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70/24

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Qazi Faez Isa, CJ
Justice Naeem Akhtar Afghan
Justice Shahid Bilal Hassan

(AFR)
Civil Misc. Appeal No. 89 of 2024
And
Constitution Petition No. Nil of 2024

Abid Shahid Zuberi & Ors.

...Appellants

Versus

Federation of Pakistan, through Secretary & others

...Respondents

For the Appellants/
Petitioners:

Mr. Hamid Khan, Sr. ASC
Mr. Abid Shahid Zuberi, ASC and
Appellant No.1/petitioner No. 1.
with appellants/petitioners, namely,
Ch. Ishtiaq Ahmad Khan,
Mr. Tahir Faraz Abbasi and
Mr. Shafqat Mehmood Chauhan, ASC

For the Respondent:

Not represented

Date of Hearing:

17.10.2024

ORDER

Qazi Faez Isa, CJ. Learned senior counsel Mr. Hamid Khan states that he has been engaged today on behalf of the appellants/petitioners and has been instructed to withdraw Civil Miscellaneous Appeal No. 89 of 2024 and the unnumbered Constitution Petition, filed on 16 September 2024 in respect of which the following objections were noted by the Registrar's office:

- a. The petition has been filed under Article 184(3) of the Constitution to challenge a document which has not yet attained the status of a law and it is stated to be a 'proposed law', not yet introduced in the parliament.
- b. That it is the members of the National Assembly and the Senate who may pass a bill, if and when presented. However, they are not arrayed as parties. The Federation, the Provinces, the Principal Secretary to the Prime Minister and the President who are listed as respondents are not members of Parliament.

- c. That respondent No 9 & 10 cannot be arrayed as parties in view of Article 248 of the Constitution.
- d. That under the Constitution the power to make laws vests in the Legislature and the same cannot be curtailed before a law is made.
- e. That hypothetical questions are posed in the petition.
- f. That the petitioners have mentioned that they are advocates and members of the Pakistan Bar Council whereas the Legal Practitioners and Bar Councils Act stipulates that lawyers should not become parties.
- g. That if the petitioners have a grievance and want to be portrayed as members of the Pakistan Bar Council they should first approach their respective bodies, i.e., the Supreme Court Bar Association and the Pakistan Bar Council for authorizing them to represent these bodies.
- h. The interim order in the case of *Raja Amer Khan v The Federation of Pakistan* passed in CP 6 of 2023 (at page 52 of the petition) cannot be considered by this office as a binding decision under Article 189 of the Constitution.'

2. Mr. Abid Shahid Zuberi, the appellant No. 1 and the petitioner No. 1, who was earlier representing himself and was also the counsel of the other appellants/petitioners confirms the statement made by the learned senior counsel.

3. Therefore, the said Appeal and the unnumbered Constitution Petition are dismissed as withdrawn.

ISLAMABAD
17 October 2024
~~Not~~ approved for reporting
Atif/□