undemocratic one and similarly by amendment courts cannot be abolished. The basic theory would prevail that even if the constitution is suspended or abrogated, the judiciary continues to hold its position to impart justice and protect the rights of the people which are violated by authorities even which saddle themselves by unconstitutional means.

While considering the above sermons one should also analyze the hard facts of judicial history of Pakistan that the Supreme Court has frequently supported military and civilian dictators, allowing or tolerating deviations in the constitution and extending all possible legitimacy to the powerful Establishment. The Court's uncertain and doubtful history had been providing a basis for an unprincipled jurisprudence of expediency.

Contrary to its own derogatory traditions, the Supreme Court had started raising slogans of representing judicial independence and constitutional boldness in the name of *'holding the Establishment accountable'* under the control and instructions of re-instated Chief Justice Iftikhar M Chaudhry in March 2009 who had earlier behaved quite differently.

For instance, as mentioned else where in the preceding pages, **on 12th May 2000**, Pakistan's 12-members Supreme Court had unanimously validated the October 1999 coup and granted Gen Musharraf executive and legislative authority for 3 years from the coup date. Justice Iftikhar M Chaudhry was one of the judges who had validated it. **On 7th October 2002**, the 5-member bench of the Supreme Court validated LFO and amendments made in the constitution by the military regime. Justice Iftikhar M Chaudhry was one of judges who had AGAIN validated it.

The PML(Q) government passed a constitutional amendment in National Assembly with two third majority, also approved by the Senate, that allowed Gen Musharraf to hold dual offices against the basic spirit of the Constitution. **On 13th April 2005**, a 5-member bench of the Supreme Court gave judgment in favour of 17th amendment and President's uniform. Justice Chaudhry was one of the judges who had validated it.

On 28th September 2007, the Supreme Court cleared the way for Gen Musharraf to seek another five-year term, when he stood for Presidential elections, when six of the nine judges, rejected a tangle of petitions against him and threw out a major legal challenge to his re-election plans. On that strength, Gen Musharraf was elected President of Pakistan, **on 6th October 2007**, by a combined electoral of the Senate, National Assembly and the four Provincial Assemblies.

Gen Musharraf declared emergency on 3rd November 2007 using his (wrongly interpreted) prerogative as per Article 232 of the constitution and immediately after a 10-member bench of [CJ Dogar's] Supreme Court, **on 24th November 2007**, directed the Chief Election Commissioner and the government to declare Gen Musharraf president for a second term.

Same day the Pakistan Election Commission had confirmed Gen Musharraf's re-election as President on the basis of 58% votes. J Abdul Hameed Dogar was made the Chief Justice of Pakistan; brought forward by Gen Musharraf after the said emergency of 3rd November.

Every government organ was declared suspended in 3rd November's Emergency but Parliament's joint session's vote casting activity remained intact and the EC was there to receive SC's orders to notify Gen Musharraf as President for the next five years. The intelligentsia

believed that the apex Court should have given verdict either on merit or at least as per general precedents outlined in Achakzai's case referred above.

As per **Ali Khan (professor of law, Washburn University Kansas):**

'It is not for the Supreme Court to shape the power structure of the federal government. Even the popular tune of Parliamentary Sovereignty must not tempt the Court to hear political disputes.

The Court is less free and is viewed as politicized when it aligns itself with one political ideology against the other or with one branch of the government against the other.

The Court must avoid any tilt towards or against the President or Governors, the Prime Minister or Chief Ministers, or Parliament or leaders of certain political party.

*While maintaining its constitution-based neutrality towards other branches of the government, **the Court must nonetheless fix its own house, that is, the judiciary itself.***

The Supreme Court, under the leadership of an able Chief Justice, should have found ways to provide affordable justice to the poor people of Pakistan. **Overly complicated procedures inherited from the nineteenth century common law needed massive revisions. Rules of evidence needed changes for a more efficient litigation.** The apex court could set in motion a process that would fix the decades old inefficient, even dysfunctional, litigation model.

An extract of '**Global Corruption Report 2007 by Transparency International**' is placed below:

'Perceptions of judicial corruption vary greatly across the [Asian] region. According to TI's Global Corruption Report 2006, Hong Kong and Singapore have low perceived levels of judicial corruption while India and Pakistan fare badly, with 77 percent and 55 percent of poll respondents respectively describing the judicial system as corrupt.

The main problem in the region is the lack of resources to solve the huge backlogs of court cases. It would take 350 years for India's 670 judges to clear present backlogs.

The official judicial system is also perceived as being weighted against the people; in Pakistan for instance, English is the judiciary's official language, although only 2% of the population can understand it.'

Let us move forward as a nation - leaving the score balancing games behind; let us look upwards.

SC CORRECTS THE EXECUTIVE:

On **1st August 2011** the Prime Minister Yousaf Raza Gilani made a blistering speech in the National Assembly accusing the Supreme Court of Pakistan for undue interference in the executive's domain on the issue of handling postings & transfers of officers. PM admitted that it was his prerogative to '*play with his officer's fates*'. Feeling much satisfied from inside, he was flogging punches & blows to the opposition desks saying that the apex court had finally accepted government's viewpoint.

The PM was referring to Supreme Court's order dated **30th July 2011** on FIA's Hussain Asghar and Secretary Establishment Sohail Ahmad. Though the officers could not receive that much relief which was expected or portrayed by the media but, as has been mentioned in earlier pages, the apex court had passed an observation on that count.

The **SC's 37-page order of 30th July 2011** highlighted that it was the parliamentarians and public at large who had complained to the judiciary regarding poor arrangements for *Hajjis in Saudi Arabia* that year. Quite heartening to observe that even the worthy Parliamentarians had to approach the apex Court, like in the case of Rental Power Projects where one of the sitting Ministers namely Faisal Saleh Hayat was the complainant along with one MNA Khwaja Asif [*later, given to him the same federal ministry of Water & Power in PML(N) government in May 2013 but the situation got worsened*].

Similarly in the matter of Breach of embankments of rivers in floods causing damages, it was Marvi Memon MNA who approached the Supreme Court. Khwaja Asif MNA brought the case of OGDCL too. Matters of the steel Mills, LPG Case, National Police Foundation, NICL, unhuman Hajj arrangements and Bank of Punjab cases where millions of rupees got recovered under stern efforts of the apex court could be cited as more important instances.

[Intelligentsia, however, observed that in not a single case quoted above, the SC could find courage to give the final decision. It was not the job of the superior courts to reduce itself to 'the recovery agency' – it was below dignity for judges to keep on shouting in courts for 'returning money'. Had the court issued verdicts, the NAB or FIA could have made better recoveries in the said cases, might be coupled with punishments for some.]

Though the apex Court's decision could not do much about the Hajj and NICL cases which were originally suggested to be handled or investigated by Hussain Asghar and Zafar Qureshi respectively [both senior officers of FIA] but the people of Pakistan were at the same time expecting more from PM Gilani. As PM Gilani's son was also named in the Hajj Corruption case alleging to be the major beneficiary, the PM should have voluntarily announced that the said investigation be carried out by any officer; Hussain Asghar or some other, but entirely up to the court's satisfaction.

Similarly, as the names of Moonus Elahi and Makhdoom Amin Fahim were involved in NICL case; the same transparency was expected through Zafar Qureshi or some other officer. It was essential so that the credibility of the Prime Minister and the PPP's government could have been established while setting the best norms of rule of law.

On the same day of **30th July 2011** at another occasion, Chief Justice Iftikhar M Chaudhry asked judges to make all-out efforts for the provision of inexpensive and expeditious justice to all without any fear or favour. He said so while presiding over a meeting of the National Judicial Policy Making Committee (NJPMC) adding that Pakistan's constitution discouraged all types of discrimination among persons / parties on the basis of their status. He also quoted that:

'Islam tells us that justice should be done without caring how the influential parties are and justice should not be compromised to accommodate any influential person so the independence of judiciary and its impartiality must be fully adhered to.'

However, it all proved to be academic cermons and nothing beyond.

Earlier, **on 7th February 2011**, while delivering his keynote address at the 17th Commonwealth Law Conference at the Hyderabad International Convention Centre, Chief Justice Iftikhar M Chaudhry had told the gathering of about 800 eminent jurists from across 53

Commonwealth countries that Pakistan's Judiciary remained under tremendous pressures but succeeded to survive through adverse circumstances. He said that:

'The Pakistan's judiciary has passed through different phases but has ensured its independence under all the circumstances. This is because the judiciary is of the opinion that when there is a Constitution and the rule of law, it always guarantees a democratic system in the country instead of the military rule.'

With all due respects to the higher courts, a lay man was bound to ponder if the Supreme Court was really doing justice to all or it passed the judicial verdicts simply to gain sympathies of the general populace through media breaking news. Media persons and able anchors conducting vibrant live discussions on top TV channels were mostly betrayed and they in turn made fool of innocent Pakistanis by calling political representatives from stake-holding parties and encountering them with embarrassing questions. The leading question remained that why the PPP government was not inclined to implement the Supreme Court's decisions.

Analyse the events of that era. For weeks the Supreme Court had been conducting regular hearings for two cases of NICL and Hajj Corruption and kept on urging that why the particular officers in each case were not allowed to continue with the investigations. The executive did not comply with the orders of the apex court. ***It was an awful, dreadful and shocking precedent for all times to come.***

It was alleged that in both cases the apex court had stepped out of its shoes putting aside the required decorum of the highest judiciary. The respectable judges knew that allocating investigations to some particular officers was the prerogative of the concerned department and thus was the jurisdiction of the 'executive' but the executive had failed in delivering the good governance to the people. That was why the judiciary had to step in to get results.

Correctly, no court had ever held that a particular investigation should have been done by that particular officer. Shouting at the officers in the court brought neither good result in the under-investigation cases nor the required respect for the judges and judiciary. Of course, the apex court should have concentrated on factual and speedy investigations in any case before it; how it was possible, no body knew in fact.

Apparently the Supreme Court was misguided by the prosecutors meant to assist the court on certain basic issues. Two week's regular hearings were aimed at only one 'out of context' thing that why the Secretary Establishment [Sohail Ahmed] was made OSD by the Prime Minister. See the 'threats' apex court had conveyed:

- ***'We can call the PM here',***
- ***'do not force us to take the extreme step',***
- ***'no disgrace would be accepted this time for apex judiciary',***
- ***'take explicit orders from the PM',***
- ***'ask the PM to send us reply in writing',***
- ***'we can call PM in contempt',***
- ***'why officers not re-instated yet'.***

So many other phrases the nation kept on hearing and reading over the media pages. Pakistani judiciary's media friends left no stone unturned in making suggestions like that:

- ***'Army would be called to get decisions implemented',***
- ***'PM will go home now',***
- ***'who would be the new PM then',***
- ***'PPP government would wind up now'***

And many others but what happened at last..... ***Tain Tain Fissh.*** The same as expected. Corruption kept standing there; rather 'improved'.

POLICE & ARMY SHOUTED AT:

Sometimes it appeared that Pakistanis were not living in a civilized world. Not even in fool's paradise; perhaps living in 'fool's hell'. The country became a contemporary *colossium* of Italy where, centuries back, the 'un-liked' were pushed into the ring to fight the hungry lions. Imagine the fate of those poor fighters and recall the cheeky shoutings of the ruler families watching the show. Pakistan was going through the same replica where the people always kept waiting to raise enchanting slogans on events when an officer of army or police was disgraced or sacked or being shouted at with hate or humour because of being '**a person in uniform**'.

Whether that officer, with ranks on, suffered at the hands of his own executive or by the judiciary or lawyers or from an angry mob when his uniform was torn in pieces and cap was volleyed in air - he was a symbol of authority. Most of the equivalent members of the society were jealous with (some of) his powers perhaps.

In most cases, the higher courts were party to it. Those uniformed people belonged to the same social fabric, rising from the same mud and yeast, hailed from equally dignified families, used to be students of the same respectable institutions, appeared in the same like Competitive Examinations and were ground in the same mills of administrative Civil or Military Service Academies but, when they came out in uniform, they were treated like 'bad boys', anti-ethics and some times enemies. Strange and astonishing! Let us peep into the awful past scenario that:

'In November 1997 when PML workers headed by their MsNA & MsPA ransacked the Supreme Court Islamabad, who got punished out of the whole mess. No MNA or MPA, no worker of PML, no CSP officer either Commissioner, DC or AC of Islamabad but IG Saleem Tariq Lone, SSP Altaf Ahmed, one DSP & an Inspector.

In 2007 when the Chief Justice was allegedly mis-handled by Gen Musharraf's team then who was ultimately at loss. Neither Gen Musharraf nor any of his General, or Secretary Interior or Commissioner Islamabad; those were again IG Iftikhar Ahmed and his team comprising the SSP, DSP and Inspector who were declared guilty of 'contempt of court.'

In 2011, thrice the IG Punjab Tariq Saleem Dogar was called in court for bullshit; one DG FIA Waseem Ahmed Khan was un-ceremonially sent home, DG FIA Malik Iqbal was forced to quit his post and his successor Anwar Tehseen was blessed with sarcastic remarks & shouts and ultimately made to leave the organization.'

Contrarily, during the last four years, the higher judiciary never called Secretary Water & Power or the Chairman WAPDA in court responsible for load shedding up to 18 hours; or Secretary Industries for NIL production and creating gross unemployment. In Pakistan 0.6 million people annually were added in 'Narcotics Addicts List' (**Ref: UN Office on Drugs & Crimes Report of June 2011**), no court ever called Secretary Narcotics to come up with policy papers to check the menace.

Secretary Oil & Gas was never called to explain about countrywide Gas shortage and Secretary FBR or Secretary Finance was never asked for loss of 14,000 containers through Afghan Transit Trade loophole. Secretary Commerce was never called in court to explain that in NICL case **how an amount of Rs:40 million had reached into Amin Fahim's accounts** which fact was admitted by worthy Federal Minister himself but no remorse or call up. No *suo-moto* or alike.

In those days when the apex court took *suo-moto* notice of Sialkot's killing or *Karo-kary* of DG Khan, or miss-handling of Hajj or NICL case, the IGs of Police or DGs of FIA were asked

to come and reply. It was all aimed to get salute for the court, what else, at the cost of public expenses. Why not called the concerned secretaries, directors or chair persons in the above quoted few examples because the Superior Courts always stand by the administrative officers thus creating a cogent example of injustice. Had they never done wrong; their subordinates were not at all angels and only *'thaneydars'* were corrupt; not at all, but the courts felt shy or scared.

Suppose for a moment that the army Generals were guilty of desecrating and violating the Constitution of Pakistan and the police were corrupt but the question remained that if those two classes were the only corrupt in the country. The apex court never thought about the lower judiciary's lethargic attitudes, issuing stay orders for money equivalent to £5 only, doing away the bail matters in private chambers and so on. As per Transparency International figures the score of ***public approval for Pakistani judiciary remained at 55% since a decade at least – but never a session judge, judicial magistrate, civil judge, or Tehsildar was called in the court to be shouted at.***

Take the politics; hundreds of instances could be quoted to prove that Pakistan's superior courts had blown their trumpet for only those cases where they were sure that the sitting PPP government could be harassed. The judiciary achieved praise by putting cannons of their 'false anger' on the shoulders of police officers making the sad & passive people happy for a while – what a mockery of justice it was.

Nowhere in the world, the judges were supposed to shout but in Pakistan it has been a normal practice for judges hoping that it would bring headlines for leading newspapers amidst waves of ***'strong judiciary syndrome'***. In all societies, the judges do not but their decisions speak; but in Pakistan the judges speak loud but their decisions *'thuss'*.

[See Saifullah's case and the FIA officer's reposting or Secretary Sohail Ahmed's cases during those days.]

Similarly all higher courts kept friendly relations or ***'soft corners' for media*** people. The newspapers and electronic media never, invariably never, wrote or spoke anything against unjust or partial decisions, unlikely behaviour of some judges, wilful and managed delays in justice, sarcastic remarks of courts etc because sword of contempt of court was always hanging on their heads. The owners of media organs kept a strict ***policy of 'Not saying or writing' anything against judges and judiciary.*** Thus to avoid 'scandalizing charges' the reporters and anchors were always found writing in praise of judiciary and cursing the successive governments; military or civil.

In SC's judgment of **30th July 2011**, for instance, in which no reporter or columnist of any newspaper; no anchor or guest in live programs of any TV channel ever felt courage to opine that ***the apex court was stepping out of their shoes.*** The PM, the PPP and the PML(Q) had in fact extracted benefits by apex Court's 'shouting behaviour' over NICL and Hajj like cases.

Controlling sensitive investigations through judiciary demanded a very careful handling. Those aforesaid cases could be managed by calling weekly progress reports by a nominated judge despite FIA's swift changing hands technique; or by allocating to a judicial commission; or by appointing a joint investigation team including a member from army but Pakistani courts resorted to follow a ***'media brief' methodology*** and the judges remained happy reading headlines about 'judiciary's powers'.

It was either a 'hands in glove' game with the executive or the simplicity for which the executive had brewed results suitable to them and the judiciary got [again & again] humiliated.

In developed democracies the things go different. In UK, during the corresponding three years the courts dealt numerous cases of corruption or public importance. Here the wrong doers got punishments irrespective of their origin. More MPs and less police officers were sent behind the bars. In UK alone, five MPs and one Lord were sentenced for claiming benefits which were not justified for their ranks. The financial involvement in each individual case was less than twelve thousand pounds but all they got jails; no shouting in courts; no media glamour for judges either. The people even do not know the names of judges who wrote decisions.

The same happened with media lords in 2011's famous 'hacking scandals' case in which an empire of **179 years old paper 'News of the World'** had to shut down their printing and circulation. The paper's chief had to face interrogations; careers of many ended up in jail, press closed and hang over continued to haunt many.

But in Pakistan, numerous media anchors, columnists, abbasis and chaudhries, frequently acted as touts of the superior courts; sometimes being investigative journalists and sometimes assuming role of the judiciary's spokesmen; Kamran Khan's **live TV program at GEO dated 20th November 2013** is referred in this context.

WHY EXECUTIVE DISOBEYED JUDICIARY:

Since 2009, the SC took cognizance of cases involving over Rs:400 billion and saved tens of billions of the national exchequer; quoting NIICL Scam, Hajj Case, Rental Power Plants (RPPs) Case involving Rs:455 million, Bank of Punjab Case AND Evacuee Trust Property Board Case [*blocking controversial sale of 240 acres worth billions of rupees for peanuts in Karachi saving whopping Rs:60 billion for the Pakistan government*]. The SC also had taken up the matter of written off loans and directed the State Bank of Pakistan to submit the list of loan eaters worth Rs:256 billion but when the list was placed just next day, the apex court could not go further for reasons not known to any.

Then the key question: that why PPP government did not respect SC's decisions; let us peep deep in the past political scenario of Pakistan.

After a hilltop task of **re-inventing the 'independent judiciary'** in March 2009, by taking the whole nation through long march, poor people were of the view that Chief Justice Iftikhar M Chaudhry and his team would bring an end to all injustices, miseries and shortcomings. The CJP could well realize then that the 'ill intentions' of the ruling class, including Zardaris, Sharifs, Gilanis & Rehman and their 'friends & family members' were the real predicament for the future development of Pakistan; however, the situation worsened day by day.

The top judiciary failed to stand for the expectations of masses as 'independent' in real terms. In some cases the judges tried to settle their old scores by targeting PPP and their leader sitting as president of Pakistan. Some media reports also pointed out towards high judiciary's 'soft attitude' for PML(N), JUI and MQM governments. Allowing Sharif family home before contractual period of ten years, row over the issues of Kh Sharif as the Chief Justice LHC; strictures against the Governor Punjab Late Salman Taseer; eye-wash proceedings in 'big loan' cases and allowing the Punjab government on 'stay order' for four years could be quoted as examples. The people were expecting judges-like behaviour not the score settling.

Through the NRO proceedings, the apex court constantly tried to convince the general populace for five long years that the PPP politicians were corrupt. The people knew it; they believed the scandals but they were expecting punishments for them not gimmicks. No one was punished or even disqualified. The politicians of other political parties were not saints nor were ever so.

When the Supreme Court had taken notice of Justice (Rtd) Malik Qayyum's wrong doings in Zardari's Swiss case, the court should have ordered re-trial or re-opening of 'some old but proven cases' decided by the same J Qayyum Malik in favour of PML, their associates and family members in June-July 1997; as the judgments were managed on gun-point.

Mostly in all the political cases no witness from prosecution was called or recorded because FIA remained under extreme political pressures. [*To mention again: normally one sub-inspector of FIA used to appear in the court, and only once, to tell that 'no witness from prosecution; My Lord' and in all the cases same one phrase*].

That is why the NRO was full of names attached with PPP and no name of PML(N) or PML(Q) or JUI or NAP was there because they had kept judges like Maliks and Parachas with them. They got themselves 'acquitted' in their respective regimes from 1997 till 2007 and since then they are coming '*pawitter & pakeeza*'.

Here PPP's politicians could be the biggest scoundrels but it was not true that they were the only rogues and rascals around and all other parties were comprised of saints and 'imams'. Supreme Court and especially the CJP Iftikhar M Chaudhry could have pondered upon this side of judicious delicacy. If it was sword to be used in battle, it must have two edges equally sharp otherwise it would be termed as knife used for killing (of justice), as one could see the Pakistan of those days. [*An essay published at www.Pakspectator.com on 11th August 2011 is referred*]

Referring to a GEO program dated **4th August 2011** in which Junaid Jamshed told a hard fact from early Islamic history. Once Hazrat Ali (KAW), then himself fourth Caliph, got stolen his '*zarah*'. He went to the market to have a new one. In market he found his own '*zarah*' lying for sale at the shop of one Jew. Hazrat Ali (KAW) told the shopkeeper that it was his '*zarah*' which he got stolen a day before so he (the Jew) should give it back to him (Hazrat Ali KAW). Arguments developed.

Hazrat Ali (KAW) took that case in Qazi's court. Both, the shopkeeper and the Caliph, were made to sit before Qazi and the hearing started. Qazi asked the complainant, the fourth Caliph, to quote witness to the event. Hazrat Ali (KAW) quoted two witnesses; one (Imam) Hasan (RAU) his son and the other Caliph's servant. There were a series of questions put to the Caliph to ascertain the 'qualifications of witnesses' which were thoroughly narrated in the most humble way.

While concluding, the Qazi rejected Hazrat Ali (KAW)'s petition and exonerated the Jew shopkeeper and gave back that '*zarah*' in question to the Jew saying that '*shahadat*' of son or servant in favour of complainant father were not admissible in judicial proceedings.

The Jew shopkeeper, who had been listening all the question - answers between Qazi and the Caliph, was so impressed with the Qazi's fearlessness, court procedures and the Caliph's satisfied feelings that he immediately asked Hazrat Ali (KAW) to take his '*zarah*' back, recited the '*Kalma Tayyabah*' and accepted Islam saying that:

'If such judicial norms and such Qazis and such rulers are accessible in a religion (Islam) it is the whole truth and worth following'

Soon after, he was a Muslim.

Need not to compare that uprightness with Pakistan's judicial norms. Pakistan though is an Islamic country having Islamic Constitution but neither those rulers are there nor those *Qazis*. Islam is only to be kept pasted on everyone's forehead here not to be practiced.