

PROFILE OF THE FORMER CHIEF JUSTICE OF PAKISTAN

Relations with those in Power

Regular interaction with President and PM

- Contrary to common perception, the Chief Justice of Pakistan (CJP) enjoyed good relations with those in power.
- He would go out of his way to call on the President, the Prime Minister and senior military officers on regular basis. He last met the President three weeks before the filing of the reference and sought his help in clearing his name from the controversy. Similarly he called on the top military officers weeks before the reference to seek their support.
- Immediately on fixing the famous Steel Mill case the CJP called on the President to seek his "blessing" to proceed with the case. He again sought for a meeting with the President one day before the judgment to discuss the details of the impending judgment. He had also met the PM twice during the period when the Steel Mill case was being discussed to resolve the issue of his son's induction in the police.

Close liaison with intelligence agencies and politicians

- He was in regular contact with the leading intelligence agencies of Pakistan. He interacted with heads/ reps of the intelligence agencies almost on a weekly basis. He last met the heads of the agencies, individually in the Supreme Court in the first week of March, 2007 seeking their help.
- He maintained close contacts with the leading politicians in the Government and would leverage favours on routine basis. He was in contact with a large number of politicians who provided him logistic support for his campaign. This was amply evident during his visit to Peshawar Bar where PML (N) printed side-by-side pictures of Nawaz Sharif and the CJP on posters. His political contacts and support was more evident during his visit to Lahore.
- He lobbied extensively for his own appointment and met several senior civil, military, intelligence and political personalities as a result of which he was able to have himself designated as CJP three months before schedule. He thus forestalled the chance of any other judge to be appointed on the coveted post.

Judiciary made Dysfunctional

Harassment of Judges

- To begin with he started making the judiciary dysfunctional as he interfered in the jurisdiction of all the high courts. He called the judges of the superior and subordinate judiciary without informing the provincial chief justices to harass and intimidate them on court matters dictating his wishes on matters which did not come under his jurisdiction.
- To keep the judges intimidated he called several judges of the high court to his office without informing the chief justices of the high court and threatened them to resign failing which he would proceed against them. In case of Justice Shabbir and Justice Sheikh Rashid of the Lahore High Court he ordered both the Judges to stay on forced leave till they retired.
- Likewise, CJP was threatening other members of the superior judiciary with dire consequences. Some instances from Punjab include:-
 - Justice Abdul Shakoor Piracha, Lahore High Court
 - Justice Shabbar Raza Rizvi, Lahore High Court
 - Justice Akhtar Shabbir, Lahore High Court
- Based on frivolous reports CJP also wanted to move suo moto against the under mentioned judges of the Sindh High Court: -
 - Justice Sarmad Usman, Sindh High Court

- Justice Arif Khilji, Sindh High Court
- Justice Mushir Alam, Sindh High Court
- Justice Amin Hani Muslim, Sindh High Court

He was, however, dissuaded by some brother judges from Sindh who told him that they would not support him for any such erratic/irrational action.

- Likewise he had prepared a list of judges from NWFP and Balochistan against whom he was planning to launch a vilification campaign.

Curbing Judicial Independence

- He wanted chief justices of high courts to be compliant to his wishes. When he found that three of the four chief justices were acting independently, he asked the agencies to gather material against them. On being told that all chief justices of the high courts were men of integrity, he got frustrated and engineered fictitious complaints against all of them and used these for their character assassination with the higher ups and amongst fellow judges.

Personal biases in appointment of Judges

- He insisted on appointment of judges of his choice with complete disregard to the recommendations of the high court chief justices. On this he had created an impasse which has resulted in 40-50% vacant posts in the high courts of Punjab and Balochistan for almost two years, adversely affecting the functioning of these courts. Lahore High Court is thus short of eighteen judges while Balochistan has only five against authorization of eight.
- He met the Chief Justice Balochistan and Governor Balochistan (constitutional consultees) and agreed on appointment of certain judges for the Balochistan High Court. However, on developing difference with the CJ on some other issue he refused to honour the mutual agreement. This has been reported in writing by Balochistan Governor.

Nepotism and Manipulation

- However in the Supreme Court, contrary to the legal opinion/advice and in violation of the Constitution he succeeded in appointing three extra (ad hoc) judges to accommodate his favourites. He would nominate these judges on benches of his choice to manipulate decision according to his wishes.
- He kept the judges of the Supreme Court happy and obliged by extending petty favours, however, as a safeguard he maintained complaints/dossiers against most of them to be used when required. This has been proven during the proceedings of the SJC.

Misuse of Authority

- The CJP has no role or authority under the Constitution [Article 203(C)] on the issue of appointment of judges in the Federal Shariat Court (FSC). The CJP, however, insisted on the ousting of the previous Chief Justice of the FSC (a colleague from Balochistan). When a judge of Lahore High Court (meeting all constitutional criteria) was notified as CJ of FSC, he pressurised him to withdraw his nomination. As a result of his interference in the appointment of Chief Justice Federal Shariat Court, the post remained vacant for a considerable period.
- Finally, when the current Chief Justice of the Federal Shariat Court was appointed, he insisted on thrusting upon him (illegally) the judges of his own choice. The Chief Justice of the Federal Shariat Court refused to accept his recommendations and threatened to resign. This impasse resulted in an incomplete and dysfunctional Federal Shariat Court for several months.

Highhandedness

- Before filing of the Reference, a serving judge of the Peshawar High Court had also sent a petition against highhandedness and biased behaviour of the CJP. This petition was also published in the newspapers in which the Judge of the Peshawar High Court had offered to resign even if a single word of his allegations was found to be incorrect.

- These are just a few examples. There is an endless tale of his routine interferences in the lower judiciary when he would dictate decisions to judges of the lower courts. In a case in Faisalabad (his original hometown) he summoned the Session Judge and ordered the illegal hanging of four convicts although the hanging had been stayed.
- His outbursts against litigants and lawyers in the court were a common knowledge for those who came across him.

Provincial Govts made Dysfunctional

Humiliation of civil servants

- He had similarly made Provincial Governments dysfunctional by routinely calling senior civil servants (Chief Secretaries etc) to his court, make them wait for long hours and thereafter humiliate them in front of a pre arranged press. Three Chief Secretaries and many other Government officials went through this ordeal.
- During a visit to Lahore the CJP caused such a commotion on being provided an older model of Mercedes car that the entire Provincial Government had to disrupt their normal work to deal with the situation. All this despite the fact that the Provincial Government was under no obligation to provide CJP a car and had only done so out of courtesy.
- Additional Chief Secretary Mr. Khushnood Lashari and later Chief Secretary Mr. Kamran Rasool were summoned by CJP and made to wait for hours to humiliate them and show his annoyance on being provided the same Mercedes Benz car which was used by his predecessor Justice Nazim Hussain Siddiqui. The CJP wanted the latest model of Mercedes.
- Finally, when he did meet them he was demeaning and disdainful, threatening them of dire consequences for the audacity of not providing the latest model Mercedes Benz car.
- CJP in show of arrogance and vindictiveness insisted upon them that Mushtaq Hamdani, DG (Protocol), Punjab, be immediately suspended from service although he was clearly not at fault here.
- It was only by approaching CJP through a personal connection and tendering unconditional apology that DG (Protocol) was able to save his professional career.
- CJP meted similar treatment to provincial heads of police. On one occasion he humiliated Mr. Zia ul Hassan, Provincial Police Officer (PPO), Punjab to such an extent that the PPO retaliated in the court. The CJP had to then restrain the press from printing the incident. He, however, asked his staff to collect data against the PPO, so that he could take revenge from him.
- He conveyed his annoyance to PPO NWFP for not presenting him a guard of honour. Thereafter he summoned him to his court several times to teach him a lesson by humiliating him to wait for hours outside the court.

Harassment of Police Officers

- In yet another case the widow of Karim Butt, a deceased Superintendent of Police (SP), alleges that her husband died because of the pressure exerted upon him by the CJP.
- CJP got extremely annoyed at District Police Officer (DPO), Hyderabad, Mr. Ali Ahmad Junejo, for not being personally present while he crossed Hyderabad enroute to Sukkur.
- Despite DPO's apology and explanation that he had gone to Islamabad for a meeting, CJP decided to teach him a lesson. He was asked by CJP to immediately come to Sukkur and find him (He refused to disclose his location to the DPO).
- The DPO promptly complied but CJP refused to see him, instead conveyed orders through his security officer that he, for now, should go back to Hyderabad and come to Islamabad after a few days.
- The officer spent the entire night driving from Hyderabad to Sukkur and back in a dangerously confused state of mind. The bizarre behaviour of CJP was inexplicable except that perhaps he drove sadistic pleasure in torturing the DPO and his family.

Interference in Administration

- Chief Secretary Sindh Mr. Fazalur Rahman was summoned by CJP to Islamabad and threatened with contempt if he failed to post a particular police officer Mr. Saleem Ullah as Deputy Inspector of Police (DIG) Mirpurkhas. The Chief Secretary considered it as a direct interference in the Executive but CJP told him that the CS shall not leave the court without producing the notification of posting of Mr. Saleem Ullah as DIG Mirpurkhas. Howsoever, reluctantly the CS had to pass orders under duress of the CJP and obtained a fax from the Sindh Government of the notification to produce before the CJP and get himself released to proceed to Karachi.
- The said police officer is highly corrupt and enjoys stinking reputation. On more than one occasion he was thrown out of the service, only to be reinstated through a Court order managed with the help of his friend, CJP.
- In Balochistan he was routinely ordering the PPO on posting/promotions of Police officers.
- An extremely corrupt police officer who is a friend of the CJP, DIG Saleem Ullah was suspended by PPO Sindh. The CJP ordered the PPO Sindh to cancel his suspension failing which he would take suo moto action against the PPO, Sindh. The PPO, an upright officer refused to oblige and told the CJP that he would rather resign. An inquiry is since in progress against the DIG.

Self Projection

High Visibility in Media

- Unlike the former Chief Justices of Pakistan who would hardly interact outside the court and speak only through their judgments, he had an obsession for self projection and had employed an officer to arrange special projection on the media.
- He worked tirelessly for his self projection. He created a media projection wing for CJP and got an officer of his choice posted from the Ministry of Information as his public relations officer (PRO). This was done for the first time in the history of the Supreme Court.
- The PRO was instructed to ensure that the CJP's activities found prominence in all newspapers and the electronic media.
- The CJP also pressurized Pakistan Television (PTV) to ensure that he got daily coverage in the news prominently immediately after news on the President. In fact he had given instructions to his PRO that in case of absence of the President from Pakistan, PTV should first cover him before the remaining news.

Obsession with Protocol

- Used "Nakab Posh (masked)" armed persons for his security which created harassment and panic for citizens at airports and public places when he was traveling.
- He was so obsessed with protocol that he would nominate cars of his own choice at the visiting destinations with police escorts again consisting of personnel of his choice (Chief Ministers' or Governors' official cars). He had recently also ordered sealing of all traffic during his movement in Islamabad and other cities.
- For the protocol during the CJP's visits to Karachi, Mr. Jahnagir Mirza, PPO, Sindh, was asked in writing to place 3 Police mobiles, 2 Police jeeps, Elite force contingent, SP Rana Pervez for escort, Inspector Jaffar Abbas for pilot duty and Assistant Sub Inspector (ASI) Waqar Azim for gunman duty along with walkie talkie (Wireless) set and 9-mm Glock-17 pistol. Although the IG complied but when these excessive and irrational demands of CJP reached to a point of wanting an officer of the rank of DIG to escort him, he had to regret as this was not done even in the case of President and Prime Minister.

Penchant for Expensive Cars

- The Punjab Government was so fed up of his demands during frequent trips to Lahore that they purchased a fleet of brand new cars of his choice (including a BMW car and a BMW Jeep) which were designated to be used only by the CJP.

- Reportedly a BMW car had been gifted to him by a litigant. It was used by his son. This was reported in the "Friday Times" and other newspapers, to which no rebuttal was given. However the car has gone missing ever since, probably hidden somewhere for use later.
- He purchased two Honda Accords from Government funds in relaxation of rules under garb of protocol duty for 2 day conference at a cost of Rs. 60 lacs. Illegally obtained Registration Nos. CIA-2 and CIA-9 from Chaghi in Balochistan. Ever since their purchase these cars were "gifted" to his family and son at Lahore and Islamabad purely for private and personal use.
- Honda Accord (CIA-2) was under the use of CJP's son Dr. Arslan Iftikhar in Lahore. To avoid becoming too conspicuous, the number plate (CIA-2) at times used to be removed. Dr. Arslan also had in possession a Land Cruiser from the Balochistan Government and a 4x4 vehicle of the Punjab Police.
- He routinely violated the Code of Conduct of Judges in complete disregard to judicial norms.

Suo Moto Notices

Cheap Popularity

- He scuttled several projects of the provincial and federal governments based on unsubstantiated media reporting.
- The CJP put doctors in Chakwal behind bars for no fault of theirs to win sympathies of targeted audiences. A young doctor, Muhammad Amir, from Chakwal who was detained illegally for six months on his Suo Moto orders has lost his mental balance after remaining behind bars for no reason.

Illegal Induction of Son

Appointment in Health Department, Balochistan

- CJP managed admission of son in Bolan Medical College as a special case as he could not be admitted on merit.
- Got his son appointed as Demonstrator on "Sifarish" (undue favour). Pressurised Chief Minister Balochistan to post his son Dr. Arsalan, a Demonstrator to Health Department, as Section Officer; despite the fact that there was no post available for such posting.

Pestering officials for illegal induction

- CJP pressurised the Minister for Interior to send a requisition for his son to be brought to the Federal Government for posting as Assistant Director in Federal Investigation Agency (FIA).
- CJP kept on pressurizing the Establishment Secretary to induct his son in the Police Service of Pakistan even if it entailed changing the Rules. For this purpose he even called the Establishment Secretary to his residence and threatened him that it had to be done as it was part of a "package", implying the Steel Mills and other cases.
- Probationary period of CJP's son was terminated after 5 months instead of the mandatory 2 years under intense pressure exerted on concerned functionaries directly or through his personal staff.
- As per government rules officers get promoted from grade 17 to grade 18 after 5 years of service. However the CJP forcefully got his son promoted to grade 18 with only 5 months of service. This was done to facilitate his further illegal induction to the Police.
- He had pressurized almost everyone in the chain for illegal induction of his son into the Police.

Extorting undue favours

- The CJP forced the Punjab Police to send his son on a foreign course though not eligible.

- His son though not yet inducted in the Police is wearing police uniform and ranks on orders of CJP without permission of the PPO.
- In short, his son is totally incapable to make his own career and stand on his own feet.
- The CJP remained actively involved to extract favors for his son by using his exalted position. Besides the SC official Honda Accord gifted by his father, the son is also illegally using a Land Cruiser belonging to the Balochistan Government.
- In his lust for power and self projection, he had crossed all bounds of decency, dignity and the code of conduct prescribed for a person holding such exalted and honourable position in the State.

Financial Misconduct

Irregular TA claims

- CJP used to claim Traveling Allowances for his family, in total disregard of rules. There is substantial irrefutable evidence that reimbursements of airfare for wife and children, who were not officially entitled, were dishonestly claimed and received by CJP under his own signatures on a large number of occasions.
- Never in the history of Pakistan Audit and Accounts has a judge or a Government servant claimed air tickets from the government for the dozens of routine inland travels of his wife and children.

Fraudulent reimbursement of Petrol

- The CJP defrauded the Government of Rs. 450,000/- approx by claiming petrol expenses on bogus receipts from a Shell Station in Quetta. The vehicle (CIA-9) which was in use by his family at Islamabad was being used and maintained in Islamabad on Supreme Court's account while the CJP pocketed a sum of Rs. 450,000/- against fake receipts from Quetta for petrol for CIA-9.
- The manager of the Shell Station, Mr. Habibullah, has deposed on Oath that bogus vouchers for sale of petrol were used to claim money for CIA-9 from the Government. In fact, his Shell Station namely M/s Abdullah & Sons, Smungly road, Quetta did not sell Petrol, it only sold diesel.
- The CJP was filing claims despite using a fleet of vehicles in Islamabad for which the Supreme Court was regularly paying the fuel bills.

Irregular Medical Claims

- Against all norms of decency and truthfulness expected of the exalted office, CJP as a matter of routine used to claim Medical Bills for items which do not fall in the category of medicines e.g. Accu Check a gadget to test diabetes, contact lens solution, face masks, creams, tooth paste, acne lotions, Hashmi Ispaghul etc.
- These irregularities for petty financial gains amply speak about the moral values and integrity of CJP and his respect for law. He was thus not only violating the Code of Conduct for Superior Judiciary by doing these acts which even a junior officer of BS-17 would not think of doing and getting away with it.

Conduct Unbecoming

- During a recent private trip in June 2006 he asked for accommodation at the Governor House Nathiagali. His request was politely regretted as the Governor House was booked for ex-Governor Mr. K. M. Azhar and some other dignitaries. The CJP however forcefully entered the Governor House on 17th June, 2006, ordered opening up of all rooms and refused to vacate the place for the ex-Governor and other dignitaries who were scheduled to spend the night there. He even disallowed the guest who had arrived to use the toilet.

- Next day the CJP left the Governor House extremely annoyed against the staff who had allowed the ex-Governor to use the toilet. This entire issue was reported to the CJ Peshawar and Governor NWFP.
- The issue became more bizarre when it was later discovered that the CJP had also claimed daily allowance under his own signatures for his private trip to Nathiagali.

Post-Reference Conduct

Participation in SJC Proceedings

- CJP gave political colour to the events of 9th March, 2007, for getting coverage on media.
- CJP alongwith his lawyers appeared before SJC on 13th March, 2007. CJP deliberately went on foot, created a scene and encouraged political leaders/workers to join his procession. On way back to his residence, he insisted for provision of a jeep which would be driven by Zamurd Khan, MNA (PPP) and accompanied by Ch. Aitezaz Ahsan, MNA (PPP) and the same was done by the administration.
- On his way to attend SJC, he met Mir Zafarullah Khan Jamali, Ex-PM and reached Supreme Court in Jamali's vehicle and was encircled by mob of lawyers and political workers. Liaquat Baloch (MMA --- a political party for radicals) stood on top of CJP's vehicle and chanted anti-government slogans.
- CJP attended all subsequent hearings of SJC as well in a political atmosphere. Both ways his vehicle was surrounded by lawyers and workers of different parties, who raised anti-government slogans, which CJP not only did not object to but also cheerfully approved and gave his tacit approval by displaying victory signs.

Countrywide Touring

- Besides attending SJC proceedings with political fanfare, CJP embarked upon visits to various parts of the country, for taking advantage of the situation, on the pretext of address to Bars.
- **28 March 2007:**
 - CJP attended lawyers' convention/Golden Jubilee ceremony of LHC Rawalpindi Bench at, Rawalpindi.
 - On way to Rawalpindi Bench Bar Room, he was greeted by lawyers and political activists/ workers (mostly from MMA – a political party of radicals).
- **14 April 2007:**
 - Reached Sukkur from Islamabad by air where he was received by 400/450 persons including lawyers and workers of Pakistan Peoples Party (PPP), PML-N, Awami Tahrik (AT) and Sindh National Front (SNF).
- **15 April, 2007:**
 - Left Sukkur for Hyderabad by road. On way, he was given welcome at Kotli Kabir, Moro, Naushero Feroze and Matiari. Lawyers and political workers were prominent.
 - Reached Hyderabad at 1505 hours where attended lawyers' convention.
- **21 April 2007**
 - Left Islamabad for Peshawar at 0830 hrs. Ch. Aitezaz Ahsan, Shafqat Abbasi, Zamurd Khan (all of PPP) accompanied him. On his way to Peshawar he was received by local lawyers/ political workers of PPP, Jamat-e-Islami (JI), PML-N and Awami National Party (ANP) at following places:
 - Islamabad Toll Plaza (0905 hrs): Sardar Asmatullah, President LHC Bar Rawalpindi Bench and lawyers (60/70).
 - Burhan (1025 hrs): Muhammad Nawaz Swati, President DBA Haripur, Shad Muhammad, President HCBA Haripur, Saeed Akhtar Supreme Court Bar Association (SCBA) Haripur and lawyers (350/400), PPP (25/30) and JI (3/4) activists.
 - Hattian (1140 hrs): political workers (1000/1200) of PPP, PML-N, JI and Muthida Mehnatkash Mohaz.

- Khairabad Bridge (1245 hrs): workers of ANP (550/600), JI (200/250), Jamiat Ulma-i-Islam (JUI-F) (40/50) and lawyers (450/500).
- Peshawar (Judges Gate) High Court (1745 hrs): He was received by M r. Tariq Pervez (Chief Justice Peshawar High Court (PHC) and ten other judges of PHC. He administered oath to newly elected cabinet of Peshawar High Court Bar Association (PHCBA), attended by 3000/3500 lawyers and political leaders/workers.

Politicization of the Issue:

- Selection of Aitezaz Ahsan, MNA (PPP) as defence lawyer by CJP added political angle to the issue
- Other political opposition parties also took political advantage of the issue.
- Encouraging opposition parties, the CJP provided an occasion for anti-government agitation on each hearing of the reference.
- By organizing tours to address Bar Associations in various parts of the country, the CJP provided an anti-government agitational platform for both lawyers and opposition parties.
- The CJP kept on meeting anti-government politicians at his residence frequently.

Political Leaders calling on CJP at his Residence:

- A number of political leaders belonging to PPP, PML-N, MMA and others called on the CJP at his residence. The very fact that politicians were allowed to meet him, that too at his house, clearly speaks that CJP wanted to give the whole issue a political colour and seek support of parties whose activists were involved in anti-government rhetoric.

Conclusion

- What has been narrated in this paper is only a sampling of the hundreds of similar instances which were **investigated and verified beyond doubt**. There are other serious instances involving his personal life and character; information on which has been withheld to protect the sanctity of his family life. Similarly there are a number of serious allegations of white collar crime, which if investigated could lead to startling disclosures.
- At the personal level the CJP enjoyed excellent relations with all who mattered, however with the conduct that he displayed during the last two years, was he fit to remain the Chief Justice of Pakistan for another 6 years? This can be decided by anyone who has read the 'Code of Conduct of Judges' framed under Article 128 (4) of the Constitution of Pakistan.
- Chief Justice of Pakistan is the custodian of the highest office for dispensation of justice which is an attribute of Allah Almighty. It is expected that the person holding this high office has moral and financial integrity beyond any conceivable doubt and question. The CJP's conduct had actually caused immense disappointment among all those who know the actual facts of the case and this was clearly conduct grossly unbecoming of a personage at such a high office.
