



HIGH COURT OF SINDH

Case Law Review



Fortnightly Bench Update



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FORTNIGHTLY BENCH UPDATE

(01-05-2026 to 15-05-2026)

An Overview of Recent Judgments of Federal Constitutional Court of Pakistan, Supreme Court of Pakistan, and Sindh High Court, and Important Articles Compiled and Published by the Legal Research Cell, High Court of Sindh, Karachi

NOTABLE JUDGMENTS

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1. FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
Ghulam Hussain and another v. Member Board of Revenue, Punjab & others
C.P.L.A. No. 3912 of 2025

Muhammad Nawaz v. Province of Punjab
through Member (Consolidation), Board of
Revenue, Punjab and others
C.P.L.A No. 1449-L of 2025 and C.M.A. 1142-
L of 2025 in C.P.L.A No. 1449-L of 2025

Muhammad Ayub v. Province of Punjab
through Member (Consolidation), Board of
Revenue, Punjab and others
C.M.A 1164-L of 2025 and C.M.A. 1165-L of
b2025

Ali Imtiaz v. Province of Punjab through
Member (Consolidation), Board of Revenue,
Punjab and others
C.P.L.No. 2015-L of 2025

Present: **Mr. Justice Aamer Farooq**
Mr. Justice Muhammad Karim Khan Agha

Source: <https://www.fccp.gov.pk/download/eyJpdjI6IklJYdDhlazlVaHJlYW9mQmFQZHZHhVmc9PSIsInZhbHVlIjoiclNlOUFJeXdia2JHODBS0JmYXQ0QT09IiwibWFjIjoic2FmYTBkYmNmZjIyMjQ1ZTVmNDhmZTJiNDczNDExNmJiZmJiNGRiMGU3NDM2MjZlMTA3NWY1OTdlZTZiYWJhNSIsInRhZyI6IiJ9>

Facts: The matter arose out of consolidation proceedings relating to the villages Toor and Warriach in Lahore. The original consolidation scheme was confirmed on 31.12.1984 but was later annulled by the Additional Commissioner (Consolidation) on 22.09.1992. A revised consolidation scheme was introduced on 30.06.1996. Subsequent allegations of irregularities led to inquiries by the Additional Deputy Commissioner (Consolidation) in 1999 and later by the Deputy District Officer (Consolidation) in 2008, who recommended annulment of the scheme. Acting under Section 13 of the Consolidation of Holdings Ordinance, the Member Board of Revenue (“MBR”) annulled the consolidation scheme on 04.02.2009. The order was challenged before the Lahore High Court, which remanded the matter to the MBR through order dated 17.01.2011. The remand order was upheld by the Supreme Court in 2013. Upon reconsideration, the MBR again annulled the consolidation scheme. Multiple constitutional petitions were thereafter filed before

the Lahore High Court, which were dismissed through judgment dated 08.07.2025. The petitioners then approached the Federal Constitutional Court through the present petitions seeking leave to appeal.

Issues:

- (i). Whether the MBR had acted beyond the scope of the remand order while annulling the consolidation scheme?
- (ii). Whether the petitioners had been denied due process on account of non-impleadment and absence of show-cause notices?
- (iii). Whether the land, having allegedly lost its agricultural character and being subjected to acquisition proceedings, could still remain amenable to consolidation ?
- (iv). Whether the annulment of the consolidation scheme was lawful under the Consolidation of Holdings Ordinance and the Punjab Consolidation of Holdings Rules, 1999?

Rule:

The Court held that the object of consolidation proceedings is to improve agricultural operations by reorganizing fragmented agricultural holdings into efficient units. Reliance was placed on *Roop Chand v. State of Punjab* (AIR 1963 SC 1503) and *Shamir Khan v. Member (Cons.) Board of Revenue, Punjab* (PLD 1992 SC 333), wherein it was recognized that land which has ceased to retain its agricultural character and has become residential or commercial cannot properly remain the subject of consolidation proceedings. The Court further observed that once land acquisition proceedings commence under the Land Acquisition Act, 1894, consolidation proceedings become infructuous because the purpose of the land changes from agricultural use to public acquisition.

With regard to remand proceedings, the Court reiterated the settled principle that a remand order must be complied with faithfully and substantially, though not necessarily through rigid procedural formalism. Reliance was placed upon *Shahin Shah v. Government of Khyber Pakhtunkhwa* (2022 SCMR 1810), *Muhammad Nawaz v. Notified Officer/Additional Commissioner Inland Revenue* (2002 CLR 1582), and *Chief Land Commissioner, Punjab v. Administrator Auqaf Department* (CP No.2915-L of 2015), emphasizing that authorities are bound to implement the substance and spirit of remand directions without frustrating their purpose.

The Court further held that Section 13 of the Consolidation of Holdings Ordinance empowers the Board of Revenue to act either suo motu or upon an application, and such power is not restricted by limitation where the Board acts on its own motion. Rules 52 and 53 of the Punjab Consolidation of Holdings Rules, 1998 authorize annulment of a consolidation scheme where irregularities and omissions are so

fundamental that they cannot be rectified through ordinary corrective measures.

Application: Applying the above principles, the Court found that the land in question had admittedly lost its agricultural character. Houses, roads, commercialization, and connection with the Lahore Ring Road had transformed the area into part of the urban fabric. Consequently, the very object of consolidation, namely improvement of agricultural operations, stood frustrated. The Court therefore concluded that the continuation of consolidation proceedings had become legally meaningless.

The Court also noted that acquisition proceedings under the Land Acquisition Act, 1894 had already commenced. Since acquisition proceedings operate under a separate and self-contained statutory regime, any grievances of the petitioners were required to be pursued under that framework. The commencement of acquisition proceedings independently rendered the consolidation exercise infructuous.

On the question of compliance with the remand order, the Court held that the MBR had substantially complied with the directions issued by the Lahore High Court. The MBR had heard the parties, examined the revenue record, addressed the rights of subsequent purchasers, and considered the issue of land acquisition. The Court rejected the contention that the MBR exceeded its jurisdiction by conducting factual inquiries, observing that examination of the record necessarily involved scrutiny of irregularities and tampering. The Court further found the petitioners' objections contradictory, as they simultaneously argued that the revenue record was not examined while also asserting that the MBR could not inquire into factual discrepancies.

The Court also dismissed the plea of denial of hearing. Considering the prolonged litigation spanning over two decades and involving numerous villagers, the Court held it implausible that certain petitioners remained unaware of the proceedings. The Court further observed that the remand order itself directed the parties to appear before the MBR, thereby reducing the significance of separate show-cause notices. Stressing the importance of substantive justice over technical objections, the Court held that procedural technicalities could not defeat lawful proceedings.

Regarding the legality of annulment, the Court found that the MBR was fully competent under Section 13 of the Ordinance and the Punjab Consolidation of Holdings Rules, 1998 to annul the consolidation scheme. The MBR had recorded findings that the consolidation record was extensively tampered with, overwritten, and manipulated, while portions of the official record had been destroyed in a fire. Such irregularities were of such magnitude that they were incapable of rectification under Rules 52 and 53, thereby justifying annulment of the scheme.

The Court also rejected the argument that the MBR's order was non-speaking,

holding that the detailed eight-page order adequately discussed the submissions of the parties, examined the record, and provided reasons for annulment.

Conclusion: The Federal Constitutional Court concluded that the Lahore High Court had committed no illegality, irregularity, or jurisdictional defect in upholding the annulment of the consolidation scheme. The Court held that the land had lost its agricultural character, acquisition proceedings had rendered consolidation infructuous, the remand order had been substantially complied with, and the MBR had lawfully exercised its powers under the Consolidation of Holdings Ordinance and the Punjab Consolidation of Holdings Rules, 1998. Consequently, the petitions seeking leave to appeal were dismissed, and all pending applications were disposed of.

2. SUPREME COURT OF PAKISTAN

Shahbaz alias Gillo v. The State

Criminal Petition No.750-L of 2018

Present: **Mr. Justice Muhammad Hashim Khan Kakar**
Mr. Justice Salahuddin Panhwar
Mr. Justice Ishtiaq Ibrahim

Source: https://www.supremecourt.gov.pk/downloads_judgements/crl.p._750_1_2018.pdf

Facts: The case arose out of FIR No. 631 dated 07.07.2011 registered under Sections 302, 148, and 149 PPC at Police Station Saddar Jaranwala, District Faisalabad, regarding the murder of Muhammad Shahid. According to the prosecution, on 07.07.2011 at about 6:00 p.m., the complainant Nazir Ahmad, along with the deceased and other witnesses, was sitting outside his baithak when the petitioner, Shahbaz alias Gillo, allegedly arrived armed with a .244 bore rifle accompanied by several co-accused persons. Upon a lalkara by one co-accused, the petitioner allegedly fired at the deceased from a distance shown in the site plan as 240 feet, causing his death on the spot, while the co-accused allegedly resorted to indiscriminate firing. The Trial Court convicted the petitioner under Section 302(b) PPC and sentenced him to death, whereas another co-accused was awarded life imprisonment. Subsequently, the Lahore High Court acquitted the co-accused, maintained the petitioner's conviction, but reduced his sentence from death to imprisonment for life. Aggrieved thereof, the petitioner approached the Supreme Court through a criminal petition for leave to appeal.

Issue: Whether the ocular testimony of the prosecution witnesses, who claimed to have identified the petitioner from a considerable distance during dusk hours amid

indiscriminate firing by multiple accused persons, was sufficiently reliable and trustworthy to sustain the petitioner's conviction for murder beyond reasonable doubt?

Rule: The Supreme Court reiterated the settled principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt and that even a single circumstance creating reasonable doubt entitles the accused to acquittal as a matter of right and not of grace. The Court relied upon the principles laid down in *Mian Sohail Ahmed v. State* and *Ameeruddin v. State* concerning "estimator variables" affecting eyewitness identification. These variables include distance, lighting conditions, exposure duration, stress, and the physical condition and age of witnesses. The Court observed that reliability of visual identification decreases substantially with increased distance and poor lighting conditions. It further referred to scientific studies establishing that eyewitness identification at long distances may become equivalent to guesswork and devoid of diagnostic value. The Court also reaffirmed that where multiple accused persons allegedly fire simultaneously, attribution of a fatal shot to a specific accused becomes inherently doubtful unless supported by reliable and independent evidence.

Application: Applying these principles to the present case, the Supreme Court found multiple circumstances creating serious doubt regarding the reliability of the prosecution's case. Firstly, the FIR was lodged with an unexplained delay of two hours, and the postmortem examination was conducted much later at 5:00 a.m. on the following day. Secondly, the prosecution's case primarily rested upon the ocular account of two elderly witnesses aged approximately 50 and 60 years. The site plan established that the distance between the eyewitnesses and the petitioner was approximately 240 feet, which the Court considered too great for dependable identification, particularly during dusk hours when visibility naturally deteriorates due to reduced lighting. The Court observed that such conditions significantly impair human visual acuity and adversely affect the reliability of identification. The Court further noted that the prosecution alleged indiscriminate firing by eight accused persons armed with different weapons. In such a chaotic and stressful situation, it was highly improbable for the witnesses to accurately determine whose shot actually struck the deceased, especially when they themselves allegedly took shelter inside the baithak during the firing. The Court held that these circumstances substantially diminished the diagnostic value of the eyewitness testimony and rendered the identification scientifically unsafe and unreliable. Additionally, the motive alleged by the prosecution and the recovery of weapon had already been disbelieved by the High Court, thereby depriving the prosecution case of corroborative support.

Conclusion: The Supreme Court concluded that the prosecution had failed to establish the

petitioner's guilt beyond reasonable doubt. The doubtful nature of the eyewitness identification, the considerable distance between the witnesses and the accused, poor lighting conditions, the advanced age of the witnesses, and the impossibility of accurately attributing the fatal shot amid indiscriminate firing collectively created serious doubt regarding the prosecution's version. Extending the benefit of doubt to the petitioner, the Supreme Court converted the petition into an appeal, allowed the same, set aside the conviction and sentence recorded by the courts below, and acquitted Shahbaz alias Gillo of the charge with a direction for his immediate release if not required in any other case.

3. SUPREME COURT OF PAKISTAN

Atab Zafar and others v. The State

Jail Petition No.136 of 2025 and Criminal Petition Nos. 575, 679, and 756 of 2025

Present: **Mr. Justice Muhammad Hashim Khan Kakar**
Mr. Justice Salahuddin Panhwar
Mr. Justice Ishtiaq Ibrahim

Source: https://www.supremecourt.gov.pk/downloads_judgements/j.p._136_2025.pdf

Facts: The case arose from the kidnapping and murder of five-year-old Umar Rathore, son of the complainant Mukhtar Ahmad Khan Rathore. The child went missing on 21.12.2019 from the jurisdiction of Police Station Bara Kahu, Islamabad. Initially, the complainant lodged a missing report without nominating any suspect; however, on the following day, he submitted a supplementary statement nominating the accused persons, namely, Aftab Zafar, Hamza Jahangir, Muhammad Yasir, and Asad Mumtaz. During investigation, Aftab Zafar was produced before the police by his father and disclosed the involvement of the co-accused. Subsequently, the remaining accused were arrested. Muhammad Yasir led the police to a rented house where the dead body of the minor deceased was recovered from a wooden almirah. The body was found gagged with cloth and taped. Forensic evidence, including DNA profiling and fingerprint analysis, connected Aftab Zafar, Hamza Jahangir, and Muhammad Yasir with the place of occurrence. Hamza Jahangir also recorded a judicial confession under Section 164 Cr.P.C. The Trial Court convicted Aftab Zafar, Hamza Jahangir, and Muhammad Yasir under Sections 302(b) and 364-A PPC and sentenced them to death, while acquitting Asad Mumtaz by extending benefit of doubt. Their convictions and sentences were maintained by the Islamabad High Court, against which the present petitions were filed before the Supreme Court.

- Issues:**
- (i). Whether the prosecution had successfully established an unbroken chain of circumstantial evidence connecting the petitioners-convicts with the kidnapping and murder of the deceased minor beyond reasonable doubt?
 - (ii). Whether the recoveries and disclosures attributed to the petitioners were admissible under Article 40 of the Qanun-e-Shahadat Order, 1984?
 - (iii). Whether the judicial confession of Hamza Jahangir was voluntary and legally reliable; whether the acquittal of co-accused Asad Mumtaz warranted interference?
 - (iv). Whether, in the circumstances of the case, the sentence of death imposed upon the convicted petitioners was justified or liable to be converted into life imprisonment on the basis of residual doubt?

Rule: The Supreme Court reiterated the settled principle that conviction may safely rest upon circumstantial evidence provided each incriminating circumstance is independently proved through reliable evidence and all such circumstances collectively form a complete and unbroken chain leading only to the guilt of the accused. The Court observed that even a single missing link or a circumstance compatible with innocence entitles the accused to the benefit of doubt. However, where the chain is coherent and confidence-inspiring, circumstantial evidence carries the same probative value as direct evidence. The Court further referred to the principle that benefit of doubt extends not only to the question of conviction but also to sentencing, particularly in capital punishment cases. Reliance was placed upon precedents including *Mst. Bevi v. Ghulam Shabbir* (1980 SCMR 859), *Mawaz Khan v. Ghulam Shabbir* (NLR 1995 Cr. 17), *Mir Muhammad alias Miro v. The State* (2009 SCMR 1188), and *Falak Sher v. The State* (NLR 2000 Cr. 188), wherein it was held that residual or mitigating doubt may justify commuting a death sentence to life imprisonment. The Court also emphasized that the death penalty is to be awarded only in the “rarest of rare” cases where no lesser punishment would suffice.

Application: Applying the above principles, the Supreme Court held that the prosecution had successfully established a complete chain of circumstantial evidence against Aftab Zafar, Hamza Jahangir, and Muhammad Yasir. The Court noted that the complainant initially refrained from falsely implicating anyone, which strengthened his credibility. The recovery of the dead body from the rented premises at the pointation of Muhammad Yasir, coupled with the testimony of landlady Naheed Bibi, established the exclusive possession and control of the premises by the convicted petitioners. The medical evidence corroborated the prosecution narrative that the deceased was gagged and taped before being murdered. Furthermore, forensic reports from PFSA and NFSA scientifically linked the petitioners-convicts with the place of occurrence through DNA profiles and fingerprint impressions recovered from

cigarette butts and other articles found at the scene. Independent shopkeepers also identified the petitioners as persons who had purchased tape, food items, and other materials connected with the offence, thereby reinforcing the prosecution case. The Court rejected the defence contention regarding inadmissibility of disclosures under Article 40 of the Qanun-e-Shahadat Order, observing that the recovery of the dead body and other incriminating evidence pursuant to the disclosures constituted strong corroborative circumstances. Likewise, although objections were raised regarding delay in recording the judicial confession of Hamza Jahangir, the Court did not find such objections sufficient to demolish the prosecution case. However, the Court acknowledged that certain infirmities and inconsistencies in the prosecution evidence generated a degree of “residual doubt.” While such doubt was not sufficient to acquit the convicted petitioners, it was considered a significant mitigating circumstance for the purpose of sentencing. The Court held that in view of the irreversible nature of capital punishment, judicial caution required commutation of the death sentence into life imprisonment. Regarding the acquittal of Asad Mumtaz, the Court found that no forensic evidence, fingerprint, or DNA material connected him with the crime scene or recovered articles. Therefore, the acquittal recorded by the courts below was based on proper appreciation of evidence and did not warrant interference.

Conclusion: The Supreme Court partly allowed the petitions filed by Aftab Zafar, Hamza Jahangir, and Muhammad Yasir by converting their jail petitions into appeals. Their convictions under Sections 302(b) and 364-A PPC were maintained; however, their sentences of death were commuted to imprisonment for life on the basis of residual doubt operating as a mitigating circumstance. Each convict was further directed to pay compensation of Rs. 500,000 to the legal heirs of the deceased under Section 544-A Cr.P.C., with six months’ simple imprisonment in default thereof. The sentences were ordered to run concurrently with the benefit of Section 382-B Cr.P.C. extended to them. The petition filed against the acquittal of Asad Mumtaz was dismissed and leave to appeal was refused.

4. SINDH HIGH COURT

Naimatullah Khan v. SHO ANF Clifton and others

Constitution Petition No. D-3154 of 2025

Akbar Ali and another v. Federation of Pakistan and another

Constitution Petition No. D-6001 of 2024

Present: **Mr. Justice Muhammad Saleem Jessar**
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEyNzgyY2Ztcy1kYzgz>
2026 SHC KHI 1050

Facts: The petitioners in Constitutional Petition No. D-3154 of 2025 and Constitutional Petition No. D-6001 of 2024 challenged Notification S.R.O. 1350(I)/2021 dated 15.10.2021 issued by the Ministry of Narcotics Control, whereby “Ketamine and its salts” were declared psychotropic substances and inserted into the Schedule of the Control of Narcotic Substances Act, 1997 (CNS Act). The petitioners contended that the notification was issued without lawful approval of the Federal Government or Federal Cabinet and was therefore ultra vires Articles 90 and 91 of the Constitution and the Rules of Business, 1973. They further sought quashment of FIRs and criminal proceedings initiated against them under the CNS Act. One petitioner was allegedly found transporting 145 kilograms of Ketamine concealed in fabric rolls, while the other petitioners were accused of exporting Ketamine concealed as liquid hand wash through mis-declared cargo. The respondents, including the Federation and ANF, defended the notification as validly issued pursuant to cabinet approval through circulation summary and argued that the petitioners were involved in illegal trafficking of a prohibited psychotropic substance.

Issues:

- (i). Whether Notification S.R.O. 1350(I)/2021, declaring Ketamine and its salts as psychotropic substances under the CNS Act, was issued lawfully and with valid approval of the Federal Government in accordance with Articles 90 and 91 of the Constitution and the Rules of Business, 1973?
- (ii). Whether the impugned notification violated the petitioners’ fundamental rights, thereby rendering the FIRs and criminal proceedings against them unlawful and liable to be quashed?

Rule: The Court examined Articles 90, 97, 142(b), and 18 of the Constitution, along with Sections 2(za), 6, 9, 77, and 74-A of the CNS Act, 1997, and Rules 16 to 25 of the Rules of Business, 1973. The Court held that under Article 90, the executive authority of the Federation is exercised by the Federal Government consisting of the Prime Minister and Federal Ministers collectively constituting the Cabinet. Under Sections 2(za) and 77 of the CNS Act, the Federal Government is empowered to declare any substance as a psychotropic substance through notification in the official Gazette. The Court further relied upon the principles laid down by the Supreme Court in Mustafa Impex Case, wherein it was held that Rules of Business are binding upon the Government and executive actions requiring approval of the Federal Government must be backed by cabinet approval. However, the Court also observed that cabinet approval may validly be obtained through circulation under Rules 17 and 19 of the Rules of Business. Additionally, Article 18 of the Constitution guarantees freedom of trade and business subject to lawful restrictions imposed by legislation regulating drugs and psychotropic substances.

Application: Applying the above principles, the Court found that the impugned notification expressly stated that it was issued by the Federal Government in exercise of powers conferred under Section 2(z) of the CNS Act. The Court held that the use of the term “Federal Government” necessarily denoted approval by the Cabinet in terms of Article 90 of the Constitution. The Court further noted that a cabinet decision dated 10.09.2021 approving the proposal through circulation under Rules 17 and 19 of the Rules of Business was placed on record, thereby establishing compliance with constitutional and procedural requirements. The Court rejected the contention that the notification was invalid merely because it was authenticated by a Section Officer, observing that such authentication is an administrative formality and does not negate cabinet approval. The Court also rejected the argument that the absence of the cabinet decision in the Year Book or periodical records under Rule 25 rendered the notification void. It held that Rule 25 is directory in nature and intended only for maintaining unclassified records for reference purposes; therefore, non-inclusion of a decision in the Year Book could not invalidate a cabinet decision. The Court further distinguished an earlier notification issued in 2020 regarding Ketamine, observing that it had rightly been withdrawn because it lacked cabinet approval, unlike the present notification which had proper sanction. With regard to the petitioners’ plea of infringement of fundamental rights, the Court held that Article 18 does not confer an unrestricted right to trade in prohibited substances and that the business of drugs is heavily regulated under the Drugs Act, 1976 and the DRAP regime. The Court observed that the petitioners had failed to produce any license or lawful authorization for dealing in Ketamine for medical purposes. Instead, the material on record demonstrated that Ketamine had allegedly been concealed in fabric rolls and liquid hand wash for export purposes, which indicated illegal trafficking rather than lawful business activity. The Court also noted that the petitioners challenged the notification only after being prosecuted several years later, thereby undermining their claim of bona fide grievance.

Conclusion: The Court concluded that Notification S.R.O. 1350(I)/2021 was lawfully issued by the Federal Government in accordance with Articles 90 and 91 of the Constitution, Sections 2(z) and 77 of the CNS Act, and the Rules of Business, 1973. It held that cabinet approval had validly been obtained through circulation summary and that the notification did not violate any fundamental rights of the petitioners. The Court further held that Ketamine had validly been declared a psychotropic substance and that the criminal proceedings initiated against the petitioners under the CNS Act were lawful. Consequently, both constitutional petitions were dismissed along with pending applications, and the trial courts were directed to proceed with the criminal cases expeditiously without being influenced by observations made in the judgment.

5. SINDH HIGH COURT

Ali Muhammad v. The Pakistan Medical and Dental Council and others Constitutional Petition No. D-281 of 2024

Present: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEyOTQ1Y2Ztcy1kYzgz>
2026 SHC KHI 1066

Facts: The petitioner, Ali Muhammad, was admitted to the MBBS program at Shaheed Mohtarma Benazir Bhutto Medical College Lyari for the academic session 2010–2011 despite not possessing the mandatory 60% marks in Intermediate required for admission. Although the admitting college and the affiliated university were informed that his admission violated the prescribed eligibility criteria, no timely action was taken to cancel his admission. Consequently, the petitioner completed the MBBS program in 2016 and was subsequently issued an MBBS degree by the university in 2017. Later, the petitioner sought registration as a medical practitioner from Pakistan Medical and Dental Council (PMDC), but PMDC refused registration on the ground that the petitioner’s original admission itself was illegal. The petitioner therefore invoked the constitutional jurisdiction of the High Court of Sindh seeking directions for issuance of registration and license to practice medicine.

Issues:

- (i). Whether PMDC could lawfully refuse registration to the petitioner as a medical practitioner on the basis that his initial admission into the MBBS program was contrary to the prescribed eligibility criteria, despite the fact that he had completed the degree from a recognized institution, the degree had never been cancelled, and he had also completed the requisite house job?
- (ii). Whether the petition was barred under Order II Rule 2 CPC because the petitioner had earlier filed a constitutional petition involving related reliefs?

Rule: The Court examined the provisions of the Pakistan Medical and Dental Council Ordinance, 1962, particularly Sections 11 and 23. Under Section 11, PMDC recognized medical institutions and qualifications, while Section 23 required PMDC to maintain a register of medical practitioners possessing recognized medical qualifications. The law further provided that holders of recognized medical degrees, after completion of mandatory house job training, were entitled to registration and license to practice medicine. The Court also considered the principles governing judicial review in academic and policy matters. While courts ordinarily avoid interference in educational and policy decisions of statutory bodies, judicial intervention is warranted where actions lack statutory authority, violate principles of law, or infringe constitutional and fundamental rights. Regarding maintainability, the

Court analyzed Order II Rule 2 CPC, which bars subsequent litigation based on the same cause of action where reliefs available in earlier proceedings were omitted without leave of the Court. The Court reiterated that the rule only applies where both proceedings arise from the identical cause of action and where the omitted relief was available and enforceable at the time of the earlier proceedings.

Application: Applying the above principles, the Court observed that the petitioner undeniably lacked the prescribed 60% marks at the time of admission and that the admitting institution had acted illegally in granting admission. Nevertheless, the Court emphasized that neither the university nor the medical college had cancelled the petitioner's admission or degree at any stage. Instead, due to prolonged inaction on the part of the institution and PMDC, the petitioner was allowed to complete the entire degree program, obtain an MBBS degree from a recognized institution, and complete the mandatory house job. The Court further noted that under the legal framework applicable at the time of admission, PMDC did not possess extensive statutory authority over the admission process itself. Its primary role was recognition of qualifications and registration of practitioners. Since the petitioner held a recognized MBBS degree that remained valid and operative, PMDC lacked statutory authority to deny registration merely by questioning the validity of the initial admission after completion of the degree. The Court also found that PMDC itself had failed to timely scrutinize or object to the petitioner's admission despite repeated correspondence from the medical college seeking registration of students. PMDC only raised objections years later, after students had substantially completed their education. The Court viewed this as a serious institutional failure. On the objection under Order II Rule 2 CPC, the Court distinguished the earlier petition filed by the petitioner. It held that the previous petition primarily concerned issuance of the MBBS degree, whereas the present petition arose after conferment of the degree and concerned refusal of registration by PMDC. The Court held that refusal to register the petitioner constituted a fresh and distinct cause of action. Therefore, the subsequent petition was not barred under Order II Rule 2 CPC. The Court also distinguished the precedent of *Province of Punjab through Secretary, Population Welfare Department, Lahore v. Shehzad Anjum* on the basis that, unlike in the present case, the earlier omitted relief in that matter had already been available at the time of the first petition.

Conclusion: The Court concluded that since the petitioner possessed a valid MBBS degree from a recognized institution, had completed the required house job, and his degree had never been withdrawn or cancelled, PMDC was under a legal obligation to register him as a medical practitioner. The refusal to grant registration lacked statutory backing and infringed the petitioner's constitutional rights. The Court therefore allowed the constitutional petition and directed PMDC to register the petitioner as a registered medical practitioner and grant him a full license to practice medicine and surgery within two months.

6. SINDH HIGH COURT

Dr. Shaila Ahmed and others v. Sindh Building Control Authority Constitutional Petition No. D-1266 of 2024

Present: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzMzgZy2Ztcy1kYzgz>
2026 SHC KHI 1086

Facts: The petitioners, Dr. Shaila Ahmed and others, filed a constitutional petition before the High Court of Sindh seeking protection against alleged interference by officials of the Pakistan Navy in the construction of a boundary wall and factory over land measuring 16 acres situated in Survey Nos. 78 to 81, Deh Gharo, District Thatta. The petitioners asserted ownership through inheritance and registered title documents and contended that they had also obtained necessary NOCs and mortgaged the property with a bank pursuant to orders passed in a Letters of Administration suit. They alleged that officials of the Pakistan Navy unlawfully restrained them from raising construction. Conversely, the official respondents contended that the land in question formed part of a larger tract allotted to the Pakistan Navy by the Government of Sindh and that the dispute involved complicated questions relating to measurement, demarcation, and title, which could not be adjudicated in constitutional jurisdiction. During proceedings, a Nazir appointed by the Court inspected the property and reported that the petitioners were in possession of the land and that an operational factory existed thereon. The Revenue Department also affirmed the ownership rights of the petitioners.

Issue: Whether the High Court, in exercise of its constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, could adjudicate upon disputed questions of ownership, demarcation, and title relating to immovable property where both parties claimed rights over the land on the basis of allotment orders and title documents?

Rule: The Court examined Articles 23 and 24 of the Constitution of the Islamic Republic of Pakistan, 1973, which protect the right to acquire, hold, and dispose of property and prohibit deprivation of property except in accordance with law. The Court further relied upon Sections 116, 117, and 172 of the Sindh Land Revenue Act, 1964, which vest jurisdiction in the Revenue Authorities to determine disputes concerning demarcation and land ownership. The Court also relied upon the judgment reported as 2024 SCMR 1877, wherein the august Supreme Court held that constitutional jurisdiction is intended for matters where illegality can be

determined without recording evidence, and that disputed and complicated questions of fact requiring evidentiary inquiry must be resolved by courts or forums of plenary jurisdiction.

Application: Applying the above principles, the Court observed that although the Nazir's report and comments of the Revenue Department supported the petitioners' possession and ownership claims, the Pakistan Navy also asserted competing rights on the basis of allotment and mutation of extensive land granted by the Government of Sindh. The Court noted that the allotment notification dated 14.11.2002 itself acknowledged the existence of Qabuli/private land within the allotted area and contemplated acquisition proceedings under the Land Acquisition Act if such land was required by the Pakistan Navy. The Court found that the dispute essentially involved determination of title, measurement, and demarcation of land, all of which required examination of evidence and revenue records. Since such factual controversies could not properly be adjudicated in writ jurisdiction, the Court held that the appropriate remedy lay before the competent Revenue Authorities empowered under the Sindh Land Revenue Act, 1964 to undertake demarcation and determine rights of parties after recording evidence.

Conclusion: The High Court concluded that the constitutional petition was not maintainable because the controversy involved disputed questions of fact relating to ownership and demarcation of land, which fell within the exclusive jurisdiction of the Revenue Authorities and other competent forums. Consequently, the petition was dismissed without any order as to costs, while granting liberty to the parties to seek appropriate remedies before the competent forum in accordance with law.

7. SINDH HIGH COURT

Dr Syed Muhammad Abbas Rizvi v. Federation of Pakistan and others Constitutional Petition No. D-4537 of 2025

Present: **Mr. Justice Muhammad Saleem Jessar**
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzMzkyY2Ztcy1kYzgz>
2026 SHC KHI 1088

Facts: The petitioners, Dr. Syed Muhammad Abbas Rizvi and Dr. Ainey Talpur, challenged the transfer order dated 24.06.2025 whereby Petitioner No.1, a BPS-20 officer of the Police Service of Pakistan, was transferred from Sindh to Balochistan.

Petitioner No.2 was serving as a Lecturer (BPS-18) at Jinnah Sindh Medical University. The petitioners argued that the transfer violated the Wedlock Policy of 1998 and Article 35 of the Constitution, which emphasize protection of family life and posting of spouses at the same station. They contended that both posts were effectively non-transferable and that the authorities were obligated to accommodate them at the same station. The Federation opposed the petition on the ground that the Wedlock Policy is not an absolute right and remains subject to administrative exigencies, availability of vacancies, and cadre management considerations.

Issue: Whether a civil servant serving in the Police Service of Pakistan can claim an enforceable or vested right under the Wedlock Policy and Article 35 of the Constitution to remain posted indefinitely at the same station as his spouse, thereby restraining the government from transferring him in accordance with service requirements and rotation policy?

Rule: The Court examined the Wedlock Policy introduced through the Establishment Division's Office Memorandum dated 13.05.1998 and the subsequent amendment incorporated through S.R.O. 375(I)/2012. The policy was framed to facilitate posting of serving spouses at the same station in order to promote family unity and minimize hardship. The Court held that the policy is beneficial and humanitarian in nature, deriving support from Article 35 of the Constitution, which obligates the State to protect marriage and family life. However, the Court clarified that the Wedlock Policy is merely a guiding administrative policy and not a statutory or indefeasible right enforceable in all circumstances. The policy remains subordinate to administrative exigencies, cadre management, rotation policy, and availability of vacancies. The Court relied upon the judgment of the Federal Constitutional Court of Pakistan in *Mst. Salma Raza v. Government of Khyber Pakhtunkhwa (C.P.L.A. No.760-P/2025)*, wherein it was held that wedlock policy cannot justify indefinite posting at one station and does not create a vested right in favor of a government servant.

Application: Applying the above principles, the Court observed that Petitioner No.1 was a BPS-20 officer in the Police Service of Pakistan, a cadre in which postings are transferable throughout Pakistan and where available seats are limited. The Court reasoned that allowing an officer to remain indefinitely at one station under the guise of the Wedlock Policy would undermine rotation policy, disturb cadre management, and deprive other officers of equitable posting opportunities. Although the Court acknowledged that the Wedlock Policy seeks to preserve family unity and promote work-life balance, it emphasized that such accommodation cannot continue perpetually or override administrative necessity. The Court further held that the petitioners failed to establish any mala fide, illegality, or jurisdictional defect in the impugned transfer order. Instead, the Court observed that if accommodation was

required, the competent authority could consider transfer or temporary adjustment of the spouse subject to vacancy and administrative feasibility, rather than indefinitely retaining Petitioner No.1 at Karachi.

Conclusion: The Court concluded that the Wedlock Policy does not confer an enforceable legal right upon a civil servant to insist upon posting at a station of his or her own choice for an indefinite duration. Since the transfer order was issued in accordance with service requirements and no illegality or mala fide was demonstrated, the Court held that no interference was warranted under Article 199 of the Constitution. Consequently, the constitutional petition was dismissed for being devoid of merit.

8. SINDH HIGH COURT

Shoaibullah Khan v. Province of Sindh and others
Constitution Petition No. D-5785 of 2025

Muhammad Nadeem Khan v. Province of Sindh and others
Constitution Petition No. D-5786 of 2025

Noman Muzaffar v. Province of Sindh and others
Constitution Petition No. D-5787 of 2025

Nazar-ul-Hassan v. Province of Sindh and others
Constitution Petition No. D-5787 of 2025

Present: **Mr. Justice Adnan-ul-Karim Memon**
Mr. Justice Zulfiqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzNDgzY2Ztcy1kYzgZ>
2026 SHC KHI 1101

Facts: The petitioners, namely Shoaibullah Khan, Muhammad Nadeem Khan, Noman Muzaffar, and Nazar-ul-Hassan, filed constitutional petitions before the High Court of Sindh under Article 199 of the Constitution seeking release of their outstanding retirement and pensionary benefits from the Karachi Development Authority (KDA). The petitioners had retired from KDA upon attaining the age of superannuation on different dates between 2022 and 2024. Although partial payments such as monthly pension and some Leave Preparatory to Retirement (LPR) amounts had been made, substantial dues including Provident Fund, Commutation, Gratuity, and remaining retirement benefits were withheld. The petitioners contended that despite repeated representations, KDA failed to release the admitted dues and unlawfully relied upon financial constraints as justification. They further sought markup at the rate of 18% per annum on delayed payments.

KDA, through its counter-affidavit, admitted the liability and acknowledged that the retirement dues had already been determined, but pleaded inability to make timely payment owing to severe financial crisis and shortage of funds. KDA also referred to earlier proceedings in connected matters where a mechanism under the supervision of the Official Assignee had been devised for phased payment of retirees' dues.

Issues: (i). Whether an autonomous statutory authority such as KDA can lawfully withhold admitted pensionary and retirement benefits of retired employees on the ground of financial constraints?

(ii). Whether the petitioners were entitled to directions for immediate payment along with markup on delayed retirement dues?

Rule: The Court reiterated the settled principle of law that pensionary and retirement benefits are not a bounty or discretionary concession, but a vested and enforceable legal right accruing to an employee upon retirement. Reliance was placed upon the principles laid down by the august Supreme Court of Pakistan in the case of Haji Muhammad Ismail Memon v. Government of Sindh, wherein it was held that pensionary benefits constitute a continuing and recurring right connected with the dignity, livelihood, and sustenance of retired employees. The Court observed that administrative inconvenience or financial hardship cannot legally justify indefinite withholding of accrued retirement dues. At the same time, where a payment mechanism has already been devised in earlier judicial proceedings for phased disbursement of retirement liabilities, such mechanism may be followed to ensure orderly compliance.

Application: Applying the above principles, the Court observed that it was an admitted fact that the petitioners had retired after attaining the age of superannuation and had become legally entitled to all retirement and pensionary benefits under the applicable rules and regulations. The respondents did not dispute the petitioners' entitlement nor deny that the dues had already been calculated and acknowledged. The sole defence advanced by KDA was financial incapacity arising out of severe fiscal constraints. The Court held that although such financial difficulties might explain the delay, they could not extinguish or indefinitely postpone the lawful rights of retired employees who depend upon pensionary benefits for their livelihood, medical expenses, and sustenance after retirement. The Court further noted that similar disputes had previously been addressed in C.P. No. D-1051 of 2019 and connected matters, wherein a structured mechanism supervised by the Official Assignee had already been established for phased payments to retired employees. Since KDA had already disbursed substantial amounts under that mechanism and was continuing efforts to improve its financial position through governmental releases, auctions, and recoveries, the Court considered it appropriate to direct payment through the same

established process rather than issuing coercive directions for immediate lump-sum disbursement. However, regarding the claim for 18% markup, the Court declined relief on the ground that the delay was attributable to institutional financial crisis rather than mala fide or discriminatory conduct specifically targeting the petitioners.

Conclusion: The High Court disposed of the petitions by directing Respondents No. 2 to 5 to ensure payment of the outstanding retirement and pensionary dues of the petitioners strictly in accordance with their entitlement and seniority through the mechanism already operating pursuant to earlier connected matters, preferably within two months. The Court clarified that if payment was not made within the stipulated period without lawful justification, the petitioners would be at liberty to seek an appropriate legal remedy. However, the Court refused to grant markup at the rate of 18% per annum, holding that the delay stemmed from KDA's overall financial crisis and not from mala fide or discriminatory conduct.

9. SINDH HIGH COURT

M/s. Habib Sugar Mills Limited v. Muhammad Nadeem and others Constitutional Petition No. D-4717 of 2024

Present: Mr. Justice Adnan-ul-Karim Memon
Mr. Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzNDc1Y2Ztcy1kYzgz>
2026 SHC KHI 1097

Facts: The petitioner, Habib Sugar Mills Limited, filed a constitutional petition under Article 199 of the Constitution challenging the judgments passed by the Sindh Labour Court and the Sindh Labour Appellate Tribunal. Respondent No.1, Muhammad Nadeem, had initially worked as a seasonal employee from 1989 and was later regularized as a permanent Mill Labour (Oilman) in 2013. His services were terminated through a letter dated 08.11.2017 on the ground of "reorganization" of the establishment, whereby the petitioner claimed to have discharged him simpliciter after payment of one month's salary in lieu of notice. The respondent challenged the termination before the Sindh Labour Court by filing a grievance application, asserting that no genuine reorganization had taken place and alleging that he had been victimized because of trade union activities. The Labour Court allowed the grievance application and ordered reinstatement with full back benefits, which order was subsequently upheld by the Sindh Labour Appellate Tribunal. Aggrieved, the petitioner invoked the constitutional jurisdiction of the High Court seeking reversal of the concurrent findings.

- Issue:**
- (i). Whether the termination of respondent No.1 under the guise of “discharge simplicitor” on the alleged ground of reorganization constituted a lawful exercise of managerial authority under the Sindh Terms of Employment (Standing Orders) Act, 2015, or whether such termination was vague, mala fide, and violative of statutory and constitutional safeguards, thereby justifying reinstatement with back benefits?
 - (ii). Whether the High Court, in exercise of constitutional jurisdiction under Article 199 of the Constitution, could interfere with concurrent findings of fact recorded by the labour forums?

Rule: The Court reiterated the settled principle that constitutional jurisdiction under Article 199 of the Constitution is supervisory and discretionary in nature and cannot be exercised as an appellate forum to reappraise evidence merely because another view is possible. Interference is warranted only where the impugned orders suffer from patent illegality, jurisdictional defect, procedural impropriety, perversity, mala fide, or violation of law. The Court further interpreted Standing Order 16(3) of the Sindh Terms of Employment (Standing Orders) Act, 2015, which mandates that termination, discharge, dismissal, or retrenchment of a worker must be made through a written order “explicitly stating the reasons” for such action. The Court held that the word “explicitly” requires reasons to be clear, specific, unambiguous, and capable of judicial scrutiny. It was also emphasized that although employers possess managerial powers to reorganize establishments, such powers must be exercised bona fide, fairly, and transparently, and cannot be used as a device to circumvent statutory protections available to permanent workers. Once a purported discharge simplicitor is found to be colourable or unsupported by evidence, compliance with principles of natural justice and due process under Article 10-A of the Constitution becomes mandatory.

Application: Applying the above principles, the High Court found that the petitioner had failed to substantiate the alleged reorganization. The termination letter merely referred to “reorganization” without providing any particulars regarding the nature, extent, operational necessity, or structural changes within the establishment. No documentary evidence, such as resolutions of the Board of Directors, restructuring plans, workforce reduction records, or abolition of posts, was produced before the Labour Court or Tribunal. The Court observed that the removal of only one worker from an establishment employing thousands could not reasonably constitute a genuine reorganization exercise. The Court distinguished the case relied upon by the petitioner, namely *Allied Bank Limited v. Zulfiqar Ali Shar* (2021 SCMR 1213), by noting that in that case the employer had disclosed a concrete and objectively verifiable reason for termination, whereas in the present matter the plea of reorganization remained vague and unsubstantiated. The Court further noted that respondent No.1 had rendered approximately twenty-eight years of service and had attained permanent status; therefore, his abrupt removal without any demonstrable

necessity rightly invited judicial scrutiny. Since the plea of bona fide discharge simplicitor failed, the termination assumed the character of a punitive or colourable exercise, making observance of due process and inquiry mandatory. The petitioner's attempt to avoid inquiry merely by labeling the termination as "simplicitor" was therefore rejected. The Court also upheld the award of back benefits, observing that the respondent had remained unemployed and the petitioner had failed to establish that he had secured alternative gainful employment. Lastly, the Court held that the concurrent findings of the Labour Court and Tribunal were based on proper appreciation of evidence and did not suffer from any jurisdictional defect or perversity warranting constitutional interference.

Conclusion: The High Court concluded that the termination of respondent No.1 was not a bona fide discharge simplicitor but an unlawful and colourable termination disguised under the vague plea of reorganization. The petitioner failed to satisfy the statutory requirement of explicitly stating valid reasons under Standing Order 16(3) of the Sindh Terms of Employment (Standing Orders) Act, 2015, and also failed to demonstrate compliance with constitutional guarantees of fairness and due process under Article 10-A of the Constitution. The Court held that the Sindh Labour Court and Sindh Labour Appellate Tribunal had correctly appreciated the evidence and law in directing reinstatement with back benefits. Consequently, finding no illegality, material irregularity, or jurisdictional defect in the concurrent judgments of the labour forums, the High Court dismissed the constitutional petition along with pending applications.

10. SINDH HIGH COURT

Sindh Revenue Board Karachi v. M/s. Pakistan Synthetic Limited Special Sales Tax Reference Nos. 60 and 61 of 2025

Present: Mr. Justice Agha Faisal
Mr. Justice Jan Ali Junejo

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEyMjMxY2Ztcy1kYzgz>
2026 SHC KHI 996

Facts: In this case, the Sindh Revenue Board filed SSTRAs Nos.60 and 61 of 2025 before the Sindh High Court against judgments of the Appellate Tribunal which had relied on the Council of Common Interests' decision dated 23.12.2019 regarding EOBI and Workers Welfare Fund matters. The CCI had decided that, being trans-provincial and inter-provincial matters, EOBI and WWF should remain with the Federal Government until a mutually agreed mechanism was developed. The

applicant essentially challenged the vires of the Sindh Workers Welfare Fund Act, 2014 and the validity of the CCI decision through statutory reference jurisdiction under section 63 of the Sindh Sales Tax on Services Act, 2011. Earlier similar references had already been dismissed, and the Court also noted that the CCI decision remained un-assailed and had been relied upon by a Division Bench of the Sindh High Court in connected writ petitions. The Chairman SRB appeared before the Court and maintained that the references were sound on merits, but the Court found that neither the vires of a statute nor a CCI decision could be challenged in such reference proceedings, and dismissed the references in limine with costs.

Issue: Whether the Sindh Revenue Board could, through statutory reference proceedings, challenge the vires of the Sindh Workers Welfare Fund Act, 2014 and the validity of the CCI decision dated 23.12.2019. A connected issue was whether repeated filing of similar references, despite previous dismissal of identical matters, amounted to frivolous litigation warranting costs?

Rule: The Court applied the rule that statutory reference jurisdiction under section 63 of the Sindh Sales Tax on Services Act, 2011 is limited in nature and does not permit a party to seek a constitutional declaration regarding the vires of an enactment. The Court also applied Article 154(7) of the Constitution, which provides that where the Federal Government or a Provincial Government is dissatisfied with a decision of the Council of Common Interests, the matter may be referred to a joint sitting of Parliament, whose decision is final. The Court further relied on the Supreme Court's judgment in *ACIR Rawalpindi v. Umar Tariq Khan*, CPLA No.1990 of 2025, judgment dated 15.01.2026, where the Supreme Court deprecated repeated and unmerited litigation by government departments, particularly where the law is already settled.

Application: The Court noted that the impugned judgments of the Appellate Tribunal were based on the CCI decision dated 23.12.2019. That decision had held that EOBI and WWF, being trans-provincial and inter-provincial matters, should remain with the Federal Government until a mutually agreed mechanism was developed. The Court emphasized that this CCI decision remained un-assailed and had not been suspended or set aside. It was also noted that a Division Bench of the Sindh High Court had already disposed of connected writ petitions on 21.01.2025 in terms of the same CCI decision. The Court further observed that similar references had already been dismissed earlier in SSTRAs 57 to 59 of 2025 on 08.04.2026. In those matters too, the applicant had attempted to seek a constitutional declaration through statutory reference jurisdiction, but no proper question of law had been shown. Despite that, the present references were still filed and pursued. When the Chairman SRB appeared before the Court, he repeated the argument that the references were sound on merits. However, the Court found that the applicant had not shown that the CCI decision was vitiated, suspended or legally ineffective. The Court therefore held that

the stance taken by the applicant was not legally sustainable. The Court stated in clear terms that the vires of a statute cannot be challenged in statutory reference jurisdiction under section 63 of the Sindh Sales Tax on Services Act, 2011. It also held that, even assuming there was a grievance against the CCI decision, the Constitution itself had designated the joint sitting of Parliament as the relevant forum. The Court then considered the conduct of the applicant in repeatedly filing and maintaining such references. Relying on the Supreme Court's judgment in Umar Tariq Khan, the Court observed that unnecessary revenue litigation clogs the fiscal docket of superior courts, wastes judicial time, consumes public funds and delays adjudication of genuine disputes. The Court found the present references to fall within that mischief.

Conclusion: The Court dismissed SSTRAs Nos.60 and 61 of 2025 in limine. It held that the references were prima facie misconceived, devoid of merit and frivolous. The applicant was directed to deposit costs of Rs.100,000 per reference with the Sindh High Court Clinic within seven days.

11. SINDH HIGH COURT

Aleem v. Mst. Lanjan and Others
I.A No.D-18 of 2024

Mst.Khatijan v. Jadeen and Others
I.A No.D-28 of 2024

Jalal v. Luqman and Others
I.A No.D-29 of 2024

Present: Mr. Justice Arbab Ali Hakro
Mr. Justice Muhammad Jaffer Raza

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzODAxY2Ztcy1kYzgz>
2026 SHC MPK 1117

Facts: The three connected appeals arose from land acquisition proceedings relating to Thar Coal Block-I. The appellants claimed inheritance/co-ownership rights in different survey numbers and alleged that their shares had been excluded due to fraudulent mutations, fabricated entries and subsequent sales in favour of private respondents. After their civil suits were withdrawn on the ground that the land had already been acquired, the Land Acquisition Officer forwarded references under section 18 read with sections 30 and 31 of the Land Acquisition Act, 1894, for determination of entitlement and apportionment of compensation. The Referee Court dismissed the references only on limitation, without deciding title, inheritance, fraud or entitlement.

Issue: Whether the Referee Court could dismiss the references as time-barred under section

18 of the Land Acquisition Act, 1894, despite the Collector having already transmitted them, and where the real dispute concerned entitlement and apportionment of compensation under sections 30 and 31?

Rule: Under the Land Acquisition Act, 1894, limitation under section 18 is a matter for the Collector to examine before making a reference. Once a reference is made, the Referee Court's jurisdiction is confined to the objections and interests transmitted under sections 20 and 21. Further, no specific limitation is prescribed for references under section 30 relating to apportionment or entitlement to compensation among rival claimants.

Application: The Court held that the Referee Court mischaracterized the references as pure section 18 references, whereas their dominant nature was under section 30, because the appellants were not seeking enhancement of compensation but determination of their shares in compensation already assessed. The Court observed that once the Land Acquisition Officer had made the references, the Referee Court could not sit in judgment over limitation and refuse to entertain them on that ground. The Court also noted that the appellants claimed they had not been served notices under sections 9 or 12(2), were not recorded as owners at the time of acquisition and had pursued civil remedies before being directed towards the land acquisition forum. Therefore, summary dismissal on limitation, without inquiry into entitlement, service, knowledge or rival claims, amounted to failure to exercise jurisdiction.

Conclusion: The High Court allowed all three appeals, set aside the orders dated 16.03.2021 and remanded the references to the Referee Court for decision on merits. The Court's central holding was that once the Collector has transmitted a reference, especially one substantially involving apportionment or entitlement under section 30, the Referee Court must decide the dispute on merits and cannot dismiss it merely on limitation under section 18.

12. SINDH HIGH COURT

Slag Cement Industries Ltd v. Pakistan Steel Mills Corporation Ltd
Second Appeal No. 118 of 2026

Present: Justice Ms. Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzODM3Y2Ztcy1kYzgz>
(2026 SHC KHI 1119) (2026 SHC KHI 1121)

Facts: Pakistan Steel Mills Corporation Ltd filed a suit against Pakistan Slag Cement Industries (Pvt.) Limited for declaration, cancellation, possession, and recovery of dues relating to two leased/allotted plots in Pakistan Steel Down Stream Industrial Estate, Bin Qasim, Karachi. The Appellant failed to file its written statement, so the matter proceeded ex parte. Later, the Trial Court gave the Appellant another chance

to contest the suit, subject to payment of Rs.20,000 costs within fifteen days. The Appellant did not pay the costs, so the matter again proceeded ex parte and the suit was decreed on 4 January 2025. The Appellant filed the first appeal after about eleven months, along with an application for condonation of delay. The only reason given was alleged negligence of an unnamed advocate. The Appellant did not disclose the advocate's name, did not explain when instructions were given, did not show follow-up, and did not produce supporting material.

Issue: Whether the Appellant had shown sufficient cause under Section 5 of the Limitation Act, 1908 for condonation of about eleven months' delay in filing the first appeal?

Rule: A time-barred appeal can be entertained only if the appellant proves sufficient cause for delay. The explanation must be specific, credible, supported by material, and must cover the whole period of delay. A bare allegation of counsel's negligence is not enough, especially when the advocate is not identified and no follow-up or action is shown.

Application: The appeal was filed far beyond the thirty-day limitation period. The Appellant's explanation was vague and unsupported. Since counsel's negligence was made the sole ground for condonation, the Court was entitled to examine its bona fides, including whether the advocate was identified and whether any action was taken against him. The Court also considered the Appellant's previous conduct. The Appellant had already failed to comply with the Trial Court's conditional order to pay costs, resulting in ex parte proceedings. This showed lack of diligence and bona fide prosecution.

Conclusion: The High Court found that the delay was not satisfactorily explained. The first Appellate Court rightly dismissed the appeal as time-barred. The Second Appeal was dismissed in limine.

13. SINDH HIGH COURT

Shahid Iqbal Khan v. Ms. Rashida and others
Second Appeal No. 203 of 2024

Present: Justice Ms. Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEyOTIzY2Ztcy1kYzgz>
(2026 SHC KHI 1064) (2026 SHC KHI1067) (2026 SHC KHI 1068)

Facts: Shahid Iqbal Khan filed a second appeal before the High Court of Sindh against concurrent findings of the Trial Court and First Appellate Court. The dispute was between real siblings over residential property bearing No. R-720, Block 16, Federal B Area, Karachi, measuring 120 square yards. Ms. Rashida had filed a civil suit for

declaration and permanent injunction after Shahid Iqbal Khan attempted to sell his claimed 50% share in the house through a public notice. The Trial Court decreed the suit in her favour, and the First Appellate Court dismissed Shahid Iqbal Khan's appeal. The central controversy was not whether both siblings were originally co-owners. That fact was admitted. The real question was whether Shahid Iqbal Khan had waived or renounced his 50% share through an affidavit dated 04.07.2012. In that affidavit, Shahid Iqbal Khan admitted that their deceased father had gifted a Saddar shop to Ms. Rashida, that he removed and tore the original gift documents, sold the shop without Ms. Rashida's consent, and used the sale proceeds. He further declared that, because he had used the proceeds of that shop, he would not claim any share in the subject house. The Trial Court relied mainly on this affidavit. It also considered that possession of the house, original title documents, and utility connections were with Ms. Rashida. Importantly, Shahid Iqbal Khan never specifically denied the affidavit in his written statement, affidavit-in-evidence, cross-examination, or memo of appeal. Before the High Court, the appellant argued that Ms. Rashida had not proved her independent source of funds, that the attesting witness of the affidavit was not produced, and that the affidavit was impliedly denied. The High Court rejected these arguments and dismissed the second appeal.

Issue: Whether Shahid Iqbal Khan had waived his 50% share in the subject house through the affidavit dated 04.07.2012, and whether Ms. Rashida was required to prove that affidavit by producing the attesting witness under Article 79 of the Qanun-e-Shahadat Order, 1984?

Rule: A party's clear admission is binding and makes further proof unnecessary on the admitted fact. Once Shahid Iqbal Khan admitted co-ownership, the question of Ms. Rashida's source of funds lost legal significance. Article 79 of the Qanun-e-Shahadat Order, 1984 applies where execution of a document is specifically denied. If the execution of a document is not denied, the requirement of producing an attesting witness is not triggered. A denial by necessary implication must be clear, unavoidable, and directly inconsistent with the document relied upon. A vague or general denial, or a statement that the plaintiff is put to strict proof, does not amount to implied denial.

Application: The High Court found that Shahid Iqbal Khan had repeatedly admitted that he and Ms. Rashida were equal co-owners of the subject house. Because of these admissions, his objection that Ms. Rashida did not prove her independent funds for purchase of the property was treated as irrelevant. The affidavit dated 04.07.2012 was specifically pleaded by Ms. Rashida and was central to the Trial Court's judgment. Even then, Shahid Iqbal Khan did not deny its execution or contents at any stage. He remained silent in the written statement, in his own evidence, during cross-examination, and even in the appeal before the First Appellate Court. The High Court

held that this silence could only lead to the inference that the affidavit was tacitly accepted. Since execution was never specifically denied, Article 79 did not apply. Therefore, non-production of the attesting witness was not fatal. The Court also rejected the argument of implied denial. It observed that the appellant's pleadings contained only vague and omnibus denial. There was no alternative version pleaded by him that was so inconsistent with the affidavit that the affidavit could not stand.

Conclusion: The High Court dismissed the second appeal and upheld the concurrent judgments of the Trial Court and First Appellate Court. The Court held that the appellant's admissions, conduct, and persistent failure to deny the affidavit justified the decree in favour of Ms. Rashida.

14. SINDH HIGH COURT

Ghulam Rasool and others v. Saifullah Khalid and others Second Appeal No. S-20 of 2025

Present: Mr. Justice Arbab Ali Hakro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzNDEyY2Ztcy1kYzgz>
2026 SHC MPK 1090

Facts: The appellants filed a suit claiming to be legal heirs of Muhammad Anwar, who they alleged owned several parcels of agricultural land in Umerkot and had constructed Madina Masjid, Madrasa Anwar-ul-Quran and shops on the property. They alleged that the respondents, being office-bearers of the Masjid and Madrasa Committee, unlawfully took possession and procured fabricated waqf entries in the revenue record in 1993, long after Muhammad Anwar's death. The respondents denied the appellants' title and relationship, asserting that the property was waqf, Muhammad Anwar was only a Mutawalli, and the suit was barred by limitation and law. The Trial Court rejected the plaint under Order VII Rule 11 C.P.C., and the Appellate Court maintained that order, leading to the present second appeal.

Issue: Whether the plaint could be rejected under Order VII Rule 11 C.P.C. where the pleadings raised disputed questions regarding title, inheritance, waqf, limitation, fraud and possession?

Rule: For deciding an application under Order VII Rule 11 C.P.C., the plaint must be read as a whole and its averments are to be treated as correct at that stage. A plaint cannot be rejected where it discloses a cause of action or where the controversy involves mixed questions of law and fact requiring evidence. Questions of fraud, late knowledge, limitation, inheritance, waqf and entitlement ordinarily require trial unless the bar is apparent from the plaint itself.

Application: The High Court held that the plaint disclosed a cause of action because the appellants had pleaded ownership of Muhammad Anwar, their relationship as heirs, alleged fabrication of waqf entries after his death, and late discovery of those entries. The Courts below wrongly decided disputed factual issues at the preliminary stage by treating the property as conclusively waqf and by holding the suit barred without recording evidence. The Court observed that limitation, where based on knowledge, fraud or concealment, could not be decided summarily. Similarly, the question whether Muhammad Anwar was owner or merely Mutawalli, whether the property was validly waqf, and whether the appellants were his heirs were all triable issues. The bar under Section 42 of the Specific Relief Act and objections under revenue laws were also not enough to reject the plaint at the threshold because the suit sought declaration, cancellation, possession and mesne profits.

Conclusion: The High Court allowed the second appeal, set aside the judgments of both Courts below and remanded the matter to the Trial Court for framing of proper issues and recording of evidence. The Court held that where the plaint raises substantial triable issues regarding title, relationship, waqf, limitation, fraud and entitlement to relief, it cannot be rejected under Order VII Rule 11 C.P.C. merely because the defence disputes the claim or asserts limitation.

15. SINDH HIGH COURT

Faiz Ahmed v. The State

Criminal Miscellaneous Application No. S-1031 of 2025

Present: **Mr. Justice Miran Muhammad Shah**

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzNjUzY2Ztcy1kYzgz>
2026 SHC KHI 1113

Facts: Muhammad Shehzad filed a criminal miscellaneous application under Section 561-A Cr.P.C. before the High Court of Sindh. He challenged the order dated 07.11.2025 passed by the Additional Sessions Judge-X / Ex-Officio Justice of Peace, Karachi East, whereby the application filed by Faiz Ahmed under Sections 22-A and 22-B Cr.P.C. was allowed. The allegation against Muhammad Shehzad was that he entered into a business deal with the complainant for supply of Haier company coils. The complainant claimed that Rs.80,30,000 was paid to the applicant through banking channel, but the applicant neither supplied the coils nor returned the amount, thereby allegedly committing fraud and cheating. The applicant argued that the impugned order was passed without notice to him and without giving him an opportunity to produce documents. He also submitted that the SHO's report, which described the matter as a civil dispute, was ignored. The complainant and the Additional Prosecutor General supported the impugned order, contending that fraud had been committed and the Justice of Peace rightly directed action for registration

of FIR. The High Court found that the applicant was not heard, the police report was not properly considered, and the matter arose from a private transaction which appeared civil in nature. The impugned order was set aside and the matter was remanded for fresh decision in accordance with law.

Issue: Whether the Ex-Officio Justice of Peace could direct recording of the complainant's statement and possible registration of FIR under Section 154 Cr.P.C without issuing notice to the person against whom action was sought? Whether the impugned order violated the applicant's right of hearing, fair trial, and due process under Article 10-A of the Constitution? Whether a dispute arising from a private business transaction should be given criminal colour without proper examination of facts and police report?

Rule: Powers under Sections 22-A and 22-B Cr.P.C. must be exercised with judicial care and proper application of mind. A Justice of Peace should not mechanically direct registration of FIR merely because allegations are made. The Court must examine whether the facts disclose a cognizable offence and must consider the material placed before it, including the police report. Where an order may affect a person's rights, the proposed accused should normally be given notice and an opportunity of hearing, especially where the dispute appears to arise from a private or civil transaction. Civil disputes should not be converted into criminal proceedings unless the facts clearly disclose criminality such as fraud, cheating, or dishonest intention from the beginning. Article 10-A of the Constitution guarantees fair trial and due process. An order passed without hearing the affected party, where hearing is necessary, may be set aside.

Application: The High Court observed that orders under Sections 22-A and 22-B Cr.P.C. are sometimes passed arbitrarily, without properly examining the facts and without hearing the concerned party. Such practice may result in misuse of criminal process. In this case, the Justice of Peace directed the SHO to record the complainant's statement and, if it disclosed a cognizable offence, incorporate it in the Section 154 Cr.P.C. book. However, the present applicant, against whom the allegations were made, was not issued notice and was not given a chance to explain his position or produce documents. The police report had also described the matter as a civil dispute, but the Justice of Peace did not properly consider it or give reasons for ignoring it. This was important because the dispute arose from a business transaction relating to supply of goods and payment of money. The Court held that the matter appeared to have been given criminal colour, though it related to a private transaction. Since the applicant was not heard before passing the impugned order, the High Court found violation of fair trial and due process under Article 10-A.

Conclusion: The High Court allowed the application to the extent that the impugned order dated

07.11.2025 was set aside. The matter was remanded to the Additional Sessions Judge-X / Ex-Officio Justice of Peace, Karachi East, for fresh decision strictly in accordance with law, after providing hearing to Muhammad Shehzad and allowing him to produce documents and advance arguments.

16. SINDH HIGH COURT

Shuja Din Lakhair v. The State

Criminal Bail Application Nos. 381 and 382 of 2026

Present: Mr. Justice Riazat Ali Sahar

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEzMjUxY2Ztcy1kYzgz>
2026 SHC HYD 1083

Facts: The applicant sought post-arrest bail in connected bail applications arising from Crime No.11 of 2026 and its offshoot Crime No.32 of 2026, registered at P.S. Bhattai Nagar, Hyderabad, under sections 397, 342 and 34 PPC. The prosecution alleged that the applicant, with co-accused, armed with pistols, entered the complainant's house, wrongfully confined family members in separate rooms and committed robbery of gold ornaments, cash, cheque books, mobile phones, documents and a licensed 30-bore pistol. The applicant claimed false implication, delay in FIR and identification parade, parity with co-accused and lack of recovery, while the prosecution relied on his nomination, specific role, identification by witnesses and recovery of weapon.

Issue: Whether the applicant was entitled to post-arrest bail in a case involving armed robbery, house trespass and wrongful confinement, where he was nominated with a specific role and allegedly identified during investigation?

Rule: In offences falling within the prohibitory clause of section 497 Cr.P.C., bail is not granted as a matter of course where sufficient incriminating material connects the accused with the commission of a heinous offence. Further inquiry under section 497(2) Cr.P.C. is available only where the material on record creates reasonable doubt requiring deeper appreciation of evidence.

Application: The Court observed that the applicant was nominated with a specific role, was allegedly armed with a pistol and was identified by prosecution witnesses during investigation. The Court treated the occurrence as grave because it allegedly took place inside a private residential house, where family members were restrained and valuables were taken at gunpoint. The objections regarding delay in FIR and delay in identification parade were held insufficient at bail stage, as such questions required evidence and could not be finally determined while deciding bail. The plea of parity also failed because the applicant's case was distinguishable on account of his role,

identification and incriminating material.

Conclusion: The Court held that no case for bail was made out and dismissed the bail application. Where an accused is specifically nominated, assigned an active armed role, identified during investigation and connected with a heinous offence within the prohibitory clause of section 497 Cr.P.C., bail should be withheld unless the case squarely falls within further inquiry. The observations regarding the impact of armed robbery inside a home on household security, privacy and safety were supportive remarks highlighting the gravity of the offence, but the dismissal mainly rested on nomination, role, identification and available incriminating material.

**" Accountability through Technology:
Reforming Pakistan's Criminal Justice System
through Body-Worn Cameras and Forensic Video Evidence"**

By Dr. Ambreen Aslam

Abstract

The criminal justice system in Pakistan continues to face persistent challenges arising from weak investigative practices such as lack of transparency, and deficiencies in the collection and preservation of evidence. These shortcomings frequently lead to evidentiary gaps, compelling courts to extend the benefit of doubt to the accused in accordance with settled principles of criminal jurisprudence.¹ In an era marked by rapid technological advancement and evolving patterns of criminal activity, traditional methods of policing and evidence gathering have increasingly proven inadequate. This article examines the need for integrating body worn cameras and forensic video evidence as essential tools for enhancing accountability and improving evidentiary standards within Pakistan's legal framework. By analysing existing legal provisions, particularly under the Qanun-e-Shahadat Order 1984,² and highlighting practical shortcomings such as weak chain of custody and limited forensic utilisation, the study further, underscores systemic deficiencies that often undermine prosecution cases. At the same time, it argues that technological integration serves a dual purpose that is strengthening prosecution cases through objective and verifiable documentation while simultaneously safeguarding the constitutional right to fair trial under Article 10-A of the Constitution of Islamic Republic of Pakistan.³ Drawing upon comparative international practices, the article proposes a structured mechanism encompassing legislative reforms, institutional capacity building, secure data management, and forensic validation protocols. Such reforms are imperative to ensure that Pakistan's criminal justice system evolves in line with contemporary demands, thereby promoting fairness, reliability, and public confidence in the administration of justice.

Keywords

Criminal Justice System, Body-Worn Cameras, Forensic Video Evidence, Qanun-e-Shahadat, Electronic Evidence, Chain of Custody, Police Accountability, Digital Forensics, Pakistan, Transparency.

Introduction

The swift advancement of science and technology across the globe has primarily reformed governance structures and institutional accountability mechanisms. In the field of criminal justice,

effective prevention in increasingly control of crime entail the integration of technological solutions which should be proficient of addressing the complexities of modern criminal activities. As every one is aware of the fact that as the opportunities for committing crimes are increasing, criminals are likewise inventing new ways to evade the grip of the law. In modern world we all are witnessing the surge and rise of financial frauds, scams, cyber crimes, short and long term kidnappings, gender based violence, white collar crimes, violent street crimes so far and so forth, these evolving factors pressing the need of the day to incorporate modern investigation techniques and modern technologies in to investigation process to prevent the crimes effectively.

In Pakistan, conventional investigative approaches frequently found inadequate when confronted with modern forms of crime. As for the rise of crime in Pakistan key elements are urbanisation, internal migration, and socio economic disparities which have contributed to rising challenges specifically in metropolitan cities and police fails to nib those criminal activities due to lack of training, limited resources and due to limited manpower so for these reasons and in the absence of structured monitoring and reliable documentation mechanisms, investigative processes often rely heavily on oral testimony and informal recording practices, which predominantly fails because mostly complainants get enter in to back door compromises or some time fail to demonstrate the occurrence due to malleable memory or some time due to pressure of court environment so in such circumstances best solution to strengthen the criminal justice system is to use technology support to improve the efficiency of criminal justice system. As commonly it is noted that the police officials for arrest and recovery proceedings use their personal cell phones the evidentiary value of such recording depends on certain legal principles under the Qanun-e-Shahadat Order 1984 and the rules relating to electronic evidence as without preservation of original devices, metadata, or secure chain of custody are not considerable because such practices raise serious evidentiary concerns and such deficiency commonly results in benefit of doubt where authenticity and continuity cannot be established.⁴ The Supreme Court of Pakistan has repeatedly held that even if a single reasonable doubt entitles it should be extended in favour of the accused as matter of right.⁵ The standard of proof beyond reasonable doubt remains the foundational principle of criminal adjudication.⁶ In such like suppositions where evidentiary gaps exist in relation to safe custody and transmission of case property the courts show reluctance to sustain convictions.⁷ In this context, the integration of body-worn cameras and forensic video evidence can play a vital role for transparency and accountability to build and strengthen public confidence in criminal justice system. Despite increasing discussion on police reforms and digital governance in Pakistan, the evidentiary implications of technological recording techniques within the criminal justice process have gotten minimal professional consideration. Existing literature largely focuses on institutional reforms or policing strategies, however, there is still lack of research on the connection between technology documentation, the validity of the evidence, and the rights of a fair trial guaranteed under the Constitution. By examining the possible use of body-worn cameras and forensic video evidence, this article aims to identify that gaps within Pakistan's evidentiary framework, predominantly under the Qanun-e-Shahadat Order, 1984.

Admissibility of Evidence and Legal Limitations under Qanun-e-Shahadat

The admissibility and evaluation of evidence in Pakistan are governed primarily under the Qanun-e-Shahadat Order, 1984.⁸ The law emphasises reliability, relevance, and proper mode of proof. Article 38 renders admission/ statements made before a police officer inadmissible, reflecting concerns regarding coercion and involuntariness.⁹ Yet in some criminal jurisdictions it is admissible if it is recorded in presence of higher rank police officer such as SP with certain safeguards, as the legal framework in terrorism-related prosecutions provides a limited exception whereby a confession recorded before a police officer of the rank of Superintendent of Police may be treated as admissible evidence, then this propriety raises the question whether similar mechanisms could be applied in other frameworks. As previously indicated, oral testimony from the public or police frequently contains gaps that result in an acquittal or, in some cases, a conviction. In these situations, technological assistance in conjunction with forensic evidence is inevitable. Indeed Article 164 QSO empowers courts to admit evidence obtained through modern devices or scientific techniques.¹⁰ However, its practical utilisation remains inconsistent. As in cases involving defective chain of custody, the superior courts have emphasised strict compliance with safe custody requirements. In *Ikramullah v. The State*, the Supreme Court underlined the necessity of maintaining an unbroken chain of custody, observing that lapses materially affect evidentiary credibility.¹¹ Similarly, in matters involving electronic data, the prosecution bears the burden of establishing authenticity, integrity, and endurance.¹² These principles operate within the broader constitutional framework. Articles 4, 10-A, and 14 of the Constitution of Islamic Republic of Pakistan collectively guarantee due process, fair trial, and dignity of the individual.¹³ Technological reform must therefore improve evidentiary reliability while fully respecting constitutional safeguards.

Role of Body-Worn Cameras and Forensic Video Evidence

The integration of body-worn cameras represents a significant development in modern policing. Such devices enable real-time recording of police interactions, arrests, and recovery proceedings, thereby ensuring transparency and accountability. When properly regulated, they provide objective documentation capable of reducing evidentiary disputes. Forensic video evidence, including CCTV footage and authenticated digital recordings, assists courts in reconstructing crime scene with greater accuracy specifically when supported by a properly maintained chain of custody, such material becomes less susceptible to allegations of tampering. Comparative research suggests that body-worn cameras, when applied with systematized activation policies and oversight mechanisms, may reduce complaints against police officers and improve evidentiary clarity.¹⁴ As policy guidance issued by the College of Policing in the United Kingdom accentuate secure storage, metadata preservation, and audit mechanisms to ensure evidentiary integrity.¹⁵ Similarly, research supported by the National Institute of Justice United States of America highlights that effectiveness depends upon institutional compliance and regulatory safeguards.¹⁶ Forensic video evidence has emerged as a significant constituent of

modern criminal investigations. With the advancement of digital technology, video recordings captured through surveillance cameras, mobile devices, and body-worn cameras have become increasingly relevant in the administration of justice. Such recordings provide a visual account of events which could help the courts to reconstruct the events more clearly. Video evidence, as opposed to only oral testimony, provides an impartial account of the facts and reduces the chance of manipulation due to biased or cognitive loss. In many cases, forensic examination of video recordings helps establish the identity of suspects, the presence of individuals at the scene, and the manner in which an incident occurred. Additionally, modern forensic techniques allow professionals to verify digital recordings, detect tampering, and enhance video quality for evidentiary purposes. As a result, forensic video evidence can significantly reinforce the reliability of investigations and assist the courts in reaching an impartial conclusion. Nonetheless, the evidentiary value of such recordings depends upon proper collection, preservation, and chain of custody to ensure their authenticity and integrity as long as handled in accordance with forensic standards, video evidence can serve as a powerful instrument for enhancing transparency, accountability, and evidentiary reliability within the criminal justice system. In Pakistan, although electronic evidence is legally admissible under Article 164 QSO and related statutory provisions such as the Electronic Transactions Ordinance, 2002 and the Prevention of Electronic Crimes Act, 2016.¹⁷ The absence of uniform standard operating procedures often results in inconsistent application. Without forensic validation, secure storage protocols, and structured metadata preservation, even technologically recorded evidence may lose probative value before the courts.

Comparative Perspective

Comparative practice shows that, when supported by well-defined legal frameworks, technology integration can significantly enhance accountability. Body-worn camera regulations in the US and the UK include strong data management procedures, audit trails, and mandatory activation requirements. By setting clear preservation durations, restricting accessibility, and implementing effective monitoring procedures, these governments additionally tackle issues related to privacy. Such systems' effectiveness relies not just on the availability of technology but also on the reliability of the legal frameworks that regulate its implementation. The use of technology in law enforcement developed in a number of Middle Eastern governments. For example, the United Arab Emirates utilized innovative police techniques and advanced surveillance systems, enabling officials to monitor incidents using digital recordings and monitoring technology. In the same manner, governments like Saudi Arabia, Malaysia, Singapore, India, and Japan are gradually integrating technological tools and digital monitoring into their legal systems for law enforcement and investigation. A broader movement toward technologically assisted investigations targeted at improving transparency and evidential integrity is apparent in the increasing dependence on video recordings and electronic evidence. These comparative models show that rather than being incorporated selectively, advanced technology reform needs to be institutionally ingrained.

Challenges in Adoption of Technology in Pakistan

Considering the apparent advantages associated with technology integration, there are substantial institutional and practical barriers to its implementation within Pakistan's criminal justice system. One of the primary problems is the insufficient technological infrastructure and standard equipment, which hinders the effective application of secure digital recording systems and body-worn cameras. The use of personal mobile phones threatens compromising the credibility of evidence in the lack of officially recognized and specifically identified recording devices. A persistent issue is the inability to preserve an adequate chain of custody. The Supreme Court has frequently emphasised that safe custody and unbroken transmission of case property are indispensable to sustaining a conviction.¹⁸ Any break in the evidentiary chain creates doubt regarding authenticity and integrity. Additionally, inadequate training of law enforcement personnel in management of electronic and digital evidence further weakens its evidentiary value. Improper storage, lack of metadata preservation and delayed forensic examination often effect in weakened prosecution cases. The prosecution has the burden of establishing the truthfulness, consistency, and reliability of such evidence, as is the case when dealing with electronic data. A further major barrier is financial constraints. A consistent financial commitment is required in order for purchasing body-worn cameras, secure data servers, encryption systems, and forensic devices. The objective of transparency could be hindered by imperfect or uneven achievement. Misuse or controlled activation of recording devices is an additional serious problem. The possibility of recording being switched off at real time cannot be ignored in the absence of regulations and mandatory initialization procedures. Comparative research underlines that technical disposition without strong policy implementation would undermine accountability objectives.¹⁹ Data security and privacy considerations must also be considered. The Constitution safeguards dignity and privacy under Article 14,²⁰ and any scientific framework must operate within these constitutional limits. Secure storage, restricted access, encryption protocols, and audit trails are indispensable components of reform.

Recommendations and Way Forward

1. Legislative Backing

The Police Rules and procedural rules should be amended adequately to mandate the recording of arrests, search and seizure processes, interrogations, and recovery procedures with the intent to offer a legislative justification. Modern electronics are currently recognized as admissible evidence under Article 164 of the Qanun-e-Shahadat Order however, the general application could potentially be strengthened by stricter statutory guidelines. In following the evidence rules governing chain of custody, video material must be sealed securely, documented, and exhibited before the trial court in order to be lawfully classified as case property.

2. Official Equipment

Law enforcement agencies must be well equipped with official body-worn cameras and provided recording devices, significantly bearing unique and certifiable identification number allocated to the individual team /member or agency. Such regulatory standard would ensure authenticity, findability, and evidentiary credibility. The usage of private mobile phones for recording evidence must, therefore, be strictly forbidden, as it weakens both credibility and forensic reliability.

3. Secure Storage and Metadata Preservation

A protected digital storage infrastructure should be developed through current Safe City initiatives and police IT systems. Compulsory end-of-shift uploading procedures, escorted by metadata along with officer identification, timestamps, date, time and GPS location, this initiative shall be implemented. Comparative operational guidance in jurisdictions such as the United Kingdom exhibit the significance of organized upload and audit systems.²¹

4. Data Protection and Lapses

The framework shall be designed to govern the system's privacy and transparency by defining formally recognized standards, which shall be made mandatory. Such regulations must be structured to regulate accessibility to recorded footage, stipulating the individuals/person's authorization to view, handle, and evaluate such recordings. Every event of retrieval shall generate a traceable account trail to ensure transparency and accountability. Furthermore, recordings pertaining to a particular case shall be protected and properly identified and be kept apart from general records, in accordance with secure and clearly defined preservation protocols. Aforementioned framework must be in conformity with Articles 4, 10-A, and 14 of the Constitution, ensuring that technological convergence improves procedural justice rather than jeopardizing human freedom.²²

5. Forensic Certification

In cases where authenticity and genuineness of digital evidence is disputed or doubtful, the verification of the evidence through recognised forensic laboratories should be ensured. The integration of forensic science builds up evidentiary credibility and reduces the probability of doubt arising from procedural lapses. The Supreme Court has highlighted the importance of scientific corroboration in cases involving evidentiary contestation.²³

6. Training and Institutional Capacity Building

In order to make this system workable is necessary that all stakeholders of judicial system including Law enforcement officers, prosecutors, and judges they all should participate in extensive training programs to ensure success of effective and progressive system. Both technical knowledge and doctrinal proficiency are necessary for the efficacious evaluation of electronic evidence as the trustworthy digital evidence may not have the desired evidentiary impact in the absence of institutional capacity building. To keep an eye on compliance and stop selective or inappropriate use of technology, independent procedures shall be implemented.

Conclusion

It is a matter of fact that Pakistan's criminal justice system is confronted with multiple challenges, among which a significant challenge is financial constraints and the unavailability of adequate resources and the shortage of skilled human resources, some of the elements in derailing the system are weak investigations, lack of transparency, and evidentiary deficiencies necessitate a structured shift towards modern technological integration. The progression of crime and increasing complexity of urban environments render traditional investigative methods inefficient. The integration of body-worn cameras and forensic video evidence would not only contribute a valuable means of enhancing accountability but would also strengthening prosecutorial reliability, and fair trial yet such technological tools not only assist the prosecution through objective documentation but also protect the rights of the accused by ensuring transparency in investigative processes. Nevertheless, successful implementation requires a balanced approach which shall completely supported by legislative clarity, institutional capacity building, robust data governance, forensic authentication, and unweaving adherence to constitutional safeguards. Without these foundational components, the capability of technological reform may remain unexecuted. It is therefore indispensable that Pakistan moves towards a system in which technology supplement the rule of law, ensuring that justice is administered through transparent, reliable, and scientifically supported processes.

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