

**IN THE SUPREME COURT OF PAKISTAN  
(Original Jurisdiction)**

Constitution Petition No. \_\_\_\_\_ of 2023

**Imran Ahmed Khan Niazi**

*.... Petitioner*

v.

**Federation of Pakistan & others**

*... Respondents*

Counsel for the petitioner

**Hamid Khan, Sr. ASC  
Ajmal Ghaffar Toor, ASC  
a/w Syed Rifaqat Hussain Shah  
Advocate on Record**

Counsel for the Respondents

**INDEX**

Sr. No.	Description	Date	Page No.
1	Petition	25-05-2023	1 – 39
2	Notification		40
3	Article 245 of the Constitution		41
4	Section 4 of the Anti-Terrorism Act	1997	42
5	Summary report of martyred, injured and arrested		43
6	Members Parliamentarians arrested after the arrest of Petitioner		44
7	Party workers arrested after the arrest of Petitioner		45
8	News clipping		46 – 47
9	Affidavit of Facts & service	25-05-2023	48 – 49

Certified that paper book as bonded is complete and correct.

Dated:- 25-05-2023

**(Syed Rifaqat Hussain Shah)**  
Advocate on Record

**IN THE SUPREME COURT OF PAKISTAN  
(Original Jurisdiction)**

**Constitution Petition No. \_\_\_\_\_ of 2023**

**Imran Ahmed Khan Niazi** son of Ikram Ullah Khan Niazi, Chairman Pakistan Tehreek-e- Insaf, resident of 2 Zaman Park, Lahore.

*.... Petitioner*

v.

1. **Federation of Pakistan** through:-  
 (a) Ministry of Defence through its secretary  
 (b) Ministry of Interior through its Secretary  
 (c) Secretary Cabinet, Cabinet Division
2. **Mian Shebaz Sharif**, MNA, leader of the House, National Assembly / Prime Minister of Pakistan;
3. **Nawaz Sharif** son of late Mian Mian Sharif, ex-prime minster of Pakistan, defacto Party Head, Pakistan Muslim League (N), Avenfield, Apartments, London;
4. **Maryam Nawaz Sharif**, wife of Captain (R) Muhammad Safdar, Chief Organizer, PML (N) resident of Jaati Umra, Raiwind, Lahore;
5. **Asif Ali Zardari** son of late Hakim Ali Zardari, Bilawal House, Plot D, 27, Block 3 Clifton, Karachi;
6. **Bilawal Bhutto Zardari**, Chairman Pakistan People's Party Parliamentarian, foreign minister of Pakistan, Bilawal House, F-8 Islamabad;
7. **Fazalur Rehman** son of late Mufti Mehmood, Chief, Jamiat Ulema-e-Islam (F), Jamia Madnia, Kareem Park, Ravi Road, Lahore;
8. **Khalid Maqoobl Siddiqui**, Convenor, Mutahida Qaumi Movement, MQM Pakistan, 184/Z-A Block 3 Bahadurabad, Karachi;
9. **Mohsin Naqvi**, purported / unconstitutional Care-taker Chief Minister, Punjab, Chief Minister House, Lahore;
10. **Azam Khan**, purported/unconstitutional Chief Minister, KPK, Chief Minister House, Peshawar, KPK;
11. **Inspector General Police Punjab**, Central Police Office (CPO), Lahore;
12. **Inspector General Police Islamabad**, Police Lines Headquarters, H-11, Islamabad;
13. **Inspector General Police KPK**, Central Police Office (CPO), Sahibzada Abdul Qayyum Road, Peshawar;
14. **Commandant, Frontier Constabulary**, Frontier Constabulary Head Quarters, Saddar Road, Peshawar.

*... Respondents*

---

**PETITION:** under article 184(3) of the Constitution for protection of the constitution and enforcement of fundamental rights of the people of Pakistan

---

Respectfully Sheweth:

**PRELIMINARY SUBMISSIONS:**

1. That the Petitioner is the citizen of Pakistan and Chairman, Pakistan Tehreek-e-Insaf (PTI), a duly registered political party under the Political Parties Act, 1962 (now under the Election Act, 2017). PTI has its own constitution and manifesto. The Petitioner, his party workers and office-bearers believe in and have struggled for over twenty seven years for the rule of law, supremacy of the Constitution and the sovereignty and integrity and well-being of Pakistan. The Petitioner owes his allegiance to the state of Pakistan and is loyal to its Constitution as mandated by Article 5 of the Constitution.
2. That the Petitioner most respectfully craves to invoke the original constitutional jurisdiction of this Hon'ble Court with some most critical, important and far reaching questions in relation to the interpretation, protection, defense and enforcement the Constitution and law have arisen that need an immediate attention and decision thereon by this Hon'ble Court that would determine the future

course of the polity of Pakistan. These questions of law and the Constitution of great public importance are set out below:-

A. Whether an independent and impartial judicial inquiry be conducted by a high powered Judicial Commission appointed by the Supreme Court to probe into events leading up to the horrendous and gory events of 9 May 2023 when the Petitioner was taken into unlawful custody in an unlawful manner in violation of the constitutional right of access to justice (as declared by this Hon'ble Court) and subsequent and consequential causing of violent attacks on civil & military installations and arson of private and public property by unknown persons and fixation of responsibility therefore and killing of several dozen protestors by the law enforcement agencies in direct and indiscriminate firing upon the unarmed crowds and all actions of the Federal Government and law enforcement agencies including indiscriminate large scale arrests, imprisonments without due process of law and then media trials violating the decision of this Hon'ble Court in *Asma Jilani v. Federation of Pakistan* PLD 1972 SC 279?

B. What is the legal and constitutional status of proposed trials of the alleged civilian offenders under the military laws ( the Army Act, 1952 read with the Official Secrets Act, 1923) by the military courts in peace times and whether such trials



would be in accordance with the Constitution, law the judgements of this Hon'ble Court in various cases including these reported as under:

- i. *Rawalpindi Bar Association v. Federation of Pakistan* (PLD 2015 SC 415)
- ii. *Sindh High Court Bar Association v. Federation of Pakistan* (PLD 2009 SC 879)
- iii. *Ashghar Khan v. Federation of Pakistan* (PLD 2013 SC 1)
- iv. *Shaikh Liaqat Hussain v. Federation of Pakistan* (PLD 1999 SC 564)
- v. *Mustafa Khar v. Federation of Pakistan* (PLD 1989 SC 89)

C. Whether the trial of civilian saboteurs who allegedly were involved in attacks on corps commander's house (which is originally Jinnah House and thus a civilian house for legal purposes) is without jurisdiction, *coram non judice* and malafide, ill-advised and misconceived inasmuch as the accused do not come within the definition of persons subject to the Army Act, 1952 and to whom the Army Act, 1952 applies under section 2 (1) (d) (ii) thereof read with section 3 of the Official Secrets Act, 1923?

D. Whether the trial of civil offences committed by civilians under the Army Act is against the provisions of Article 4, 9, 10 A, 14 and 25 of the Constitution read with UN Charter of Human Rights & other international charters for being *ex-facie* denial of substantive & procedural due process and fair trial and equal protection of law to the accused?

- E.** Whether the provisions of sections 2(1) (d) (ii) and 59 of the Army Act, 1952 and section 3 of the Official Secrets Act, 1923 are void to the extent of trial of civilians under the Army Act, 1952 being against Articles 8, 9 10 A and 25 of the Constitution because of denial of right to life, due process and fair trial, dignity of man, and equal protection of law to the accused?
- F.** Whether the trial of civilians under the Army Act is patently malafide (both in fact and law) as it would patently mean to create awe and fear and denies access to justice and violates principles of natural justice as the accuser is both the judge and the jury?
- G.** Whether the imposition of an undeclared martial law in the garb of calling in aid of the armed forces in the Federal Capital Territory, Punjab, Balochistan and KPK in the purported exercise of powers under Article 245 of the Constitution be determined judicially and the dictated exercise of this power by the Federal Cabinet in the absence of objective conditions for exercise of that power is clearly violative of the fundamental rights including amongst others, the right of access to justice for enforcement of fundamental rights of public at large, right to fair trial and due process, right to life and liberty, right to dignity etc and the

constitutionality of these actions in the light of following provisions and judgements be kindly judicially determined:

- a. Articles 243 & 245 of the Constitution and
- b. Judgements of this Hon'ble Court in:-
  - i. PLD 2015 SC 415
  - ii. 2009 SCMR 202
  - iii. PLD 2011 SC 680
  - iv. PLD2011 SC 997
  - v. 2012 SCMR 2008
  - vi. PLD 2013 SC 1
  - vii. PLD 2020 SC 1

**H.** Whether the unlawful and unconstitutional dismantling of a political party (PTI), oppression of its leadership and victimization of its workers and supporters in an unlawful manner and forcing unlawfully the leaders and elected members of the party to leave the party in utter disregard of the following provisions and judgements be kindly determined judicially:-

- a. The mandate of the Constitution as given in the preamble to the Constitution including Articles 2A, 9, 10, 10A, 14, 17 & 19, 25 and
- b. Judgements of this Hon'ble Court in:
  - i. *State v. Zia Ur Rehman*  
(PLD 1973 SC 49)
  - ii. *Mian Nawaz Sharif v. Federation of Pakistan*  
(PLD 1993 SC 473)
  - iii. *Benazir Bhutto v. Federation of Pakistan*  
(PLD 1988 SC 416)
  - iv. *Benazir Bhutto v. President of Pakistan*  
(PLD 1998 SC 398)

**I.** Whether a deliberate, *malafide*, contumacious disregard to the judgement(s) of this Hon'ble Court for holding free and fair elections as mandated by the Constitution under Article 224 read with Article 218 and prolongation of unlawful and

unconstitutional care-taker governments beyond 90 days by force in violation of the following judgements of this Hon'ble Court ought to be kindly determined judicially:-

- i. PLD 2021 SC 313
- ii. 2016 SCMR 1299
- iii. 2013 SCMR 1205
- iv. PLD 2013 Lahore 598
- v. PLD 2012 SC 681
- vi. PLD 1988 Lahore 725

**J.** Whether resorting to unlawful arrests without registration of cases under the applicable laws, violation of the sanctity of homes, houses, women, children, family members of alleged offenders by creating awe, fear and mis-treatment of citizens of Pakistan as enemies of the state and denial of due process and constitutional rights in this behalf ought to be kindly determined judicially?

**K.** Whether in these critical times faced by the nation when the Constitution is practically in abeyance, a declaration from this Hon'ble Court is necessary to reiterate the sanctity of the Constitution and an appropriate order to protect the Constitution and recommend ways and means to secure compliance with the Constitution and enforcement of fundamental rights? Whether the scope of Article 245 of the Constitution is limited in nature and limited to circumstances where the civil power of the state may be overwhelmed for any reason as Article 245 is not intended to be used for

furtherance of the political objectives of an incumbent government?

**L.** Whether the Federal Government's requisition of the Armed Forces in order to quell and repress their political opponents purely to disable them from exercising their constitutional rights is a gross violation of Article 17 of the Constitution?

**M.** Whether the use of the excessive force, especially on unarmed protestors, for which there is overwhelming and uncontroverted evidence is a gross violation of *inter alia*, Articles 4, 9, 10 and 10-A of the Constitution?

**N.** Whether the use of the armed forces in order to target a political party is a threat to the system of Parliamentary democracy, which is a salient feature of the Constitution of Pakistan?

**O.** Whether the use of armed forces to single out a political party and launch a crackdown against it is clearly violative of Article 4 of the Constitution which is the bedrock of rule of law, and antithesis to the rule of men in our country and a restraint on the executive and judicial organs of the State to abide by the rule of law?

P. Whether the public's rights under Articles 15, 16, 17 and 19 of the Constitution remain intact following the invocation of Article 245 of the Constitution?

Q. Whether the use of Article 245 of the Constitution to provide a *carte blanche* to the law enforcement agencies is a gross violation of Article 245 itself as well as the rights to life, liberty, privacy and freedoms of movement, assembly, association, and speech?

R. Whether the continuation of invoking Article 245 of the Constitution despite the slowdown in the number and intensity of protests all over the country is being used a mere excuse for the armed forces to act in supersession of civil power rather than in aid of civil power and violates the true spirit of Article 245?

S. Whether the requisition of armed forces by the Federal Government, despite repeated claims that the armed forces and personnel of law enforcement agencies could not be deployed due to the security situation in the country, would be *mala fide* and in excess of jurisdiction?

T. Whether the trial of civilians through military courts is a clear violation of the Constitutional guarantees of due process and fair trial and violation of Pakistan's existing

obligations under the International Covenant on Civil and Political Rights (ICCPR) as well as the jurisprudence developed by this Honourable Court?

U. Whether the direction issued by the Federal Government with respect to the quantum of aid to be given and the manner in which this assistance is to be rendered by the Armed Forces as a matter of Constitutional duty is within the ambit of the law and the Constitution?

V. Whether the Impugned Actions have deprived the citizens of Pakistan from access to their constitutional right to life, dignity, association, equality and protection of property?

W. Whether the Federal Government's support to its political allies who were allowed to hold public gatherings at the gate of this Honourable Court despite the imposition of Article 245, section 144 of Criminal Procedure Code ("Cr.P.C.") and other legal prohibitions demonstrates a clearly discriminatory attitude in violation of Article 25?

X. Whether the Constitution that envisages the right to social, economic and political justice, which right in-effect, stands denied to the people of Pakistan because of the severity of actions and immunities afforded to the police and the other law enforcement agencies in a *mala fide* manner and in



excess of jurisdiction through the guise of utilizing Article 245 of the Constitution?

**Y.** Whether the power to invoke Article 245 of the Constitution has not been rightly exercised by the Cabinet in cases of Punjab and Khyber Pakhtunkhwa whose constitutional authority is questionable following the lapse of the time period allocated to the caretaker government?

**Z.** Whether the current political propaganda campaign of labelling the Petitioner's political party as a 'terrorist organisation' is also another tactic of the Respondents to deny the holding of elections and eventually oust the Petitioner and his political party from the electoral process?

**AA.** Whether there is a clear contradiction between holding the Petitioner's political party responsible for carrying out 'terrorist acts' against state military installations (which the armed forces have to protect in any case) and the stance of the Respondents in invoking Article 245 to allow armed forces to act in aid of civil power for the whole province?

**BB.** Whether chosen representatives are permitted by law to exercise such disproportionate power and authority at the cost of discharge of the people's sacred trust?

**CC.** Whether the invocation of Article 245 of the Constitution in such an arbitrary manner violative of Section 131 Criminal Procedure Code, 1898 and Section 4 and 5 of the Anti-Terrorism Act, 1997?

**DD.** Whether the manner in which the powers under Article 245 have been exercised by the armed forces are non-arbitrary, disproportionate and unreasonable?

**EE.** Whether the jurisdiction of the Provincial High Courts is barred by Article 245(3) which is an extraordinary situation and affects the fundamental rights of the population?

**FF.** Whether actions in violation of fundamental rights in all the provinces and the capital territory thus taking them out of territorial jurisdiction of the High Courts necessitate invoking of original jurisdiction of this Hon'ble Court under Article 184(3)?

**GG.** Whether the use of preventive detention laws like Maintenance of Public Order Ordinance for victimizing and suppressing the party workers and leaders would be abuse of such laws?

**HH.** Whether preventive detention laws can be used to keep PTI workers and leaders in confinement after they are ordered

to be released on bail or otherwise by the Courts? whether this would be clear abuse of law by the executive authorities?

**II.** Whether confining PTI workers and leaders by executive authorities after they are ordered to be released by the Courts is against the basic feature of separation of powers under the Constitution?

### **Historical Background:**

1. That in fact, contrary to the malicious propaganda and venomous campaign targeting the Petitioner particularly for past couple of weeks by the private respondents particularly respondent Maryam Nawaz and her cronies and stooges like Maryam Aurangzeb and Khawaja Muhammad Asif and others, the Petitioner has always respected the armed forces of Pakistan and their constitutional mandate under Articles 243 and 245 of the Constitution. The Petitioner, his political party's leaders and voters and supporters have always resorted to lawful means for the exercise of their political rights under Article 17 of the Constitution and during their political struggle spanning over 27 years they have never been involved in violence or anti-state activities. The Petitioner as party leader has always believed in the ballot and not the bullet. He came to power through vote as against others (Nawaz Sharif) who joined marital law cabinets' and manipulated elections with the help of returning officers. The respondent Nawaz Sharif is a habitual

conspirator and history bears witness to it that for the sake of power he even restored to extreme measures in 1999 which is part of our history.

2. That respondents Nawaz Sharif, his daughter Maryam Nawaz, Bilawal Bhutto Zardri (unlike of her late mother Mohtrama Benazir Bhutto who always struggled for democracy and sacrificed her life in that cause while fighting against a dictator) have hatched a terrible plan to eliminate the Petitioner and get PTI declared as a terrorist organization and also to permanently eliminate the Petitioner from the political arena by falsely involving and implicating him in baseless anti-state cases and in furtherance thereof, with the aid and abetment of few media houses, selected anchors, public officials, by firstly made out a false case of foreign funding and obtained a verdict from the Election Commission of Pakistan (ECP) through manipulation and then involved the Petitioner in a false parentage case (dismissed by a two members/Judges of the full bench of Islamabad High Court) and then in hundreds of other false criminal cases all over the country. The respondents have now virtually succeeded in manipulating the system and have plans to pave their way back to power through political engineering for the next elections that remain elusive for the time being despite clear orders of this Hon'ble Court. The Constitution is under severe strain and is being flagrantly violated by the respondents to create chaos and anarchy.

3. That it is reiterated that during his long political struggle spanning over 27 years (1997) the Petitioner, his party and workers have never resorted to violence. Events speak for themselves. Since his removal from office through an engineered vote of no confidence the Petitioner has never taken to violence. The Petitioner's lawful procession/long march on 25 May 2022 was attacked in Islamabad through coercive apparatus of the state having fallen into hands of known vandal like the Interior Minister. The Petitioner and his party-men were violently attacked by the police and law enforcement agencies and hoodlums hired by the opponent political party PML (N) but the Petitioner and his party workers did not retaliate nor did they resort to violence. Then the Petitioner's house in Zaman Park, Lahore was attacked and ransacked by the police officials and law enforcement agencies, private hoodlums hired by the puppet and purported unconstitutional Chief Minister while the Petitioner was away for his Court hearing at Islamabad.
  
4. That on 9 May 2023, the Petitioner was supposed to appear before Islamabad High Court for which he travelled all the way from Lahore. The Petitioner was neither previously served with any warrants in Lahore by NAB nor any of its officials served such warrants on his way to the Court or anywhere else. On the contrary, being a part of conspiracy, a so-called request for implementation of warrants of NAB through FC was allegedly sent on 8 May 2023 to the ministry of interior (the record is requested to be summoned).

5. That the Petitioner was roughed up by the men in uniform of FC and unlawfully arrested and in an inhuman manner against the provisions of sections 145-147 of the Code of Criminal Procedure, 1897 while going through bio-metric process on the premises of the Islamabad High Court and whisked away in a rough manner by unknown people in a highly suspicious circumstances that were televised. All this spread like a wild-fire throughout Pakistan on social media. The Petitioner only learnt about it later. While in custody, the Petitioner was not allowed to meet with his counsel in violation of Article 10A of the Constitution. Some TV channels and media men spread false rumors and circulated pictures of Petitioner being tortured in custody and even his death which seems to have been deliberately added to provoke and create unrest and annoyance amongst people. It was a result of the hatched conspiracy to instigate people to come out on street and do violence. It is submitted that after PTI supporters saw on the television unlawful, illegal and abusive arrest of the Petitioner on 09.05.2023 shown on state television and other private channels, it incited people to strong reaction. The people thus staged their lawful protest against the state atrocities.
  
6. That the Petitioner only came to know about horrifying events, when he was brought before this Hon'ble Court on 11 May 2013 pursuant to its order. It is for this reason that the Petitioner having been informed by the Hon'ble Court immediately condemned those gory and terrible occurrences although he hardly knew about the

exact situation and amplitude of the loss of human life and property. The respondents while using state machinery put the whole blame on the Petitioner and a witch-hunt started indiscriminately against PTI party workers. The respondents became accusers, jury and judges. Truth never surfaced. In a one-sided hunt and malicious campaign against the Petitioner almost ceaselessly, this conspiracy is reaching its culmination and climax which appears to be intended towards the elimination of the Petitioner, politically or physically. It is therefore imperative that an independent commission is appointed by this Hon'ble Court to thoroughly probe into all events starting for the operation of regime change on 10 April 2022 to the horrendous and terrible occurrences of 9 May 2023 and that all characters behind such events be exposed lest it is too late. A national leader cannot be allowed to be crucified at the altar of expediency, selfishness and political objectives.

7. That there is a complete blackout about the killing of dozens of unarmed people by the law enforcement agencies, arrest and detention of thousands of workers including women, juveniles, special persons and registration of cases under the Army Act, 1952 and Anti-Terrorism Act, 1997 in the aftermath of those terrible events. Some of the data of the killings, arrests and registration of FIRs in different parts of the country is attached and the remaining will be brought on record. A so-called Federal Government (according to news report Umar Cheema the News 23 May 2023) is



helpless and the whole matter is in the hands of armed forces. The anger of the high ups in the armed forces against their own people is not justified. It is only appropriate that restraint be shown in the greater national spirit, interest and unity. It is time to show affection and educate people about the national ethos as promised in the Constitution and not to make violent example of them. The Prime Minister and the private respondents by using these emotions to avenge their political vendetta are ceaselessly adding fuel to the fire on daily basis forgetting that power is a trust and being Muslims and followers of Prophet Muhammad (PBUH), forgiving and showing mercy is the highest virtue. If history is any guide all great nations resort to an amnesty after every such calamity. History abounds with such instances.

8. That it is submitted that this Commission is all the more important that all these events are thoroughly probed into and a finding is given thereon because otherwise the conspiracy would further create greater gulf between people and the armed forces. It is unfortunate that in the garb of these events, the private respondents, particularly Maryam Nawaz, are trying to further their political objectives. The respondents know no bounds for the sake of power and their paid cronies are working day and night to complete the nefarious task.

9. That the Petitioner and PTI workers recognize unprecedented sacrifices of armed forces and it is the stated and declared policy

that if its workers and supporters resorted to violence they must face the law but at the same time they must be given fair trial and due process which is every Pakistani's constitutional right so that no misgivings, grievances and new wounds are inflicted upon them for which the respondents intend to pass the blame on to the armed forces. The respondents intend to create wrong impression about the armed forces which is the main objective and target of Maryam Nawaz who has found in it a great opportunity to take revenge for the removal of his father from power by the establishment. The Petitioner and his party-men would never shy away from redeeming the truth. Let truth be tested through open and fair trials and before an independent judicial commission.

10. That the manipulation of the system and the control of the coercive apparatus of the state is so hijacked and captured by the respondent that private conversations are now being openly tapped and then selectively leaked in order to sway events and manipulate facts in their favour and muddy the truth. The respondents like interior and information minister by using public money, are publically taking pride in their illegal and *malafide* acts. This Hon'ble Court in Hamid Mirs' case has already held that secret fund of the Prime Minister cannot be used to manipulate public opinion. This Hon'ble Court may kindly take judicial notice and direct audit of accounts of those funds from the Federal Government. The Petitioner believes that public money is being used for such ulterior political purposes.

11. That it is pertinent to state by way of background in order to untangle facts from fiction and to examine manipulated situation leading to the recent events that the past role of the Petitioner be also looked into. After having been mandated/elected to power by the people of Pakistan in the General Elections of 2018, the Petitioner was elected as the Prime Minister of Pakistan by the National Assembly in July 2018. The Petitioners' party formed governments in the provinces of Punjab and Khyber Pakhtunkhwa (KPK). These governments worked smoothly for over three years. It is pertinent to mention here that during this time the National Accountability Bureau (NAB) that is a statutory investigative agency created under the NAB Ordinance, 1999 independently inquired and prosecuted different cases against different persons. That at no stage the Petitioner and his party; contrary to the malicious and smear campaign launched by the respondents, Nawaz Sharif and his daughter Maryam Nawaz, Asif Ali Zardari and others; interfered with that process. It is a matter of record that the respondent Nawaz Sharif after having been convicted by a Court of law, went away on a private jet, after making deal with the establishment, on the pretext of medical treatment. In the same vein, things suddenly started changing as bails were granted to respondent Asif Ali Zardari and others in almost all cases with the blessings of the establishment because the Chairman NAB was apparently acting upon the advice of the establishment. These private respondents resorted to all kind tactics including black-

mailing of accountability judges and others whose videos were systematically leaked to gain their objects.

12. That the respondent Nawaz Sharif and his party and daughter Maryam Nawaz Sharif then started another dangerous and malicious game in connivance with some media-houses and selective groups of journalists and others alleging manipulation by the Petitioner of making sensitive postings and transfers in the legal institutions and working of the armed forces and thus succeeded in creating bad-blood and mistrust between the establishment and the Petitioner. It is now matter of general information that the respondent Nawaz Sharif made a deal with the establishment (statement of Khawaja Asif on TV) and there being a condition that the Petitioner and his political party should be banned and declared a terrorist organization to pave the way for the respondent Nawaz Sharif and his daughter coming back to power. The process of dismantling and banning of PTI and ouster of the Petitioner began with the packing of the Election Commission of Pakistan (ECP) with loyalists which included the Chief Election Commissioner who is the son in law of the former aide of the respondent Nawaz Sharif Saeed Mehdi and loyalist establishmentarian. The foreign funding case, Terryan Case and hundreds of other cases leading to the operation regime change are now public record.

13. That in order to undertake and implement the operation regime change, with the blessings of the establishment, firstly the coalition

parties were enticed with power and privileges and money and then members of the National Assembly elected on the tickets of PTI were allured with money and threatened with muscle to stage a drama of defections and vote against the party mandate. Simultaneously in the Punjab loyalties were bought by resorting to old tricks of money and horse trading and puppet Hamza Shehbaz was installed as the Chief Minister of the Punjab with the defected votes. His unconstitutional government ended shortly as a result of the seminal pronouncement of this Hon'ble Court in the Defection case (PLD 2023 SC 42).

14. That a protest against blatant manipulation and political engineering by the establishment the Petitioner refused to sit in the National Assembly and a large number of his party-men in protest tendered resignations but never appeared to confirm their resignations as required under the National Assembly conduct of Business Rules, 2007. Taking advantage of the situation, the newly installed regime comprising of MQM which was part of the Petitioners' government for three and half years and under the Constitution and under the doctrine of political morality and political conventions could not participate in a vote of no confidence against themselves bended under the dictate and abandoned the Petitioners' Government only to join the newly installed puppet regime. Similarly, members of BNP, Balochistan Awami Party (BAP) became pawns in the game of regime change and betrayed their mandate for power and privileges. The newly

installed puppet leader of Opposition shamelessly sits on the opposition benches with other turn-coats. It is pertinent to point out that all appointments made in consultation with the said fake, and unconstitutional Leader of Opposition are illegal and unconstitutional and so they be declared void by this Hon'ble Court.

15. That a whole drama was staged and aired by the respondents Nawaz Sharif and his daughter that the Petitioner wanted to appoint his own favourite as the next army chief. The Petitioner is on the record having denied such a claim. But the respondents Nawaz Sharif and his daughter succeeded in their game of manipulation and were able to create differences that resulted into the regime change. The Petitioner solemnly believes in the operational working and functioning of the armed forces and in their role as given in the constitution. The Petitioner, while being the Prime Minister, always respected their judgement. The events of 26-27 February 2019 (Pulwama Incident) bear witness to the fact the Petitioner stood firmly with the armed forces in the defense and sovereignty of Pakistan.

16. It has been noticed in the recent days of crackdown that sanctity of homes, privacy of individuals and respect for women and being violated by attacking the houses, striking down the gates, breaking open the front door of the houses and dragging out the females in the middle of the night. These unfortunate and brutal acts of police

and other law enforcing agencies have created unprecedented fear and insecurity among the citizens at large.

17. That with the above background being a matter of most emergent and critical nature and of great importance the Petitioner raises following critical and crucial issues which pose imminent clear and present danger to the sovereignty, integrity and unity of Pakistan, the Constitution, rule of law, independence of the judiciary and federation and other basic fundamental features of the Constitution. The state of Pakistan is caught in a multi-pronged existential threat that encompasses its economic, political and social well-being for which it is imperative that the actions of the Federal Government and other respondents are liable to be judged and declared unconstitutional, void, without jurisdiction and of no legal effect *inter alia* on the following

### GROUNDS

- a) That an independent and impartial judicial inquiry be conducted by a high powered Judicial Commission appointed by the Supreme Court to probe into events leading up to the horrendous and gory events of 9 May 2023, when the Petitioner had been taken into an unlawful custody in an unlawful manner in violation of the constitutional right of access to justice (as declared by the Hon'ble Court) causing violent attacks on civil & military installations and arson of private and public property by unknown persons. It is also important that responsibility be fixed for the killing of several



dozen protestors by the law enforcement agencies in direct and indiscriminate firing upon the unarmed crowds. This Judicial Commission must be empowered to summon any person including members of the armed forces, political leaders, police personnel and other state officials. Reliance in this regard may be placed on *Asma Jilani v. Federation of Pakistan* PLD 1972 SC 139.

- b) That the legal and constitutional status of proposed trials of the alleged civilian offenders under the military laws ( the Army Act, 1952 read with the Official Secrets Act, 1923) by the existing military courts in peace times be judiciously determined and whether such trials would be in accordance with the Constitution, law the judgements of this Hon'ble Court in the cases reported as:
- i. *Rawalpindi Bar Association v. Federation of Pakistan* (PLD 2015 SC 415)
  - ii. *Sindh High Court Bar Association v. Federation of Pakistan* (PLD 2009 SC 879)
  - iii. *Ashghar Khan v. Federation of Pakistan* (PLD 2013 SC 1)
  - iv. *Shaikh Liaqat Hussain v. Federation of Pakistan* (PLD 1999 SC 564)
  - v. *Mustafa Khar v. Federation of Pakistan* (PLD 1989 SC 89)
- c) The imposition of an undeclared martial law/ calling in aid of the armed forces in the Federal Capital Territory, Punjab, Balochistan and KPK in the purported exercise of powers under Article 245 of the Constitution be determined judicially. The dictated exercise of this power by the Federal Cabinet in the absence of objective conditions for exercise of that power is clearly violative of the fundamental rights including amongst others, the right of access to

justice for enforcement of fundamental rights of public at large, right to fair trial and due process, right to life and liberty, right to dignity etc. The constitutionality of these actions in the light of following provisions and judgements be kindly determined:

- a. Articles 243 & 245 of the Constitution and
- b. Judgements of this Hon'ble Court in:-
  - i. PLD 2015 SC 415
  - ii. 2009 SCMR 202
  - iii. PLD 2011 SC 680
  - iv. 2011 SC 997
  - v. 2012 SCMR 2008
  - vi. PLD 2013 SC 1
  - vii. PLD 2020 SC 1

d) That dismantling of a political party (PTI), oppression of its leadership and victimization of its workers and supporters in an unlawful manner and forcing unlawfully the leaders and elected members to leave the party in utter disregard of the following provisions and judgements be kindly determined judicially:-

- a. The mandate of the Constitution as given in the preamble to the Constitution, Articles, 9, 10, 10 A, 14, 17 & 19, 25 and
- b. Judgements of this Hon'ble Court in:
  - i. *State v. Zia Ur Rehman*  
(PLD 1973 SC 49)
  - ii. *Mian Nawaz Sharif v. Federation of Pakistan*  
(PLD 1993 SC 473)
  - iii. *Benazir Bhutto v. Federation of Pakistan*  
(PLD 1988 SC 416)
  - iv. *Benazir Bhutto v. President*  
(PLD 1998 SC 398)

e) That Deliberate, *malafide*, contumacious disregard to the judgement(s) of this Hon'ble Court for holding free and fair elections as mandated by the Constitution under Article 224 read with Article 218 and prolongation of unlawful and unconstitutional

care-taker governments beyond 90 days by force in violation of the judgements of this Hon'ble Court be kindly determined judicially:-

- i. PLD 2021 SC 313
- ii. 2016 SCMR 1299
- iii. 2013 SCMR 1205
- iv. PLD 2013 Lahore 598
- v. *Workers Party v. Federation of Pakistan*  
(PLD 2012 SC 681)
- vi. PLD 1988 Lahore 725

f) That resorting to unlawful arrests without registration of cases under the applicable laws, violation of the sanctity of homes, houses, women, children, family members of alleged offenders by creating awe, fear and mistreatment of citizens of Pakistan as enemies of the state and denial of due process and constitutional rights in this behalf be kindly determined judicially.

g) That the trial of civilian saboteurs who allegedly were involved in attacks on corps commander's house (which is being Jinnah House and thus a civilian house for legal purposes) is without jurisdiction, *coram non judice* and malafide, ill-advised and misconceived inasmuch as the accused do not come within the definition of persons subject to the Army Act, 1952 and to whom the Army Act, 1952 applies under section 2 (1) (d) (ii) thereof read with section 3 of the Official Secrets Act, 1923.

h) That the trial of civil offences committed by civilians under the Army Act is against the provisions of Articles 4, 9, 10 A, 14 and 25 read with UN Charter of Human Rights & other international

charters for it ex-facie denies substantive & procedural due process and fair trial and equal protection of law to the accused.

- i) That the provisions of sections 2(1) (d) (ii) and 59 of the Army Act, 1952 and section 3 of the Official Secrets Act, 1923 are void to the extent of trial of civilians under the Army Act, 1952 being against Articles 8, 9, 10A and 25 of the Constitution because they right to life, due process and fair trial, dignity of man, and equal protection of law to the accused are being denied.
- j) That the trial of civilians under the Army Act is patently malafide (both in fact and law) as it patently meant to create awe and fear and denies access to justice and violates principles of natural justice as the accuser is the judge and the jury?
- k) That the scope of Article 245 of the Constitution is limited in nature and is limited to circumstances where the civil power of the state may be overwhelmed for any reason. Article 245 is not intended to be used for furtherance of the political objectives of an incumbent government. The Federal Government's requisition of the Armed Forces in order to quell and repress their political opponents purely to disable them from exercising their constitutional rights is a gross violation of Article 17 of the Constitution.
- l) That Articles 9, 10, and 10A read with Article 4 of the Constitution guarantee that no action detrimental to the life, liberty and

reputation of a person may be taken save in accordance with law. The use of excessive force, especially on unarmed women protestors, for which there is overwhelming and uncontroverted evidence is a gross violation of their right to life, liberty, bodily integrity in violation of Articles 4, 9, 10, 10A of the Constitution. Furthermore, these women protestors were exercising their fundamental rights of association and public gathering guaranteed under the Constitution and the brutal manner in which they were attacked, dragged, beaten, and detained as seen on various videos is clearly a gross violation of their fundamental rights.

- m) That it may be noted that the public's sense of grievance and desire to register their protest was rooted in a deep sense of injustice in the manner in which the Petitioner was arrested, which was even declared invalid and unlawful by this Honourable Court. The excessive use of force in the face of protests has resulted in the loss of dozens of lives at the hands of law enforcement agencies, with no accountability for them in sight. The police and civilian forces were fully capable of facilitating and allowing the public to carry out their protest. In such a situation, when the civil forces were not overawed, there is no justification for requisition of the armed forces.
- n) That the protests against an unlawful action is now being used as a pretext in order to launch a crackdown against the largest political party in Pakistan and to dismantle it through detention and fear.

The use of the armed forces in order to target a political party is a threat to the system of Parliamentary democracy, which is a salient feature of the Constitution of Pakistan.

- o) That the use of armed forces to single out a political party and launch a crackdown against it clearly violative of Article 4 of the Constitution which provides that to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every person. It stands at a high pedestal and even outshines fundamental rights guaranteed by Articles 9 to 28 of the Constitution, as this right cannot be suspended during the proclamation and imposition of Emergency under Article 233 of the Constitution. It is the bedrock of rule of law, and antithesis to the rule of men in our country and a restraint on the executive and judicial organs of the State to abide by the rule of law.
  
- p) That as held in the case of *Sheikh Liaquat Hussain vs. Federation of Pakistan* (PLD 1999 SC 504) by the Honourable Supreme Court, the deployment of armed forces in aid of civil power does not provide any additional powers to the armed forces and that the fundamental rights as well as constitutional principles that apply to civil power would continue to apply in such a situation. Thus, the public's rights under Articles 15, 16, 17 and 19 of the Constitution remain intact. In such a situation there is no justification to use such force against protestors so as to result in loss of lives, or to drag women by the hair on the road, or to beat them until their face

bleeds, or to manhandle and beat elderly women inside their homes. The use of Article 245 to provide a *carte blanche* to the law enforcement agencies is a gross violation of Article 245 itself as well as the rights to life, liberty, privacy and freedoms of movement, assembly, association, and speech.

q) That as held in *Darwesh M. Arbey v. Federation of Pakistan* (PLD 1977 Lahore 846) by the Honourable Lahore High Court that as per Article 245, the scope of calling the army is to act in aid of civil power and not in supersession of the civil power and when the army therefore is called in aid of civil power it cannot replace that power. Article 245 is therefore a check on the armed forces as in this way it purports to save the minority from the tyranny of the majority and also save those who oppose the government policies from the wrath of the group in power. Even if the invocation of Article 245 was justified, its continuation is not as the intensity of the protests has lessened and it is merely being used as an excuse to launch massive crackdowns in their worst form against the leaders, workers and supporters of the Petitioner's political party. It is clear from these crackdowns that the armed forces are acting in supersession of civil power rather than in aid of civil power.

r) That quite interestingly, the Respondents had been claiming before this Honourable Court in the matter of holding elections that the armed forces and personnel of law enforcement agencies could not be deployed due to the security situation in the country. However,



interestingly, suddenly in response to the protests enough armed forces personnel were found available in order to control the situation indefinitely in three territories in Pakistan. The Federal Government which could not call upon the armed forces in order to fulfil a constitutional responsibility and implement an order of this Honourable Court has decided to requisition the armed forces in order to quell and dismantle its political rivals. Under the current circumstances, it is more than obvious to any reasonable observer that the requisition of the armed forces is *mala fide* and in excess of jurisdiction.

- s) That the trial of civilians through military courts is a clear violation of the Constitutional guarantees of due process and fair trial. Such trials are highly deprecated internationally, and widely considered as falling short of providing a fair trial. They constitute a violation of Pakistan's obligations under the International Covenant on Civil and Political Rights (ICCPR) which has been ratified by the country. Even domestically, this Honourable Court has repeatedly deprecated such practice. The trial of thousands of workers of a political party (or a political leader) through such courts is unheard of in the history of this country. In the limited circumstances in which military courts for civilians were utilized, this required a constitutional amendment (which has since lapsed) and was in relation to hardcore terrorists. The workers and supporters now sought to be tried through military courts are not part of any terrorist organisation and pose no threat to national security. Thus it

is contrary to the Constitution to try civilian protestors through military courts

- t) That whilst, under Article 245, civil power is to be preserved and invigorated through the instrumentality of the Armed Forces. The quantum of aid to be given and the manner in which this assistance is to be rendered by the Armed Forces as a matter of Constitutional duty depends upon the nature of the direction issued by the Federal Government in this behalf and such direction should also be within the ambit of the law and the Constitution.
  
- u) That in light of the provisions of Articles 9, 14, 17, 19, and 23, the Impugned Actions have deprived the citizens of Pakistan from access to their constitutional right to life, dignity, privacy, association, equality and protection of property. In addition thereto, the Petitioner observed that political parties that have the support and alliance of the Federal Government were allowed to hold public gatherings at the gate of this Honourable Court despite the imposition of Article 245, section 144 of Cr PC and other legal prohibitions. Thus clearly there is a discriminatory attitude in violation of Article 25 that is at play.
  
- v) That the Constitution envisages the right to social, economic and political justice, but this right too, in effect, stands denied to the people of Pakistan because of the severity of actions and

immunities afforded in a mala fide manner and in excess of jurisdiction through the guise of Article 245 of the Constitution.

- w) That the power to invoke Article 245 of the Constitution has not been rightly exercised by the Cabinet which has to approve / authorise the request made by the Provincial Governments of the Punjab and Khyber Pakhtunkhwa in whose case their constitutional authority is questionable following the lapse of the time period allocated to the caretaker government.
- x) That the current political propaganda campaign of labelling the Petitioner political party as a 'terrorist organisation' is also another tactic of the Respondents to deny the holding of elections and eventually oust the Mr. Imran Khan and the Petitioner political party and from the electoral process.
- y) That there is a clear contradiction between holding the Petitioner political party responsible for carrying out 'terrorist acts' against state military installations (which the armed forces have to protect in any case) and the stance of the Respondents in invoking Article 245 to allow armed forces to act in aid of civil power for the whole province.
- z) That the invocation of Article 245 of the Constitution in such an arbitrary manner is also violative of Section 131 Criminal Procedure Code, 1898 and Section 4 and 5 of the Anti-Terrorism

Act, 1997 which provides that the armed forces shall use the necessary force to prevent any prescribed offence. The crackdown launched against the Petitioner political party by means of using excessive force against them under the garb of Article 245 is arbitrary, disproportionate and unreasonable.

**aa)** That considering that the powers and authority exercised by the chosen representatives of Pakistan is vested in them through the agency of the people as a sacred trust within the limits prescribed by Almighty Allah, the chosen representatives cannot be permitted by law to exercise such disproportionate power and authority at the cost of discharge of the people's sacred trust.

**bb)** That the instant Petition is thereby competent to be entertained by this Honourable Court under Article 184(3) of the Constitution as Article 245 of the Constitution has been invoked in three of the provinces namely, Punjab, Khyber Pakthunkhwa and Balochistan and the Federal capital, Islamabad. Thus it affects the entire population residing in these territories, covering most of the Federation and the fundamental rights of the people therein thus making it a matter of public importance as it includes the general interest of the community. The use of excessive force, especially on unarmed women protestors, for which there is overwhelming and uncontroverted evidence is a gross violation of their right to life, liberty, bodily integrity in violation of Articles 4, 9, 10, 10A of the Constitution, thus fulfilling the prerequisites to Article 184(3).

authorities and undermines the jurisdiction and judicial process of Courts.

**hh)** That the confining of the workers and leaders of PTI under the detention laws after they are ordered to be released by the Courts is clear violation of the basic feature of separation of powers between the judiciary and the executive under the constitution.

**ii)** That the Petitioner craves to urge additional constitutional and legal grounds in support of this petition at the time of its hearing.

**IT IS WHEREOF MOST RESPECTFULLY PRAYED THAT** this Hon'ble Court may graciously be pleased to hold, declare and direct as under:

- (i). That the imposition of an undeclared martial law/calling in aid of the armed forces in the provinces of Punjab, Balochistan and KPK and Islamabad is unconstitutional, unlawful and without any effect and all action taken in pursuance thereof are void;
- (ii). That the arrests, investigation and trial of civilians in peace time under the Army Act, 1952 read with the Official Secrets Act, 1923 is unconstitutional and void and of no legal effect and amounts to negation of the Constitution, rule of law and independence of the judiciary.

- (iii). That the arrests and detentions of the PTI party members, supporters and workers under the maintenance of Public Order and their successive detention orders without disclosure of the grounds of detention are unconstitutional and void and they are liable to be set free with immediate effect as their arrests and detentions are illegal, malafide, without jurisdiction and void being against the Constitution.
- (iv). That dismantling of PTI through forcible quitting of party membership and office are unconstitutional and void being against Article 17 of the Constitution.
- (v). That a judicial commission comprising of the Hon'ble Judges of the Supreme Court be appointed to probe/inquire into the horrendous and terrible incidents of 9-10 May 2023 and actions leading to that unfortunate incidents which caused loss of precious human lives of dozens of persons and damage to the state and private property (including Jinnah House and other civilian installations) that defamed the state of Pakistan internationally and to fix responsibility therefor and recommend action against persons involved therein;

(vi). Any other relief to which the Petitioner and public at large may be entitled to.

**Drawn by:**

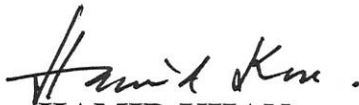


**Ajmal Ghaffar Toor**  
Advocate  
Supreme Court of Pakistan

**Filed By:**

**Syed Rifaqat Hussain Shah**  
Advocate on Record

**Settled By**



**HAMID KHAN**  
Senior Advocate  
Supreme Court of Pakistan



Government of Pakistan  
Ministry of Interior  
\*\*\*\*\*

-40-


F.No.1/20/2018- CAF (C )

Islamabad, the 10<sup>th</sup> May, 2023

ORDER

S.R.O (1) 2023:- Pursuant to the request made by Home Department, Government of the Punjab vide their letter No.SO(IS-II)3-15/2023 (Security)(I) dated 9<sup>th</sup> May, 2023, the Federal Government, in exercise of the powers conferred under Article 245 of the Constitution and Section 4 (3) (ii) of Anti-Terrorism Act, 1997 (to discharge such functions as specified in the said act), is pleased to authorize deployment of Pakistan Army troops / assets for maintaining law & order situation across the Punjab province in aid of civil power.

2. The exact numbers of troops/assets, date and area of deployment will be worked out by the Provincial Government in consultation with MO Dte, GHQ. The date of de-requisitioning of said deployment will be decided subsequently after mutual consultation among both the stakeholders.

  
(Shoukat Ali Khan)  
Section Officer (CAF)

The Manager,  
Printing Corporation of Pakistan,  
Islamabad

- 
1. Secretary to the Prime Minister, P.M's Office, Islamabad.
  2. Home Secretary, Home Department, Government of Punjab, Lahore.
  3. Military Operations Directorate, GHQ, Rawalpindi.
  4. Inspector General of Police Punjab, Lahore
  5. Deputy Secretary (Security), Ministry of Interior, Islamabad.
  6. Director to Minister for Interior, Islamabad.
  7. SPS to Secretary Interior, Islamabad.
  8. PS to Additional Secretary (Border Management), Ministry of Interior, Islamabad.
  9. PS to Additional Secretary (IFS), Ministry of Interior, Islamabad.
  10. PS to JS (CAF), Ministry of Interior, Islamabad.

**Functions of Armed Forces**

-41-

245. <sup>1</sup>[(1)] The Armed Forces shall, under the directions of the Federal Government defend Pakistan against external aggression or threat of war, and, subject to law, act in aid of civil power when called upon to do so.

<sup>2</sup>[(2)] The validity of any direction issued by the Federal Government under clause (1) shall not be called in question in any court.

(3) A High Court shall not exercise any jurisdiction under Article 199 in relation to any area in which the Armed Forces of Pakistan are, for the time being, acting in aid of civil power in pursuance of Article 245:

Provided that this clause shall not be deemed to affect the jurisdiction of the High Court in respect of any proceeding pending immediately before the day on which the Armed Forces start acting in aid of civil power.

(4) Any proceeding in relation to an area referred to in clause (3) instituted on or after the day the Armed Forces start acting in aid of civil power and pending in any High Court shall remain suspended for the period during which the Armed Forces are so acting.]

**CHAPTER 3. – TRIBAL AREAS**

**Tribal Areas**

246. In the Constitution,—

(a) "Tribal Areas" means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes—

(i) the Tribal Areas of <sup>3</sup>[Balochistan] and the <sup>4</sup>[Khyber Pakhtunkhwa] Province <sup>5</sup>\*,

(ii) the former States of Amb, Chitral, Dir and Swat;

<sup>6</sup>[ \* \* \* \* \*  
\* \* \* \* \* ]

(b) "Provincially Administered Tribal Areas" means—

<sup>1</sup> Re-numbered as clause (1) by the Constitution (Seventh Amdt) Act, 1977 (23 of 1977), s. 4 (w.e.f. the 21st April, 1977).

<sup>2</sup> Added by the Constitution (Seventh Amdt.) Act, 1977 (23 of 1977), s. 4, (w.e.f. the 21st April, 1977).

<sup>3</sup> Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 91, for ~~–Baluchistan~~.

<sup>4</sup> Subs *ibid.*, for ~~–North-West-Frontier~~.

<sup>5</sup> The word ~~–and~~ omitted *ibid.*

<sup>6</sup> Sub paragraphs (iii) and (iv) omitted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s.7.

**4. Calling in of armed forces and civil armed forces in aid of civil power.---**(1)

It shall be lawful for the Federal Government to order, and subject to sub-section.

(2) For the Provincial Government to secure, the presence of armed forces and civil armed forces in any area for the prevention and punishment of terrorist acts and scheduled offences in accordance with the provisions of this Act.

(3) If, in the opinion of the Provincial Government, the presence of armed forces, or civil armed forces, is necessary in order to prevent the commission of terrorist acts or scheduled offences in any area, it may request the Federal Government to direct the presence or posting of units or personnel of the armed forces, or civil armed forces, in such numbers as may be deemed necessary for the prevention or control of terrorist acts or scheduled offences.

(4) The Federal Government may decide whether the requirement of the situation call for the deployment of---

(i) the civil armed forces; or

(ii) the armed forces and on so deciding shall, by means of a notification in the official Gazette issued under clauses (i) or (ii), authorize and direct the posting thereof.

**5. Use of armed forces and civil armed forces to prevent terrorism.---**(1)

Any police officer, or member of the armed forces, or civil armed forces, who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of terrorist acts or scheduled offences, and, in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the Code.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may---

(i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing, or in all probability is likely to commit a terrorist act or a scheduled offence, and it shall be lawful for any such officer, or any superior officer, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;

(ii) arrest, without warrant, any person who has committed an act of terrorism or a scheduled offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, any such act or offence; and

iii) enter and search without warrant, any premises to make any arrest or to take possession of any property, fire-arm, weapon or article used or likely to be used, in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the provisions of section 132 of the Code shall apply to any person acting under this section.



-43-

## Summary Report for Martyred, Injured & Arrested

Date: 19th May,2023 Time: 1:00 AM

1	2	3	4		5		6		7	8	9
Sr#	Regions	D2D Coordinator	Number of Persons Martyred in Region	Data Submitted to SG Office	Number of Persons Injured in Region	Data Submitted to SG Office	Number of Persons Arrested in Region	Data Submitted to SG Office	Regional Leadership Arrested in Region	Central Leadership Arrested	Comments
1	Hazara	Shahzad Gul 0331-8550006	-	-	2	-	91	-	6	20	President is out of country, and GS contact number is not in reach
2	Peshawar	Umar Farooq 0333-5737300	6	-	120	-	191	-	1		Talked with Coordinator, Time Required for information compilation
3	South KPK	M. Shafiq 0342-7665525	2	2	96	-	527	175	20		All responsables not answering the phone. Tried 3 times
4	Malakand	Adnan Khan 0333-3388816	2	2	17	17	156	156	4		Talked with Coordinator,
5	FATA	Engr Awais Afridi 0300-9021340	3	3	30	-	95	-	-		All responsables not answering the phone. Tried 3 times
6	West Punjab	Azhar Naseem Virk 0300-7600370	-	-	86	20	547	261	4		Talked with Coordinator
7	Central Punjab	Rukhsana Naveed 0300-4121201	3	2	13	-	530	251	6		President and GS numbers are not in reach, Coordinator isn't responding
8	North Punjab	Seemabia Tahir 0345-5096529	5	1	25	1	359	361	1		All responsables not answering the phone. Tried 3 times
9	South Punjab	Shameel Mirza 0300-8673377	-	-	21	-	770	-	7		
10	Sindh	Aman Qazi 0333-7082586	-	-	-	-	470	151	5		
11	Balochistan	Abdul Ghaffar kakar 0322-8000043	3	-	6	-	202	-	-		
12	ICT	Malik Sajid 0336-5030725	-	-	20	12	728	728	-		
Total			24	10	436	50	4,666	2,083	54	20	



## LEGAL RECORD AFTER IK ARREST

-44-

[illegible]



- 45 -

Sr #	FIR #	Date of Registration	PS	PS Location	Region	Constituency (NA/PP)	Penal Codes	MNA/MPA/Worker/SM Activist	Name	Arrested/ Release	Address	Contact #	Bail Before Arrest	Bail After Arrest	Discharged	Next Court Appearance	THANA/JAIL	Name of Lawyer Contact #	Bail Machalka paid by & Amount	Chalan Submitted	Status
1	281/23	6-May-23	Margala	NA-53	ICT	NA-53	148/149/186/188/341/109/16-MPO		Shumaila	Arrested											
2	281/23	6-May-23	Margala	NA-53	ICT	NA-53	148/149/186/188/341/109/16-MPO		Rabia Iqbal	Arrested											
3	281/23	6-May-23	Margala	NA-53	ICT	NA-53	148/149/186/188/341/109/16-MPO		Mehwish	Arrested											
4	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Sumaira Khan D/o Humayun Kabeer	Arrested											
6	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Sara Khan	Arrested											
7	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Dil Ara	Arrested											
8	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Farkhanda Ishtiaq W/o Ishtiaq	Arrested											
9	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Sumaira Ali W/o Munawar Zaman	Arrested											
10	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Zovia Arshad W/o Arshad	Arrested											
11	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Sadia Fareed D/o Ghulam Fareed	Arrested											
12	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Madiha Fareed D/o Ghulam Fareed	Arrested											
13	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Shazia Munir W/o Muhammad Munir	Arrested											
14	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Dr. Saman W/o Laiq Ahmed Khan	Arrested											
15	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Shahida Niazi W/o Abubakar	Arrested											
16	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Neelum D/o Azhar	Arrested											
17	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Naeem Gul D/o Gul Muhammad	Arrested											
18	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Kishwar Naheed W/o Nasir Muhammad Khan	Arrested											
19	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Meena khan D/o Salman Ali	Arrested											
20	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Shazia D/o Salman Ali	Arrested											
21	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Safia W/o Saqib	Arrested											
22	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Ayesha Awan W/o Ghayor Abbas	Arrested											
23	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Maleeha Qasim W/o Qasim Khan Suri	Arrested											
24	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Sayeda Abbas	Arrested											
25	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Mehwish Hussain D/o Muhammad Hussain	Arrested											
26	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Bushra Arif D/o Muhammad Arif	Arrested											
27	392/23	9-May-23	Abpara	NA-53	ICT	NA-53	341/188/186/353/147/149		Shehribano D/o Arif Hussain	Arrested											
28	396/23	12-May-23	Abpara	NA-53	ICT	NA-53	353/341/188/147/149/186		Farzana Riaz	Arrested											
29	396/23	12-May-23	Abpara	NA-53	ICT	NA-53	353/341/188/147/149/186		Aniba Tahir D/o Muhammad Tahir	Arrested											
30	396/23	12-May-23	Abpara	NA-53	ICT	NA-53	353/341/188/147/149/186		Shehla Ehsan W/o Malik Ehsan ul Haq	Released											
31					Malakand			Senator	Falak Naz	Released											
32					Central Punjab			Ex MPA	Dr Yasmeen Rashid	Arrested											
33					Central Punjab			Ex MNA	Ms Aliya Hamza	Arrested											
34					Central Punjab				Mariyam Mazari	Arrested											
35					Central Punjab				Dr. Sabohi	Arrested											
36					Central Punjab			Social Media Activist	Tayyaba Gul	Arrested											
37					Central Punjab			Social Media Activist	Sanam Javed	Arrested											
38		11-May-23			North Punjab	PP-06	280/DC		Warda Khan	Arrested											
39		9-May-23			North Punjab		324/353/186/341/427/109/148/149/ ATA-7		Ayesha Ali	Arrested											
40	830/23, 444/23	10-May-23	Arifwala/Pakpattan		West Punjab			Worker	Rukhsana Manzoor	Arrested	Taxila	0300-6940098					Central Jail, Pakpattan				
41	830/23, 444/23	10-May-23	Arifwala/Pakpattan		West Punjab			Worker	Adv Munazza Bokhari	Arrested		0300-7834234					Central Jail, Pakpattan				
42					West Punjab			Worker	Tehmina Riaz	Released		0321-7617011		BAA							
43					West Punjab			Worker	Ambreen Fatima	Released		0344-1873489		BAA							
44					West Punjab			Worker	Nazia Sardar	Released		0300-9655797		BAA							
45	830/23, 444/23	10-May-23	Pakpattan		West Punjab				Ayesha Inam												Nominated in FIR
46					South Punjab				Dr. Rubeeena	Arrested											
					South Punjab				Najma Akhtar	Arrested											
					South Punjab				Rabia Ramzan	Arrested											
47					Baloachistan				None Arrested												
48					South KPK				None Arrested												
49					Hazara				None Arrested												
50					FATA				None Arrested												
51					Peshawar				None Arrested												



May 11, 2023

# What next?

-46-

**N**OW that the state has Imran Khan in custody, does it have a plan for what comes next? The PTI's vast support base — a majority of the citizenry, if recent polls are to be believed — is seething with rage. How do the powers that be plan to mollify this agitated lot? The PTI leadership may have distanced itself from the violence following Mr Khan's arrest, but it ought to have condemned the same in clear words to discourage more people from taking the law in their hands. Instead, Wednesday saw a fresh round of violence in major cities, with dozens of needless injuries and a mounting death toll. Meanwhile, around 1,000 protesters had been picked by Wednesday afternoon in Punjab alone. Many major cities of the country were being policed under Section 144, which curtails fundamental rights. Key communication services remained offline as the state scrambled to keep protesters from organising on a larger scale, and the army had been requisitioned in Khyber Pakhtunkhwa and Punjab. Is this to be our new normal?

In the long list of follies committed under the present regime, the manner in which Mr Khan's arrest was effected stands out. The former prime minister was seized by a paramilitary force that does not answer to civilian authorities, for an alleged crime for which even government ministers dare not name the other party. Mr Khan had indeed been increasingly confrontational against the present dispensation, but was arresting him the only way to ensure peace? Indeed, the arrest only seems to have reinforced the perception that yet another civilian government has joined hands with unelected powers to 'take out' a popular political leader simply because they threaten their individual interests. It is deeply regrettable that the PDM parties, despite the many sufferings of their own leaders, are aiding the crackdown. There is little that is democratic about the manner in which they have chosen to act, and they may one day pay a heavy price for their complicity today.

Mr Khan must be thoroughly investigated over all allegations of corruption and wrongdoing against him. The case in which he was arrested, for instance, involves a dubious, multibillion-rupee deal, and the public deserves answers. However, the ruling parties must realise that they cannot claim any moral superiority over him if they must continue to insist on treating him in the same manner that they themselves were hounded in the past. The PDM would do well to remember that it had taken over government to put an end to a long-running cycle of political persecution. It must not perpetuate it for another generation. The ugliness has to stop. The country has suffered greatly in this clash of egos. The government must put an end to it.



-47-

Page 12

May 21, 2023

DAWN ISLAMABAD, SUNDAY MAY

# DAWN

MAKE YOUR BUSINESS GROW  
ADVERTISE IN

**DAWN INDUSTRY SUPPLEMENTS**

Call Manager Supplements in  
Karachi Lahore or Islamabad  
on UAN: 111-444-777

proved

## Legal process of rioters' trial begins: COAS

LAHORE: Chief of Army Staff (COAS) General Syed Asim Munir on Saturday said the legal process of trial against planners, instigators, abettors and perpetrators involved in May 9 tragedy has commenced under Pakistan Army Act and Official Secrets Act as per

existing and established legal procedures derived from the constitution.

The army chief made these remarks while addressing garrison officers and soldiers at Corps Headquarters, according to Inter-Services Public Relations (ISPR).

The army chief laid floral wreath at Martyrs' Monument and paid rich tribute to the Shuhada who sacrificed their lives for the motherland. He also visited Jinnah House and an army installation blatantly attacked and vandalised.—APP

**IN THE SUPREME COURT OF PAKISTAN  
(Original Jurisdiction)**

-48-

Constitution Petition No. \_\_\_\_\_ of 2023

**Imran Ahmed Khan Niazi**

*.... Petitioner*

v.

**Federation of Pakistan & others**

*... Respondents*

**AFFIDAVIT OF FACTS**

**Syed Rifaqat Hussain Shah**

Advocate on Record

Supreme Court of Pakistan

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That the averments of facts as stated in the accompanying Constitution Petition are correct and true to the best of my knowledge and information.
2. That these facts have been obtained by perusal of record as well as the information furnished by the Petitioner.

SWORN at Islamabad on this 25<sup>th</sup> day of May, 2023.

**DEPONENT**

-49-

**IN THE SUPREME COURT OF PAKISTAN  
(Original Jurisdiction)**

**Constitution Petition No. \_\_\_\_\_ of 2023**

**Imran Ahmed Khan Niazi**

*.... Petitioner*

**v.**

**Federation of Pakistan & others**

*... Respondents*

**AFFIDAVIT OF SERVICE**

**Syed Rifaqat Hussain Shah**

Advocate on Record

Supreme Court of Pakistan

I, the above named deponent do hereby solemnly affirm and declare  
that I did serve the Respondents with a notice of having filed the titled  
Constitution Petition in the Supreme Court of Pakistan, Islamabad.

SWORN at Islamabad on this 25<sup>th</sup> day of May, 2023.

**DEPONENT**