LAHORE HIGH COURT

BULLETIN

Fortnightly Case Law Update ***Online Edition***

Volume - II, Issue - XVII

01 - 09 - 2021 to 15 - 09 - 2021

Published By: Research Centre, Lahore High Court, Lahore

Online Available at: https://researchcenter.lhc.gov.pk/Home/CaseLawBulletin

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FORTNIGHTLY CASE LAW BULLETIN

(01-09-2021 to 15-09-2021)

A Summary of Latest Judgments Delivered by the Constitutional Courts of Local and Foreign Jurisdictions on Crucial Legal Issues

Prepared & Published by the Research Centre Lahore High Court

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SELECTED ARTICLES

1. **Supreme Court of Pakistan**
Muhammad Yousaf & others v. Nazeer Ahmed Khan (decd) through LRs, etc
Civil Petition No.3772 of 2019
Mr. Justice Ijaz Ul Ahsan, Mr. Justice Yahya Afridi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._3772_2019.pdf

Facts: Respondent instituted a suit for possession without challenging any mutation, order or proceedings and without seeking declaration regarding cancellation of the power of attorney etc. Even, the necessary parties were not arrayed in the suit. The High Court disposed of revision by directing that the original suit instituted by the respondent would stand dismissed as withdrawn with liberty to file a fresh one which remedy on being availed will be dealt with in accordance with law.

Issue: i) Whether permission to file fresh suit can be granted where a defect is removable through amendment of plaint?
ii) Whether a suit can be allowed to be withdrawn where there is inherent and fatal defect?
iii) What is a formal defect and how can it be distinguished from a fatal or inherent defect making the suit incompetent?

Analysis: i) Where a defect is removable or rectifiable by amendment of the plaint, permission to file a fresh suit cannot be granted.
ii) Where a defect which goes to the root of the case and is not merely a formal defect, permission to file a fresh suit would amount to allowing the plaintiff to retrace his steps plug the loopholes in the earlier suit and file a different case with different/ additional parties and a totally different relief. These to our mind are not steps that could by any stretch of the language be termed as removal of formal defect…. As such, neither the suit can be permitted to be withdrawn nor permission to file a fresh suit be granted on that score….. Suit for possession was filed without seeking a declaration of title, knowing that the property in question stood transferred on the basis of registered instrument. The suit was in our opinion stillborn from its very inception as it was not competent.
iii) The term formal defect has not been defined in the Code of Civil Procedure, its plain meaning in the context that the word has been used in the CPC appears to be that such defect should be only on the point of form of the suit. It appears to connote every kind of defect which does not affect the merits of the case. However, if the defect is material and substantial and affects the merits of the case or goes to the root of the claim it cannot be termed as a formal defect within the scope and meaning of sub clause (a) of Rule 1(2) of Order 23, CPC.

Conclusion: i) Where a defect is removable or rectifiable by amendment of the plaint, permission to file a fresh suit cannot be granted.
ii) A suit cannot be allowed to be withdrawn where there is inherent and fatal defect.
iii) See above.

2. **Lahore High Court**
Muhammad Zaheer v. Abdul Majeed
Civil Revision No.33725/2019
Mr. Justice Abid Aziz Sheikh
https://sys.lhc.gov.pk/appjudgments/2021LHC4494.pdf

Facts: The plaintiff filed a suit under Order XXXVII CPC before Additional District Judge on the basis of pro-note for the recovery of his loaned amount. There was an additional security of mortgage concerning that loan. However after completion of ex-parte proceedings, the court returned the plaint for its presentation to the competent forum.

Issue: i) How it can be determined whether a document is a promissory note or not?
ii) Whether mere fact that mortgage deed has been executed in addition to a pro-note will exclude the summary jurisdiction of Court under Order XXXVII Rule 2 CPC for the enforcement of promissory note?

Analysis: i) The promissory note is defined under section 4 of the Negotiable Instruments Act, 1881. Plain reading of that definition shows that a document shall be regarded as promissory note if it fulfills the following requirements:-

(i) An unconditional undertaking to pay,
(ii) The sum should be a sum of money and should be certain,
(iii) The payment should be to or to the order of a person who is certain, or to the bearer, of the instrument,
(iv) And the maker should sign it.

If all above four conditions are present, the document becomes a promissory note under section 4 of the Act.
ii) The prayer clause of the plaint shows that the petitioner is only seeking money decree on the basis of pro-note and not for recovery of amount by selling the mortgage property on the basis of mortgage deed. Indeed suit for the enforcement of mortgage deed could only be filed in ordinary jurisdiction under Order XXXIV Rule 14 CPC, however, mere fact that petitioner has secured the repayment of the loan amount by way of mortgage in addition to pro-note, would not deprive the petitioner to enforce recovery of loan on the basis of pro-note. Order XXXIV Rule 14 CPC provides that where a mortgagee has obtained a decree for the payment of money in satisfaction of a claim arising under the mortgage, he shall not be entitled to bring the mortgage property to sale otherwise than by instituting a suit for the sale in enforcement of mortgage and he may institute such suit notwithstanding anything contained in Order II Rule 2 CPC. The law thus provides dual remedy to such a person by filing a suit under Order XXXVII Rule 2 CPC on the basis of pro-note and suit under Order XXXIV Rule 14 CPC for enforcement of mortgage deed and such suit is not barred by Order II rule 2(b) CPC. Therefore, mere fact that mortgage deed has been executed in addition to a

pro-note will not exclude the summary jurisdiction of Court under Order XXXVII Rule 2 CPC for the enforcement of promissory note.

Conclusion: i) See above

ii) Mere fact that mortgage deed has been executed in addition to a pro-note will not exclude the summary jurisdiction of Court under Order XXXVII Rule 2 CPC for the enforcement of promissory note.

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3. **Lahore High Court**
Allah Ditta, etc.v. Muhammad Anwar, etc.
C.M. No.3027 of 2015 in CR. No.1200 of 2002
Mr. Justice Ahmed Nadeem Arshad
https://sys.lhc.gov.pk/appjudgments/2021LHC4403.pdf

Facts: The petitioners assailed the order of High Court through petition under section 12(2) CPC on the basis of fraud, misrepresentation and want of jurisdiction whereas main revision petition was dismissed due to compromise between the parties of the said revision petition.

Issue: i) Whether a person not party to the litigation has locus standi to invoke section 12(2) CPC against judgment and decree?

ii) What are the essential conditions for the application of doctrine of lis *pendens*?

Analysis: i) In section 12(2) C.P.C. the word 'person' has been used. If the intention of the lawmaker had been to restrict the right of filing application only to the person who was party to the suit, then the word party ought to have been used. Therefore, aggrieved person has every right to file the application under section 12(2), C.P.C.

ii) Application of this section is subject to certain conditions; the suit must be relating to a specific immovable property in which any rights of the parties are directly and specifically in question, the suit should be pending at the time when the alienation in favour of the third person has been made and neither the suit itself nor the outcome thereof must be collusive, fraudulent and/or is meant to entrap, deceive, and defraud an innocent transferee.

Conclusion: i) A person not party to the litigation has every right to file the application under section 12(2), C.P.C.

ii) See above.

4. **Lahore High Court**
Sheikh Azfar Amin v. Chaudhry Asif Ali & 4 others
R.F.A. No.172 of 2016
Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2021LHC4511.pdf

Facts: Appeal was filed against order whereby plaint was rejected under Order VII Rule 11, Code of Civil Procedure, 1908.

Issue: i) What is the distinction between private and public nuisance.
ii) Interpretation of Section 91 of CPC and its applicability?
iii) Whether rejection of plaint under Order VII Rule 11, CPC is justified, in the circumstances of the case?
iv) Whether impugned order is per incuriam and learned Court, while rejecting the plaint, has ignored the law laid down by the Apex Court of the Country?

Analysis: i) The Hon'ble Court observed that one act that is crime under section 133 of the Code of Criminal Procedure, 1898 and civil wrong under section 91 of the Code of Civil Procedure, 1908 as public nuisance, can possibly provide a cause for an action as private nuisance to an individual. In essence the difference is that Section 91 of the Code of Civil Procedure, 1908 allows the action for public nuisance even in the absence of proof of special damages, however, where an individual can prove the special damage, can maintain the action as private nuisance for the same act. The damage will qualify as special if it is particular and direct. Hence one action can result into both private and public nuisance.
ii) Moreover while considering the scope of Section 91 of CPC, it was opined that section 91 (1) provides that "though no special damage is caused", which itself suggests that the permission of Advocate-General (prior to amendment of 2018) and now leave of Court is required, for public nuisance as it is collective cause for which suit is maintainable despite no special damage to any individual or requirement of proof of such damage to an individual. When it is particularly read with sub-section 2 of section 91, it is further clarified that the requirement of obtaining consent of Advocate -General (and now leave of the Court), is limited to the cases where no special damage is caused to more than one person but not hing limits the right to sue that otherwise accrues or is available under the law, to a person. The suit by Advocate -General or his consent is primarily a representation of people in the locality or people concerned. Hence, if complained conduct amounts to private nuisance, the permission of Advocate General is immaterial. Failing to resort to provision of section 91(1) of the CPC is not terminal for a case, when the conduct complained, is also allegedly resulting into private cause of action or private nuisance.
iii) It was noted by the Hon'ble Court that to non suit the plaintiff was against the basic principles of tort of nuisance. Nonetheless, permission could be a defense or a mitigation factor, subject to examination of other important features. Factors like (i) level of interference (ii) public utility as well as benefits to public of the

alleged conduct and harm being suffered by those who may be affected (or being effected or already suffered loss) and its magnitude or gravity, (iii) the original utility of land, and (iv) nature of locality etc., which were yet to be seen through evidence.

iv) Moreover it was observed that while rejecting plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, learned trial Court has further ignored Order VI of the Code of Civil Procedure, 1908. It is overlooked that the Appellant was only required to give material facts in the plaint as per Order VI Rule 2, CPC and the further and better particular of the claim, it could have been ordered under Order VI Rule 5 of the Code of Civil Procedure, 1908. In case after receiving the evidence and on the basis of public interest, Court reaches to the conclusion that injunction may cause injustice to others or harm to the public interest. The Hon'ble Court relied on the august Supreme Court judgment reported as (PLJ 2006 SC 127), wherein it is clearly observed that the Code of 1908 is enacted to regulate the proceedings and mainly contains procedural laws, which are subservient to the cause of justice and, therefore, such laws neither limits nor control the power of the Court to pass an Order or Decree, which is necessary to do complete justice in the facts and circumstances of the case.

Conclusion: See above.

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5. **Lahore High Court**
Ejaz Ahmad Butt v. Samreena
W.P. No. 51108 of 2021
Mr. Justice Raheel Kamran
https://sys.lhc.gov.pk/appjudgments/2021LHC4396.pdf

Facts: The Special Attorney of the petitioner assailed the judgment and decree passed by Civil Judge Class III/Family Judge claiming it to be a nullity in the eye of law as the Presiding Officer, being a Civil Judge, Class III had no authority to exercise powers of a Family Court Judge as the subject matter of the suit valued more than Rs.22,00,000/- which was beyond his pecuniary jurisdiction on the original civil side.

Issues: Whether the Presiding Officer, being a Civil Judge, Class III and functioning in the capacity of a Family Judge can deal with the subject matter of a family suit valued beyond his pecuniary jurisdiction on the original civil side?

Analysis: The notification relied upon by the Petitioner was issued under provisions of the Punjab Civil Courts Ordinance, 1962 ("Ordinance") which governs the matters relating to Civil Courts in Province of the Punjab generally. Section 9 of the Ordinance postulates that the jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Civil Judge shall be determined by the High Court either by including him in a class or otherwise as it thinks fit. Section 18(1) of the Ordinance provides for the remedy of an appeal before a High Court or the District Judge against decree or order passed by a Civil Judge

on the basis of pecuniary limits specified therein. The notification, which has general application, prescribes three classes of Civil Judges to exercise pecuniary jurisdiction specified therein in respect of original civil suits and proceedings on the basis of value of the subject matter. It is settled law that where there is a conflict between a special law and a general law, the former shall prevail. The provisions of the Family Courts Act, 1964, which embody a special law, are manifestly distinct and inconsistent with the provisions and scheme of the Ordinance, which is a general law, therefore, provisions of the Ordinance (such as section 9 and 18 ibid) are declared to have no application insofar as those are inconsistent with provisions of the Act or the Rules made thereunder. The object, purpose, policy and the legislative intent underlying the Act highlighted herein above, provide sufficient justification for such precedence. Resultantly, the notification relied upon by the petitioner is declared to be irrelevant and inapplicable to the proceedings before the Family Courts.

Conclusion: The Presiding Officer, being a Civil Judge, Class III and functioning in the capacity of a Family Court Judge can deal with the subject matter of a family suit valued beyond his pecuniary jurisdiction on the original civil side

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6. **Lahore High Court**
Kaneez Fatima v. Additional Sessions Judge etc
Crl. Misc. No.250964/M/2018
Mr. Justice Tariq Saleem Sheikh
https://sys.lhc.gov.pk/appjudgments/2021LHC4323.pdf

Facts: The petitioner has questioned the findings of the Judicial Magistrate in Inquiry Report and prays that a direction be issued for registration of FIR against respondent and other officials for killing her son in a police encounter.

Issue: i) Whether the Magistrate's order under section 176 Cr.P.C. is a judicial or administrative order?
ii) What is object and scope of the inquest by the Magistrate; whether he can give any finding as to the guilt or innocence of an accused?

Analysis: i) Although the word "inquest" used in sections 174 and 176, Cr.P.C., has not been defined in the Code, it carries particular significance when the same is conducted by a Magistrate….Subsection (1) of section 176 gives an indication as to what would be the ordinary procedure in conducting the inquest. It is necessary for the Magistrate, when holding an enquiry as a part of the inquest, to "record the evidence taken by him in connection therewith", in the manner prescribed in the Code of Criminal Procedure for conducting enquiries. The choice from amongst *"the manners"* has been left to the Magistrate and it would depend upon the circumstances of each case. Thus, the Magistrate, when holding an inquest, would be making an "enquiry" in accordance with

the provisions of the Criminal Procedure Code and, thus, it would, all the more, make it a judicial function. Any order passed as a result of such an enquiry would, obviously, be revisable. It is needless to emphasize that the power to be exercised under subsection (2) of section 176 for disinterment of the body is a part of the jurisdiction conferred on the Magistrate to hold inquests. If the entire process of the inquest is to be conducted as an enquiry, then the disinterment of the body would also form part of the enquiry and any order passed in this behalf would also be a judicial function.

ii) The object of the proceedings under section 176 Cr.P.C. is merely to ascertain the cause of death of a person who has died an unnatural death. The Magistrate may opine about the apparent cause of the deceased's death but has no jurisdiction to go beyond it. He cannot give any finding as to the guilt or innocence of an accused.

Conclusion: i) The Magistrate's order under section 176 Cr.P.C. is a judicial order.
ii) The Magistrate cannot give any finding as to the guilt or innocence of an accused under section 176 Cr.PC.

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7. **Lahore High Court**
Umar Farooq v. The State etc.
Crl. Misc. No.7693-M/2020
Mr. Justice Anwaarul Haq Pannun
https://sys.lhc.gov.pk/appjudgments/2020LHC4265.pdf

Facts: The petitioner assailed the order of trial court and revisional court, whereby his application under Section 539-B Cr.P.C for local inspection was dismissed.

Issue: i) What is the significance and usefulness of site plan/map for the court in a criminal trial?
ii) What is the purpose, procedure and importance of local inspection u/s 539-B Cr.PC?

Analysis: i) The site plan is not per se admissible in evidence as it has to be proved by producing its maker, as a witness in the Court, who may be subjected to cross-examination. The site plan is not a substantive piece of evidence. It is generally used for explaining the information relating to the crime scene for the purpose of appreciation of evidence. Being a reflection of the crime scene, preparing and bringing on record the site plan is part of an attempt to furnish a panoramic view of the occurrence to scrutinize the evidence of prosecution witnesses produced at the trial. The keen inspection of the prevailing circumstances and self-evident hard realities at the crime scene, despite their silence and voicelessness, in some cases may carry a potential either to fortify the accusation or to belie the same.

ii) Upon bare perusal of Section 539-B Cr.PC, it transpires unequivocally that the traits of this provision are procedural and substantive in their nature besides being discretionary. A Judge or a Magistrate at any stage of the trial or inquiry or other proceedings, after due notice to the parties, is vested with the power to **visit** and

inspect any **place** in which either an offence is alleged to have been committed or any other place having a nexus with the offence committed, which **"it is in his opinion"** is necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial. It may further be observed that the proceedings under this provision are judicial in their nature.

The power of local inspection either may be exercised suo motu or on the application of a party. A Judge or a Magistrate is required mandatorily, without any unnecessary delay, to record a memorandum of relevant facts observed by him at such local/site inspection. Such memorandum shall form part of the record of the case. A copy of the memorandum, if so desired by the public prosecutor, the complainant or the accused, shall be furnished to them free of cost. The requirement of recording of memorandum of the relevant facts observed by a Judge or a Magistrate at the time of inspection and forming it a part of the record without unnecessary loss of time appears to be a pragmatic attempt of the law givers to cover the risk of loss of evidence which occurs with the passage of time as a result of fading of human memory.

Conclusion: i) A criminal Court or a Judge while deciding about a crime is well advised to make every effort to visualize the crime scene through site map or from other pieces of evidence, for proper appreciation of evidence to reach at a just conclusion.

ii) The main object behind vesting power to make local inspection with a Judge or a Magistrate is to enable him for properly appreciating evidence given at an inquiry or trial.

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8. **Lahore High Court**
Muhammad Umar Farooq Saleem v. The State etc.
Crl. Misc. No.52463-B of 2021
Mr. Justice Farooq Haider
https://sys.lhc.gov.pk/appjudgments/2021LHC4531.pdf

Facts: After filing of pre-arrest bail, petitioner made default in appearance.

Issue: Whether pre-arrest bail of petitioner is proceedable in his absence?

Analysis: This is petition for pre-arrest bail where personal appearance of the petitioner is mandatory and in his absence, his bail petition is neither proceedable nor can be decided on merits.

Conclusion: Pre-arrest bail of petitioner is not proceedable in his absence and it also cannot be decided on merits.

9. **Lahore High Court**
Shoaib Ali v. The State etc.
Crl. Misc. No. 32864-B of 2021
Mr. Justice Farooq Haider
https://sys.lhc.gov.pk/appjudgments/2021LHC4533.pdf

Facts: The complainant paid Rs.16,00,000/- to the petitioner and his other co-accused persons as trust (امانت) for the purpose of purchasing plots and when after sometime he inquired from accused persons about purchase of said plots and demanded his aforementioned amount back then accused persons refused to pay said amount.

Issue: If amount has been paid as advance for the purchase of plot, whether it will constitute offence under section 406 PPC?

Analysis: Amount was paid as advance for purchasing plots and when said plots have not been given to the complainant then instant case has been got registered, therefore, prima facie this is a civil transaction and not the case of "criminal breach of trust" defined under section 405 PPC and punishable under section 406 PPC.

Conclusion: If amount has been paid as advance for the purchase of plot, it will not constitute offence under section 406 PPC.

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10. **Lahore High Court**
Muhammad Umair v. The State etc.
Crl. Revision No. 211975 of 2018
Mr. Justice Muhammad Tariq Nadeem
https://sys.lhc.gov.pk/appjudgments/2021LHC4356.pdf

Facts: The appellant assailed his conviction and sentence of life imprisonment u/s 302(b) passed in a private complaint, whereas the complainant through revision, sought enhancement of sentence of the appellant.

Issue: Whether it is mandatory duty of the prosecution to prove motive in every murder case?

Analysis: When motive is alleged but not proved then the ocular evidence required to be scrutinized with great caution. In the case of Hakim Ali vs. The State (1971 SCMR 432 it has been held that the prosecution though not called upon to establish motive in every case, yet once it has set up a motive and failed to establish it, the prosecution must suffer consequence and not the defense. In the case of Ameenullah v. State (PLD 1976 SC 629) it has been held that where motive is an important constituent and is found by the Court to be untrue, the Court should be on guard to accept prosecution story.

Conclusion: Although, the prosecution is not under obligation to establish a motive in every murder case but it is also well settled principle of criminal jurisprudence that if prosecution sets up a motive but fails to prove it, then, it is the prosecution who has to suffer and not the accused.

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11. **Lahore High Court**
Abdul Rasheed v. ASJ etc.
Crl. Misc. No. 49423-M of 2021
Mr. Justice Muhammad Tariq Nadeem
https://sys.lhc.gov.pk/appjudgments/2021LHC4350.pdf

Facts: Petitioner was given superdari of a tractor/vehicle taken into possession under section 550 Cr.P.C by the Judicial Magistrate on the ground that he possessed an open transfer letter concerning said vehicle. Application of respondent No. 5 (last possessor) seeking cancellation of order granting superdari was dismissed by the learned Judicial Magistrate. Revision against this order was also dismissed. Respondent approached the High Court under section 561-A Cr.P.C., assailing the order of the revisional court.

Issues: i) What essential conditions are necessary to exist for making an order of superdari?
ii) Whether an open transfer letter confers any title of ownership of a vehicle?
iii) What weightage is to be given to the last possessor while deciding an application for superdari?
iv) Which court is competent to ascertain the title of a vehicle?

Analysis: i) For granting superdari, the following essential conditions must be fulfilled:

a. There must have been investigation, inquiry or trial.
b. The property in respect of which the order is to be made must be one:
   I. regarding which any offence appears to have been committed,
   II. which has been used for commission of any offence,
c. It is alleged or suspected to be stolen or when it is found in circumstances that give rise to a suspicion that an offence has been or is about to be committed.
d. It has been taken into custody.
e. It is produced in the Court.
f. Its seizure is reported to the Magistrate.

ii) An open transfer letter is not a valid document of title and does not confer ownership of a vehicle as per the mandate given under the Provincial Motor Vehicles Ordinance, 1965 (Ordinance XIX of 1965). In the case in hand, the petitioner only possessed a photocopy of the undated transfer letter, describing

himself as the owner of the vehicle. Besides, the registration certificate of the vehicle showed that the original owner of the vehicle was a third party/financial institution, which was leased in the name of somebody other than the petitioner. So, when the petitioner made an application for the superdari of the vehicle, he was not the owner of the vehicle. Therefore, his application for releasing the vehicle was not maintainable.

iii) In making an order for superdari, the real weightage should be given to the last possessor or the person from whom the property was recovered unless there are strong reasons against it.

iv) A civil court is competent to ascertain the title of a vehicle.

Conclusion: i**)** See above.

ii) See above

iii) Superdari order should be passed in favour of the last possessor unless strong reasons exist to deviate.

iv) Civil court is competent to determine the title of a property.

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12. **Lahore High Court**
Ali Raza v. The State and another
Crl. Misc. No. 46912-B/2021
Mr. Justice Muhammad Tariq Nadeem
https://sys.lhc.gov.pk/appjudgments/2021LHC4343.pdf

Fact: The petitioner sought post-arrest bail in a case under Section 9(c), Control of Narcotic Substances Act, 1997. The allegation against the petitioner is that 1520 grams of Chars was found in his possession.

Issue: i) Whether statement of co-accused in absence of any other incriminating material is sufficient for denying bail to accused petitioner?

ii) What is meant by term "possession" used in CNSA?

Analysis: i) Under Article 38 of Qanun-e-Shahadat Order, 1984, admission of an accused before police cannot be used as evidence against the co-accused. The confessional statement of that co-accused is circumstantial evidence against the other co-accused and is ordinarily regarded as suspicion; therefore, extent and level of corroboration has to be assessed keeping in view the peculiar facts and surrounding circumstances of the case. The question whether the petitioner had the conscious knowledge or possession of the recovered narcotic substance from co-accused shall be determined at the time of trial. Furthermore, mere leveling of allegations of heinous offence is not sufficient to keep the accused behind the bars.

ii) That the accused was knowingly in control of something in the circumstances, which showed that he was assenting to being in control of it. It means actual physical possession and not mere constructive possession. Moreover possession should be exclusive of the accused.

Conclusion: i) Bail cannot be denied on mere statement of co-accused in absence of any other incriminating material.
ii) See above

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13. **Lahore High Court**
Qari Muhammad Atta Ullah v. DPO and another
Crl. Misc. No. 52238-H of 2021
Mr. Justice Muhammad Tariq Nadeem
https://sys.lhc.gov.pk/appjudgments/2021LHC4442.pdf

Fact: Through this petition under Section 491 Cr.P.C the petitioner seeks the recovery and production of his son from the alleged illegal and improper custody of police.

Issue: How the record qua arrest of person is to be maintained at police station?

Analysis: The following directions are issued to police officials.

i) Whenever, a person is arrested in any case, his arrest be incorporated forthwith in computerized as well as manual *roznamcha* with date and time;

ii) Similarly, when an accused is taken out from the police station for any purpose, a rapat should be written in this regard, vice versa on his return this practice should be adopted;

iii) To make the process of entry in *roznamcha* transparent, it is ordered that entries in manual *roznamcha* (register No. 2) be made through ball-point.

iv) More so, when the accused will be produced before the learned Area Magistrate for the physical or judicial remand, date and time of arrest must be mentioned in the application for obtaining remand and in case of failure, learned Area Magistrate should refuse to entertain request of remand.

v) Police file/case diaries should be retained at police station as provided in Rule 25.55 (3) of Police Rules, 1934 and whenever the investigating officer will proceed along with police file of case from police station for the purpose of investigation or any other purpose that fact should be incorporated in the *roznamcha* (register No. 2) and on return the same practice be also adopted, other than this, police file must be retained at police station.

Conclusion: See above.

14. **Lahore High Court**
T.A. No.48296/2021
Umer Daraz v. Learned Additional Sessions Judge, etc.
Mr. Justice Ali Zia Bajwa
https://sys.lhc.gov.pk/appjudgments/2021LHC4486.pdf

Facts: Petitioner filed transfer application under section 526 of the Code of Criminal Procedure, 1898 seeking transfer of his application filed under section 22-A(6) of Cr.P.C.

Issue: i) Whether application u/s 22-A(6) Cr.P.C. can be transferred under section 526 Cr.P.C?
(ii) If an application filed under section 22-A(6) Cr.P.C. cannot be transferred under section 526 Cr.P.C., then whether an aggrieved person shall be left remediless?

Analysis: i) Minute scrutiny of section 526 Cr.P.C envisages that three terms i.e. "criminal court", "inquiry" or "trial" have been used in this section and are important to decide the scope of this section. These are pre-conditions to exercise the jurisdiction under this section. First and most important pre-condition to decide the maintainability of petitions like one in hand is that transfer sought for should be from a criminal court subordinate to the High Court. So, Court has to see whether office of JOP does fall within the definition of court or not. Section 6 Cr.P.C. clearly envisages that under this section, besides this Court, there are two classes of Criminal Courts i.e. Courts of Sessions and Courts of Magistrates and office of JOP nowhere falls within the ambit of definition of a criminal court…Ex-officio Justice of Peace while performing its functions under section 22-A(6) Cr.P.C. is not a criminal court and this pre-condition to exercise the jurisdiction under section 526 Cr.P.C. is not fulfilled. Hence proceedings before Justice of Peace cannot be transferred under section 526 Cr.P.C.
ii) Under Articles 4 & 10-A of the Constitution every person has a right to be dealt with in accordance with the law and have a fair trial. A person who is aggrieved by some unwarranted act, always has a remedy available under Article 199 of the Constitution, if there is no other remedy provided in any other law, by the virtue of above stated maxim i.e. Ubi Jus Ibi Remedium.

Conclusion: i) Provisions of section 526 Cr.P.C. cannot be adhered to for transferring a proceedings under section 22-A(6) Cr.P.C.

ii) If an application filed under section 22-A(6) Cr.P.C. cannot be transferred under section 526 Cr.P.C., then petitioner can file a constitutional petition under Art. 199 of the Constitution of Pakistan.

15. **Lahore High Court**
Criminal Appeal No.258963 of 2018
Faisal v. The State etc
Mr. Justice Ali Zia Bajwa
https://sys.lhc.gov.pk/appjudgments/2021LHC4466.pdf

Facts: The appellant was convicted under section 302(b), P.P.C. and sentenced to imprisonment for life on the basis of extra judicial confession, medical evidence etc.

Issue: i) Whether extra judicial confession not providing any details of the occurrence and manner in which it was committed can be treated as confession?
ii) What is the nature of medical evidence?
iii) If the prosecution evidence is disbelieved against the few accused facing trial, whether it can be believed against other accused for conviction?

Analysis: i) No time, place, manner of occurrence and role played by each accused in commission of offence in question had been provided in extra-judicial confession, which further makes it doubtful. Extra judicial confession not providing any details of the occurrence and manner in which it was committed cannot be treated as confession made by the accused.
ii) It is otherwise trite law by now that medical evidence can only confirm the ocular account with regard to the receipt of injury, locale of injury, kind of weapon used for causing the injury, duration between the injury and the death but would not disclose the identity of the culprits.
iii) It is well established law that if the prosecution evidence is disbelieved against the few accused facing trial, Court is competent to reject such evidence against other accused in absence of strong and independent corroboration on record. In these circumstances when the evidence to the extent of acquitted co-accused has already been disbelieved by learned trial court, it cannot be believed against the appellant until and unless the same is supported by any independent corroborative piece of evidence.

Conclusion: i) Extra judicial confession not providing any details of the occurrence and manner in which it was committed as such cannot be treated as confession made by the accused.
ii) Medical evidence is just confirmatory evidence and it would not disclose the identity of the culprits.
iii) If the prosecution evidence is disbelieved against the few accused facing trial, it cannot be believed against the other accused until and unless the same is supported by any independent corroborative piece of evidence.

16. **Lahore High Court**
Muhammad Hamad ur Rehman v. Director FIA, etc.
W.P. No.52390 of 2021
Mr. Justice Muhammad Shan Gul,
https://sys.lhc.gov.pk/appjudgments/2021LHC4371.pdf

Fact: The petitioner challenged the notice under section 160 Cr.P.C. issued by the Federal Investigation Agency asking him to appear before the Agency in connection with an inquiry.

Issue: i) Whether issuance of notice under section 160 Cr.P.C. by the Federal Investigation Agency can be challenged in constitutional jurisdiction of High Court?
ii) What is doctrine of prematurity and ripeness?

Analysis: i) The issuance of a notice under section 160 Cr.P.C. for the purpose of participating and aiding in an ongoing inquiry is glaringly not an adverse action that can adversely impact the rights of the petitioner. In other words, the stage whereby this Court can interfere is yet to be reached…. To entertain judicial review at such an incipient stage would tantamount to somewhat retarding statutory duties and obligations. In the present matter, statutory responsibilities of the Federal Investigation Agency to inquire into a crime which falls within its jurisdictional competence shall be offended if any interference is made at this stage.
ii) The doctrine of prematurity and ripeness suggests that a matter is not amenable to adjudication in constitutional jurisdiction if it is either premature or not ripe for adjudication inasmuch as the impugned step or the executive act complained of does not give rise to any tangible grievance that can be addressed in law. It may also be that the time of challenge coincides with a yet not complete intervening process leading up to the final act or that an opportunity or chance, besides resort to Constitutional jurisdiction, is still available with the litigant. There may be some forms of administrative or executive action such as preliminary measures which are mere staging posts midway to some final legally effective decision and which do not directly impact upon the rights or interests of individuals.

Conclusion: i) Issuance of notice under section 160 Cr.P.C. by the Federal Investigation Agency cannot be challenged in constitutional jurisdiction of High Court.
ii) See above.

17. **Supreme Court of Pakistan**
Muhammad Afzal & others v. The Secretary Establishment Division Islamabad & others
C.A.491/2012 etc
Mr. Justice Mushir Alam, Mr. Justice Qazi Muhammad Amin Ahmed, Mr. Justice Amin-Ud-Din Khan
https://www.supremecourt.gov.pk/downloads_judgements/c.a._491_2012.pdf

Facts: Appellants/petitioners have impugned the appointments/promotions under the Sacked Employees (Reinstatement) Ordinance Act, 2010 contending it to be ultra vires of the Constitution.

Issue: i) Whether a non-obstante clause can override the provisions of the Constitution and nullify the judgment of Supreme Court?
ii) What is difference between the terms 'civil servant' and employees in 'Service of Pakistan'?
iii) What is effect of declaring a law to be ultra vires of the Constitution?

Analysis: i) Given the fact that the legislature itself is subservient to the Constitution, a non-obstante clause cannot be deemed to override the provisions of the Constitution itself…. it is a settled position in law that a legislature cannot destroy, annul, set aside, vacate, reverse, modify, or impair a final judgment of a Court of competent jurisdiction…. It will not be sufficient merely to pronounce in the statute by means of a non-obstante clause that the decision of the Court shall not bind the authorities, because that will amount to reversing a judicial decision rendered in exercise of the judicial power which is not within the domain of the legislature.
ii) On a careful examination of the definitions of `Service of Pakistan' as given in Article 260 of the Constitution and the `Civil Servant' as mentioned in Civil Servants Act, 1973, it would 'appear that the two expressions are not synonymous. The expression `Service of Pakistan' used in Article 260 of the Constitution has a much wider connotation than the term `Civil Servant' employed in the Civil Servants Act. While a `Civil Servant' is included in the expression `Service of Pakistan', the vice versa is not true. `Civil Servant' as defined in the Civil Servants Act, 1973 is just a category of service of Pakistan mentioned in Article 260 of the Constitution. To illustrate the point, we may mention here that members of Armed Forces though fall in the category of `Service of Pakistan' but they are not civil servants within the meaning of Civil Servants Act and the Service Tribunals Act.
iii) It is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instrument as being unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone to any liability… In such like circumstances, the benefits, if any, accrued to the persons by the said legislative instruments shall stand withdrawn as if they were never extended to them.

Conclusion: i) Neither a non-obstante clause can be deemed to override the provisions of the Constitution itself nor it can destroy, annul, set aside, vacate, reverse, modify, or impair a final judgment of a Court of competent jurisdiction.
ii) See above.
iii) No right or obligation can accrue under an unconstitutional law. Once a legislative instrument is declared unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone to any liability.

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18. **Supreme Court of Pakistan**
Federation of Pakistan v. M.Y. Labib-ur-Rehman and others
Civil Appeal No. 30-L of 2018
Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
https://www.supremecourt.gov.pk/downloads_judgements/c.a._30_l_2018.pdf

Facts: Respondent was superseded at a number of times. His constitutional petition was accepted and he was granted ante-dated promotion.

Issue: Whether a superseded civil servant can regain his seniority if promoted later?

Analysis: Civil servant who was consciously superseded after considering his service record by the departmental promotion committee cannot regain his original seniority or subsequent promotions so long the order of the promotion committee superseding him stands in the field and supersession of the civil servant in such a case is neither advertent nor same falls in the category of deferment, so as to entitle the civil servant, on subsequent promotion, to regain his original seniority. (1998 SCMR 2544) relied.

Conclusion: A superseded civil servant cannot regain his seniority if promoted later without getting the order of supersession set aside.

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19. **Supreme Court of Pakistan**
Khushdil Khan Malik v. The Secretary, Establishment Div
Civil Petition Nos. 1092 & 1093 of 2018
Mr. Justice Mushir Alam, Mr. Justice Mazhar Alam Khan Miankhel, Mr. Justice Munib Akhtar
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1092_2018.pdf

Facts: Petitioner requested for consideration of his promotion on Time Scale basis.

Issue: Whether Time Scale Promotion is part of terms and conditions of service and whether it is regular promotion?

Analysis: The Act of 1973 doesn't define the term 'Time Scale Promotion'; therefore it cannot be considered as a term and condition of service. Promotion on the basis of Time Scale is not a regular promotion but a matter of policy granted to specific categories of professions by the relevant competent authority with the concurrence of the Finance Division. Such a policy is meant to grant benefits of higher pay scales to those cadres of civil servants which do not ordinarily get promotions to higher grades under the Rules 1973 on a regular basis. The monetary benefits under the Time Scale Formula cannot be extended generally to all civil servants but to class of civil servants as mentioned in the approved policy.

Conclusion: Time Scale Promotion is neither part of terms and conditions of service nor it is a regular promotion.

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20. **Lahore High Court**
Muhammad Aslam v. Federation of Pakistan etc.
W.P.No. 16392 of 2019
Mr. Justice Ahmed Nadeem Arshad
https://sys.lhc.gov.pk/appjudgments/2021LHC4426.pdf

Facts: The petitioners being contract employees (daily wagers) invoked the constitutional jurisdiction of High Court in respect of their grievance relating to regularization.

Issue: i) Whether the contract employee can invoke the constitutional jurisdiction of High Court?
ii) Whether employees of PASSCO are governed by the principle of Master and Servant?

Analysis: i) It is settled law that the contract employees have no right to invoke writ jurisdiction.

ii) PASSCO is a public limited company and the policy and service rules were made by the Board of Directors which are non-statutory and the employees of PASSCO are governed by the non-statutory rules and they would be governed by the principle of "Master and Servant".

Conclusion: i) Contract employees have no right to invoke writ jurisdiction.
ii) Employees of PASSCO are governed by the principle of Master and Servant

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21. **Lahore High Court**
Muhammad Khalid etc. v. Market Committee Muzaffargarh etc.
Writ Petition No. 7603 of 2020
Mr. Justice Tariq Saleem Sheikh
https://sys.lhc.gov.pk/appjudgments/2021LHC4503.pdf

Facts: Through petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have

challenged the authority of Respondent to impose the parking fee and its auction for collection rights.

Issue: Whether Market Committee was authorized to impose fee for use of parking space under Punjab Agricultural Produce Markets Ordinance, 1978 as well as under Punjab Agricultural Marketing Regulatory Authority Act, 2018?

Analysis: A bare reading of section 19 of Punjab Agricultural Produce Markets Ordinance, 1978 shows that the power to levy fees was limited to agricultural produce. To be more specific, it did not authorize the market committee to impose any fee for use of parking space. The PAPM Rules, which the Provincial Government framed under section 35 of the 1978 Ordinance, also did not contain any provision for imposition of such fee. The situation has changed with the 2018 Act. Clauses (i) and (j) of section 15C thereof expressly empower a Market Committee to regulate the entry of persons and vehicular traffic into the market yard and sub-market area vesting in it and to levy, recover rates, charges, fees in respect thereof.

Conclusion: As above.

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22. **Lahore High Court**
Imran Saeed Malik v. Appellate Authority & 3 others
Writ Petition No.50075 of 2021
Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2021LHC4454.pdf

Facts: Petitioner filed his nomination papers to contest election of Cantonment Local Government Elections 2021, Sialkot, for general seat from Ward No.2. The nomination papers of the Petitioner were accepted by the returning officer. The same was challenged by Respondent No.2 before the learned Appellate Authority by way of appeal which was accepted. Resultantly, nomination papers of the Petitioner from Ward No.2, Sialkot for upcoming election of Cantonment Board 2020-2021 were rejected.

Issue: What is scope of section 60 Sub Section (i) of the Cantonment Ordinance, 2002 pertaining to qualifications for candidates and elected members?

Analysis: Reading of section 60 (i) of the Ordinance clearly reflects that a candidate cannot qualify to be elected if he possesses assets which are inconsistent with his declaration of assets or fails to establish justifiable means for his assets, which are in his own name or the candidate has de-facto control of such assets.
The obvious rational behind the aforesaid provision as well as requirement to file declaration of assets is to ensure that no dishonest person should be allowed to hold the affairs of the public of the given ‘ward’ or the area of the cantonment. The Honourable Court relied on the following case precedents to draw its conclusion, 2021 SCMR 988, 2018 SCMR 2128 and PLD 2017 SC 70.

Further it was opined that it cannot be the intention behind the legislation to disqualify a person from exercising his right to contest election or to be elected, on the basis of mere technicalities or an innocent mistake or omission to declare a property acquired through lawful means.

It is the credibility of the explanation that would be the determining factor as to whether non-disclosure of an asset carries with it the element of dishonesty or not The learned Appellate Court, vide the impugned judgment has rejected the nomination papers without proper probe and inquiry as well as without disclosing the asset and income, which has been concealed, dishonestly. It was observed that the Respondents failed to satisfy as to bad intent, of the Petitioner, behind not mentioning of the name of aforesaid partnership, in the nomination papers or Form-IV.

Conclusion: A candidate cannot qualify to be elected if he possesses assets which are inconsistent with his declaration of assets or fails to establish justifiable means for his assets, which are in his own name or the candidate has de-facto control of such assets… It cannot be the intention behind the legislation to disqualify a person from exercising his right to contest election or to be elected, on the basis of mere technicalities or an innocent mistake or omission to declare a property acquired through lawful means.

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23. **Lahore High Court**
Haroon Farooq v. Government of Punjab & others
W.P. No.227807/2018
Mr. Justice Shahid Karim
https://sys.lhc.gov.pk/appjudgments/2021LHC4226.pdf

Facts: The primary theme of these petitions is that directions be issued by this Court to compel the State to invest in climate mitigation strategies. The subject matter of these petitions broached issues which gave rise to real and immediate concern for an environmental and social framework to be put in place to reduce greenhouse gas emissions and building resilience, all while developing economic, environmental, health and social co-benefits.

Issue: What is role of Courts as guardians of Climate justice?

Analysis: It was observed by the Honourable court that our Constitution is a social compact between the State and the people. It contains rights which the State is under obligation to enforce and a failure to do so spawns rights-based environmental litigation. It was opined that Courts in Pakistan have been at the vanguard of providing climate justice to the people. Further holding that it must be borne in mind that, in essence and as a primary duty, it is the obligation of the State which is tasked to take climate action and other decisions with negligible climate

impacts. It is only the weak enforcement of climate policies and existing climate legislation that leads litigants to sue for violations of constitutional rights. The Hon'ble court made a reference to the august Supreme Court case reported as (2021 SCMR 834), for explaining the concept of water justice which was dilated upon in the following words: *In adjudicating water and water-related cases, judges should be mindful of the essential and inseparable connection that water has with the environment and land uses, and should avoid adjudicating those cases in isolation or as merely a sectoral matter concerning only water.* Hence, it was noted that there is an overriding public interest which justifies the issuance of constitutional remedies to compel executive action to achieve climate goals.

Conclusion: See above.

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24. **Supreme Court of the United States**
Monasky v. Taglieri, 589 U.S. ___ (2020)
https://www.supremecourt.gov/opinions/19pdf/18-935_new_fd9g.pdf

Facts: It is a case in which the court held that a child's "habitual residence" under the Hague Convention on the Civil Aspects of International Child Abduction should be determined based on the totality of the circumstances specific to the case, and should not be based on categorical requirements for instance such as an agreement between the parents. Domenico Taglieri, an Italian, and Michelle Monasky, an American, were a married couple living in Italy when they had a daughter, A.M.T. Both parents began applications for Italian and U.S. passports for their daughter. In 2015, Taglieri revoked his permission for A.M.T.'s U.S. passport. Two weeks later, Monasky took A.M.T. to the United States. Taglieri petitioned the Northern District of Ohio for A.M.T's return to Italy under the Hague Convention. The district court granted Taglieri's petition. On appeal, the 6th Circuit affirmed the district court's ruling.

Issue: (i) Where an infant is too young to acclimate to her surroundings, whether a subjective agreement between the infant's parents is necessary to establish her habitual residence under the Hague Convention?

Analysis: It is the first case in which the United States Supreme Court substantively addressed the meaning of the definition of "habitual residence" as contemplated by The Hague Convention on the Civil Aspects of International Child Abduction. Justice Ruth Bader Ginsburg noted that a child's "habitual residence" (as the term is used by the Hague Convention) should be determined by the totality of the circumstances specific to each individual case, not on categorical requirements such as an actual agreement between the parents. Ginsburg noted that the Hague Convention does not define "habitual residence" and that courts should conduct a fact driven inquiry based on the unique circumstances of each case and common sense, which is how courts in other countries have enforced it. In addition, Ginsburg noted that Monasky's argument that an actual agreement between the

parties was necessary to determine "habitual residence" was unpersuasive and would lead to problems in adjudicating custody cases. The majority opinion also held that the trial court's determination of habitual-residence is a mixed question of law and fact.

Conclusion: The court affirmed the 6th Circuit's decision in a unanimous ruling, holding (1) an actual agreement between the parents on where to raise a child is not necessary to establish the child's habitual residence and (2) a district court should use clear-error review to determine habitual residence under the Hague Convention.

LIST OF ARTICLES:-

1. **MANUPATRA**
   file:///C:/Users/LHC/Desktop/80ee1d5c-0aeb-427e-b9ab-6b6603d826a8.pdf
   JUDICIAL INTERPRETATION OF ADMISSIBILITY OF ILLEGALLY OBTAINED EVIDENCE by Anushka Jain and O.P. Jindal

   Without an express legal or constitutional prohibition against its admissibility, illegally obtained evidence remains admissible in criminal as well as civil trials in India. Illegally or improperly obtained evidence is allowed so long as it is relevant to the facts-in-issue at trial. This view has been followed by both British as well as Indian courts. Even though India recognizes an exception to this admissibility, being the Unfair Operation Principle, it has never been elaborated or actually applied. The only exceptions to evidences which when obtained are inadmissible are coded in The Indian Evidence Act, 1872, being evidence obtained which is protected by "spousal privilege" under Section 122, or "state privilege" under Section 123 or even "attorney client privilege" under Section 126 and a few other exceptions as well. The viability of illegally obtained evidence is not mentioned anywhere in the code or even in the Constitution.

2. **MODERN LAW REVIEW**
   https://onlinelibrary.wiley.com/doi/epdf/10.1111/1468-2230.12603
   Cloud Crypto Land by Edmund Schuster

   The supposed disruptive and transformational potential of blockchain technology has received widespread attention in the media, from legislators, and from academics across disciplines. While much of this attention has revolved around crypto currencies such as Bitcoin, many see the true promise of blockchain technology in its potential use for transactions in traditional assets, as well as for facilitating self-executing 'smart contracts', which replace vague and imprecise natural language with unambiguous computer code. This article presents a simple legal argument against the feasibility of a meaningful blockchain-based economic system. Blockchain-based systems are shown to be unsuitable for transactions in traditional assets, unless design choices are made which render the use of the technology pointless. The same argument is shown to apply to smart contracts. Legal and practical obstacles therefore mean that, outside its original realm of crypto currencies, blockchain technology is highly unlikely to transform economic interactions in the real world.

3. **BANGLADESH LAW DIGEST**
https://bdlawdigest.org/economic-social-and-cultural-rights.html
ESC RIGHTS: BUDDING TRENDS IN CONSTITUTIONAL REGIMES OF SOUTH AFRICA, INDIA AND BANGLADESH by Mohammad Faysal Saleh

Nationally and internationally, the traditional distinction between CP (Civil and Political Rights) and ESC (economic, social and cultural) rights are diminishing. Many states like South Korea, South Africa, Thailand, Indonesia, Afghanistan, Argentina, Brazil, Bolivia, Ecuador, Cuba, Uganda, and Ethiopia have enshrined legally enforceable ESC rights in their constitutions under the heading of 'Fundamental Rights'. Although other states, notably India, Ireland, Bangladesh, Pakistan, Myanmar etc., have listed ESC rights in their constitutions as directive or fundamental principles of state policy, courts and regional bodies there have routinely adjudicated upon ESC rights claims, proving these rights judicially enforceable. States that are parties to the International Covenant on Economic, Social and Cultural rights (ICESCR) and its Optional Protocol are obliged to take deliberate, concrete and targeted steps towards the full realization of ESC rights and also have 'a minimum core obligation', regardless of their available resources, to ensure the satisfaction of minimum subsistence rights (such as essential foodstuffs, essential primary health care, basic shelter and housing, basic education etc.) for all.

4. **YALE LAW REVIEW**
https://www.yalelawjournal.org/article/the-origins-of-judicial-deference-to-executive-interpretation
THE ORIGINS OF JUDICIAL DEFERENCE TO EXECUTIVE INTERPRETATION by Aditya Bamzai

Judicial deference to executive statutory interpretation - a doctrine now commonly associated with the Supreme Court's decision in Chevron v. Natural Resources Defense Council - is one of the central principles in modern American public law. Despite its significance, however, the doctrine's origins and development are poorly understood. The Court in Chevron claimed that the roots of judicial deference stem from statutory interpretation cases dating to the early nineteenth century. Others, by contrast, have sought to locate Chevron's doctrinal roots in judicial review's origins in the writ of mandamus. According to the standard narrative, courts in the pre-Chevron era followed a multifactor and ad hoc approach to issues of judicial deference; there was little theory that explained the body of cases; and the holdings and reasoning of the cases were often contradictory and difficult to rationalize. This Article challenges the standard account. It argues that the Supreme Court in Chevron, and scholarly commentators since, have misidentified nineteenth-century statutory interpretation cases applying canons of construction respecting contemporaneous

and customary interpretation as cases deferring to executive interpretation as such.

5. **GLOBAL VILLAGE SPACE**
https://www.globalvillagespace.com/ judiciary-ensuring-justice-through-public-interest-litigation/?amp=1
JUDICIARY ENSURING JUSTICE THROUGH PUBLIC INTEREST LITIGATION by Barrister Muhammad Ahmad Pansota

Citizens of India and Pakistan are usually deprived of their fundamental rights. However, through public interest litigation, the judiciary can ensure that justice is served and people's rights are protected. Barrister Pansota offers a panoramic view. Must Read for students of law and policy.