

Scenario 173

ENTRY OF NEW CUSTODIANS

GEN RAHEEL SHARIF TAKES OVER:

On 29th November 2013; outgoing military chief Gen Ashfaq Kayani handed over the command of the army to new Chief of Army Staff Gen Raheel Sharif. He passed the baton of command to Gen Sharif at a ceremony held in the Army Hockey Stadium, close to the General Headquarters [GHQ].

Two days earlier, the PML[N] government had announced career infantry officer Gen Raheel Sharif to succeed Gen Kayani. Gen Rashad Mehmood was named the chairman of Joint Chiefs of Staff Committee the same day. Gen Sharif was also holding the *Hilal-i-Imtiaz* military award, and the younger brother of late Major Shabbir Sharif, who received the *Nishan-i-Haider* for his services in the 1971 war.

Kayani's retirement from the post came after rules were relaxed to grant him an extension in July 2010 by the PPP government in what then Prime Minister Yousuf Raza Gilani said was in the interest of continuity at a time when the war on terror was continuing against elements who wanted to impose a system of their choice on Pakistan.

Going into more details; during the ending week of November 2013 PM Nawaz Sharif considered a panel of names for a new army chief who could ensure peace and stability in a country which was devastated by the religious sectarianism and terror attacks from inside as well as across its borders. The stakes were not higher but last time PM Sharif chose an army chief; and he was toppled by the same Gen Musharraf, a year later.

America, which considered Pakistan Army's cooperation as vital to its strategy in neighbouring Afghanistan, was watching closely, hoping for continuity before most foreign troops pulled out of that country in ending 2014. Gen Mahmud Durrani, who served as Pakistan's National Security Adviser until 2008, opined that:

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"What is best for the country may not be the best option with PM Nawaz Sharif. He'll try to appoint someone who will do his bidding, not someone who is good for the army. And similarly, the new chief will be driven by the institution and not necessarily by a civilian political leader."

The two senior Generals, Lt Gen Haroon Aslam and Lt Gen Rashad Mahmood, were seen as main contenders then. Gen Aslam was the most senior military officer after Gen Kayani, and thus his natural heir. Gen Mahmood was the most senior commander and was Gen Kayani's favourite.

One Gen Tariq Khan was also being named because of his position as an important interlocutor with the United States – but he did not touch the mark. Gen Khan was promoted to major general in 2006 and he commanded an armoured division in Multan and later an infantry division in South Waziristan leading *Operation Zalzala* against the militants. On 9th December 2007, Gen Tariq Khan received United States Legion of Merit for meritorious services as a liaison officer at CENTCOM during Operation Enduring Freedom.

Gen Kayani had won credit for reducing the military's public role in politics although the army retained huge influence behind the scenes, especially over security and foreign policy. Like every civilian leader, Nawaz Sharif was keen to limit that sway under a new commander. In that scenario, as the PM had trusted in Gen Kayani's democratic credentials, Gen Rashad Mahmood was an apparent choice but he [PM] was also aware that most senior army officers were not supporters of Gen Kayani's softer approach.

One of PM Nawaz Sharif's pledges in the run-up to his May 2013 election victory was to improve ties with old rival India but clashes between the two armies in the disputed Kashmir region erupted just weeks after the vote. Thus Nawaz Sharif needed to gain support of the new incumbent army chief to make progress on that front.

On the other side, the GHQ was cautious of another campaign promise of the PM to open talks with Pakistani Taliban militants, battling the state since 2007 to impose their Islamic vision of Caliphate through mass murders and suicidal bombings. Gen Kayani was being labelled as 'coward General' on that front. It was believed that Gen Kayani had been instrumental in pushing for negotiated settlements with insurgents on both sides of the Pak-Afghan border.

The think tanks, however, were sure that PM Nawaz Sharif would not be able to afford picking a wild card right then – but it was not a time for adventurism or any untamed experiments.

However, everyone was surprised when, **On 27th November 2013**, the PML[N] government approved Gen Raheel Shrif's appointment for the slot of Chief of Army Staff.

Career infantry officer Lt Gen Raheel Sharif was appointed as the new COAS, while Lt Gen Rashad Mahmood appointed the Chairman Joint Chiefs of Staff Committee [CJCSC].

Lt Gen Raheel was then serving as Inspector General Training and Evaluation whereas Lt Gen Mahmood was serving as Chief of General Staff. Both senior military officials met Prime Minister Nawaz Sharif earlier on 27th November 2013 where the premier conveyed them the decision. The PM sent to the President Mamnoon Hussain, the Chief Commander of the armed forces, a summary to promote the two Generals and approve their appointments. The summary was approved, following which the notification was issued by the Ministry of Defence.

Gen Raheel's selection as army chief implied that front runner and the senior most military officer Lt Gen Haroon Aslam, then serving as Chief of Logistic Staff, was ignored for the elevation. Gen Haroon Aslam had opted to go on retirement as per military traditions in vogue – perhaps he was superseded because of his role in the October 1999's military coup.

BBC held that Gen Raheel Sharif was selected due to his tactical acumen in counter-insurgency operations: ***"Those who know Gen Sharif say that during his last tenure as Inspector General Training & Evaluation, he reshaped nearly all the important training courses, bringing them in line with the challenges of internal terrorism."***

This aspect had driven PM Nawaz Sharif's decision to nominate the General for Pakistan's top military job but some allege that cabinet politics led to the appointment. Gen (rtd) Qadir Baloch, a known guide of Raheel Sharif, was named to have pushed for Gen Raheel Sharif's appointment.

On 29th November 2013, Gen Raheel Sharif, a blue-blooded and down-to-earth soldier, assumed the command of Pakistan Army as the new Chief of the Army Staff [COAS] and took on his shoulders all the security challenges the country was confronting with. In the Hockey Stadium in front of the GHQ, the outgoing army chief Gen Kayani handed over the traditional Malaca Cane to the new COAS and addressed about 4,000 dignitaries say-

ing that **".....under Gen Raheel Sharif's leadership, the Pakistan Army will continue to enhance its professional capability."**

Gen Kayani, known as the **'quiet General of Pakistani politics,'** was given much credit for resisting the temptation to meddle in politics despite Pakistan's frequent security, economic, power and political crises.

Newly appointed Chairman Joint Chiefs of Staff Committee, Gen Rashad Mahmood, Chiefs of Air Staff and Chief of Naval Staff among senior in-service and retired officers of trio armed forces attended the change of command ceremony. Besides, Defence Minister, Kh Asif and a large number of politicians and journalists also witnessed the impressive change of command ceremony.

Media had rightly declared Gen Kayani as democracy's defender and champion, it would be remembered in the history that his years the ISI had been feeding stuff to the media hoping that President Zardari would just collapse – but he managed to survive. Direct approach to the White House by both pillars mattered much. Memo-gate was the last serious effort to get rid of Mr Zardari but miserably failed.

However, due credit should be given to Gen Kayani; like restoring army morale and carrying out the Swat operation and the offensive in South Waziristan. Albeit; having earned his laurels and having done well by the army, Gen Kayani looked a slightly tired figure, going through the motions of command but with nothing really new to offer. That was why his extension was not appreciated by many.

Profile of Gen Raheel Sharif; Born in Quetta on 16th June 1956, the new Army Chief grew up steeped in the military tradition. Gen Raheel Sharif's elder brother, Shabbir Sharif, was a course-mate of Gen Musharraf, and was killed during the 1971 war with India and was awarded the ***Nishan-i-Haider***, Pakistan's highest military award. The new COAS got his formal education at Government College Lahore and later went to attend the Pakistan Military Academy.

After graduation, the COAS was commissioned in 1976 in renowned 6th battalion The Frontier Force Regiment in which his elder brother was also commissioned. As a young officer, he performed his duties in Gilgit in an infantry brigade and also served as adjutant of Pakistan Military Academy. As a brigadier, he had commanded two infantry brigades including an independent infantry brigade group. He has been the General Officer Commanding [GOC] of an infantry division and the Commandant of the prestigious Pakistan Military Academy.

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In 2002, he was also appointed as Military Secretary by then Chief of Army Staff General Pervez Musharraf succeeding Nadeem Taj, who later served as director general ISI.

In time, he was assigned command of the 11th Infantry Division in Lahore by General Pervez Musharraf. After commanding the division for over 2 years, he was posted as Commandant of the Pakistan Military Academy, Kakul. Following his promotion to Lieutenant General, Sharif served as a corps commander Gujranwala for two years and then took over as Inspector General for Training and Evaluation in Pakistan Army.

As a Lieutenant General, Sharif served as Corps Commander for two years before taking over as Inspector General Training and Evaluation in which capacity he oversaw the training of Pakistan Army. He was also awarded the **Hilal-i-Imtiaz**, the second highest civilian award, an honour that is given to both civilians and military officers of the Pakistan armed forces.

In Ayaz Amir's words as appeared in **'the News'** dated **29th November 2013:**

'Gen Musharraf is about to be tried for treason. If there was any justice in the world he would be tried for the freedom he gave the Pakistani media, not that anyone in the media would acknowledge this.

Gen Ziaul Haq didn't look coup material when he was chosen army chief by Mr Bhutto. Nor did Gen Musharraf's background was bothered about when a faction of intriguers whispered his name in Nawaz Sharif's ear.

No one is born a coup-maker. Circumstances make the man and the moment. Gen Musharraf's Kargil but, and this is worth remembering, when the army command finally revealed all to a clueless PM [Nawaz Sharif] at a briefing in Ojhri Camp, Rawalpindi, all that came to the PM's mind was to praise the excellence of the sandwiches placed thoughtfully before him.

This much is certain, Gen Musharraf was asked no tough questions, much less put on the mat.'

The history stands witness that Mr Z A Bhutto in early mid 1977 - during the anti-rigging agitations of the PNA, had started inviting his Generals to his cabinet meetings. The shrewd ones had sensed his weakness and start-

ed exchanging glances with each other [**Maulana Kausar Niazi's '.....Aur Line Kut Gaye' is referred**].

There were problems all around and Pakistan needed not just a competent army chief but a vigorous one..... not just to the expectations of the PM Sharif, but that of the nation. War and peace, what to do about the Taliban threat, how to prepare for the American withdrawal from Afghanistan...on these and other issues it was the PM who had to issue the marching orders. Every Pakistani had felt that the political elite were not up to the task.

But there were certain things within the new army chief's vision; most leaders had their wealth abroad, but most senior Generals also owned half a dozen residential plots plus an obligatory fifty acres of agricultural land in Bahawalpur or elsewhere districts like that; thus the running in the vicious circles going on since decades. In the words of **Ayaz Amir** cited above:

"..... We have troops located on the world's highest battlefield, the Siachen Glacier, serving with the utmost dedication. We have infantry units and other arms exposed to constant danger in the killing fields of Fata. Any army would be proud of this record.

And then we have the army dabbling in commercial real estate in the form of defence housing authorities. No other army does it, certainly not on this scale."

Pakistan had suffered long on the premises of slogans like '**Good Taliban – Bad Taliban**' - the time for that was over; the '**jihadi**' era was a by-gone concept. The Pak-Army needed to turn over a new leaf. Many sectarian outfits had openly turned against the army and the state - but were still considered as some kind of assets by majority of politicians.

Assets for what? No one cared to explain that simple question. Gen Raheel Sharif had to break that bond – that myth. Gen Zia's motto – Faith, Uprightness, Jihad – had lost its wisdom when 47,000 dead bodies were brought home who had been killed by and for those '**Jihadis**'.

The Pak-Army was needed to being a strictly professional army dedicated to the defence not of the country's ideological frontiers; the defence of geographical borders and the safeguarding of internal security.

On 20th February 2014; Chief Justice Tassaduq Hussain Jilani took a *suo motu* notice of the Pakistani Taliban's warning to **Ismailis** and the **Kalash** tribe of Chitral Valley to convert to Islam. *Tehreek e Taliban* Pakistan [TTP]

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on 2nd February 2014, had released a video announcing an armed '*jihad*' against the Ismaili Muslim sect and Kailash people. They were threatened to convert to Islam or face death.

The CJP issued summons to Attorney General of Pakistan [AGP] and Advocate General Khyber PK [AG KP]. The *suo motu* notice was taken on media reports regarding the threatening video. CJP Jillani remarked that:

'Islam is a religion that preaches peace and tolerance; the threats by TTP to the groups contravenes with Article 9, 20 and 36 of the Pakistan's Constitution that ensures the security, freedom of religion and protection of minorities in Pakistan, respectively.'

As per the apex court orders, the hearing of the *suo motu* notice was held along with the Peshawar church attack case on 24th February 2014.

CJP IFTIKHAR CHAUDHRY RETIRES:

On 11th December 2013; Chief Justice of Pakistan Iftikhar M Chaudhry returned home from his last day as head of country's top court, bringing to end eight historic years in Pakistan's judicial history. During his last day, the CJP Chaudhry was part of the three-member bench that heard the contempt of court case regarding the Inspector General of the Frontier Corps [IGFC].

A full court reference in honour of the outgoing chief justice was also held that day, as he retired after serving in the apex court for more than one decade. The reference was held in Court Room No: 1 and was held with all the judges of the apex court in attendance.

[On 13th November 2013; *the National Assembly rejected a constitutional amendment, proposed by MNA Jamshed Dasti, seeking to increase the age limit of retirement for Chief Justice of Pakistan to 67 years by forwarding an amendment in the Constitution of Pakistan raising the current retirement age limit of 65 by two years. However, the House rejected the projected amendment with a majority vote. Chief Justice of Pakistan Iftikhar M Chaudhry was retiring next month.*]

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CJP Chaudhry, whose tenure was grossly riddled with controversies, caused yet another controversy on his last day in office. Journalists of leading media groups protested because CJP Chaudhry granted preferential access to only one group, the **GEO TV and the 'Jang'** daily, to the film and broadcast images from the full court reference when all other channels were locked out by the court administration. Journalists resorted to protesting outside the court on this alleged preferential access while chanting derogatory remarks against the CJP by name.

*[On the same day of **11th December 2013**; the Lahore High Court Bar Association [LHCBA] witnessed two diverse celebrations on the retirement of Chief Justice of Pakistan Iftikhar M Chaudhry.*

*The cabinet of the bar observed "**Youm e Nijat**" [Riddence Day] and distributed sweetmeat among bar members. On the other hand, a group of bar members observed "**Youm e Iftikhar**" [Honour Day] and held a cake-cutting ceremony to pay a tribute to the CJP on his retirement.*

The LHCBA cabinet was being ruled by a group of lawyers, which believed that Justice Chaudhry did not serve the judicial system and rather crossed constitutional limits while deciding a number of cases during his tenure. Abid Saqi was president of the bar who belonged to Independent Group headed by Asma Jahangir.

The LHCBA welcomed new chief justice Tassaduq Husain Jilani and announced to organise a reception in the honour of the new CJP.

On the same day, the executive committee of the Supreme Court Bar Association [SCBA] suspended membership of its vice-president, Rana Naeem Sarwar, for organising a farewell dinner for outgoing Chief Justice Iftikhar M Chaudhry. Bar Secretary Asif Mahmood Cheema had issued a show-cause notice to Mr Sarwar for inviting the outgoing CJP to a farewell dinner on behalf of the executive body.

The plea taken in the notice was that the executive committee with majority of the members had already decided not to hold any farewell dinner / lunch for the outgoing CJP due to torture of lawyers outside the Supreme Court building in Islamabad.

The VP was asked to submit a written reply to the notice. The VP attended bar's executive committee meeting and defended his act of holding the dinner for CJP Chaudhry. Sarwar said he had ar-

*ranged the dinner in his personal capacity, however, **the committee rejected the argument observing that the CJP was also given a souvenir on behalf of the SCBA.***

The SCBA's committee suspended basic membership of Sarwar; re-sultantly he was no more vice president of the bar.]

To generalize, the "bad" that the apex Court did under CJP Chaudhry was almost the grand, the macro, the great philosophical, political and moral questions; the Court got most of them wrong. The "good" that came was mostly the micro, the less glamorous, less adversarial, the human rights issues and the problem was that there was too little of that.

Although the balance was tilted heavily towards one side, in the interest of fairness and parting courtesy, here are some of the best and worst judgments of CJP Chaudhry's tenure.

The PCO Judges Case: the 31st July 2009 Judgment was one of the earliest judgments that gave an indication of things to come from the post restoration judiciary. The lawyers' movement was based on one seminal principle, namely, that Judges of the Superior Courts [High courts and Supreme Court] cannot be sent home without the due process articulated in Article 209.

However, in the said PCO Judges' Case, the CJP and the court by sending more than one hundred judges home did exactly what their grievance was against Gen Musharraf.

[On 28th November 2013; Justice (rtd) Yasmin Abbasey lodged a writ petition / reference against the out-going CJP Justice Chaudhry while making six other judges of the Supreme Court respondents. Out of seven respondents she named, three judges had already been retired – they were *Justice (Rtd) Rana Bhagwan Das*, *Justice (Rtd) Jawed Iqbal* and *Justice (Rtd) Ghulam Rabbani*.

The subject REFERENCE was filed under Article 209 of the Constitution of Pakistan against CJP Iftikhar M Chaudhry and his six other companion judges being deeply aggrieved and dissatisfied with the order dated 3rd November 2007 who had authored the judgment. Justice Abbasey was facing contempt proceedings for violating the 3rd November 2007 order of the SC by taking oath under the PCO.

Justice Abbasey's was the third application to the President of Pakistan in the last two months for filing of a reference against the CJPP Iftikhar M Chaudhry. Earlier, Lahore High Court Bar Association had also moved a reference against the chief justice.

Addressing a press conference, justice Abbasey contended that the 3rd November 2007 restraining order was forged and she wanted to bring fore "true facts" regarding the court's decision. She urged:

"The facts of forgery committed by CJP Iftikhar M Chaudhry brought forward with sufficient evidence makes out a case of gross misconduct and extreme form of corruption against him as stipulated in Article 209 of constitution of Pakistan, therefore it is requested that till decision of this reference service and pensionary benefits of all the respondents be withheld, otherwise the very purpose of filing of this reference will be frustrated."]

The NRO Judgment: The question in the NRO judgment was simple strictly formal legal question that if the NRO was valid law or not. It was not the final verdict but the process was very problematic. The court not only struck down the NRO but also wrote around 290 pages, most of them dealt with morality, politics and the court's version of history.

Under that NRO judgment, only the politicians and officers allegedly belonging to the PPP were penalised. The MQM's about 3000 cases and PML[N]'s team members went Scott free. It was an utter un-professional, immoral, dishonest, dissipated and morally wrong judgment by all standards of legal and judicial cannons.

The Memo Commission: This was an extraordinary and un-precedented exercise. The Court had no legal basis of holding the matter justifiable and judicious; it should not have admitted to hearing as it ostensibly pertained to foreign policy of Pakistan. The fact that it did so, was either a case of very poor judgment or else was not completely *bonafide*.

Arslan Iftikhar Case: This was again incredible in so far as the Chief Justice himself sat on the bench that took *suo motu* notice of the case; an egregious disregard of the code of conduct and the principle of not being a judge in own cause. And the subsequent handling, even after the CJ had apparently rescued himself, had major problems of neutrality, objectivity and most importantly that justice was not seen to being done.

The judges sitting on the bench heard this case mischievously and dishonestly, had simply worked to give clean slate to a Chief Justice's son – was an utter shame for the whole superior judiciary.

The Disqualification of PM Gilani: The PM Gilani contempt case and the NRO implementation proceedings were awkward and tricky at multiple levels. Legally, the issue was that the original seven member bench had not disqualified PM Gilani and a subsequent three member bench doing it meant overruling the seven member bench, a rather ridiculous thing. Also, the power to disqualify lay arguably with the Speaker National Assembly and the Election Commission of Pakistan, the court rendered both of them redundant in this case.

The Asghar Khan Case: This was the first time that the military establishment's practice of influencing and manipulating the electoral process was formally recognized and people, both military and intelligence agencies along with the political beneficiaries, were named and acknowledged.

It was only an eye-wash judgment – just to gain cheap popularity and balancing his own personal score against the army due to Gen Musharraf's harsh treatment extended to his person in 2007. Unlike the NRO, no implementation proceedings were started and the Court stopped short of actually holding individuals accountable. Most people held that implementation proceedings were not taken because CJP's beloved Sharif brothers were to be saved.

[On 26th September 2010, Abdul Qayum Jatoi quits as Minister of Defence Production after claiming that the Pakistan Army was involved in political assassinations, including that of Benazir Bhutto. Jatoi had alleged that Chief Justice Iftikhar Chaudhry belonged to Faisalabad but used a domicile of Balochistan to become a judge. Jatoi had made the remarks in his personal capacity; he told a news conference in the city of Quetta. During the same news conference, Mr Jatoi suggested that:

"..... the benefits of corruption should be equally available to all; all groups — Sindh, Pakhtun, Baloch, Seraiki and Punjabi - should get an equal share in corruption."

CJP CHAUDHRY'S WISH LIST:

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Former CJP Iftikhar M Chaudhry had sought allocation of a costly and expensive residential plot in Islamabad days before his retirement, reversing a decision made to much acclaim in 2009 just to benefit his person.

A now-lapsed prime ministerial scheme had given approval for allotment of plots to bureaucrats and members of the superior judiciary. Dr Faqir Hussain, Registrar of the Supreme Court, wrote a letter to the Director General of Federal Government Employees Housing Foundation, on 28th November 2013 seeking allotment of a plot to the then chief justice. In the letter, the registrar said:

"Mr Justice Iftikhar M Chaudhry, Honourable Chief Justice of Pakistan, is entitled to a residential plot. Therefore, you are requested to finalise the process of allotment under the prime minister's package at the earliest."

The SC registrar wanted allotment of plot No 45-D in Sector I-8/2, measuring 600 square yards. Justice Chaudhry had turned down the allotment of the same plot to him in 2009, then of course, the plot had already been allotted to another applicant.

However, it added, if the government accepted the application of Justice Chaudhry, another plot could be allotted in D-12/2. In fact, plot No 114-A, Street No: 7 in D-12/2 Islamabad was marked for the former chief justice by the government as per CJP's choice. When a query was put to the SC's Registrar, it replied in writing:

"Former Chief Justice of Pakistan may be contacted for the purpose, if one so desires."

In August 2009, a number of judges, along with the CJP Chaudhry, were issued allotment letters. But in a surprising move, the foundation received another letter from the SC in which it was told that the chief justice had refused to accept the offer letter while saying that:

"Since the chief justice had never asked for it, therefore, the said offer may be withdrawn immediately."

The deputy registrar wrote in his letter to the Housing Foundation's Secretary – what a hypocrisy from a Chief Justice it was.

The fact remains that the CJP Chaudhry didn't think it appropriate to get a plot from the PPP-led government as it had initially opposed his restoration.

But later he felt 'pride' in requesting the Nawaz Sharif's government to allot him a plot of his choice.

Rejection of the plot, which had a market value of Rs:30 million at that time, was hailed in the media. Some termed the decision an end to "**politics of plots**" and even berated PCO judges, including former CJP Abdul Hameed Dogar, Justice (rtd) Nawaz Abbasi, Justice (rtd) Faqir Muhammad Khokhar, Justice (rtd) Javed Buttar and Justice (rtd) Saeed Ashad for accepting plots.

However, such was the lure of residential plots carrying fabulous price tags that even non-PCO judges, including successive CJP Tassaduq Hussain Gilani, and a close friend of the former CJ, Khalil-ur-Rehman Ramday, did not follow Justice Iftikhar Chaudhry's example and benefited from the generous scheme introduced by Prime Minister Shaukat Aziz of Gen Musharraf's era.

After the allotment made to CJP Chaudhry, PM Nawaz Sharif ordered discontinuation of allotment of plots to BPS-22 officers and judges.

[On 25 December 2015; the former CJP Iftikhar M Chaudhry announced the formation of a new political party in Pakistan; it was named the Pakistan Justice Democratic Critic Party [PJDCP] headed by himself. Speaking at the launching ceremony in five star Marriot Hotel in Islamabad, he said the PJDCP **would welcome only non-corrupt people.**

Pakistan's general populace gave a big laugh over the announcement as his only son had accumulated Rs:945 million till then just by selling his CJP father's name – but he could not be labelled as corrupt because of his dad's influence.

*Mr Chaudhry, then 66, said his party would work on a 25-point agenda, including in the sectors of health and education and land reforms. Provision of justice to the common man was the basic manifesto of his party. The ceremony was attended by lawyers, civil society activists and others and the proclaimed **aim of the new party was told as to solve people's problems.***

Iftikhar Chaudhry was appointed 18th chief justice of Pakistan by then then president Gen Musharraf on 30th June 2005. On 9th March 2007 Gen Musharraf asked CJP Iftikhar Chaudhry to resign, but he refused and the conflict between the two led to the latter's suspension on 3rd November 2007. He was reinstated on 22nd March 2009 and retired on 11th December 2013.

CJP Iftikhar Chaudhry was one of those whom Pakistan Tehreek e Insaf Chairman Imran Khan had accused of having played a key role in alleged rigging in May 2013's general elections.

Just next day's print and electronic media had given open opinions that former CJP Chaudhry's PJDCP was unlikely to become handful for the major political parties in the country. In their opinion, Justice Chaudhry had unveiled an expansive manifesto and made high promises about who could be eligible for induction into the new party. In fact, no one, politician or voter, appeared to be interested in joining the Chaudhry's mission.

That was unsurprising, the former CJP's public appeal was rooted, firstly, in what was his willingness to stand up to a dictator and, secondly, the perception that he was fighting on the side of the common man against the politicians.

However, both those attributes were denied by CJP Chaudhry himself through his rogue, egoistic and partisan judgments as chief justice. Without his judicial robe, the former CJP was just an ordinary citizen, a little famous though.

Announcing a political party at news conference simply could not compare with the chief justice's gavel in Courtroom No 1 on Constitution Avenue. So while Pakistan had moved on — there were several chief justices after Mr Chaudhry — it appeared that the former CJP was living in March 2007.

*History is replete with such instances of what Mr Chaudhry tried to do — and each time history proved it to be an unwise rather embarrassing choice. Once, a retired **Gen Aslam Beg** thought he would win the public's affection and their vote but his **Awami Qiyadat Party** barely merits a footnote in history.*

*More recently, the deposed **Gen Musharraf** thought he knew the pulse of the people better than politicians but ultimately he was made to remain confined to his house, rushing between various courts to have shoes hurled upon him and for hospitals to manage false prescriptions, with even his famed Facebook supporters not agitating for his release.*

*Gen Musharraf's **All Pakistan Muslim League** has no discernible presence anywhere in the country.*

*At the last election, **Dr Abdul Qadeer Khan** felt that Pakistan had to be saved and so launched the **Tehreek e Tahaffuz e Pakistan**. but could not attract even double figure supporters thus was quickly dissolved.*

Former CJP Iftikhar Chaudhry's party had met even worse fate.]

CJP CHAUDHRY'S ARMoured CAR:

On 15th January 2014; a single-member bench, Justice Shaukat Aziz Siddiqui, of the Islamabad High Court [IHC] ordered the provision of the bullet-proof car to the retired CJP Mr Chaudhry; the IHC bench had issued the said order without hearing the ministry concerned. J Siddiqui ordered that:

"...the former chief justice shall be provided foolproof security along with possession of the aforementioned bullet-proof car for his and his family's use without putting embargo of any time specification."

Prime Minister Nawaz Sharif was also found personally interested to direct the compliance of the IHC's order and provided the bullet-proof car to Justice Chaudhry though he was retired on 11th December 2013. Initially Justice Chaudhry was provided an old bullet-proof vehicle but soon it was taken back and the CJP was provided a brand new one.

[The matter of providing a bullet-proof car to CJP Chaudhry predated his retirement, when as the Chief Justice of Pakistan he had expressed the desire to retain his official bullet-proof vehicle through the PPP government's monetization scheme.

The scheme launched in 2011 allowed civil servants between BPS-20 till BPS-22 to buy the official vehicles in their use at a cost calculated at an annual depreciation of 15 percent.

Prior to Iftikhar Chaudhry's retirement, Dr Faqir Hussain, the Supreme Court registrar had written to the cabinet division but received no reply.

Days before CJP's retirement, the SC's deputy registrar followed up on the request suggesting a new bullet-proof car be provided for the new Chief Justice Jilani. It was provided by the federal gov-

ernment but the new CJP returned it back to the Cabinet Division – he knew how to keep the grace of the highest rank of a CJP.]

On 25th December 2015; the former CJP Chaudhry formally joined politics and launched his own party. After the former justice became a politician the Law Ministry approached the Attorney General to explore possibilities of getting relief from the court. The ministry was of the view that:

"Since the former CJP had joined politics thus the use of official car and petrol by a politician under the coverage of the high court order has become a serious point of criticism of the government by the public as well as politicians."

After the launch of his political party the use of an official bullet-proof car by the former CJP had become a matter of concern for the government.

As per the calculation of the law ministry, a total expenditure of Rs:4 million had incurred on the Mercedes Benz from January 2014 to Jan 2016, of which Rs:3.37 million were spent on the repair work and Rs:638,419 on fuel.'

The vehicle was provided to the former CJP for three months but look at the judicial gimmicks in Pakistan that till ending 2016 the vehicle remained with the former CJP on the expense of poor people of the country. Analysing the above figures of expenditure, the media sarcastically held that CJP Chaudhry's kitchen was lavishly running on that car.

The federal government lodged an intra-court appeal; it contended that the order of the single-member bench was arbitrary and not in accordance with the law. The appeal said in order to justify the possession of the bullet-proof car Justice Chaudhry had relied upon those threat alerts which had been issued to him in 2009 when he was the CJ of Pakistan.

A senior government lawyer on the condition of anonymity told Dawn that the counsel from the ex-CJP side did not file such CMAs during the last a couple of years. Filing of CMAs at a time when the IHC is hearing the case on a daily basis showed they wanted to drag the case, he added.

Senior lawyer Ahsanduddin Sheikh, on whose petition the IHC single-member bench provided the bullet-proof car to Justice Chaudhry, that filing of the CMAs was their legal right. His other companions in the BAR held

that ***'till such corrupt minded judges and lawyers are available in Pakistan – the country does not need India to attack.'***

On 27th January 2016; the Supreme Court asked the IHC to decide by the first week of February the federal government's intra-court appeal [ICA] for reclaiming the car.

The matter was fixed before the IHC on 4th February and was then adjourned. The IHC bench, comprising Justice Noorul Haq N. Qureshi and Justice Aamir Farooq, was hearing the matter on a day-to-day basis. Two lawyers of the former CJP Chaudhry filed five miscellaneous petitions [*on flimsy grounds*] with the court in about two weeks making it difficult for the IHC to decide the fate of bullet-proof car.

It was a general impression in the city that the shrewd litigants file CMAs to linger a case; referring to the filing of the five CMAs in less than a week, the DAG held this was to delay the concluding of the case.

In the CMAs, the lawyers sought relief for placing some additional information on the court record, constitution of a larger bench, summoning the Attorney General in person for interpretation of the law and comparative statistics of official security provided to dignitaries. The lawyers should have assisted the bench so the matter could be decided within the given timeframe but here the corrupt minded former CJP was guiding his lawyer with ultimate filth and muck.

On 7th March 2016; after concluding arguments from the federal government that former CJP Iftikhar M Chaudhry could not retain an official bullet-proof car on any constitutional, legal or moral ground, the IHC reserved its verdict. The IHC division bench comprised Justice Noorul Haq N. Qureshi and Justice Aamir Farooq.

Concluding arguments in the appeal, the Deputy Attorney General [DAG] Fazalur Rehman Niazi said:

*".....the issue was **'not related to independence of judiciary.** Supremacy of law requires following the rule and the constitutional and legal provisions according to which former CJP is neither eligible to retain the car for an indefinite period nor entitled to obtain fuel through the use of funds of Ministry of Law and Justice."*

On 11th May 2016; a division bench of the IHC had set aside Justice Siddiqui's verdict ordering the government to provide a bullet-proof car and security to the former CJP.

While allowing the federal government's Intra-Court Appeal (ICA) to reclaim a bullet-proof car being used by the former CJP Chaudhry, the court had remanded the case back to the single bench with directions to hear all parties and conclude the case.

[Justice Shaukat Aziz Siddiqui had been known as a stooge front-man of former CJP Iftikhar Chaudhry while he remained in the office at Supreme Court of Pakistan.

A corrupt judge of the IHC, putting his guns of cowardice on the shoulders of two corrupt lawyers of former corrupt CJP Chaudhry succeeded in lingering on the issue till at least ending 2016.]

On 4th October 2016; the IHC issued notices to all concerned parties after it started proceedings afresh for that case of providing bullet-proof car a mentally corrupt former CJP named Chaudhry.

Justice Shaukat Aziz Siddiqui, **[against whom three references of corrupt practices were already lying with the Supreme Judicial Council to be dealt with under Art 209 of the Constitution]** issued notices to the ministry of interior, ministry of law and justice division and the secretary cabinet division and directed them to submit their replies.

In fact, there was no precedent of providing a former top judge with bulletproof car. As the service had been allowed by another corrupt justice Siddiqui, it could not only open the door for all retired judges of the superior judiciary to seek the same facility but would also be discriminatory under Article 25 of the Constitution.

AAG Kundi had argued before the IHC that:

"...it should not appear as if judges are favoured simply for being judges. With the whole country under threat, could everyone be granted the same security as Justice (retired) Chaudhry."

On 2nd December 2016; however, Justice Siddiqui ordered that the former CJP should produce the vehicle before the court as case property on

the next hearing on 8th December '*where it shall remain parked till the case has been decided*'.

Interestingly it was Justice Siddiqui who had issued the order in January 2014 to provide a bullet-proof vehicle to the former CJP Chaudhry. However, after a two-member bench set his January 2014 order aside, Justice Siddiqui himself had remarked that '*the vehicle should have been returned to the government*'.

On 6th December 2016; another intra-court appeal was filed before the IHC to 'set aside' an earlier order by the High Court for production of the same bullet-proof car. The appeal cited the same baseless grounds of "***great concern about the life and security of former CJP and his family.***"

The IHC's last order had [at last] asked the former CJP Chaudhry to produce and surrender the vehicle on 8th December 2016 without fail. Astonishingly, the appeal urged that the IHC Judge '***has dealt with the matter in haste and mechanical manner.***'

Whether the honourable court allows the former justice-turned-politician to retain the bullet-proof vehicle at the taxpayer's expense or surrender it before the court was not decided till the last day of December 2016 at least.

On 7th December 2016; a two-member division bench of the IHC temporarily allowed the former CJP Iftikhar M Chaudhry to keep the official bullet-proof car for a few more days. In January 2014, he was given the said car for three months and complete three years were complete with that possession. The people wondered that how many years could be consumed to define 'few days'.

It suspended the order of IHC's Justice Siddiqui as single-member bench which had asked the ex-CJP to surrender the car to the court by next day.

This time, another rogue judge named Noorul Haq N. Qureshi played the mischief; Justice Aamer Farooq was the other judge on the bench. On 11th May that year [2016], he had set aside the January 2014's order of the IHC but instead of deciding the fate of the vehicle or giving its possession to the federal government, it remanded the matter back to Justice Siddiqui with a direction to decide the case after hearing all the parties concerned – total dishonesty it was termed by the lawyer community.

The division bench pointed out that the bullet-proof car had been provided to Justice Chaudhry without referring to any provision of the law. Secondly, there were no proper arrangements in the IHC for parking of the bullet-proof car. The main argument was that ***'the car had been provided to the former CJP by Prime Minister Nawaz Sharif and it may be taken as his property'***.

It is a ***'routine and minor corruption'*** in Pakistan – so relax.

CJP TASSADUQ JILLANI TAKES OVER:

Born on 6th July 1949, **Justice Tassaduq Hussain Jillani**, hailing from Multan, became the Chief Justice of Pakistan **on 12 December 2013**. He started practice at District Courts Multan in 1974; enrolled as an Advocate of the High Court in 1976; elected Member Punjab Bar Council in 1978; appointed as Assistant Advocate General Punjab in July, 1979; enrolled as an Advocate of the Supreme Court in 1983; promoted as Additional Advocate General Punjab in 1988; then as Advocate General Punjab in 1993.

On 7th August 1994; he took oath as a judge of the Lahore High Court and was elevated as a judge of the Supreme Court of Pakistan on 31st July 2004 where he served till the imposition of the state of emergency on 3rd November 2007. As he refused to take a fresh oath in Gen Musharraf's PCO in November 2007, he was made dysfunctional. He participated in a number of international meetings, conferences seminars and dialogues.

Justice Jillani took oath as 21st Chief Justice of Pakistan, following retirement of Justice Iftikhar M Chaudhary; President Mamnoon Hussain administered the oath at the Presidency. He obtained his Masters in Political Science from Forman Christian College, Lahore, LLB from the University of Punjab Lahore and a course in Constitutional Law from the University of London in the Institute of Advance Legal Studies.

As per **Reuters** report, Justice Jillani was ***"an elegant lover of poetry, antiques and films."*** It further said: ***"Justice Tassaduq Hussain Jillani is nicknamed "the gentleman judge" for his mild manner.***

Once, the staff of a privatised bank challenged redundancies, Jillani ruled it was ***"for the bank management to decide about the usefulness of the employees"*** – an unusual ruling in a court known for its populist judgments.

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After the resignation of Fakhruddin G Ebrahim as the Chief Election Commissioner (CEC) in July 2013, Justice Jillani has been working as the Acting CEC. However, following his swearing-in as Chief Justice on 12th December, he had to leave that office. For being related to Yusuf Raza Gilani, Justice Jillani had refused to be part of a nine-member bench of the Supreme Court which was constituted to hear an appeal against the order of Justice Asif Saeed Khosa led seven-judge bench that had indicted Gilani for contempt of court.

Justice Jillani was awarded "**Key of the City of Detroit (Michigan)**" by the Mayor at a function on 12th October 2007, was conferred "**Honorary Doctorate in Humane Letters**" at a special Convocation held in Southern Virginia University, Washington; was conferred the Honorary Chair by the American Bar on its "The World Justice Project" — an Initiative to promote the rule of law the world over.

And in July 2008, he was invited by the American Bar Association to receive the '**2008 Rule of Law Award**' on behalf of those Judges of Pakistan who demonstrated courage in upholding the 'Rule of Law' in the country. He was Co-chair of the **Hague Conference Mediation Committee** in Family International Law.

A Full Court reference was held **on 12th December 2013** in the Supreme Court of Pakistan, Islamabad under the chairmanship of the Chief Justice of Pakistan Justice Tassaduq Hussain Jillani and was attended by all Hon'ble Justices on roll. The purpose of the meeting was to take stock of the performance of the Supreme Court and discuss ways and means to ensure inexpensive and expeditious dispensation of justice in line with the mandate of the Constitution and augment the disposal of cases for redresses of grievances of the litigants.

The Full Court discussed in quite some detail the institution and disposal of cases at the Principal seat and its Branch Registries and total pendency of different categories of cases – 20456 on that day.

The Full Court discussed in detail different strategies in order to address the issue of backlog and to provide relief to the litigant public and it was decided as under:

- *"The office shall prepare on urgent basis subject-wise categorization of cases including sub-categories, lists of cases to be fixed before two-member bench, three-member bench etc.*
-

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- *Proposed cause lists will be prepared / issued one month in advance.*
-
- *Cases of one advocate will not be fixed simultaneously at different stations / Branch Registries.*
-
- *Unnecessary adjournments will be discouraged.*
-
- *In view of heavy pendency, the Hon'ble Judges on the suggestion of the CJP volunteered to forego the coming winter vacation and benches will be constituted at the Principal seat as well as Branch Registries for hearing of cases."*

The judges assured the CJP of their whole hearted support and cooperation in his endeavours to advance the cause of justice and strengthen the system of administration of justice for the benefit of the litigant public.

CJP Tassaduq H Jilani, had taken notice on a note of Registrar, Supreme Court of Pakistan, containing the details that:

".....a certain Media Group was given access inside the Court Room No. 1 to have an exclusive footage of the proceedings of Full Court Reference on 11th December 2013.

It was alleged that the Supreme Court administration had been discriminatory in its treatment of journalists by favouring one Media Group as against others."

In protest, the journalists, covering the Supreme Court, had announced a boycott of the subsequent functions held in the Court.

The report portrayed a some what ***negative perspective of Supreme Court*** even though it strictly followed the policy of absolute neutrality and impartiality. The CJP Jilani was requested to order a detailed inquiry into the alleged incident through a senior officer of the Court so as to determine the authenticity or otherwise of the allegation and take action against the delinquent(s), if found guilty.

Few days later, the LHCBA office bearers held an Annual Dinner in Lahore with the new CJP Justice Tasaduq Jilani, being the chief guest and many other sitting judges were also invited. Interestingly, the same lawyers holding the dinner, just a few months ago, had filed a reference against outgoing CJP Iftikhar M Chaudhry and two other sitting judges of the present Supreme Court, Justice Jawad S Khawaja and Justice Azmat Saeed Sheikh.

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During the same days, the LHCBA President, Abid Saqi, filed a petition in the Supreme Court to restore the PCO judges who were sent packing by the Supreme Court's judgement announced on 31st July 2009.

It was not a good omen and had sent a definite odd message to all; but they had turned against the CJP Chaudhry's judiciary after its restoration because the later had immediately placed sword on the throats of the same high court judges who had given success to the re-instatement of the judiciary in March 2009.

LHCBA President Abid Saqi had accused the former CJP Chaudhry and his associate judges of trampling the constitutional norms in various ways and wrongful use of contempt of court law.

The judges against whom reference was sent had used the laws for their own personal benefits, and the SC was no longer a court but had become a political field. The judges were also criticized for change in the date of polling of presidential election. In fact, the LHCBA President had filed a petition in the SC to rectify the conflicting judgements and the legal wrongs committed by it and the SC had the jurisdiction to do so.