

Scenario 82

BLOW TO JUDICIAL HIERARCHY:

AG ANWAR MANSOOR RESIGNS:

On 3rd April 2010, Attorney General [AG] Anwar Mansoor Khan tendered his resignation citing Law Minister Babar Awan as well as the law ministry's discretion as reasons. He submitted his resignation to Prime Minister Gilani adding '*whether it is accepted or not, I'm not joining.*'

AG Mansoor needed some documents in connection with NRO proceedings against President Zardari which the Law Ministry were not providing him. In fact neither the president nor the prime minister ever showed their confidence in him. A week earlier, AG Mansoor had stunned the 7-judges SC bench by saying that:

'He was facing non cooperative attitude on part of the law minister for not handing over to him necessary information and communications to complete legal process of sending letters to the Swiss authorities for re-opening \$60 million graft cases involving President Asif Ali Zardari.'

AG Mansoor's resignation was an utter embarrassment for the government. Allegedly, when the AG asked the Law Minister to hand over the Swiss record, the later responded: "**Over my dead body**". Years back the law ministry had opposed a proposal by Farooq Naek, the then counsel for Mr Zardari, for withdrawing the cases from Swiss courts.

"**The law ministry or the law minister,**" inquired the shocked bench. "The law minister," AG Mansoor had replied calmly. The bench comprised Chief Justice Iftikhar M Chaudhry, Justice Mian Shakerullah Jan, Justice Tassaduq Hussain Jilani, Justice Chaudhry Ijaz Ahmed, Justice Tariq Parvez, Justice Asif Saeed Khan Khosa and Justice Khalil-ur-Rehman Ramday.

[The irony of fate was that Presiden Zardari and the PPP did not acknowledge the faithfulness, devotion, sacrifices and loyalty of that Law Minister Babar Awan when he was sidelined a year after quite unceremonially.]

The AG urged the bench that, as per Federal Law Secretary's version, it was the federal government's decision and that he had no further explanation to offer. The Law Secretary, when summoned by the SC, told that he had received three sealed envelopes from the foreign office last night. He opened the one addressed to him as the other letters were addressed to the Swiss and other foreign authorities, no one had touched them. Also that he had to seek instructions from the prime minister.

JUDICIAL CRISIS IN AJK:

On 10th May 2009, one Ibrahim Zia moved a petition on behalf of Justice Manzoor H Gilani to the Supreme Court of Pakistan urging the CJP that:

'.....You have perhaps not noticed or ignored the brewing injustices in AJK [Azad Jammu & Kashmir], particularly in the appointments in the superior judiciary made during the era of Gen Musharaff and PM Shaukat Aziz, which are still continuing despite all resentments against it for the last three years. Judiciary in Pakistan is restored but AJK is put in dustbin, perhaps not deemed responsibility of Pakistan, which is grossest mistake.

We are sending herewith a petition filed by a senior judge of AJK Supreme Court, in the Supreme Court of Pakistan, Justice Manzoor Hussain Gilani, who is a victim of grave injustice, judiciary of AJK is paralyzed and people of the state are dejected.

Please get it rectified before it is too late. Another petition is also in offing by another senior judge of the AJK HC, Sardar M Nawaz khan who is also made a victim.'

The above mentioned gross injustice was referred to one **Justice Riaz Akhtar Chaudhry** who was first appointed as judge of AJK's Supreme Court on 24th September 2006 and then elevated as its Chief Justice within 25 days [**on 20th October 2006**] of his appointment by superseding the senior-most judge of the Supreme Court of AJK Justice Manzoor Hussain Gilani. Justice Gillani was senior to him by six years in judicial service, by more than two years in the Supreme Court. Justice Gilani had knocked the doors of the Supreme Court of Pakistan to seek justice.

Interestingly, a summary bearing number Law-3/3/2002-AJKC (Pt) dated 25th June 2008 was sent to the prime minister of Pakistan but it remained pending due to CJP Iftikhar M Chaudhry's own status in doldrums as he himself was deposed then.

On 24th March 2010, the Supreme Court of Azad Jammu and Kashmir [AJK] pushed constitutional experts in a state of shock when it came at loggerheads with the Supreme Court of Pakistan over an issue of '*unconstitutional appointment*' of the AJK's chief justice.

The incumbent Chief Justice of AJK, Riaz Akhtar Chaudhry, while heading a 3-member bench **on 15th March 2010**, passed an order barring Prime Minister of Pakistan to pass any notification regarding the Chief Justice of AJK. He also restrained the Federal Ministry of Law from issuing any fresh notification and the President of the AJK from administering oath to any judge for the office of the new AJK Chief Justice.

The issue was that the AJK CJ was hearing a case which directly involved his own person and the CJ himself was heading the bench with an ad hoc judge. The ad hoc judge Muhammad Azam Khan's appointment was at the pleasure of the CJ as long as he required him. The Article-IV of the Code of Conduct for Judges says: "*A judge must decline resolutely to act in a case involving his own interests, including those of persons whom he regards and treats as near relatives or close friends.*"

[The Chief Justice of Pakistan Iftikhar M Chaudhry, while hearing a petition challenging the AJK CJ's appointment, had passed remarks about the odd appointment of Justice Riaz Akhtar Chaudhry as the AJK CJ.]

The order passed by AJK's CJ Riaz Akhtar Chaudhry contained that:

"The Supreme Court of Pakistan has no jurisdiction to entertain any petition regarding appointment of judges of superior courts of AJK. Such kind of petition does not come within the jurisdiction and sphere of Supreme Court of Pakistan.

The Supreme Court of Pakistan has no authority to extend its jurisdiction to the area of Azad Jammu and Kashmir because the territories of Pakistan have been defined in Article 1 of the Constitution of Islamic Republic of Pakistan."

Constitutional experts kept the opinion that the AJK SC was an appellate forum and could not entertain any writ petition and such an order of the AJK CJ was misconduct. Barrister Akram Sheikh was of opinion that *'the status of AJK is like a province and no court of a province could infringe in the jurisdiction of Supreme Court of Pakistan.'*

On 3rd April 2010, however, senior judge Manzoor Hussain Gilani took oath as the Chief Justice of AJK Supreme Court. The oath ceremony was held at Muzaffarabad presidency, where the acting President Shah Ghulam Qadir administered oath to Justice Gilani.

The ceremony was attended by PM Raja Farooq, CJ High Court Ghulam Mustafa, a large number of lawyers and other dignitaries. Meanwhile, AJK's PM Raja Farooq Haider sent a reference against CJ Riaz Akhtar Chaudhry to the Supreme Judicial Council.

On 7th April 2010, AJK President Raja Zulqarnain reinstated the deposed CJ AJK Riaz Akhtar Chaudhry after consulting legal experts, while AJK Prime Minister Raja Farooq Haider termed the president's decision unconstitutional – it was incumbent upon the president to act upon his advice as per 1974's Constitution of the AJK.

AJK's PM Farooq Haider said in a media conference at Islamabad that Justice Riaz had been ousted on the recommendation of the Supreme Judicial Council and could only be reinstated on the advice of the PM or the SJC. Meanwhile, AJK Legislative Assembly Speaker Shah Ghulam Qadir held that President Zulqarnain had violated Article 7 of the 1974's Constitution of the AJK.

[In a move to clean up the dirt of Gen Musharraf era, the AJK government in its reference had levelled serious allegations against the CJ AJK Riaz Akhtar, including blasphemy, personal gains by using his office and acting beyond jurisdiction of the Supreme Court to bring it in direct conflict with the Supreme Court of Pakistan.]

Two days later the AJK's CJ Riaz Akhtar was restricted from functioning by a 3-member bench of Supreme Judicial Council after a reference was filed against him as detailed earlier. Thus the senior most judge of AJK SC, Justice Manzoor Hussain Gilani took oath as chief justice of AJK.

The reference against Justice Chaudhry also included the formation of an unconstitutional monitoring cell and later using it for personal gains; that monitoring cell was declared as unconstitutional in October 2009. Meanwhile, AJK President Zulqarnain called on Pakistan's Prime Minister Gilani, who was the Chairman of the Kashmir Council, to discuss the constitutional cum judicial crisis in AJK; who, however, refused to play a role or interfere in the matter. The background details were:

Justice Gilani was fighting his case since 20th October 2006 when on intervention of the then Director General Military Intelligence [DG MI] Gen Ijaz Nadeem the judiciary was ruined in AJK and a judge with only 25 days of service in SC was made the Chief Justice – one of the hall marks of Gen Musharraf's governance.

During the 3rd week of April 2010, AJK President Raja Zulqarnain, ruling Muslim Conference's Sardar Atiq Khan and the Federal Minister for Kashmir Affairs Mian Manzoor Watto allegedly tried to influence PM Gilani to avoid approving the SJC recommendations and NOT to sack AJK deposed CJ AJK Justice Riaz Akhtar Chaudhry. The three top minds were eager to allow the incumbent Acting CJ Justice Manzoor Gillani to continue till his superannuation i.e. 7th June 2010 when the deposed CJ could be brought back to take charge of the office of the CJ AJK.

AJK Prime Minister Raja Farooq Haider, however, advised PM Yousaf Raza Gilani that *'the AJK Constitution binds him to approve the SJC recommendations, which has already unanimously sought the sacking of AJK CJ Riaz Akhtar Chaudhry'*.

It is available on record that certain elements in the ISI were also trying to save the AJK's CJ Justice Chaudhry, who was rewarded by Gen Musharraf regime for his "services" rendered in his capacity as Chief Election Commissioner during the general elections of 2006 in AJK as a result of which Muslim Conference had come into power. As mentioned earlier, on 15th March 2010, the Supreme Court of Pakistan sought from the AJK Council the record of AJK CJ appointment but the Acting CJ AJK Justice Riaz Chaudhry, very next day, passed that questionable interim order barring the PM of Pakistan from issuing any order regarding judges appointment in the AJK.

Pakistan's Kashmir Affairs Ministry proposed that Justice Riaz Akhtar would be asked to proceed on leave till the retirement of the incumbent Acting Chief Justice Manzoor Gilani as a way out. However, the PM of AJK, speaker legislative assembly, substantial members of the AJK Muslim Conference and almost all bar councils of AJK were not prepared to show any leniency for the condemned CJ AJK. It is believed that had PM Yousaf Raza Gilani acceded to the advice of his Kashmir ministry, it would have led to an agitation in favour of independent judiciary in the AJK. Not only the PML(N) Chief Nawaz Sharif but also the President Supreme Court Bar Association Qazi Anwar had supported the PM AJK Raja Farooq Haider's stance for rule of law.

However, such gimmicks also used to be played in Pakistan in the past. See the two episodes from Pakistan's judicial history:

President Rafiq Tarar once availed the audacity to meet the then CJP Justice Ajmal Mian [1998-99] in his chamber at Supreme Court and asked him not to appoint Justice Falak Sher as acting chief justice of Lahore High Court [LHC] as the PML(N) government did not like him. The CJP declined but government went ahead and nominated a junior justice Allah Nawaz as acting chief justice.

During her second term, PM Benazir Bhutto had appointed Justice Sajjad Ali Shah as the CJP by-passing three senior justices. She thought that Justice Shah would return the favour. About two years later, when tensions escalated between the two over appointment of some judges, the Bhutto government decided to strike back.

- Firstly, former Sindh CM Qaim Ali Shah spilled the beans in media claiming that he had persuaded Benazir Bhutto during her first term to elevate Justice Sajjad to the post of CJ of Sindh High Court [SHC].
- In the second term, Benazir didn't want to elevate Justice Sajjad as the CJ of the Supreme Court but he, along with Sindh's CM Abdullah Shah and Federal Defense Minister Aftab Shaban Mirani, persuaded Benazir Bhutto to appoint Sajjad A Shah as CJP.

In the judge's case of March 1996, the SC headed by CJP Sajjad A Shah had ruled that the senior most judge should be considered for appointment *'if there is no valid negative element against him'*. Benazir Bhutto decided to beat CJP Shah with his own stick and filed a review petition asking the apex court whether the rule of seniority was applied to the CJP himself also [*referring to Shah's elevation against the rule of seniority*].

CJP Sajjad A Shah could not be beaten in Benazir Bhutto's era but the CJP had to leave CJP's slot unceremoniously in PM Nawaz Sharif's rule on the basis of the same principle he had coined.

TRANSPARENCY IN SELECTION OF JUDGES:

Hussain Zaidi, in daily '**Dawn**' of 2nd January 2011 pointed out a very peculiar aspect of this exercise. In his opinion Pakistan has parliamentary system yet key appointments are normally not subject to parliamentary approval. No parliamentary confirmation is needed for the appointment of ministers, Governor State Bank of Pakistan, Chairman of the Federal Public Service Commission, or the AGP etc; then why should judicial appointments be subjected to parliamentary confirmation? Considered opinion was that just to keep the CJP in limits, the authors of the 18th Amendment had pushed the principle of checks & balances in the appointment of judges too far.

Appointment of judges has been a burning issue amongst the CJP and political executives at least since Benazir Bhutto's time. Once, as has been cited elsewhere in detail, the CJP Sajjad Ali Shah had flatly refused to accept any of 'her nominees', neither male nor ladies, during a high level meeting at Governor House Lahore.

The present cause of 2010, however, surfaced after SC's judgment of 31st July 2009 through which about one hundred judges were sent home, though most of them had taken oath under the 1973 Constitution but were punished because they were appointed by Justice A Hameed Dogar, subsequently termed as unconstitutional CJP.

Political intelligentsia could not consume this argument and the CJP Iftikhar M Chaudhry ultimately lost the whole prerogative and power which remained with the CJs even during Gen Musharraf's military rule. The cases of the above referred judges should have been reconsidered by a committee of senior judges on individual basis. They could have been referred to the Supreme Judicial Council under Article 209 of the Constitution and a sane judge in that place could have avoided to be labelled as cunning and revenge scoring Chief Justice in the judicial history of Pakistan whatsoever.

No doubt, due to CJP Iftikhar M Chaudhry's score balancing attitude, the whole superior judiciary lost its esteem, honour and respect. Contrarily, the CJP got an unprecedented unanimous resolution passed by all the judges of the SC that Justice Khalil Ramday and Justice Rehmat H Jaffery be retained as ad hoc judges [*after their retirements in due course*] only because the CJP Iftikhar Chaudhry wanted them.

Justice (ret'd) Tariq Mehmood had raised a thunderous voice in that connection but of no avail. The whole lawyer's community knew that appointment of a retired SC judge as an ad hoc judge was in violation of Article 182 of the Constitution and the spirit of al-Jihad Trust case both but the CJP Iftikhar M Chaudhry's impulse prevailed.

It was a serious blow to the cause of '**independence of judiciary**'; the media and the general populace reacted strongly. Row between the CJP and President Zardari on an issue of elevation of two judges of the LHC to the SC had also brought humiliations for the apex Court during those days. There are series of examples which can be quoted that independence of the judiciary came into play only to the extent of the PPP's involvement as government or as party starting from the decision on NRO on 16th December 2009. The people also knew that Justice Ramday was a close associate of the CJP, often seen at CJP's bench with another ad hoc judge Ghulam Rabbani.

'Dissenting opinions are often seen as a barometer of how independent a judiciary is', rightly observed **Asad Jamal** in the **Dawn of 21st March 2011**. The media record is available to show that how humiliating attitude Justice Ramday had continuously been showing towards those lawyers arguing against the challenges to the amendment while often and repeatedly describing it as '*an attack on the person of the sitting chief justice*'.

In early 2010, promotions of certain senior civil servants were declared illegal by the SC and also termed extensions of some retired civil servants illegal on the grounds, among others, that '*this promotes nepotism and becomes a barrier in the promotion of other in-service civil servants*'. A fair question was raised that if the judiciary had applied the same principle to itself in J Ramday and J Rehmat H jaffery's cases.

This tendency to create exceptions was not new to the judiciary. In 2009, Justice (ret'd) Rana Bhagwandas was given a slot of the Chairman Federal Public Service Commission despite the fact that only months before he occupied that chair, the National Judicial Policy (2009) had announced that *'no retired judge of the superior courts shall accept an appointment that is beneath his status or dignity'*.

Another area of concern for the people was the excessive *suo moto* notices that brought the independence and credibility of the Superior Courts at stake. Once more referring to ***the Friday Times' dated 19th March 2010*** that *'if the judiciary becomes overly fond of the spot-light, there will come a time when the same forces of public passion that today shout slogans in favour of judicial independence will instead riot in opposition. It would be better for all if that day never came'*.

One can see if our superior judiciary was passing through the same phase those days; it should not have gone controversial at least.

Universally acknowledged that judiciary's independence depends on so many other factors like the level of transparency, accountability in the mechanisms used to appoint & remove judges, degree of independence enjoyed by a court's individual judges and protection from the pressure of their peers. In the post 2008 era of Pakistan's judicial history, one year of CJP Abdul Hameed Dogar and three years of CJP Iftikhar M Chaudhry, independence of the Pakistan's judiciary had been seriously compromised on all counts; reasons were manifold.

Referring to the ***'Dawn' of 19th May 2011***, Asma Jahangir, president of the Supreme Court Bar Association (SCBA) in 2011, had refused to recommend lawyers for appointment as judges because it was the sitting judges' responsibility to find candidates and evaluate their ability because lawyers appeared in cases before them. It remained a fact that the courts in Malakand Division of Khyber PK were not being made functional for want of judges; no judge was there to hear even appeals.

Also that once in the Sindh High Court, a woman and a minority community judge was shown the exit door on flimsy grounds; the woman judge was relieved on a complaint by her stenographer. Seniors could have been tolerant launching a proper enquiry into the facts.

A paragraph from the Supreme Court of Pakistan's website:

"The President of Pakistan appoints Judges to the Supreme Court from amongst the persons recommended by the Chief Justice of Pakistan on the basis of their knowledge and expertise in the different fields of law. The recommendation of Chief Justice is binding on the President and is accepted except for reasons to be recorded by President, which are justifiable."

The Pakistan Bar Council's [PBC] executive body, in February 2012, unanimously expressed dissatisfaction over the appointment of superior courts' judges by the Judicial Commission of Pakistan (JCP) and declared the process non-transparent. Coming from the PBC, this was quite a serious criticism. The reasons the PBC raised the issue of non-transparency were of the JCP's in-camera proceedings and the judiciary's controversial veto power; thus becoming an institution free of all restraints, constraints and necessary checks and balance mechanism.

Ever since the judiciary was restored in March 2009, it opened itself as pioneering 'pick and choose' justice. Albeit; for appointment of judges, the PBC did not challenge the new procedure muffled in the 18th Amendment but then, at last, opted to become a party to the case. In appointment of judges, the judiciary could earn more credibility by opening its doors to other stake holders too; that would have been the judiciary's true independence.

'Judges must only be appointed on merit and this can only be ensured if the process is transparent', the PBC held.

BRUTUS, YOU TOO [JUDGES SOLD OUT]:

On 16th January 2010, Pakistan's Federal Minister for Housing Rehmatullah Kakar submitted, in reply to a question on record, a list in the Senate containing the names of 53 former judges, including ex-chief justices of the Supreme Court and High Courts, 65 former bureaucrats, 59 journalists and 36 politicians who were given residential plots [*pieces of land distributed by the governments virtually free of cost*] during 1985 -2001.

The general populace of Pakistan always expected names of journalists, politicians, bureaucrats etc but were not able to grasp that judges would also appear in the list of 'illegal beneficiaries or plunderers' of the national wealth. Judges are supposed to be the individuals meant for taking care of basic provisions of fairness, equality and equal opportunities for all citizens given in the constitution but in Pakistan; *Brutus, you too*.

The said plots were given by the Federal Government Employees Housing Foundation [FGEHF], the Ministry of Housing and Works. The majority of the politicians and the bureaucrats were known to get residential plots allotted in their names from Gen Ziaul Haq to PMs Junejo, Benazir Bhutto to Nawaz Sharif by the Capital Development Authority [CDA] in successive periods of their rule but judges' inclusion was a surprise for all.

The journalists were given plots under the government quota of 2%, but only for those journalists who did not have any house or plot in their names in Islamabad.

Nine former judges of the Supreme Court were part of that list while rest of the judges who got plots belonged to the four provincial higher courts. Former Chief Justice of Pakistan Saeeduzzaman Siddiqui, Justice (retd) Bhagwandas, Justice (retd) Malik Qayyum and former LHC Chief Justice Ch Iftikhar Hussain were among the judges who got plots in Islamabad. Majority of the judges got residential plots in Islamabad while they were serving in the higher and superior judiciary but in other regions of the country.

Following were the names of some more honourable judges who got plots: Justice (retd) Mir Hazar Khan Khoso, Justice Saad Saud Jan, Justice Mukhtar Ahmed Junejo, Justice M Bashir Jahangiri, Justice Abdul Karim Khan Kundi, Justice Mohammad Aqil Mirza, Justice Qazi Mohammad Farooq, Justice Munir A Sheikh, Justice Nazim Hussain Siddiqi, Justice Rashid Aziz Khan, Justice Munwar Ahmed Mirza (BHC), Justice Nawaz Khan Gandapur (PHC), Justice Nawaz Abbasi (LHC), Justice Falaksher, Justice Abdul Hameed Dogar, Justice Khailur Rehman Ramday, Justice Amirul Mulk Mengal and many more.

On 27th November 2010, the allotment of plots to the higher judiciary took a new turn after it was disclosed before the Public Accounts Committee (PAC) that residential plots worth millions of rupees were allotted to three top judges apparently without completing mandatory legal formalities. As the official files of the FGEHF did not contain the dates of birth of the judges, the question of allotments on verbal orders, as opposed to proper procedure, came under discussion.

The set criteria required an applicant to fill out an official form and to give an affidavit that he or she did not own any other plot or house in the city but the three judges, former Chief Justice of Pakistan Sh Riaz Ahmed and LHC judges Faqeer M Khokar and Mumtaz Ali Mirza were allotted a one-kanal plot each on 17th November 2002 in Sector G-14. This playing with rules raised several questions over the allotment process and its transparency especially observed for the honourable judges.

The members of the PAC said that missing records meant that those judges had not filled out the proper official forms and, instead the orders were verbally given and immediately obeyed by the [allotment] authorities. Their dates of birth and joining the judiciary, the basic information required, were altogether missing. Some members passed sarcastic remarks that '*the three judges might have got the second plots*'.

In PAC it was also talked that important documents from Justice Sardar Raza Khan's file were also missing. In Justice Raza's case, the process of balloting was scrapped and he was given a multimillion-rupee corner plot of his choice. The then FGEHF Director General Arshad Mirza, a DMG officer but known to be a relative of Justice Raza, was accused of tampering with Justice Raza's records to enable him to acquire a second plot. These reports were never challenged.

After reading media reports about this case, PAC Chairperson Ch Nisar Ali Khan had ordered an inquiry against Arshad Mirza, a report of which was also pending before the PAC. Amid this scam, Mirza was, however, removed from the office.

On 8th July 2011, a Division Bench of the LHC resumed hearing of an appeal, *filed some 15 years ago*, to question **allotment, made in 1993**, of plots in **Lahore's Johar Town Scheme to some 28 judges by the then Nawaz Sharif government**.

The Bench, comprising Justice Khalid Mahmood Khan and Justice Syed Kazim Raza Shamsi, deferred the proceedings because no body attended the court; the case lingered on till all the judges in question were retired. A fresh appeal was moved against the single order, inter alia, contending that the allotments to senior judges were, being against the procedure laid down for allotment of plots in the Johar Town Housing Scheme and allotted by a judge who himself was a beneficiary, thus unlawful.

It was also unconstitutional, as the judges had submitted only a certificate and not an affidavit that whether they previously owned a plot in Lahore or not.

JUDGES PLOTS - 2ND SPILL:

In the first week of July 2012, all leading media papers published another chapter of such plots *quietly* showered on the judges of superior judiciary. Various papers mentioned that 21 [serving & retired] judges of the Supreme Court of Pakistan and around 56 bureaucrats were given residential plots [in G-12 & G-13 sectors of Islamabad] worth millions of rupees each in Islamabad's expensive sectors over the last two years [2008-2010] on the direct orders of the Prime Minister's Secretariat under a scheme somewhat incredulously called the **"Prime Minister's Assistance Package"**.

14 judges of the Supreme Court — both sitting and retired – and all the 56 bureaucrats mentioned therein were given two plots each by the government in violation of official policy, which restricts such allotments to only one plot per person, and that too if they do not already have a plot in the capital.

A list of the names of the beneficiaries, which also included the name of ad hoc judge Khalilur Rehman Ramday, was submitted to the PAC by the federal ministry of Housing. The plots were allotted by the FGEHF after it received official letters containing the names of 16 judges from the PM's Secretariat along with a list of about 100 judges from the four High Courts also.

However, no details ever surfaced that what prompted PM Gilani to float such a scheme, meant exclusively for the Supreme Court judges. Chairman PAC Nadeem Afzal Gondal had presided over the meeting of the PAC held in parliament house who had termed it injustice with poor citizens of the country.

Moreover, the judges of superior courts were allotted plots even though they were not serving in Islamabad – *a logical requirement for such allotments*. **The exception in the updated list of judges, who were allotted plots, was the name of CJP Iftikhar M Chaudhry**. Otherwise, a quick look at official files sent to the PAC revealed that almost all judges who served in the higher judiciary were given plots.

LHC Chief Justice **Khawaja Sharif** also '**accepted a plot**' in Islamabad although he was serving in Lahore. Justice Khalilur Rehman Ramday, who retired on 12th January 2010 and

was given a new contract, however took two plots from the government. The then newly appointed Chairman NAB Justice Deedar Hussain Shah also got a plot in 2004 when he was a judge of the SC. Attorney General Moulvi Anwarul Haq also got a plot when he was a judge.

The names of ***judges who acquired more than one residential plots*** included Justice (Rtd) Mansoor Ahmed, Justice M Nawaz Abbasi, Justice Faqir M Khokhar, Justice M Javed Buttar, Justice Syed Ash'had, former Chief Justice Abdul Hameed Dogar, justice Sardar M Raza Khan, Justice Mian Shakir Ullah Jan, Justice Tasadduq Hussain Jilani, Justice Javed Iqbal, Justice Falk Sher, Justice Nasirul Mulk, Justice Raja Fayyaz Ahmed, Justice Syed Jamshed Ali, Justice Ghulam Rabbani, Justice Ch Ijaz Ahmed, Justice M Sair Ali, Justice Anwar Zaheer and Justice Khilji Arif Hussain.

Justice Syed Zahid Hussain, however, made clear to the media that he had not accepted the said plot.

The Chairman PAC termed the issue ***another NRO***, in which judges of the superior and higher judiciary were all included as party and beneficiaries. The committee was also informed that some of these senior government employees had changed their plots from one sector to another. Former PM Shaukat Aziz had introduced a scheme for allotting one residential plot each to bureaucrats in Grade 22. The PA committee was also provided a list of 214 top bureaucrats of Grade 22, both serving and retired, who were allotted two plots each.

On 6th March 2013, the Public Accounts Committee (PAC) recommended that there should be no special quota for allotment of plots for judges and journalists and for allotment of agricultural land to military officers except the disabled, widows, and families of martyrs.

The PAC's Chairman Nadeem Afzal Gondal submitted a report in the Parliament with above recommendations. It was resolved that the FGEHF and Pakistan Housing Authority (PHA) would not allot plots to anybody in contravention of an original and already approved scheme; transfer of allotted plots from one sector to the other under the Prime Minister's special assistance package or under the age-wise seniority scheme, were to be cancelled too.

On 14th March 2013, just a week after the PAC had placed its report before the house with much judicious recommendations, the event brought immediate fruit. Mighty bureaucrats, the AGP, two retired and two serving judges of the Supreme Court (SC) were at the top of a list of 102 Grade-22 officers who were considered by the PM Raja Pervaiz Ashraf for approval of plots on the last day of PPP's government.

PM Raja Pervaiz Ashraf did not hesitate to follow the discriminately state policy to award plots to only the elites of the society in violation of the PAC's recommendations to abolish special scheme of allotting one-kanal plots to Grade-22 officers whether he had got a plot earlier from governments or not.

The list compiled by the Federal Government Employees Housing Foundation (FGEHF) included the names of Establishment Secretary Taimoor Azmat Usman, Chairman PEMRA Ch Rasheed, Justice (retd) Tariq Pervaiz, Justice Mian Saqib Nisar, Justice (retd) MA Shahid Siddiqui, Akhtar Buland Rana the AGP, the Interior Secretary Khawaja Siddique Akbar, Information Secretary Agha Nadeem and many more.

After the federal secretaries were allowed two residential plots in the federal capital, the government decided to extend this facility to the judges of the Supreme Court as well despite the fact that the incumbent CJP Iftikhar M Chaudhry had taken *suo moto* notice of the two-plots policy for federal secretaries before Gen Musharraf's emergency of 3rd November 2007.

Later, the new CJP Justice Hameed Dogar had dismissed that *suo moto* case but all PCO judges of that time accepted the offer of two plots. The controversial policy continued till late

though the re-born CJP Iftikhar M Chaudhry himself had refused in 2009 the offer of a second plot. However, some judges of the post-March 2009 judiciary accepted the offer.

[In Islamabad, the government offered residential plots on throwaway prices to the journalists of Rawalpindi and Islamabad; while some of whom had also been allotted residential plots by the Punjab government in Rawalpindi. In military, the number of plots increased with the level of promotions and Generals got agriculture lands and commercial plots besides residential plots.]

The poor populace in Pakistan were just to ponder and see that who else was there in the Q to ransack and plunder their beloved country.