Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD (JUDICIAL DEPARTMENT)

Misc. Petition No.01/2020

Secretary, Ministry of Law and Justice
Versus
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	01-12-2020	Mr Khalid Javed Khan, Attorney General for Pakistan. Mr Tariq Mehmood Khokhar, Additional Attorney General. Syed Muhammad Tayyab, Deputy Attorney General. Mr Saqlain Haider Awan, Assistant Attorney General. Mr Nazar Hussain Shah, Assistant Attorney General. Mr Farrukh Shahzad Dall, Assistant Attorney General. Mr Muhammad Nadeem Khan Khakwani, Assistant Attorney General. Ms Maham Naveed, Consultant to Attorney General for Pakistan. Barrister Malik Shahnawaz Noon, Advocate for petitioners in W.P. No. 3832/2019. Mr Muhammad Salman Malik, Section Officer, Ministry of Interior.

ATHAR MINALLAH, C.J.- Barrister *Malik Shahnawaz Noon*, learned counsel for the High Commission, has informed that pursuant to our last order, dated 09-11-2020, the Government of the Republic of India (*hereinafter referred to as the* ***"Government of India"***) is deliberating regarding the appointment of a lawyer to assist this Court in the effective implementation of the judgment of the International Court of Justice, relating to Commander Kulbushan Sudhir Jadhav (*hereinafter referred to as* ***"Commander Jadhav"***). He has further informed us that the High Commission of the

Republic of India has urged early disposal of the connected petition i.e. Writ Petition No.3832/2019.

2. The learned Attorney General has reiterated, on behalf of the Government of Pakistan, the offer to give third consular access to the Government of India. He has requested that some more time may be given to enable him to assist us in the connected case after seeking instructions from the Government of Pakistan.

3. We are mindful and have already stressed that providing the right to a fair trial of Commander Jadhav and a meaningful and effective implementation of the judgment of the International Court of Justice are of paramount importance and the purpose of the proceedings pending before us. We are of the opinion that this onerous task could only be achieved if the Government of India extends meaningful assistance in the proceedings relating to Commander Jadhav. The learned Attorney General appears to be justified in arguing that it would not be legally permissible under the domestic enforced laws to grant permission to an official of the High Commission to address arguments at the Bar as suggested by the learned counsel for the High Commission. Needless to mention that effective and

meaningful implementation of the judgment in Commander Jadhav's case is subject to strict adherence to the principles enunciated in this regard by the International Court of Justice and the domestic laws enforced within the jurisdiction of the territory of Pakistan. It is, therefore, crucial for protecting the rights of Commander Jadhav on the one hand and the effective implementation of the judgment of the International Court of Justice on the other, to be assisted by all the parties, particularly the Government of India.

4. We expect that the learned Attorney General for Pakistan will ensure that the matter involved in the connected petition i.e. Writ Petition No. 3832/2019 would be resolved by the next date of hearing. Likewise, we expect from the Government of India to take appropriate decisions and actions so that the judgment of the International Court of Justice could be implemented in letter and spirit. *Barrister Malik Shahnawaz Noon* shall be at liberty to inform us on the next date of hearing regarding reservations, if any, of the Government of India in extending its assistance in this matter.

5. The Registrar of this Court is directed to fix the petitions for hearing at 02:00 p.m. on 14-01-2021.

(CHIEF JUSTICE)

(AAMER FAROOQ)
Judge

(MIANGUL HASSAN AURANGZEB)
Judge

Luqman Khan/*

Uploaded By: Engr. Umer Rasheed Dar