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PART II

Statutory Notifications (S. R. O.)

**GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
(Cabinet Division)**

NOTIFICATION

Islamabad, the 19th May, 2023

S.R.O. 596(I)/2023.—WHEREAS, recently wide circulations of controversial audios have been witnessed on the national electronic, print and social media, allegedly regarding the Judiciary and former Chief Justices/Judges, conversation raising serious apprehensions about the independence, impartiality and uprightness of the Chief Justices/Judges of the Superior Courts in the administration of justice.

2. AND WHEREAS, such audio leaks have eroded public trust and serious concerns have been raised by the general public regarding independence, impartiality and uprightness of the Chief Justices/Judges of the Superior Courts. Under the Constitution of Islamic Republic of Pakistan, the independence, integrity and character of Chief Justices/Judges is of utmost importance for keeping the public trust and confidence in the administration of justice. Judiciary is one of the main pillars under the Constitution and the society's confidence is shattered when independence of the Judiciary is tarnished.

(1463)

Price: Rs. 6.00

[979(2023)/Ex.Gaz.]

3. AND WHEREAS, it is imperative to inquire into the authenticity, correctness and veracity of these audio leaks in order to restore not just the credibility of the Judiciary but also the public trust and confidence in the Judiciary in the larger public interest, as a matter of definite public importance.

4. THEREFORE, in exercise of powers conferred under Section 3 of the Pakistan Commissions of the Inquiry Act, 2017, the Federal Government is pleased to constitute an Inquiry Commission to probe into the veracity of alleged audio leaks raising serious apprehensions about independence of judiciary in public interest.

5. The Commission shall comprise the following:

1.	Mr. Justice Qazi Faez Isa, Judge, Supreme Court of Pakistan	<i>Chairperson</i>
2.	Mr. Justice Naeem Akhtar Afghan, Chief Justice Balochistan High Court	<i>Member</i>
3.	Mr. Justice Aamer Farooq, Chief Justice, Islamabad High Court	<i>Member</i>

6. The Terms of Reference (TOR) of the Commission shall be as follows:—

- (i) to inquire into the veracity of audio leaks allegedly concerning including the Judiciary; (a) call between *ex*-Chief Minister Punjab and an advocate regarding a sitting Judge of the Supreme Court of Pakistan, (b) between *ex*-Chief Minister, Punjab and an advocate regarding fixation of some cases before a particular Bench of the Supreme Court of Pakistan, (c) between *ex*-Chief Minister Punjab and a sitting Judge of the Supreme Court of Pakistan, (d) between Retired Chief Justice of Pakistan and a senior lawyer, (e) between a lawyer and a journalist on the outcome of a case before a particular Bench of Supreme Court of Pakistan, (f) between former Prime Minister of Pakistan and his party colleague about their links in the Supreme Court of Pakistan, (g) between mother in law of the Chief Justice of Pakistan and wife of a lawyer regarding cases in the Supreme Court of Pakistan and hoping for un-constitutional rule (h) between son of a former Chief Justice of Pakistan and his friend mentioning his father in a political role;
- (ii) to inquire into the correctness of the allegations surfacing on print and electronic media and the social media allegedly regarding son in law of the Chief Justice of the Lahore High Court influencing judicial proceedings before the Lahore High Court, Lahore;

- (iii) to determine violation, if any, of integrity of the process of administration of justice, independence of Judiciary, right to fair trial and equality of citizens;
- (iv) to determine the liability incurred by any or all persons named in the alleged audio leaks against or any other person or public office holders including under the Pakistan Penal Code, 1860 or any other law;
- (v) to determine as to whether any disciplinary proceedings are attracted;
- (vi) to fix the responsibility of any person or public office holder aiding and abetting by any act in violation of the laws of Pakistan so determined;
- (vii) to recommend any necessary legal action by any agency, department or person;
- (viii) if the stated audios are fake or fabricated, to inquire into and fix responsibility with regards, as to who is making these and recommend action to be taken in this regard; and
- (ix) any matter ancillary and incidental thereto or which the Commission deems fit to inquire into it in the interest of justice.

7. The Commission shall have all the powers that are granted to it under the Act and including those mentioned in section 10 of the Act.

8. It shall be the duty of all executive authorities in the Federation and the Provinces to act in aid of the Commission in discharge of its functions and to comply with any of its directions.

9. The Commission will be entitled to establish a Secretariat and appoint Secretary for the stated inquiry at the cost of the Federal Government. The Attorney General for Pakistan shall assist the Commission and provide the Commission with all documents and material that it requires.

10. The Commission shall initiate the inquiry immediately after the notification of its constitution and shall conclude the inquiry and submit its report to the Federal Government within thirty days. However, if the Commission requires further time, the Federal Government shall grant it.

[No. 01/06/2023/Lit III.]

MUHAMMAD MUNIR SADIQ,
Joint Secretary (Lit/Dev).