Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Crl. Orig. No. 299-W of 2019

Saleem Ullah Khan
Vs
Imran Ahmed Niazi, Prime Minister of Pakistan

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.

01) 26-11-2019. Mr Saleem Ullah Khan, petitioner, in person.

The petitioner through this petition has brought to the attention of this Court statements made by the worthy Prime Minister of Pakistan namely, Mr Imran Khan during his address made on the occasion of inauguration of the Hazara Motorway on 18-11-2019. The petitioner has attached copy of transcript of the relevant portion of the speech. The petitioner is seeking initiation of proceedings under the Contempt of Court Ordinance, 2003.

2. This petition pertains to statements made by an elected Prime Minister of Pakistan. Without adverting to the contents of the speech, it is noted that Courts do not fear criticism nor are sensitive about it. Public confidence in the judicial system is the foundation of strong, effective and independent Courts. The Courts do not discourage the exercise of general right of criticism made in good faith

and which does not obstruct or impair the administration of justice and the right of a litigant to a fair trial. The Government is the main stake holder of a strong, effective and independent judicial system because it ensures its stability by upholding rule of law. It is in the interest of executive authorities that the respect and dignity of the Courts and the administration of justice is maintained. It is thus inevitable that public trust in the administration of justice is not allowed to be undermined. Safeguarding the dignity and decorum of the Courts and the administration of justice is essential for upholding rule of law and to ensure that disputes are decided in a fair manner. The executive authorities have a pivotal role in this regard and it is least expected that they would undermine public trust in the Courts, let alone the Chief Executive of the State.

3. The Prime Minister of Pakistan namely, Mr Imran Khan has been elected to the highest executive public office by the people of Pakistan. His role in the 2007 historic lawyers movement for establishing rule of law and supremacy of the Constitution is indeed acknowledged. This Court obviously does not expect an intent on part of the worthy Prime Minister to undermine the integrity of the administration of justice. This Court is, therefore, satisfied that regardless of the selection of words, Mr Imran Khan could not have intended to undermine the integrity of the administration of justice or

the prestige of the Courts. The benefit of doubt must always go in favour of the representatives of the people of Pakistan. Even otherwise utmost restraint ought to be exercised in initiating contempt proceedings against an elected Prime Minister because of its consequences, which may, inter alia, lead to disfranchising the people of Pakistan and depriving them from the right to choose as to who should represent and govern them. This Court, therefore, presumes that the worthy Prime Minister was not properly briefed which had led to the factually incorrect statements made during his speech on 18-1-2019.

4. For what has been discussed above, this Court does not intend to initiate proceedings against an elected Prime Minister of Pakistan and, therefore, the petition is accordingly ***dismissed in limine***.

CHIEF JUSTICE

Tanveer Ahmed.

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