

Present: Syed Mansoor Ali Shah, Athar Minallah and Malik Shahzad Ahmad Khan, JJ

IFTIKHAR AHMED CHAUDHRY---Petitioner

Versus

SAEED AHMED KHAN and others---Respondents

Crl. O.P. No. 233 of 2017 in C.A. No. 633 of 2017, Crl. O.P. No. 242 of 2017 in C.A. No. 353 of 2015, Crl. O.P. No. 243 of 2017 in C.A. No. 632 of 2017 and Crl. O.P. No. 12 of 2024 in C.R.P. No. 368 of 2017 in C.A. No. 632 of 2017, decided on 8th August, 2024.

(a) Constitution of Pakistan---

---Arts. 184, 185, 187 & 188---Implementation of orders and decisions of the Supreme Court by individuals, institutions and entities---Constitutional significance of implementing such orders and decisions stated.

It is imperative to underline that in a constitutional democracy, the rule of law is not just a principle but the bedrock upon which the legitimacy of governance rests. The Supreme Court of Pakistan, as the apex judicial body, is entrusted with the profound responsibility of interpreting the law, ensuring justice, and upholding the Constitution. Its orders are not merely recommendations or advisories; they are legal mandates that must be followed. These decisions are the culmination of rigorous legal scrutiny and deliberation intended to reflect the values and laws of the land. When the Supreme Court renders a verdict, it does so as the ultimate interpreter of the Constitution. To disregard or delay the implementation of such verdicts is to challenge the very framework of our legal system. The compliance with judicial decisions is not a matter of courtesy but a constitutional requirement that safeguards this balance. Non-compliance not only disrupts this delicate equilibrium but also sets a dangerous precedent that could lead to executive overreach.

Additionally, the implementation of these orders is crucial for maintaining public confidence in the judicial system. Courts are seen as the defenders of rights, the arbiters of disputes, and the interpreters of laws. If their decisions can be easily ignored or sidestepped by the individuals or entities, it undermines public trust in the efficacy of the judiciary and, by extension, the entire government. This erosion of trust can lead to a lack of faith in the processes that govern citizens' lives and, ultimately, in the democratic system itself. The importance of implementing these orders cannot be overstated, and it is imperative that the institutions recognize that it has no other choice but to comply.

(b) Contempt of Court Ordinance (V of 2003)---

---S. 3---Constitution of Pakistan, Arts. 184, 185, 187, 188 & 204---Non-implementation of orders and decisions of the Supreme Court by individuals, institutions and entities---Purpose of law of contempt of court in context of implementing Court judgments stated.

The law of contempt is a critical tool to enforce court orders, ensuring that the judiciary is respected and that its decisions are not taken lightly. The power to hold individuals or entities in contempt for failing to comply with a Court order is fundamental to the judiciary's ability to function effectively. Without this power, the judiciary would be rendered toothless, unable to enforce its decisions, thereby jeopardizing the administration of justice. The individuals or entities have no other choice but to implement the judgment of the Court, for in doing so, it upholds the Constitution, strengthens democracy, and preserves the public's trust in justice and the rule of law.

Salman Akram Raja, Advocate Supreme Court, Abdul Rahim Bhatti, Advocate Supreme Court, Dr. G.M. Ch. Advocate Supreme Court, Ch. Akhtar Ali, Advocate-on-Record and Sh. Mahmood Ahmed, Advocate-on-Record for Petitioner.

Rashid Anwar, Advocate Supreme Court, Adnan Shuja Butt, Advocate Supreme Court, Rana Asad Ullah Khan, Addl. AGP, Syed Rifaqat Hussain Shah, Advocate-on-Record, Rehmat Ali Hasnie, President NBP, Mehnaz Salar, Head of Legal, NBP, Riaz Hussain, Wing Head Lit. North NBP for Respondents and Rana Muhammad Khial (In person).

Date of hearing: 8th August, 2024.

ORDER

Our Order dated 01.07.2024 records that the President, National Bank of Pakistan (NBP), who appeared before this Court, acknowledged that 11,000 pensioners or more have to be paid pension in pursuance to the judgment of this Court dated 25.09.2017. It is submitted by the learned counsel for NBP that 764 pensioners have been paid and the payment to the rest of the pensioners is underway.

2. Today, we have noticed that while processing cases of the pensioners for payment of their pension as per the judgment of this Court certain factual verification of some of the pensioners is required. We don't want this Court to be burdened with this exercise, which is primarily the function of NBP. In order to streamline the process, let the President, National Bank of Pakistan depute a Senior Officer of NBP as a focal person to ensure the implementation of the judgment of this Court dated 25.09.2017 in letter and spirit and where required, grant a hearing to the concerned pensioner.

3. It is imperative to underline that in a constitutional democracy, the rule of law is not just a principle but the bedrock upon which the legitimacy of governance rests. The Supreme Court of Pakistan, as the apex judicial body, is entrusted with the profound responsibility of interpreting the law, ensuring justice, and upholding the Constitution. Its orders are not merely recommendations or advisories; they are legal mandates that must be followed. These decisions are the culmination of rigorous legal scrutiny and deliberation intended to reflect the values and laws of the land. When this Court renders a verdict, it does so as the ultimate interpreter of the Constitution. To disregard or delay the implementation of such verdicts is to challenge the very framework of our legal system. The compliance with judicial decisions is not a matter of courtesy but a constitutional requirement that safeguards this balance. Non-compliance not only disrupts this delicate equilibrium but also sets a dangerous precedent that could lead to executive overreach.

4. Additionally, the implementation of these orders is crucial for maintaining public confidence in the judicial system. Courts are seen as the defenders of rights, the arbiters of disputes, and the interpreters of laws. If their decisions can be easily ignored or sidestepped by the individuals or entities, it undermines public trust in the efficacy of the judiciary and, by extension, the entire government. This erosion of trust can lead to a lack of faith in the processes that govern citizens' lives and, ultimately, in the democratic system itself. The importance of implementing these orders cannot be overstated, and it is imperative that the institutions recognize that it has no other choice but to comply.

5. The law of contempt is a critical tool in this context. It serves to enforce court orders, ensuring that the judiciary is respected and that its decisions are not taken lightly. The power to hold individuals or entities in contempt for failing to comply with a Court order is fundamental to the judiciary's ability to function effectively. Without this power, the judiciary would be rendered toothless, unable to enforce its decisions, thereby jeopardizing the administration of justice. The individuals or entities have no other choice but to implement the judgment of the Court, for in doing so, it upholds the Constitution, strengthens democracy, and preserves the public's trust in justice and the rule of law.

6. Let the said nominee, keep this constitutional understanding in mind and expeditiously implement the judgment of this Court by ensuring that the pensioners are fully paid at the earliest and submit a compliance report before the next date of hearing. To come up on 15.10.2024.

MWA/I-13/SC

Order accordingly.