October 2024

THE LEGAL

INTERNATIONAL

ISRAEL BOOBY-TRAPS THE GLOBAL TREATY

26th AMENDMENT
A POWER PLAY OR A STEP FORWARD

TAX TREATIES CAUGHT OFF GUARD
THE INTERNATIONAL RESPONSE TO THE PROBLEM IS NOTHING BUT A DAMP SQUIB

LITIGATION
THE CORE OF LEGAL SYSTEM

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THE LEGAL
INTERNATIONAL
OCTOBER, 2024 _ VOL. 01 _ NO. 05

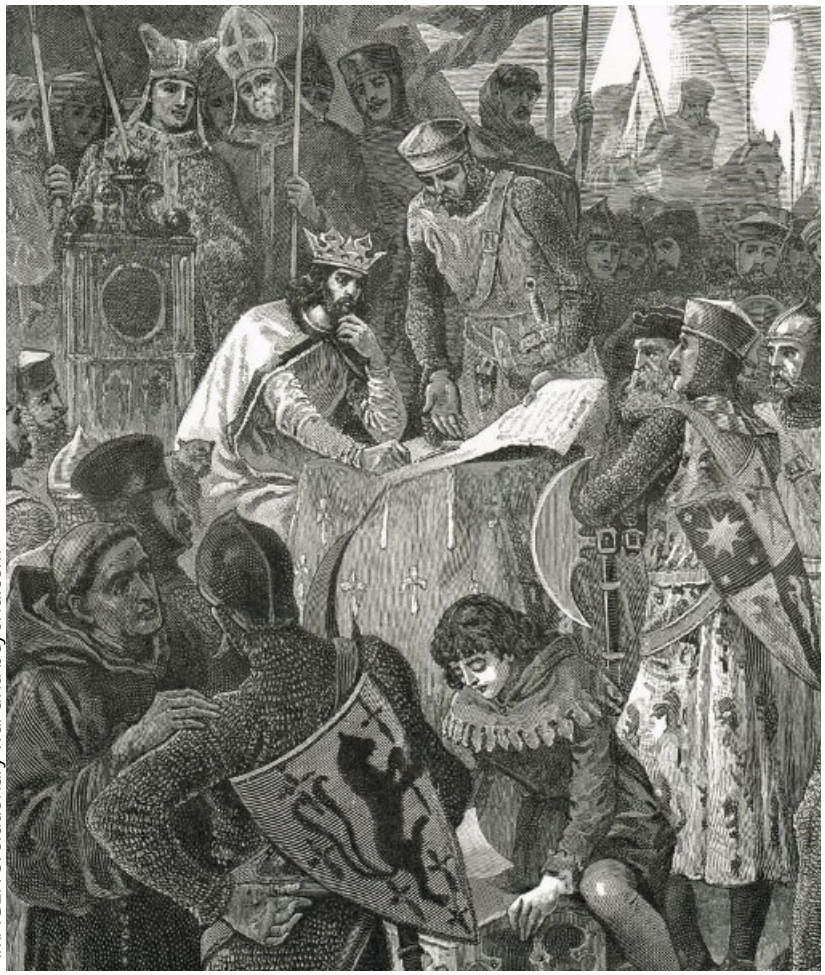

IMAGE: revolutionary-war-and-beyond.com

Magna Carta

The Magna Carta, or "Great Charter," is a foundational document in the history of democracy and the rule of law. Sealed by King John of England on June 15, 1215, under pressure from rebellious barons, it aimed to limit the powers of the monarchy and establish certain legal protections for the barons and, by extension, all free men.

The Magna Carta introduced the idea that the king was not above the law, a revolutionary concept at the time. It included clauses guaranteeing the right to a fair trial, protection from arbitrary imprisonment, and limitations on feudal payments to the Crown.

Although initially intended to address specific grievances, the Magna Carta's principles have had a lasting impact, influencing the development of constitutional law in England and around the world. Its legacy endures as a symbol of liberty and justice.

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In the middle of politico-legal crisis

The politico-legal landscape is abuzz with activity, much of it politically charged. The judiciary and politicians are embroiled in a fierce struggle. Senior journalist Najam Sethi, on Samaa TV's programme Sethi Say Sawal, described the situation vividly: "There's a huge and dangerous clash (between Judiciary and executive) coming. It's in the making... both sides have drawn out swords... I am afraid that we have headed for a political crisis and clash of unimageable proportions." It seems we are already in the midst of this crisis.

Finalising the magazine was challenging amidst the ever-changing circumstances. Our main story on the constitutional amendment bill evolved with each new development until October 1. We await to see where this crisis will take us and the country this month.

In previous editions, we explored the topic of Alternative Dispute Resolution (ADR). However, some senior legal practitioners have expressed concerns, suggesting that ADR could potentially pave the way for corruption. While ADR undeniably offers a means to alleviate the backlog of cases in our courts, it appears that the initiative has been launched without the requisite groundwork.

It is crucial to acknowledge that societal intolerance and the erosion of traditional dispute resolution mechanisms, such as *jirgas, panchayats,* and *musahlehat* (reconciliation) committees—dismantled by Anglo-Saxon legal frameworks—have propelled individuals towards litigation. Authorities should integrate these cultural institutions into the ADR initiative, recognising that litigation remains a fundamental aspect of our legal system. In this issue, we have featured an article underscoring the significance of litigation to emphasise its enduring importance.

Dear reader, your magazine has been steadily growing, and efforts are underway to enhance its outlook and content. You will surely notice the difference in this issue. We added four pages in August, six more in September, and maintained the additional pages this month to include engaging and thought-provoking content. Our readers are actively contributing their research and articles. While we have limitations like other publications, we ensure quality work is featured in due course. We hope you enjoy reading The Legal. Please continue to send us your comments and suggestions. Cheers!

Aftab Kazmi
Editor in Chief

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PAKISTAN'S FIRST FULLY DEDICATED DIGITAL MAGAZINE FOR GLOBAL LAW RESEARCH AND DEVELOPMENT

Editor-in-Chief Aftab Kazmi

Editor Reporting Syed Waqar Hussain
Editor Art & Graphics Rajab Ali
Photo Editor Tahir Ahmed
Editor Production Fatima Kazmi
Sub-Editor Bashir Mughal
SEO / Analytics Shehzad Khan
Proof Reader Nabiha Nasir
Marketing & Promotions Bilawal Ali
Editorial Secretary Naseem Bano

Contributors

Faryal Fatima
Syed Ahmad Hassan Shah, Advocate
Dr Syed Shah Faisal, DC Inland Revenue
Tariq Aziz, Advocate
Nabiha Nasir
Fatima Mazhar

THE LEGAL RESEARCH AND DEVELOPMENT

Founder & CEO Syed Mohammad Ali, LLM, Esq
The Legal Research & Development, Islamabad

Honourary Patron Syed Ahmad Hassan Shah, LLM, ASC
Hassan Kaunain Nafees (HKN) Legal Practitioners & Advisers, Islamabad

Published by: **The Legal Research & Development Pvt. Limited,**

mag@the-legal.org
+92 311 3555 503

News Brief

Dutch court sentence

SCHIPHOL, The Netherlands – A Dutch court has convicted two Pakistani religious-political leaders Dr Muhammed Ashraf Jalali, 56, and Saad Hussain Rizvi, 29, for giving calls to their followers for the murder of an anti-Muslim Dutch political leader Geert Wilder.

The sentence was given on September 9, in absentia as both the Pakistanis were not in Netherlands. They are also unlikely to serve the sentences. Both the Pakistanis also did not appear during the high security trial A 14-year sentence was announced for Dr Jalali, and a four-year sentence for Rizvi. Dr Jalali's sentence is under the charges 'for attempted and actual incitement and threats to murder with terrorist intent.'

Dr Jalali is the founder of *Tehreek e Sirat e Mustaqeem* (TSM) and Chairman of *Tehreek e Labbaik Ya Rasool Allah* (TLY) in Pakistan. Rizvi is also a top leader of *Tehreek-e-Labbaik Pakistan* (TLP).

Pakistan has no extradition agreement with the Netherlands. Prosecutors said last week that requests they sent to Pakistani authorities seeking legal assistance to serve subpoenas on the two men were not executed.

Wilders, whose party – the Party for Freedom – joined the Dutch government for the first time this year after a clear election victory, has lived under tight security for the past 20 years due to death threats.

Previously, a Dutch court had sentenced a Pakistani cricketer, Khalid Latif, to 12-year imprisonment in September 2023. He was found guilty of inciting people for the murder of Wilder who planned a competition for blasphemous anti-Islam cartoons. The contest was widely criticised In the Netherlands as needlessly antagonising Muslims. ∎

Jahangiri's degree

KARACHI – Sindh High Court suspended the declaration of Karachi University Syndicate and the Unfair Means Committee to cancel the law degree of Mr Justice Tariq Mahmood Jahangiri of Islamabad High Court.

The court's two-member bench was comprised of Mr Justice Salahuddin Panhwar and Mr Justice Amjad Ali Sahito. The court observed that rights of every citizen were protected for fair trial but unfortunately no opportunity of hearing was extended to Justice Jahangiri and the manners adopted appeared to be highly objectionable, illegal and without lawful authority. The court also restricted the university from taking any coercive measures based on its decisions till the next hearing.

On September 10, the court also blocked the FIA (Federal Investigation Agency) from inquiring into the matter of Justice Jahangiri's degree. According to media reports, the court ruled that the issue was an attack on the judiciary and an attempt to defame a respected judge.

The ruling came in response to a petition filed by Karachi Bar's President Amir Nawaz Waraich, challenging the declaration of Justice Jahangiri's degree as suspicious. In its written order, the Sindh High Court said that the FIA had overstepped its jurisdiction, as only the Supreme Judicial Council is authorised to conduct such inquires.

NAB amendments

ISLAMABAD – A five-member bench of the Supreme Court of Pakistan, headed by Chief Justice Mr Justice Qazi Faez Isa, overturned its own previous majority decision, declaring amendments to the National Accountability Ordinance (NAO) as illegal.

The bench reviewed the federal government's intra-court appeal against the September 15, 2023 judgement which asked the public representatives who benefited from the amendments under the Pakistan Democratic Movement (PDM) coalition government must face renewed corruption charges.

The Chief Justice reported saying in the verdict that "the Supreme Court should strive to uphold legislation rather than rush to strike it down unless it is clearly unconstitutional...The Chief Justice and judges of the Supreme Court are not the gatekeepers of (the) Parliament."

Google & Apple failed

BRUSSELS – The European Union's top court, on 10 September, upheld a record-breaking €2.42 billion ($2.7 million) fine imposed on Google for anti-competitive promotion of its shopping service.

The Commission had accused Google in 2017 of favouring the results of its own price-comparison service, Google Shopping, in search results, disadvantaging competitors. The company and its parent company, Alphabet, were ordered to pay a fine that was, at the time, the greatest ever imposed by the Commission under its tough antitrust powers.

Google had failed in a bid to challenge the decision before the EU's General Court, before appealing to the senior EU Court of Justice.

The court, in yet another case, also agreed with Margrethe Vestager, the EU's Antitrust Chief, in a €13 billion case involving the low tax bills paid by Apple in Ireland.

NGO's funding

LAHORE – Federal government's policy to regulate foreign funding of non-governmental organisations (NGOs) and non-profit organisations has been set aside by Lahore High Court.

The policy – Policy for Local NGOs/NPOs Receiving Foreign Contributions 2022- was challenged by the Human Rights Commission of Pakistan and others.

The court was told that the federal cabinet, in exercise of its executive authority, was competent, eligible and vested with the authority to frame and introduce the policy. The purpose of the policy was to regulate the foreign funding received, collected, and utilised by the NGOs.

The 16-page verdict was given by Mr Justice Asim Hafeez.

NEWS BRIEF

Criminal Law amendments

ISLAMABAD – The Federal government plans to amend the criminal law comprehensively, according to Azam Nazeer Tarar, Federal Minister of Law, who said the law still reflects colonial legacy.

The criminal law has not been updated for a long time, said the minister while speaking at the National Assembly on September 12. "We're bringing a comprehensive package, which will soon be presented in (the) Parliament following approval by the federal cabinet," he said.

The amendment bill, he said, would set a time frame for the submission of charge sheets and the completion of trials.

Senior lawyer killed

OKARA – Malik Mehmood Phularwan, a senior member of Dipalpur Bar Association, was shot and killed near Mandi Ahmedabad while his colleague was injured.

The police said Advocate Phularwan died on the spot on September 12. His injured colleague was taken to a hospital. After the incident, Okara and Dipalpur bar associations observed a protest strike against the murder of the lawyer. According to media reports, police have arrested the prime suspect from Lahore.

Benazir murder case

RAWALPINDI – A special division bench of Lahore High Court adjourned the case of appeals against the Special Anti-Terrorism Court's (ATC) verdict in former prime minister Benazir Bhutto murder case.

All parties have been directed to ensure their presence at the next date in the court. The case, according to media reports, has been taken up after a gap of seven years and 10 days. The ATC had announced its verdict on August 31, 2017 after a detailed hearing of the case.

The bench comprises of Mr Justice Mirza Waqas Rauf and Mr Justice Chaudhry Abdul Aziz. A total of 12 appeals have been filed by the accused police officers, including two convicts, FIA and the President of Pakistan Asif Ali Zardari.

Benazir was assassinated on December 27, 2007 near Liaquat Bagh, Rawalpindi after an election rally. Two police officers, Saud Aziz, then the City Police Officer (CPO) and Superintendent of Police (SP) Kurram Shahzad, were sentenced to a 17-year jail and a fine of Rs10 million each.

UK's worst case of child abuse

LONDON – The Sheffield Crown Court sentenced, on September 13, seven more men to jail in Britain's biggest ever child abuse case.

According to reports, some 36 persons have been convicted in the cases so far. The cases were filed following the British National Crime Agency's (NCA) operation 'Stovewood' and a decade-long investigation. The men were imprisoned for between seven and 25 years after being convicted in June of offences committed in Rotherham, northern England, in the early 2000s.

The NCA investigation found that at least 1,400 girls, aged between 11 and 16, were abused, trafficked and groomed by gangs of men of mainly Pakistani heritage in Rotherham between 1997 and 2013.

Job allocations via SRO nailed

ISLAMABAD – The Supreme Court of Pakistan reviewed government jobs allocation via Statutory Regulatory Order (SRO) and directed the Khyber Pakhtunkhwa (KPK) government, to withdraw all job notifications issued in violation of merit on September 12.

The four-member bench, headed by Chief Justice Mr Justice Qazi Faiz Isa, emphasised that the Constitution of Pakistan prohibits any form of discrimination. The practice of issuing SROs was started during the dictator General Ziaul Haq's regime.

In its decision, the court pointed out that government servants receive pensions after retirement and a widow also get pension after pensioner's death.

Media credibility

ISLAMABAD – The Supreme Court of Pakistan has urged media organisations to develop internal mechanisms for self-accountability to enhance their credibility and effectiveness in exposing wrongdoing.

Chief Justice Qazi Faez Isa, in a five-page order, stated that such mechanisms would improve the media's standing and credibility, making them more effective in highlighting and addressing misconduct.

Justice Isa led a four-member bench that initiated contempt proceedings after some media channels aired a press conference by Senator Faisal Vawda and Mustafa Kamal, a member of the National Assembly (MNA), during which they made remarks against superior court judges. The court accepted the unconditional apology of the TV channels involved.

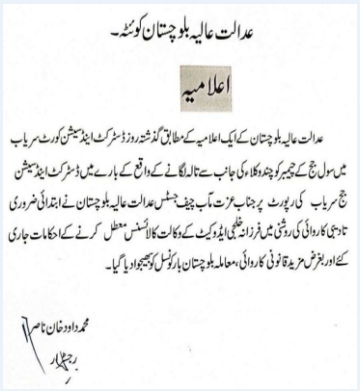
The order highlighted that Article 19 of the Constitution guarantees freedom of the press but with limitations, including the preservation of decency and morality.

It also referenced Article 14, which ensures the dignity of man. The court emphasised that the media, as the fourth pillar of the state, plays a crucial role in democratic governance by broadcasting facts and truth. However, its credibility is compromised when falsehoods are aired.

The court withdrew the show cause notices issued on May 17 considering the TV channels' apology and their commitment to air corrective broadcasts. The apology and six corrective paragraphs are to be broadcast during prime time.

News Brief

Licence suspended



عدالت عالیہ بلوچستان کوئٹہ۔

اعلامیہ

عدالت عالیہ بلوچستان کے ایک اعلامیہ کے مطابق گذشتہ روز ڈسٹرکٹ اینڈ سیشن کورٹ سریاب میں سول جج کے چیمبر کو چند وکلاء کی جانب سے تالا لگانے کے واقع کے بارے میں ڈسٹرکٹ اینڈ سیشن جج سریاب کی رپورٹ پر جناب عزت مآب چیف جسٹس عدالت عالیہ بلوچستان نے ابتدائی ضروری تادیبی کاروائی کی روشنی میں فرزانہ خلجی ایڈووکیٹ کے وکالت کا لائسنس معطل کرنے کے احکامات جاری کئے اور بغرض مزید قانونی کاروائی معاملہ بلوچستان بار کونسل کو بھجوا دیا گیا۔

محمد داود خان ناصر
رجسٹرار

QUETTA – Licence of advocate Farzana Khilji, along with several other lawyers, has been suspended by the Chief Justice of Balochistan High Court (BHC) Mr Justice Muhammad Hashim Kakar for their alleged involvement in locking the chamber of a civil judge.

The incident, according to the announcement of the BHC, is happened at the district and sessions judge court area of Sariab. It was reported by Sariab's district and sessions judge to the chief justice of the BHC, said Muhammad Dawood Khan Nasar, registrar of the high court.

The chief justice took an initial necessary punitive action on the report, he said. Mr Justice Kakar issued the order to "suspend the practicing licence of Farzana Khilji referred the matter to Balochistan Bar Council for the further legal proceedings," said the registrar.

Judges appointed

QUETTA – Chief Justice of Balochistan High Court Mr Justice Muhammad Hashim Kakar appointed 26 judicial magistrates-cum-civil judges on September 22.

The appointments were made for the district judiciary of the province on the recommendation of Balochistan Judicial Selection Board. The newly appointed magistrates-cum-civil judges also include three women, Mahjabeen Rehman, Javeria Ahmed and Maria Manzoor.

Fossil fuel ads banned

THE HAGUE – The Dutch city of The Hague, on September 12, has become the first in the world to ban advertisements for fossil fuels, petrol cars and long-distance air travel in outdoor spaces.

The law will come into effect from January 1, 2025 via two phases. Advertising agencies will be informed, in the first phase, that fossil fuel advertising is not permitted. In the second, a complete ban would be placed on all fossil fuel advertising at public places.

Magistrates' judicial powers

ISLAMABAD – Islamabad High Court restrained executive magistrates from using judicial powers, saying that this power can only be used by the capital courts under the Articles 175 (3), 202 and 203 of the constitution and other.

"The exercise of judicial power in contravention of such constitutional provisions would be unconstitutional and nullity in the eye of law," said Mr Justice Arbab Mohammad Tahir of Islamabad High Court in his order.

More than 20 years have passed since the promulgation of the 1st and the 2nd Amendment Ordinances, but the government has not yet issued the requisite notification. The court directed the government to issue the notification, and until then executive magistrates are restrained from passing final judgements in cases.

Margalla National Park

ISLAMABAD – The Supreme Court of Pakistan (SCP) endorsed, on September 11, the decision of Islamabad High Court declaring the allotment of 8,068 acres of Margalla National Park land to Pakistan Army as against the law.

The court rejected all review petitions filed against the SCP's order that declared commercial activities on the National Park land as illegal. Supreme Court had also ordered, on August 21, the removal of the restaurants from the park. On September 24, the Senior Civil Judge Islamabad, however, stayed the demolition of the restaurants.

Google search monopoly

WASHINGTON – A US district court recently found Google's search and advertising business to be an illegal monopoly. But no sanctions were handed down, presumably leaving that open for future determination.

The 277-page decision (plus appendices) clearly labels Google as an illegal monopolist in violation of Section 2 of the Sherman Antitrust Act. Google said it would appeal the decision.

KPK E-filing system

PESHAWAR – Chief Justice of Peshawar High Court Mr Justice Ishtiaq Ibrahim inaugurated the first E-filing system at the Khyber Pakhtunkhwa Service Tribunal in Peshawar on September 16.

The inauguration of the system is considered a milestone in the digitalisation of filing and speedy access to justice. The Chief Justice said that his priority is to resolve pending cases as early as possible. Previously cases were scheduled for hearing in the Service Tribunal after seven or eight months, but now dates are given immediately, he said while addressing the inaugural ceremony.

Minister loses assembly seat

QUETTA – Ali Madad Jatak, Minister of Agriculture and a Pakistan People's Party member of Balochistan Assembly from PB-45, has lost his seat in a legal battle with his opponent in the Election Tribunal.

The tribunal, headed by Mr Justice Abdullah Baloch of Blalochistan High Court, has ordered fresh polls at 15 polling stations in the PB-45 constituency. Jatak's win was challenged by opposing candidate Muhammad Usman Perkani of Jamiat Ulema-e-Islam Fazl (Jul-F).

Earlier, Mir Ziaullah Langove, former home minister of Balochistan had lost his seat in Kalat district. Langove challenged the Election Tribunal's verdict at the Supreme Court of Pakistan, which rejected his petition.

TL Lawyers' Listing

* This is not an advertisement

The Legal has embarked upon listing talented and dedicated lawyers, who are expert in different fields of law, from across the country. The listing aims at introducing advocates and helping people to identify experienced legal assistance they need. We enlist 12 advocates every month.

Akbar Ali Baig

Advocate High Court
LLM & Executive MPA

Criminal, Civil, Corporate, Consumer, Family, Services, Environment, Tax, & Labor

Lahore
+92 300-6613082

M Usman Zaheer

RF-Advocate,
Advocate High Court
LLM & ACIArb UK

Commercial Property, tenancy disputes & litigation

(PK) +92 330 9196727
(UK) +44 7774 262071

Zainab Iashari

Advocate High Court
LLM

Civil matters, IPL & CP

Karachi
+92 331-8097746

Ibrahim Manzoor

Advocate High Court
LLM UK

Constitutional, Criminal, Civil, Banking, Family Property & Company

Rawalpindi
+92 333 0512654

Saniya Asjad Cheema

Advocate High Court
LLB (Hons.) UK

Constitutional,
&
Regulatory
Compliance

Islamabad
+92 304 8535604

Ameet Kumar

Advocate High Court
BA. LLB

Civil, Criminal, NAB, Banking and service

Karachi
+92 332-3863595

Wasit Ali Shah

Advocate High Court
LLB (Hons.) UK

Civil, Criminal,
Family
&
Property Law

Kohat
+92 3359279950

Nabiha Nasir

Advocate
LLB (Hons.) UK

Corporate,
Company,
&
Contract

Islamabad
nabihanasirawan@gmail.com

Malik Saad Hamid

Barrister,
Advocate High Court
BPTC

Civil
&
Family

Rawalpindi
+92 304 4521886

Badshahzadi rashdi

Advocate
BA. LLB

Criminal
&
Family

Karachi
+92 305 8221047

Raja Jameel Haider

Advocate High Court
LLB

Civil, Criminal
&
Family

Karachi
+92 319 9907566

Urooj Lashari

Advocate High Court
LLB (Honors)

Family Law and Domestic Violence

Karachi
+92 3163132373

OPINION

Israel booby-traps the global treaty

The exploding pagers in Lebanon raise factual and legal questions

– By Aftab Kazmi *Editor in Chief*

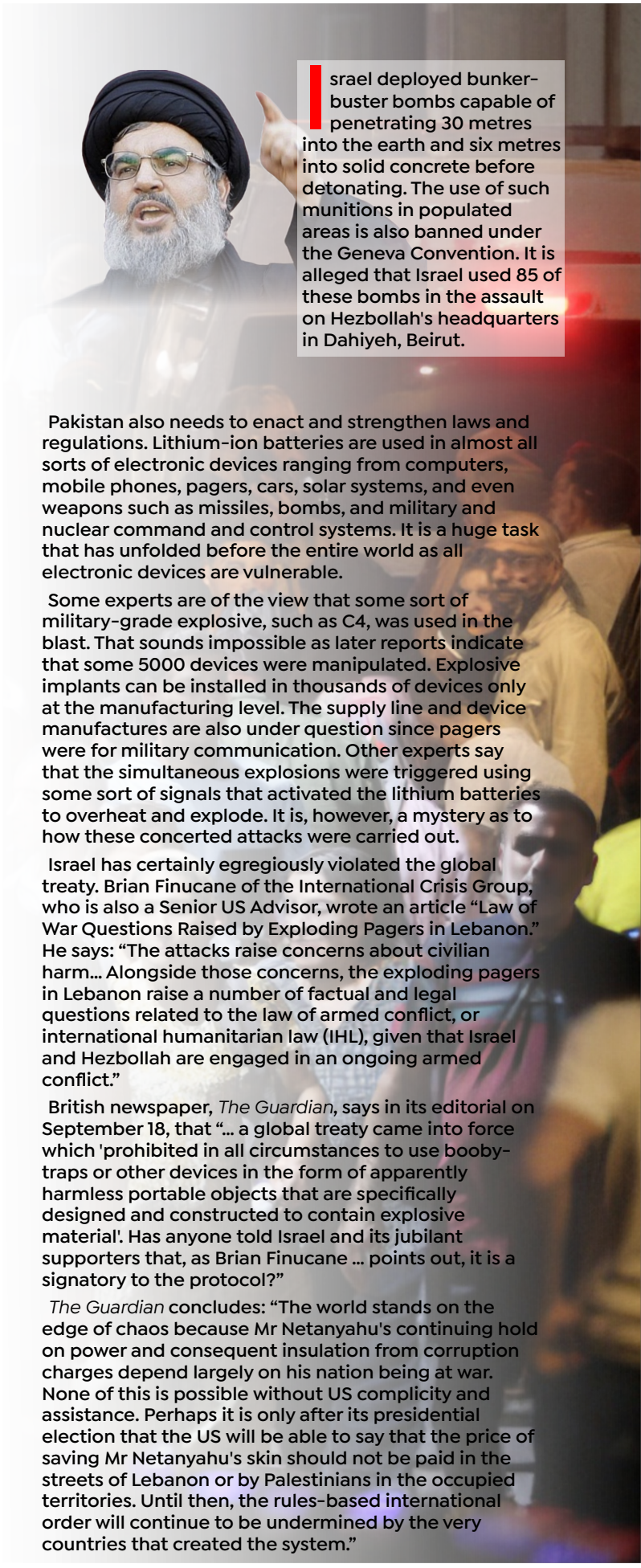
Thousands of pagers, walkie talkies, solar systems, and cars exploded and caught fire on September 17 and 18 in Lebanon and parts of Syria. It was, no doubt, a coordinated attack, killing more than a dozen people, including two children and four hospital workers, and injuring thousands of others. The detonations were, called a "terror attack" by Petra De Sutter, Belgium's Deputy Prime Minister, and "an act of hybrid warfare" by the Russian Foreign Ministry. They were, in fact, booby-traps that were clearly intended to indiscriminately target civilians, including diplomats, children, hospital workers, and politicians along with Hezbollah and Iranian soldiers.

The booby-traps were triggered amidst the ongoing hostilities between Hezbollah, Iran, and Israel. This is, obviously, carried out by Israel that has not openly accepted responsibility for this attack, It is also not likely to do so in the future. Topaz Luk, a former top aide and spokesperson to Israeli Prime Minister Benjamin Netanyahu, hinted in a post on X that Israel was behind the attack in Beirut on September 17, but the post was deleted later. Israeli newspaper *The Jerusalem Post* reported that the Israeli National Security Council had requested ministers not to speak publicly about the attacks. US media, however, say Israel was behind the attacks, and it has the motive and the means to target enemies. The booby-trap attack later followed by Israel's devastating air assault on Lebanon that killed more than 600 people and injured thousands of others. The hostilities escalated into a full Israeli assault on Lebanon in which Hezbollah's leader Hassan Nasrullah was also killed.

The Legal is not a political, defence, or international affairs' magazine, but we chose to write on the pagers attacks for a few reasons:

- In the words of Belgium's Deputy Prime Minister, the event requires an "international investigation." She says that "silence is not an option".
- The attack was carried out using lithium-ion batteries in mostly hand-held devices. It's scale and destruction indicate that this is the moment the world is going to change by look alternative for lithium-ion batteries.
- And, most importantly, Israel has violated the global treaty that prohibits the use of booby-traps.

The world must show interest in the investigation of the incidents, and immediately devise and implement safety and security measures along with exhaustive inspection of the gadgets, using lithium batteries, in public and military use. Pakistan must be cautious and vigilant since Israel has close military ties with India.



Israel deployed bunker-buster bombs capable of penetrating 30 metres into the earth and six metres into solid concrete before detonating. The use of such munitions in populated areas is also banned under the Geneva Convention. It is alleged that Israel used 85 of these bombs in the assault on Hezbollah's headquarters in Dahiyeh, Beirut.

Pakistan also needs to enact and strengthen laws and regulations. Lithium-ion batteries are used in almost all sorts of electronic devices ranging from computers, mobile phones, pagers, cars, solar systems, and even weapons such as missiles, bombs, and military and nuclear command and control systems. It is a huge task that has unfolded before the entire world as all electronic devices are vulnerable.

Some experts are of the view that some sort of military-grade explosive, such as C4, was used in the blast. That sounds impossible as later reports indicate that some 5000 devices were manipulated. Explosive implants can be installed in thousands of devices only at the manufacturing level. The supply line and device manufactures are also under question since pagers were for military communication. Other experts say that the simultaneous explosions were triggered using some sort of signals that activated the lithium batteries to overheat and explode. It is, however, a mystery as to how these concerted attacks were carried out.

Israel has certainly egregiously violated the global treaty. Brian Finucane of the International Crisis Group, who is also a Senior US Advisor, wrote an article "Law of War Questions Raised by Exploding Pagers in Lebanon." He says: "The attacks raise concerns about civilian harm... Alongside those concerns, the exploding pagers in Lebanon raise a number of factual and legal questions related to the law of armed conflict, or international humanitarian law (IHL), given that Israel and Hezbollah are engaged in an ongoing armed conflict."

British newspaper, *The Guardian*, says in its editorial on September 18, that "... a global treaty came into force which 'prohibited in all circumstances to use booby-traps or other devices in the form of apparently harmless portable objects that are specifically designed and constructed to contain explosive material'. Has anyone told Israel and its jubilant supporters that, as Brian Finucane ... points out, it is a signatory to the protocol?"

The Guardian concludes: "The world stands on the edge of chaos because Mr Netanyahu's continuing hold on power and consequent insulation from corruption charges depend largely on his nation being at war. None of this is possible without US complicity and assistance. Perhaps it is only after its presidential election that the US will be able to say that the price of saving Mr Netanyahu's skin should not be paid in the streets of Lebanon or by Palestinians in the occupied territories. Until then, the rules-based international order will continue to be undermined by the very countries that created the system."

The Legal Investigation

An excerpt from Brian Finucane's article

Brian Finucane
International Crisis Group
Senior US Adviser

Factual Questions: Who did what to whom and why?

- Who is responsible for the explosion of these pagers?
- Was this a covert supply chain operation and if so, at what point in the supply chain were the pagers altered? Were there any cyber-enabled aspects to it?
- Who were the expected recipients of the altered pagers?
- Was the distribution of these altered devices targeted (i.e., limited to Hezbollah fighters)? Or were the devices more broadly distributed either within Hezbollah or to civilians in the general public in Lebanon?
- Was it anticipated that civilians, including Hezbollah members who are not fighters, would receive the devices?
- What was the intended target of the attacks—the pagers themselves and by extension Hezbollah's communications or the individuals carrying the pagers? Or both?
- What were the anticipated effects in terms of blast strength and radius of the exploding pagers? Was it anticipated that they would injure or kill their holders? Others in their vicinity?
- Who specifically was killed or injured as a result of this action?
- Was this action in fact taken prematurely due to concerns the modification of the pagers had been discovered?

Law of War Questions

The following is a non-exhaustive list of questions that arise pertaining to whether the attacks violated the IHL obligations of the attacker.

Distinction:

- If the carriers of the pagers were the intended targets, were the individuals targeted lawful targets, either on the basis of their status as fighters in an organised armed group that is party to a conflict with the attacker, or due to their direct participation in hostilities (DPH) in such an armed conflict?
    - Note: There are differing views as to what types of conduct are sufficient to conclude that an individual is directly participating in hostilities or is appropriately deemed to be a fighter in an organised armed group such that they may lawfully be made the object of attack. What standard did the attacker employ in determining DPH or armed group membership status if that was indeed relied upon as a basis for concluding individuals were targetable?
- Did this action constitute an indiscriminate attack, or a series of such attacks? That is attacks: (a) which are not directed at a specific military objective; or (b) which employ a method or means of combat which cannot be directed at a specific military objective?

Proportionality:

- How did the attacking party assess the anticipated concrete and direct military advantage from the attacks?
- How did the attacking party assess whether the expected harm to civilians and civilian objects from this attack would be excessive in relation to the concrete and direct military advantage anticipated?
- How were these assessments affected if Israel did indeed accelerate its time line for detonating the devices (and the military benefit was not an opening blow in an all-out war)?

Precautions:

- What feasible precautions were taken to protect civilians from the effects of these explosions?

Prohibited Use of Certain Weapons:

- Do the pagers constitute "booby-traps" under Amended Protocol II of the Convention on Certain Conventional Weapons (to which both Israel and Lebanon are parties), as a "device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act?"
- Did this attack violate Article 7(2) of Amended Protocol II, which prohibits the "use of booby-traps or other devices in the form of harmless portable objects which are specifically designed and constructed to contain explosive material?"
    - Note: The U.S. Department of Defence's Law of War Manual identifies exploding World War II-era communications headsets as an example of such a prohibited booby-trap.
    - Would the modification of pagers through the addition of explosive material qualify as "specifically designed and constructed"?
    - (The US submitted an understanding to Amended Protocol II that "the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices.")
- Did this attack violate Article 7(3) of Amended Protocol II?
    - Article 7(3) prohibits use of "weapons to which this Article applies [booby-traps] in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

(a) they are placed on or in the close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences."

(Courtesy: Just Security - www.justsecurity.org)

SPECIAL REPORT

The 26th Constitutional Amendment Bill

A Power Play or a Step Forward?

The federal government is urged to consult legal community and other stakeholders before proceeding with any amendments that could affect judicial independence.

– By Faryal Fatima, *a law student from Karachi*

The government's proposed constitutional package, the 26th Constitutional Amendment Bill, although not tabled, caused a stir both within and outside Parliament. The ruling coalition made vigorous but ultimately unsuccessful attempts to secure the necessary two-thirds majority for its approval, yet astonishingly kept the bill secret even from members of Parliament.

A draft of the proposed bill, which includes more than 50 constitutional reforms, was leaked after the government's failure, but the proposers neither confirmed nor denied its authenticity. Barrister Aqeel Malik, the government's legal adviser, however vaguely admitted that 55 amendments would be proposed in the next effort. The actual bill remains cloaked in mystery, sparking intense debate as critics question its true intent and potential impact. Legal experts, including the majority of Pakistan's legal community, have voiced concerns over the lack of transparency and consultation on the bill. They fear it is intended to undermine judicial independence by placing it under the executive control. The independence of judiciary and executive is the cornerstone of the 1973 Constitution of Pakistan. The question remains whether the amendment aims to strengthen the constitution, as the government claims, or if it represents a power grab, given the unknown contents.

The leaked bill proposes a series of constitutional reforms, including the extension of the tenure of the chief justice of Pakistan. Here is the breakdown of the 26th Constitutional Amendment Bill's salient features or key provisions:

- Creation of a new "Federal Constitutional Court of Pakistan" (FCC) in Islamabad, which would be the highest authority on constitutional matters.
- The FCC would consist of a chief justice and other judges appointed by the Parliament or, temporarily, by the President, ensuring equal representation from all provinces.
- The FCC's chief justice would be distinct from the Chief Justice of Pakistan, introducing two chief justices – chief justice of the FCC and chief justice of the Supreme Court.
- The FCC chief justice would oversee appointments to the High Courts and Federal Shariat Court, while the Supreme Court's chief justice would continue to manage Supreme Court appointments.

Judges' tenure:

- Judges of the FCC would retire at 68, or after three years if transferred from the Supreme Court, including those appointed as chief justice.

Jurisdiction:

- The FCC would exclusively handle cases under Article 199 (writ petitions).
- The Supreme Court would

maintain appellate jurisdiction over certain cases, including those involving capital punishment, life sentences, or contempt of court.

Limitations on judicial review:

The amendment prohibits courts, including the FCC, from challenging constitutional amendments, rendering any opposing judgments void. However, a 2015 Supreme Court ruling still permits the invalidation of amendments that contravene fundamental constitutional principles such as democracy, parliamentary governance, and judicial independence.

The Karachi Bar Association (KBA) raised serious concerns regarding the proposed 26th amendment to the Constitution. According to the KBA, the ruling coalition tried to bulldoze the amendment in a "secretive and mysterious" manner, which itself is a violation of the proper parliamentary procedure. Additionally, the KBA asserts that the amendment undermines the fundamental structure of the Constitution and constitutes an attack on both the Constitution and the independence of the judiciary.

Similarly, the Sindh Bar Council (SBC) also expressed its opposition to the amendment. The SBC called for the appointment of Mr Justice Mansoor Ali Shah as the Chief Justice of Pakistan following the retirement of the current Chief Justice, Mr Justice Qazi Faez Isa. The SBC also demanded that reappointments of all government employees, including retired judges and military generals, be prohibited. Furthermore, the council urged the federal government to consult with representatives of the legal community and other stakeholders before proceeding with any amendments that impact the judiciary.

Senior Supreme Court lawyers have also voiced their strong disapproval of the proposed constitutional changes, describing the package as an unprecedented attack on both the Constitution and the Supreme Court of Pakistan. They argue that a parliament lacking national legitimacy should not have the authority to amend the Constitution. These lawyers have called on the legal community and judiciary to resist and reject the amendments.

IMAGE: SOCIAL MEDIA

Shehzad Shaukat, President of the Supreme Court Bar Association (SCBA), uttered his surprise over the government's secretive approach to the constitutional package. He said that the SCBA might not oppose the amendment, if it solely focussed on establishing a constitutional court to address the delays in adjudicating common people's cases. The association, he said, is deeply concerned about the lack of transparency and the absence of consultation with the legal community and stakeholders.

In a related development, the Supreme Court dismissed a petition filed by lawyers challenging the proposed amendment. The court cited legal and technical deficiencies in the petition, noting that it was premature since the amendment had not yet been formally introduced in the Parliament. The court also pointed out that the petition raised hypothetical issues and failed to include the necessary respondents from the Parliament.

The government's efforts could not succeed, though claiming to have required votes. It's all efforts were focussed on securing 224 votes in the National Assembly of Pakistan and 64 in the Senate of Pakistan.

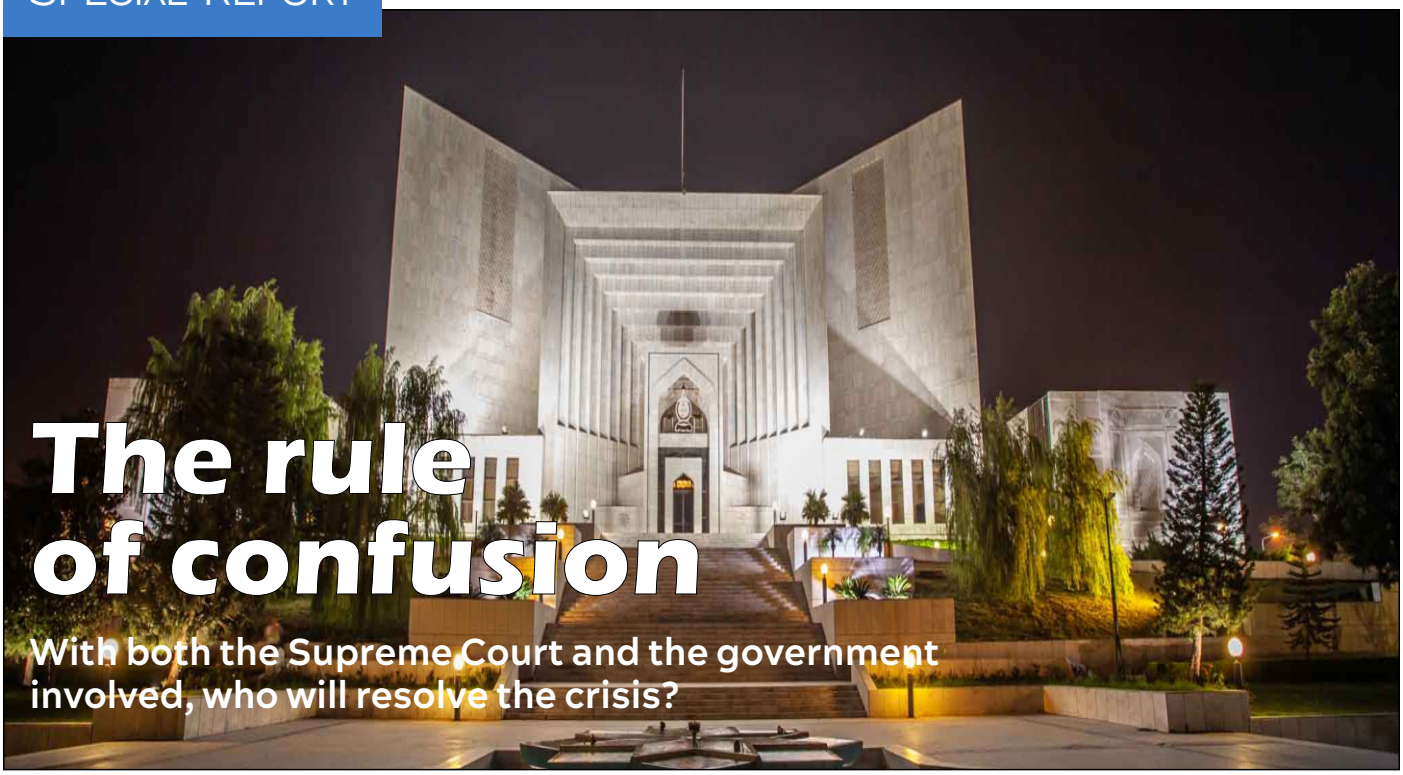
"The amendment bill undermines the fundamental structure of the Constitution."

The efforts stuck at the five seats of Jamiat Ulama-e-Islam of Maulana Fazlur Rehman's (JUIF) in the Senate. The Maulana's residence become a political hub, with both the government and the opposition seeking his support. Hectic meetings and negotiations, however, could not bore fruit for the government. Media reports also suggested that two or three Senators of the ruling coalition had also decided not to vote in favour of the bill due to its secretive nature.

The JUI-F's stance, however, remains undecided as Maulana wants its legal experts to first review the draft of the amendments. Party leader Rashid Mehmood Soomro said that judicial reforms are essential, and the party would consider the draft once presented. The original draft, according to the media reports, has already been modified to meet JUI-F demands, including the withdrawal of military court amendments and a proposed judge age-limit increase.

The 26th Constitutional Amendment Bill presents a seismic shift in Pakistan's judicial landscape, creating a new constitutional court while extending the tenure of judges. But beneath the legal jargon, the bill raises significant concerns about the separation of powers and the independence of the judiciary. Critics see this as more than just a reform which is actually an assault on democratic norms and a potential gateway to the unchecked authority of the government. While the ruling coalition scrambled for the necessary votes, the silent opposition of legal experts and civil society reflects a deeper unease. If passed, in its present form, the amendment may erode the very constitutional pillars it claims to strengthen. ■

SPECIAL REPORT



The rule of confusion

With both the Supreme Court and the government involved, who will resolve the crisis?

IMAGE: COURTESY THE SCP

– By Aftab Kazmi *Editor in Chief*

September will be remembered as a tumultuous month for the executive and judiciary. Their ongoing struggle is expected to escalate, with all the makings of a significant showdown.

Initially, the ruling coalition attempted to pass an amendment bill without disclosing its contents, even to Parliament. Subsequently, the Supreme Court issued a detailed decision on the National Assembly's reserve seats, prompting the Supreme Court (Practice and Procedure) Ordinance 2024. Matter was further complicated when Mr Justice Syed Mansoor Ali Shah's letter was made public, adding to the confusion and raising numerous questions.

In recent developments, Chief Justice Qazi Faiz Isa has addressed Justice Shah's letter, which enumerates 11 reasons for the removal of Justice Munib Akhtar from the court's committee. Justice Akhtar is unlikely to remain silent, and his forthcoming response is expected to add to the existing complexity. Meanwhile, the Election Commission of Pakistan has submitted a new petition to the Supreme Court, seeking guidance on whether to adhere to the Election Act 2017 or the court's judgement regarding the allocation of reserved seats. This petition appears to be a strategic move to delay the implementation of the court's order.

The battle, if it can be called that, is being fought in sheer clothes revealing the true intentions of the parties involved. The ruling coalition appears to be doing everything in its power to neutralise judicial resistance and secure the approval of the 26th Amendment Bill from Parliament. However, it seems to be overlooking the long-term implications of the amendment on the constitution's spirit, democracy, and judicial independence.

Dr Maleeha Lodhi, a journalist turned diplomat, has described the government's actions towards the judiciary as "judicial re-engineering." Meanwhile, the judiciary has been striving to maintain its independence. The old colonial tactic of "divide and rule" appears to be at play, with the media now referring to the internal conflicts among judges as a "judicial civil war."

This situation is indeed alarming. The judiciary and its independence are facing what Lahore-based lawyer Sameer Khosa calls "the most serious onslaughts." Dr Maleeha Lodhi remarked that "this seems like the return of an old movie." The objective of this 'judicial re-engineering' is to undermine the independence of the superior judiciary and bring it under the control of the executive, she said. It is imperative that the legal community remains united and maintains its integrity at all costs.

The entire crisis hinges on a fundamental ambiguity: which is superior, the Constitution of Pakistan or Parliament? Can the government pass a law or ordinance with retrospective effect? Does the Supreme Court of Pakistan have limits on its power of constitutional interpretation? And are there limits to Parliament's lawmaking authority? These questions require detailed deliberation, and the appropriate forum for this is the full court session.

Both the government and the judiciary have their own reasons, widely discussed in the media,

The entire crisis hinges on a ambiguity: which is superior, the Constitution or the Parliament.

"The Judiciary is facing the most serious onslaught."

for convening a full court session to resolve these issues once and for all. The government, however, seems to be in a hurry and does not wish to become entangled in a lengthy or time-consuming process. Mr Justice Syed Mansoor Ali Shah has hinted at the need for such a session, but only to discuss the Practice and Procedures Ordinance.

The Supreme Court is, actually, the appropriate forum for resolving legal or constitutional matters, providing clear and acceptable solutions. Unfortunately, on this occasion, the court itself has been made a party to the dispute, with differences being aired in the media. This is not a healthy practice, as it only exacerbates the conflict. The media is in no position whatsoever to deliver a just and binding judgement.

In the face of this challenging situation, the authority of the Supreme Court remains unassailable, and its decisions cannot be disregarded. The sole recourse is to accept the ruling and seek redress through a review petition. Recently, the court has adjudged the Election Commission of Pakistan (ECP) to have acted contrary to the constitutional ethos, citing "unlawful acts and omissions."

In a surprising and regrettable turn of events, Federal Law Minister Azam Nazir Tarar, an experienced lawyer, publicly denounced the decision during a press conference. Prior to this, Speaker of the National Assembly Ayaz Sadiq had directed the ECP to prioritise the amended Elections Act 2024 over the judgement issued on July 12, 2024.

Such actions raise questions about their impact on the rule of law. The embattled government and the ECP are perilously close to contempt of court. Should this occur, it would undoubtedly usher in a new chapter of conflict. One can only hope that reason will prevail to bring an end to this burgeoning crisis. ■

Ordinance: What is expected to unfold?

In a significant development following the failure of its constitutional amendment plans, the government promulgated an ordinance on September 21, amending the Supreme Court (Practice and Procedure) Act 2023, to facilitate the second attempt in the parliament this month (October).

According to Barrister Aqeel Malik, an adviser in the Ministry of Law and Justice, a National Assembly session is scheduled for the first week of October to present and seek approval for the constitutional amendment package. The current scenario sees the review petition on the Article 63-A case as a crucial test for the impartiality of the Supreme Court's newly constituted bench, formed through the ordinance.

However, the ordinance has been challenged in the Supreme Court by Chaudhry Ehtishamul Haq Advocate on September 24. The petition calls for the ordinance to be declared unconstitutional, arguing that it contradicts the principles of parliamentary democracy. It also demands the suspension of the ordinance until a final ruling is made, citing a previous Supreme Court ruling that such ordinances should only be issued in emergency situations.

The ordinance granted the Chief Justice of Pakistan the authority to select a judge of his choice for the committee overseeing the Supreme Court's affairs. This move has been met with criticism from various quarters, including the press, the legal community, and politicians, who have labelled it as *'mala fide,'* 'malicious,' 'a fresh bid to tighten its (executive's) grip on the judiciary,' and 'a desperate move to rein in judicial authority.'

The Express Tribune reported that the federal cabinet had hastily approved the ordinance through circulation before its promulgation, with headlines stating, "President rushes SC ordinance through."

According to the Daily Dawn, "the three-judge body that deals with cases under Article 184(3) of the Constitution – often referred to as the apex court's *suo motu* jurisdiction – was supposed to consist of the three senior-most judges. Under the ordinance, a change in the wording of the law now allow the CJP (Chief Justice of Pakistan) to pick any judge of the Supreme Court to be the third member of the body."

"Soon after the president signed the ordinance, the CJP exercised his powers by nominating justice Aminuddin Khan as the third member of the committee... (which) now comprises the CJP, senior puisne judge Justice Syed Mansoor Ali Shah, and Justice Khan (who replaces Mr Justice Munib Akhtar)," reported the Dawn.

In response to the ordinance, the Chief Justice swiftly reconstituted the committee, replacing the third senior-most judge, Mr Justice Muneeb Akhtar, with Mr Justice Aminuddin Khan, who is fifth in seniority. During the committee's inaugural meeting, Mr Justice Syed Mansoor Shah, the senior puisne judge, excused himself from participating and sent a letter to the secretary of the committee, in which he raised serious concerns about the validity ordinance and the newly formed committee.

In his letter, Mr Justice Syed Mansoor Ali Shah stated that he would abstain from attending committee meetings until the ordinance was either validated by a full court bench or by the judges in a full court administrative meeting, or until the previous committee was reinstated. "...within hours of the promulgation of the amending Ordinance, it was notified that the committee had been reconstituted. No reasons were given as to why the second senior most judge, Justice Munib Akhtar, was removed from the composition of the committee," he wrote.

Justice Shah said "such unfortunate cherry picking and undemocratic display of one-man show are precisely what the (Practice and Procedure) Act tried to discourage and replace – a stance that was

upheld by the full court bench of this court."

The future of Justice Shah, following his letter, is being discussed across various forums, including the media. For Justice Shah, the question of whether he becomes the next Chief Justice is now irrelevant. As the senior puisne judge of the apex court, it is his constitutional right to succeed as Chief Justice, but his paramount duty is to safeguard the integrity and honour of his institution. His name has already entered the annals of nobility and will always be remembered for his courage, honesty, and commitment to justice and the constitution

The notification for his appointment as next Chief Justice has yet to be issued, despite it typically being released two months before the retirement of the incumbent chief justice. A petition has been submitted by Advocate Nadeem Shibi to the Lahore High Court (LHC) regarding this matter. On September 23, Mr Justice Faisal Zaman Khan of the LHC dismissed the objections to the petition and scheduled it for a hearing. The petitioner has expressed concerns that the delay may be due to the government's *mala fide* intent.

It is noteworthy that the newly formed supreme court committee, in its inaugural meeting, has scheduled the Article 63-A revision petitions for hearing. A bench has been constituted, reportedly headed by Chief Justice Qazi Fiaz Isa, and includes Mr Justice Munib Akhtar, Mr Justice Aminuddin Khan, Mr Justice Jamal Mandokhel, and Mr Justice Mazhar Alam Miankhel.

The committee's first decision to hear the 63-A review petition highlights the urgency behind the ordinance's issuance and implementation. Various journalists have observed that the ordinance and the review petition hearing will ultimately facilitate the proposed amendments.

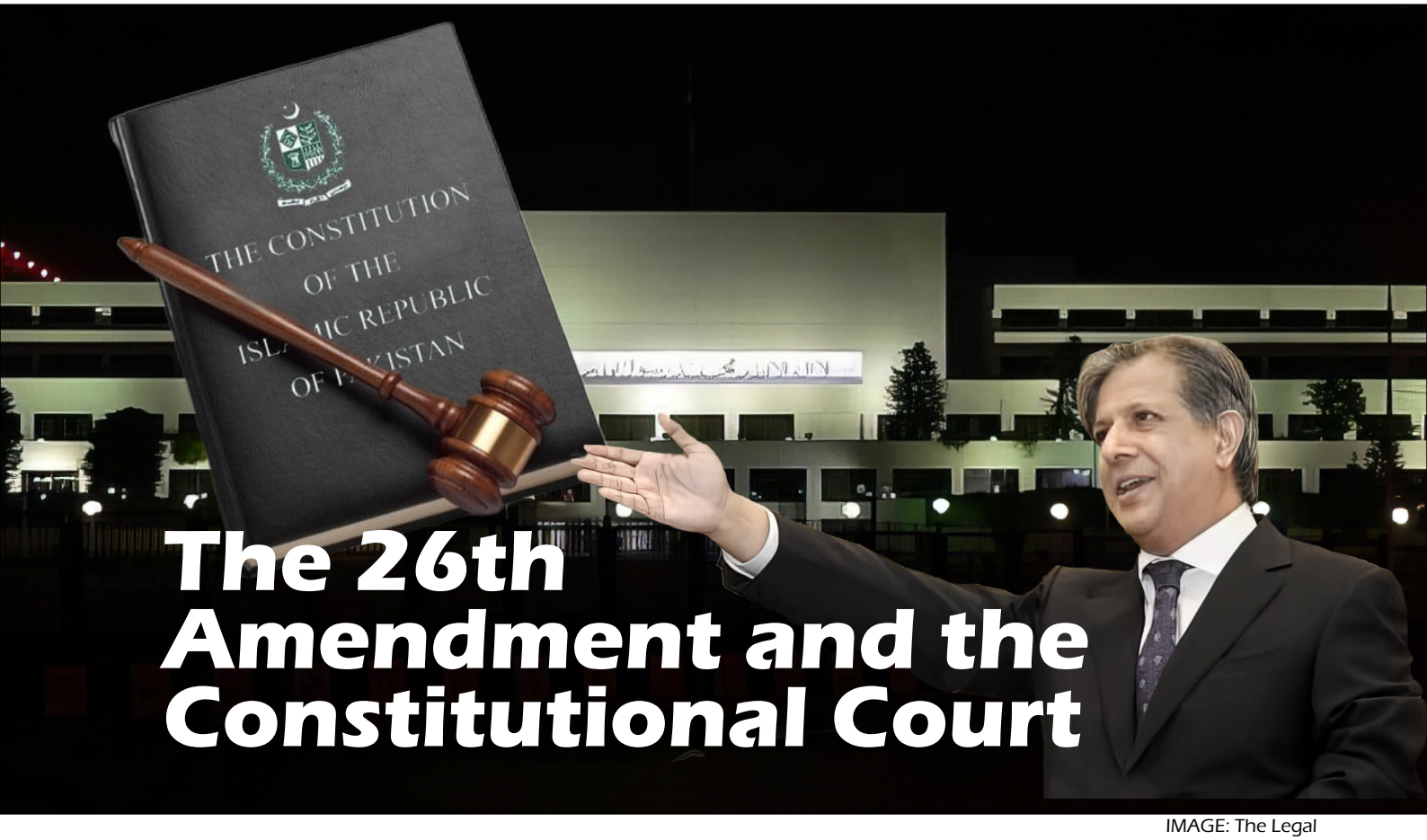
The review petition was scheduled for consideration by a five-member larger bench on September 30. As the proceedings commenced, Chief Justice Isa read out a letter from Justice Akhtar, in which he stated his inability to participate in the bench formed by the new committee. The hearing was subsequently adjourned until October 1. The Chief Justice also cited the judge's request for his letter to be included in the review case record. But Justice Isa said the letter cannot be made a part of the court file.

A forthcoming politico-legal drama is, however, anticipated to unfold with the review petition's decision. A ruling upholding the previous order would effectively thwart the government's constitutional amendment plans, while a decision overturning the previous ruling would enable the government to secure the necessary votes from other parties' members in parliament.

It is believed that the majority decision on the review petition is predictable, given that three out of the five judges were opposed to the majority view in the previous ruling. In May 2022, the larger bench of the apex court delivered a 3-2 split verdict, with the majority of judges ruling that lawmakers could not vote against party lines in four instances outlined under Article 63-A. The then Chief Justice Umar Ata Bandial, along with Justices Ijazul Ahsan and Munib Akhtar, formed the majority, while Justices Mazhar Alam Khan Miankhel and Jamal Khan Mandokhail, who are now part of the review bench, dissented.

The verdict said that the vote of any member of a parliamentary party in a house "that is cast contrary to any direction issued by the latter in terms of para (b) of clause (1) of Article 63-A cannot be counted and must be disregarded, and this is so regardless of whether the party head, subsequent to such vote, proceeds to take, or refrains from taking, action that would result in a declaration of defection." The decision was written by Mr Justice Muneeb Akhtar.

In his vlog MJ Tv, journalist Matiullah Jan remarked, "We had opposed that (previous) decision, arguing it wasn't written in the constitution, but now we realise its significance. Chief Justice Qazi Fiaz Isa seemingly wants to overturn the decision that defectors' votes cannot be counted." He noted that the Chief Justice, along with his chosen judge, Mr Justice Aminuddin Khan, has formed a review bench, which he finds quite intriguing. The original five-member bench included Chief Justice Umar Ata Bandial, Justice Ijazul Ahsan, Justice Munib Akhtar, Justice Mazhar Alam Khan Miankhel, and Justice Jamal Mandokhel. The majority of the judges on this review bench were already opposed to the previous decision. ■



The 26th Amendment and the Constitutional Court

IMAGE: The Legal

The attempt to pass such a serious amendment without debate or letting anyone have sight of the proposed amendments is far more offensive to public conscience than a cabinet approval of a deal in a sealed envelope.

– By Syed Ahmad Hassan Shah, *ASC*

We are a people prone to ascribing words or actions a meaning of our own – something quite distinct from their universally accepted import. And, we can do so for the mundane as well as the more serious. For instance: an indicator of a vehicle on the motorway may not necessarily signify changing lanes; it can be a suggestion to overtake or not to overtake! More seriously, the term 'fundamentalist' is not necessarily understood to suggest a militant outlook on matters religious but as a matter of pride because we believe in the fundamentals of Islam! Must we treat the recognised legal concept of a 'constitutional court', which is predicate on a written constitution, in the same vein?

A 'constitutional court' is a European legal construct, born from Hans Kelsen's theory to secure constitutional protections and control in a democratic dispensation. Its sole purpose is: to have constitutional review centralised in one single judicial body outside the normal structure of the judicial branch. Hence, it may never find acceptability in the English model of state governance or for that matter, legal systems like that in China, which espouse an aspirational constitution rather than a written one highlighting critical nuts and bolts. In Pakistan, we have been there and done that. The Federal Shariat Court is, by analogy (whether we like it or not), a 'constitutional court' in the true theoretical sense because (i) it has exclusive jurisdiction over a specified matter, that is, to determine questions of Islamic law, and (ii) it operates outside the traditional judicial branch. Thus, generic lambasting of this increasingly acceptable constitutional concept is reflective more of *naiveté* than it is of its understanding.

Not all civil law systems have a 'constitutional court'.

Legal systems around the world may be classified, broadly stated, into four categories: (i) common law jurisdictions; (ii) civil law jurisdictions, (iii) Islamic law jurisdictions, and (iv) hybrid jurisdictions. For removal of doubt, Pakistan, India, and South Africa – despite their common law heritage, are recognised as hybrid systems of law. In practice, there is no uniformity in any of these four systems of law when it comes to the establishment and operation of a 'constitutional court'. Kelsen himself observed that it is impossible to propose a uniform solution as it must adopt specific

characteristics of the political and constitutional culture of each state.

Essentially, a 'constitutional court' reflects the different understanding of the trichotomy of powers within a civil law jurisdiction. In the common law tradition, the Legislature and the Executive are subject to further segregation or devolution or inter se allocation of business of the state but, in the civil law system, there is recognition that allocation of business within the Judiciary is also beneficial to administration of justice. The establishment of a 'constitutional court', therefore, is not a negation of the theory of separation of powers; it is a different manifestation of its application. Not all civil law systems have a 'constitutional court'. Austria, Belgium, France, Germany, Italy, Senegal, and Spain, and those influenced by them such as Columbia, Egypt, Indonesia, Poland, Russia, Korea, Turkey, Taiwan, and some Western African states have such a court while Argentina, Estonia, Japan, Myanmar, The Netherlands, Nordic countries (Denmark, Finland, Iceland), Philippines and Sweden do not.

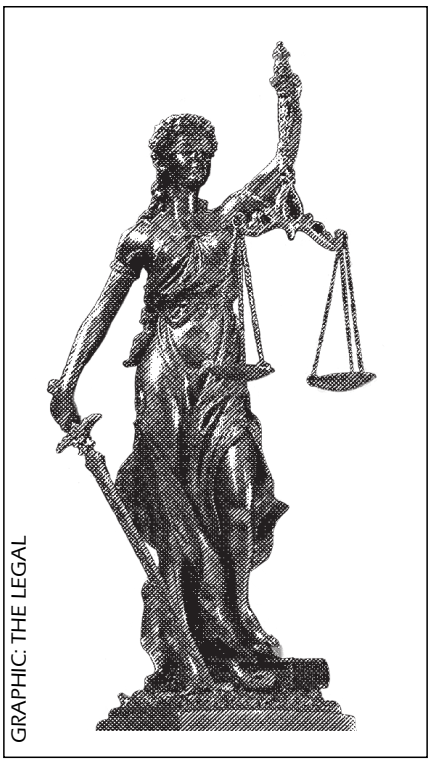
It is disconcerting to imagine that the FCC, as envisaged, may translate into an additional parking spot for retiring or retired judges, whose performance at the court is laudable or that the Chief Justice of the FCC is the ultimate destination for the Chief Justice of the Supreme Court!

The fact that major Pakistani political parties resolved on May 14, 2006, by way of the Charter of Democracy, that a 'Federal Constitutional Court' (FCC) be established is understandable because the genesis of this construct is embedded in a reaction to authoritarian or totalitarian or military dictatorship experiences worldwide since the last 100 years. The modern state recognises its courts as guardians of constitutionalism and the sustainability of democratic institutions, as well as civil liberties. Hence, since 1990 this model spread in Western Europe, South America, and East Asia. It is seen as an instrument of securing a new constitutional paradigm whereunder a 'constitutional court' and the 'supreme court' travel towards the same destination – protection of constitutionalism and civil liberties, but not by the same route.

If the Charter of Democracy did indeed find motivation from historic non-democratic elements, the proposed 26th Amendment falls short of stated aspirations. Equal representation of each federating unit, for instance, in such a court is not on all fours, as well the agreement that judges of the FCC shall have no more than a six-year term. In the global experience, its membership is not limited to sitting or retired judges but includes legal scholars of merit and an accomplished cadre of politicians and bureaucrats. The proposed amendment entrenches the existing hegemony of judges. As lip service, lawyers are possible candidates but in reality, a rare deviation. It is disconcerting to imagine that the FCC, as envisaged, may translate into an additional parking spot for retiring or retired judges, whose performance at the court is laudable or that the Chief Justice of the FCC is the ultimate destination for the Chief Justice of the Supreme Court!

On the positive side, there is an implicit acknowledgment that it is not the structure of the judicature that is responsible for its lacking performance; it is those who occupy the coveted office, hence, the need for performance review of superior court judges. Whether the Judicial Commission of Pakistan, the appointment screening authority, should undertake such review or whether the Supreme Judicial Council, which is designed to monitor performance, is the better-suited body, is the subject of a separate debate. Given increasing misgivings about the delivery of justice to the general public, and the alleged propensity of judges to succumb to ulterior considerations, this particular aspect ought to attain constitutional bearings – regardless of whether the FCC becomes a reality.

'Constitutional court', therefore, is not a negation of the theory of separation of powers.



GRAPHIC: THE LEGAL

Pre-eminently, in all jurisdictions where there is a 'constitutional court', there is (one or more) supreme court. So, no surprise there! Should FCC realise, our Supreme Court and the High Courts will learn to happily co-exist, with the latter hearing regular civil and criminal cases.

Supplanting an established legal system with a 'constitutional court' is a sure-shot recipe for complexity. It requires heightened maturity and commitment to constitutional values or else, it translates into what is known, the world over, as the 'war of courts' or the 'war of judges

An amalgam of global experience reveals that a 'constitutional court' may have up to four distinct powers over (i) constitutional questions, that is, the constitution-making process, including amendments thereto; (ii) legislative acts, which may encompass ante factum – before the law is passed – powers (remember Hasba Bill and Practice & Procedure Act cases in Pakistan),

ex post facto review of laws (recall 18thAmendment, NAB law, military courts, contempt law, election laws); (iii) executive action or decisions, like our writ jurisdiction, particularly quo warranto with added influence over accountability of public office holders and restoring trichotomy among state organs, including inter-governmental dispute resolution, and most importantly, perhaps, in our current dispensation; (iv) electoral process and political parties, including dissolution or merger of political parties and the conduct of elections.

Unlike the regular courts, a 'constitutional court' may be expected to decide questions in abstracto – without the need to remain pegged to facts in a given case or involvement of a particular party (the recent Reserved Seats case should ring a bell). Another notable distinction is that such a court may have the power to initiate or require legislation on a point (19th Amendment antecedents come to mind). Historically, this began in Austria in the 1920s with an abstracto review of legislation in mind but over the years, as the doctrine developed in Germany and Spain, the idea of individual complaints began to take root. Today, a 'constitutional court' may entertain cases in four distinct ways, namely, by way of (i) a reference from a public official, such as the President, the Speaker, the Ombudsperson, the Head of Election tribunal, or Human Rights Commission, or other independent agencies of the state; (ii) a reference or petition from members of the Legislature, particularly where there is a divided parliament; (iii) a reference from a court of general jurisdiction; and (iv) by direct individual petitions.

If the Charter of Democracy did indeed find motivation from historic non-democratic elements, the proposed 26th Amendment falls short of stated aspirations.

IMAGE: COURTESY CONSTITUTIONAL HILL, SOUTH AFRICA

Seen in the above light, there is hardly any debate or attempt to persuade the efficacy of the proposed FCC, within the wider populace. How new issues arising from the FCC experiment will unfold or be tackled is a black hole. Supplanting an established legal system with a 'constitutional court' is a sure-shot recipe for complexity. It requires heightened maturity and commitment to constitutional values or else, it translates into what is known, the world over, as the 'war of courts' or the 'war of judges. We should have learned from experience that the same old wine in a fancy new bottle doesn't do the job. Public acceptability of the FCC would require deliberations and preparation of a comprehensive framework, including the delimitation of its remit and reconciling precedent on, among others, basic structure theory, independence of the judiciary, and access to justice, including the provision of affordable justice. The attempt to pass such a serious amendment without debate or letting anyone have sight of the proposed amendments is far more offensive to public conscience than a cabinet approval of a deal in a sealed envelope.

In our peculiar political reality, considering FCC at this time is indeed an attempt to reconfigure national politics. If the FCC were to truly emerge as an independent and robust court, anchored in pristine constitutional ethos – that makes the right decisions for the right reasons, won't it become a bigger risk to democracy?

With apology to Alexander Pope:

Forms of (justice) let fools contest
What is best administered is best.

The writer is a senior advocate of the Supreme Court of Pakistan and honourary patron of The Legal R&D. This article was first published in the TFT.

TL Report

LITIGATION

The core of legal system

– By Eesha Arshad, *Avocate*

In the present trend of promoting Alternative Dispute Resolution (ADR), litigation remains a foundation of our legal system. It provides the basic mode of resolving disputes and upholding the rule of law through the centuries old and tested system of law and justice. While it can be daunting, understanding the basics and staying informed about future trends can help demystify the process. Whether you are a lawyer, business owner, a professional, or just a curious reader, knowing about litigation is essential in today's world.

Like all other countries of the world, litigation in Pakistan follows a structured yet complex process. The procedural rules of litigation are set out in the Code of Civil Procedure (CrPC), 1908, and the *Qanun-e-Shahadat* Order, 1984, which governs evidence. These are, of course, amended and will be amended in future to serve the purpose even better. The legal system, we must remember, is adversarial in nature which means that each party presents its case before a neutral judge.

The Legal carried a number of articles and a special report of ADR in our previous issues. They were appreciated but some voices of concern were also heard from within the lawyers fraternity. Some of the concerns expressed are, however, genuine. Such as Babar Mumtaz, an advocate in Islamabad, wrote on the Facebook.

"...Propagation of personal interests or guarding the benefits of legal elite through ADR is weakening and discrediting the traditional legal system of the country. People associated to the legal elite, including judges and their favourite lawyers, are linking their interests with foreign and local rich persons by giving valued cases to each other. Ordinary lawyers and litigants will continue to curse the helpless system that will never recover."

Another Facebook user, Aziz ur Rehman, commented:

"Currently, a strange drama is going on below the Supreme Court – the privatisation of the justice system under the title of ADR– and all are fully involved in this. All of them get salaries and fees from the court system for delivering justice, but they are abandoning their work and pushing people towards alternative methods."

The term 'litigation' conjures up images of courtroom showdowns between advocates or advocates and judges. In such showdowns, both of them grill witnesses, nitpick investigations and cross-examine the facts on-hand. All of this happens in the light of codified laws, rules, regulations and legal norms and traditions. Following this structured and complex process is not simple and that's why litigation needs fully trained and professional lawyers. Court and lawyers – justice system - are must for litigation to resolve disputes or seek justice in cases like family disputes, criminal offences, and business and trade disagreements. Unlike ADR, which is gaining popularity, courts are at the core of litigation process.

Basics of Litigation

Plaint: Litigation begins when a party, known as the plaintiff, files a plaint (official legal complaint) against another party or a person who is called the defendant. The plaintiff outlines his grievances along with legal grounds for the case. Once the plaint is accepted by an appropriate court, the litigation moves on to the pleadings.

Pleadings: In this phase both the parties file their initial documents to state their positions.

Evidence: At this stage, both sides of the case gather evidence including documents, statements, and the like.

Trial: When the judge officially starts proceedings of a case in the presence of parties and hear their arguments.

Judgment: After completing all case proceedings, the judge makes a decision to announce. The judgement can be appealed in a higher court if either side is dissatisfied.

Types of Litigation

Litigation is of many kinds but it can be broadly categorised into the following types:

Civil Litigation: This involves disputes between individuals or organisations, such as contract disputes, personal injury claims, and property disputes.

Criminal Litigation: Here, the government prosecutes an individual or organisation for violating laws. This can range from minor offenses to serious crimes.

Commercial Litigation: This focuses on business-related disputes, including issues of breach of contract, partnership disputes, and intellectual property rights.

Family Litigation: This deals with matters such as divorce, child custody, and alimony.

General Practice

litigation is a layered and often

"ADR is weakening and discrediting the traditional legal system of the country."

The future of litigation has been evolving due to ever-changing social norms and the introduction of the Internet and Legal-Tech. Young lawyers must attain a full command over litigation.

lengthy process that can be time consuming. Lawyers play a crucial role in guiding clients through the maze of legal procedures and advocating on their behalf. A professional lawyer always helps his client by keeping him informed about the actual trajectory of the case. They can also guide clients in reaching settlements before trial for it can be costly and unpredictable. However, when settlements are not possible, a trial provides a formal resolution.

The future of litigation has been evolving due to ever-changing social norms and introduction of the Internet and Legal-Tech. Virtual hearings and electronic filings are becoming more common in courtrooms, making the formal legal process more efficient. As businesses become more international, cross-border litigation has been on the rise which requires lawyers to navigate different legal systems. Efforts are also being made to make litigation more accessible and affordable, ensuring that everyone has the opportunity to seek justice. Recently, methods like mediation and arbitration are gaining popularity as they offer quicker, less adversarial ways to resolve disputes. Sceptical lawyers, however, have reservations about ADR that need to be checked, keeping the process fair and just.

Litigation is, no doubt, the core of the legal system and lawyers, particularly young entrants, must pay their full attention to learn its nitty-gritty, gaining maximum command on it. ■

IMAGE: THE LEGAL

TL Analysis

Tax Treaties Caught off Guard

The global response to the problem is nothing but a damp squib

Tax treaties are at odds with the functioning of today's world economy. Marred by structural weaknesses, tax treaties are criticized for having played a marginal role in the elimination of double taxation and have failed to effectively address tax avoidance schemes. The writer explores the basic concept of tax treaties and critically evaluates the modern tax treaty system. The full essay, with all the details and references, can be viewed at **www.the-legal.org**.

IMAGE: THE LEGAL

– *By* **Dr Syed Shah Faisal,** Deputy Commissioner-Inland Revenue, Anti-Benami Initiative, Federal Board of Revenue, Karachi.

Avoidance of Double Taxation Treaties (tax treaties) are the primary legal instruments that govern taxation of cross-border income, allocating taxing rights between the source and the residence countries. Negotiated and signed by the two contracting states, tax treaties predominantly opt to follow the contours already defined in one of the model tax treaties drafted under the aegis of the United Nations (UN), the Organisation of Economic Cooperation and Development (OECD), or the United States of America (USA).

Tax treaties have the primary objectives of avoidance of double taxation, prevention of tax evasion, and facilitation of free trade. However, insidiously losing to uphold their stated objectives and marred by structural flaws, tax treaties have over time dwindled to alleviate double taxation, acquiesced to base erosion and profit shifting (BEPS) and tax optimising schemes, given rise to double non-taxation and tax competition, and stalled to keep pace with technological innovations. Consequently, fiscal gaps have widened globally, laying bare more than ever the inadequacies of tax treaties. Resultantly, fiscal deficit and public outcry have prompted a global response, led by the OECD, to address the issue, which is yet to be agreed and acted upon in all its practicality. It is therefore high time the global community stand united to forge a workable consensus for a fairer and more transparent international tax system.

The current international tax law embodied, in large part, in the instruments of around 3,000 tax treaties dates back to a report presented by Edwin Seligman and others before the League of Nations in 1923. Influenced by this report, the League of Nations penned the residence-based draft of model bilateral tax treaty in 1928, which has later on overwhelmingly inspired the UN, the OECD, and the USA in their model tax treaties. Therefore, the present-day international tax law by and large incorporates the residence-based taxing rights between the contracting states picking up over-the-counter model tax treaties nuanced by specific requirements of the states.

The rationale underlying the international tax law is 'the single tax principle', propounding that income needs to be taxed only once, whose natural corollary gives rise to the fundamental question, or rather predicament, of which state gets to tax income once and which one gets to relinquish its claim. To solve this dilemma, the 1923 report proposed the right of taxation to the country of residence based on the 'benefits theory' of taxation as well as 'theory of ability to pay'. The former supports the idea that taxes paid are reciprocated by the services rendered by the government while the latter acknowledges the residence country's sovereign jurisdiction to determine the global income of all its residents.

However, while devising the rationale back then, the scholars might not have imagined the gaps in tax treaties that have been widening ever since. Consequently, as of 2017 estimates by Norwegian, Danish, and French Scholars, € 7,900

"Comity of nations stands at crossroad for a fair int'l tax system."

billion were found stashed in tax heavens, resulting in annual fiscal evasion of approximately €155 billion.

To illustrate, tax treaties need to be critically viewed in perspective (read the full essay).

The emergence of modern technologies and reliance on intangible assets in value-creation have opened up innovative ways to exploit tax treaties. Driven by the cut-throat competition, commercial transactions and decision-makings in digital and traditional economy are increasingly influenced by digital innovations, including blockchain, machine learning, and artificial intelligence. The consequent complexities, pace, and innovative avenues to exploit legal glitches have not yet been effectively reciprocated in domestic or international legal framework. As a result, digital economy poses an unprecedented challenge. During 2010 and 2018, the world's six largest tech companies (Google, Apple, Facebook, Amazon, Microsoft, and Netflix) avoided tax revenues worth more than $100 billion. However, the global response aimed at plugging gaps in tax treaties, stalled by complex array of challenges, pales in comparison with the onslaught of digital innovations.

> **"Commercial transactions and decision-making in digital and traditional economy are influenced by digital innovations."**

The crux of the discussion boils down to the fact that tax treaties are at odds with functioning of today's world economy. Marred by the structural weaknesses, tax treaties are criticised to have played marginal role in elimination of double taxation, and have failed to effectively address tax avoidance schemes such as the BEPS, double non-taxation, treaty shopping and abuses. Instead, they have spurred unhealthy tax competition among countries to attract foreign investment and capital.

Moreover, technology and geopolitics have left the tax treaties amenable to tax optimising schemes by corporations and outright manoeuvring by the unscrupulous elements. Adequately equipped to capitalise on the preclusion of physical presence and strategically adjusting the location of subsidiaries and value-creating intangible assets, the companies in digital economy have upped the ante by turning tax treaties more redundant than ever before. The global response to the problem has so far exhibited as damp squib, awaiting much-needed consensus. However, the glimmer of hope shines through as the platform of OECD engages the nations with contrasting interests to agree on broader common goals. Therefore, comity of nations stands at a crossroad to put its foot down for a new deal of consensus for a fairer international tax system sufficient enough to meet public finances. ■

LEGAL VIEW

Enact Proper Laws
to Safeguard Employees' Rights

It's time to get rid of the archaic 'Principle of Master and Servant'

The Master and Servant Principle, an old legal concept, describes the relationship between employers and employees arising from an express contract of service. In Pakistan, this principle continues to apply without significant statutory or judicial intervention. The principle has been impacting employment dynamics across various sectors. The relationship between employers and employees remains at the employer's discretion. The writer expresses his legal views on this complex issue, highlighting the need for the enactment of proper laws to safeguard the rights of employees. He suggests that the Principle of Master and Servant should go now.

IMAGE: THE LEGAL

– *By* **Tariq Aziz,** Advocate Supreme Court of Pakistan.

Before delving into the rights, it's important to understand the difference between statutory and non-statutory rules:

Statutory rules:

These are laws, rules, and regulations enacted, expressly or by reference, by a legislative body and have the force of law. They provide a comprehensive framework for employment relationships and terms and conditions.

Non-statutory rules:

These are internal regulations created by employers for managing their workforce. They are not enforced by the state but are binding on employees as part of their employment contract.

Rights Under Non-Statutory Rules:

While non-statutory rules might not have the same level of protection as statutory laws, they still outline essential aspects of the employment relationship. Common rights covered under non-statutory rules include:

- Terms and conditions of employment: Salary, allowances, working hours, leave entitlements, and other benefits.
- Disciplinary procedures: Rules governing misconduct, warnings, and termination.
- Grievance handling procedures: Mechanisms for employees to raise concerns and seek redress.
- Performance appraisal and promotion criteria: Guidelines for evaluating employee performance and career progression.
- Code of conduct: Expected behaviour and standards of conduct for employees.

Limitations and Challenges

It's essential to recognise the limitations of non-statutory rules:

- Lack of enforceability: Unlike statutory laws, non-statutory rules are generally not enforceable through legal action. Disputes often rely on contractual terms or internal grievance procedures.
- Potential for abuse: Employers may have more discretion in

interpreting and applying non-statutory rules, leading to potential unfair treatment.

- Limited scope: Non-statutory rules typically cover only specific aspects of employment, leaving gaps in protection compared to statutory laws.

Balancing Act

While non-statutory rules provide a framework for employer-employee relations, it's crucial to strike a balance between employer flexibility and employee protection. Generally, employees governed by non-statutory rules are also referred to as governed by principle of master and servant and or contract employees.

For civil servants and workmen legal regime, in the shape of laws framed by legislative bodies, and special courts or tribunals, is present. Employees called civil servants and workmen have special protections and procedures under the laws and have remedies for their grievances before special courts or tribunals, up till the Supreme Court of Pakistan.

Employees of statutory corporations, authorities, foundations and commissions governed by statutory rules, not being civil servants and or workmen, can approach the High Court under Articles 199 of Constitution of the Islamic Republic of Pakistan, 1973, for re-dressal of their employment grievances. *(PLD 2006 SC 602/PLD 2007 SC 681)* However, that too is restricted to violation of law only. Factual disputes or controversies cannot be resolved in constitutional jurisdiction.

Problem lies for the employees of such corporations, authorities, foundations, and commissions or even government governed by non-statutory rules or by contract.

For them, since 1956, *(refer: PLD 1956 SC 298/331)* as per consistent view of Supreme Court of Pakistan neither constitutional jurisdiction of high court under Articles 199 of the Constitution of the Islamic Republic of Pakistan, 1973, is available nor they have any protection for their employment rights or grievances. These employees cannot seek reinstatement but only damages for wrongful termination through a civil suit.

> **"It's crucial to strike a balance between employer flexibility and employees protection."**

Even, they cannot seek regularisation of their employment, unless there is law and they fulfil requirements of that law.

Despite plethora of judgments of high courts and the Supreme Court of Pakistan over the years, such employees rush to high court or different forums, for re-dressal of their employment grievances. This has resulted in waste of precious time and money. Courts are unnecessarily burdened by this type of litigation. Often the employees remain unsuccessful.

Once, in 1997 federal legislature intervened and by inserting Section 2A in Federal Service Tribunal Act, 1973, remedy was provided to employees of statutory corporations. Till Mubeen-Ul-Islam case in 2006 *(PLD 2006 SC 602)* the Supreme Court of Pakistan applauded this law but then declared it unconstitutional. Since 2006, again employees governed by non-statutory rules or principle of master and servant are left remediless and victims of vicious circle of unfruitful or frivolous litigation. However, now the Supreme Court in its judgment dated April 15, 2024 passed in CA No.795-L/2012, CA 123-L/2013 and CA No. 2508-L/2017, has stressed upon legislative intervention concerning the rights of employees under non-statutory service rules.

Key Points:

- The Punjab Provincial Cooperative Bank (PPCBL) has non-statutory Staff Service Rules (2010).
- Employees Ghulam Mustafa, Iftikhar Ahmed, and Barkat Ali challenged disciplinary actions against them through writ petitions in the Lahore High Court.
- The High Court dismissed the petitions on the grounds that the PPCBL's service rules are non-statutory and the relationship between the bank and its employees is that of master and servant.
- The Supreme Court upheld the High Court's decision, ruling that writ petitions are not maintainable for violations of non-statutory service rules.

Remedies for Employees under Non-Statutory Service Rules:

- Employees can file departmental appeals within the bank as per Rule 40 of the Staff Service Rules.
- If dissatisfied with the departmental appeal outcome, they can pursue a civil suit in a civil court.

Court's Observation on Master-Servant Relationship:

- The court acknowledges the limitations of the "master-servant" principle in protecting employee rights. However, stresses to change "niceties and minutiae of this colonial tenet and precept"
- It emphasises the need for reforms to establish a special tribunal or court for employees under this category.
- Such a tribunal would ensure checks and balances and provide faster resolution of disputes compared to civil courts.

Recommendations:

- The court recommends that the government consider legislative reforms to address the situation of employees under the master-servant relationship who lack statutory service rules.
- This reform could involve creating a special tribunal or court for faster dispute resolution and ensuring some basic rights and obligations for employers and employees.

It's high time for federal and provincial legislatures to enact proper laws to safeguard the rights of employees governed by non-statutory rules or principle of master and servant and provide for grievance redressal forums. Principles of master and servant be done away with. ∎

LEGAL EDUCATION

IMAGE: THE LEGAL

Regulating Legal Education

The Role of Pakistan Bar Council

The Pakistan Bar Council (PBC) plays a crucial role in the country's legal education system, possessing the authority to scrutinise, direct, and take action against institutions offering legal education. This authority is conferred by the Pakistan Bar Council Legal Education Rules, 2015. The council oversees law schools, ensures compliance, and takes necessary remedial actions through its Legal Education Committee when institutions fail to meet the required standards. The council's commitment to upholding the standards and integrity of legal education is evident in its recent decisions concerning several schools and colleges nationwide.

The PBC's Legal Education Committee reviewed the initiation of the Shariah and Law Programme at The Islamia University of Bahawalpur. The university had commenced the programme in 2020, contravening the council's regulations. An inspection revealed that 250 students were enrolled in the Shariah and Law Programme and more than 600 in LL.B.

According to the bar council, the inspection also highlighted inadequate facilities, including a limited number of classrooms and a poorly equipped library. The committee expressed concerns regarding the qualifications of the professors and the delay in student registration with the PBC. Additionally, despite prior notification, the university registrar failed to attend the meeting. The committee ordered immediate cessation of the LLB programme and imposed a complete ban on new admissions. The university is required to provide comprehensive documentation as requested by the committee, and both the registrar and vice-chancellor must attend the next meeting to offer further explanations.

According to a notification issued by the PBC, the committee also reviewed Fatima Jinnah Women University's (FJWU) application for permanent recognition of its LLB programme. During an inspection

-by Fatima Mazhar
The writer is a law student in Islamabad and the serving president of the Law Students' Council Pakistan.

in May 2024, several deficiencies were identified, including inadequate facilities, an unauthorised transfer of the law department from the main campus to the Chakri Campus, and a lack of permanent law faculty members. Other issues included insufficient classrooms, inadequate student transportation, and poor internet and library resources. It was also found that the head of the law department did not possess the required qualifications. Consequently, the committee has banned new LLB admissions until the university addresses these shortcomings. The FJWU has been instructed to hire qualified faculty members, relocate the law department back to the main campus, rectify all issues highlighted in the inspection report, and provide updates on their progress.

In another instance, the Legal Education Committee convened on August 31, 2024 to review Hazara University Mansehra's application for the approval of its LLM programme. Despite having paid fines amounting to Rs0.5 million, the university failed to register its LLB students with the council and did not provide a complete list of its professors, as directed in May 2024. Additionally, the university did not comply with the committee's directive to register all students and submit comprehensive faculty information by July 31, 2024. Consequently, the committee has prohibited new admissions to the university's LLB and LLM programmes until these issues are resolved. The university has been given two weeks to provide a detailed response addressing the outstanding matters.

The council also observed that Blackstone School of Law in Lahore was advertising admissions for the University of London's LLM external programme and the Bar-at-Law programme on their website and social media without obtaining the necessary No Objection Certificate (NOC) from the council. According to the Pakistan Bar Council Legal Education Rules, 2015 (Rules 36 and 38), the institution is prohibited from offering or advertising any legal education programmes, including the LLM, without prior approval from the PBC. Furthermore, the council has not been informed of any official association between the University of London and the school for this programme. The institution's application for the three-year LLB programme is still under review. The PBC has recommended that the institution should refrain from admitting students to these programmes until the required permissions are granted.

Education committee of Pakistan Bar Council oversees law schools to ensure compliance.

The PBC possesses authority to scrutinise and take action against non-compliant institutions

Denning Law School was also found to be advertising admissions to its LLM programme, offered by the University of Law, UK, via its website and social media without obtaining the NOC from the Pakistan Bar Council (PBC). This act constitutes a violation of the council's rules. According to the notification, the council has not yet issued an NOC for the LLB programme, nor has it received a formal affiliation request for the LLM programme. The Council has recommended that the institution should refrain from accepting new students for the LLM until all required approvals are obtained. The committee has also asked the school to confirm whether it offers additional legal programmes and provided a written explanation for this issue. The matter will be discussed at the next meeting of the Legal Education Committee.

The committee reviewed Lahore Leads University's application for permanent recognition and an increase in LLB programme seats from 100 to 200 per year. Represented by Dr Muhammad Ramzan Wattoo, Head of the Law Department, the university attended the meeting on July 26, 2024. It was noted that the institution had initially gained recognition in March 2015 with a limit of 50 seats per year. However, enrolment records from late 2022 and early 2023 revealed significantly higher numbers, which the committee deemed a breach of the initial seat limit. Despite previously agreeing to the limit, the university admitted more students than allowed. The committee expressed its disapproval and emphasised the importance of adhering to the regulations set forth by the council. ■

LEGAL HISTORY

VOLUME 17 • NO 2 • 2017

The history of legal education is one of transformation. From the Inns of Court in London to the modern university, from informal ad hoc teaching to formalised accreditation, from law schools experimenting in techniques and methods to the dominance of a single method of instruction. The history is a battle of ideas. Ideas over what the law is, how it should be taught and the kinds of student a law school should produce. Frequently, law schools have been the battleground of fierce intellectual rivalries, with rival schools of thought battling for supremacy and control over the future of the curriculum. The major battle has been between those who see law as a liberal art and those who see law as a science. Over time, the latter group has largely prevailed, creating the modern legal education system that we know today, one that is dominated by a view of law as a technical skill, taught as a vocation or trade.

Krook, Joshua. (2017). A Brief History of Legal Education: A Battle Between Law as a Science and Law as a Liberal Art.

TL Event

IMAGE: THE LEGAL

YourMunshi launched

An AI-powered legal assistant platform designed to support Pakistan's judicial system

– Staff Report

Islamabad – Justice (retired) Mushir Alam has called for innovation within Pakistan's legal system through the integration of technology.

Speaking at the launch of YourMunshi, Pakistan's first AI-powered legal assistant platform, as chief guest at Islamabad Bar Council (IBC) on September 17, Justice (retired) Mushir Alam emphasised that AI and other technological advancements could profoundly transform the judicial landscape by reducing delays, enhancing accuracy, and promoting access to justice.

This AI platform seamlessly integrates the nation's judicial system and legal history, offering significant convenience for the legal community, including lawyers and judges, in managing their legal tasks. YourMunshi is designed to support Pakistan's judicial system by assisting lawyers and judges in preparing case applications, maintaining daily case diaries, and accessing detailed judicial decisions within minutes, according to Amir Zahoor and Waqas Ahmed, the Co-founders of YourMunshi.

The ceremony was attended by a large number of lawyers and office-bearers of different lawyer organisations, including Adil Aziz Qazi, Vice Chairman of IBC, Raja Shakeel Abbasi, President of Islamabad Bar Association, Advocate Supreme Court Hassan Ali Raza, Mohammad Tahir Iqbal Malik of the Legal Rights Forum, and Syed Mohammad Ali Advocate, Founder and CEO of The Legal International, Pakistan's first digital magazine for global law research and development. The Legal was the media partner the YourMunshi's events.

They also addressed the gathering, emphasising that the future success of lawyers hinges on the integration of modern technology into their legal practices, resulting in significant savings of both time and money. They called for additional AI workshops for the legal community and congratulated the team behind YourMunshi on their initiative.

Advocate Adam Jabbar demonstrated how lawyers could effectively utilise YourMunshi to streamline their legal work. His practical guidance helped participants understand how the platform could simplify routine legal processes and enhance efficiency.

In his concluding remarks, Waqas Ahmad assured the organisation's commitment to hosting more seminars and workshops nationwide to aid lawyers in adopting AI technology, reaffirming their full support for this initiative.

A similar launching ceremony was also held in Karachi on September 21, at the Karachi Bar Association Hall in the City Court Complex.

The event featured several distinguished speakers, including Noor Ahmed Samoo, Secretary IT of the Government of Sindh, Naeem Qurashi, Member Sindh Bar Council, Amir Warich, President Karachi Bar Association (KBA), Irshad Channa, General Secretary of the KBA, Muner A Malik, Former President of the KBA, Sarfarz Metlo, General Secretary of Sindh High Court Bar Association, Ihsan Siyal, Member of Sindh Bar Council and Chairman Legal Education Committee, Shahid Shafeeq, Senior Faculty Member of Sindh Judicial Academy, and Mohammad Tahir Iqbal Malik of the Legal Rights Forum. ∎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