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MOST IMMEDIATE
C.M.A No. 2600/2023-**SCJ**
SUPREME COURT OF PAKISTAN.
Islamabad, 12th April, 2023.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

1. The Attorney General for Pakistan,
At **Islamabad**
2. The Governor,
State Bank of Pakistan,
Islamabad
3. The Secretary,
Election Commission of Pakistan,
Islamabad.
4. The Secretary,
Ministry of Finance,
Government of Pakistan,
Islamabad.
5. The Director General (Law),
Election Commission of Pakistan,
Islamabad.

Subject: **Civil Misc. Application No. 2600 OF 2023**
IN
CONSTITUTION PETITION No. 5 OF 2023
Mohammad Sibtain Khan and others

...Petitioner

VERSUS

Election Commission of Pakistan through Chief Election
Commissioner Islamabad and others. **...Respondent(s)**

I am directed to state that certain documents/reports received in pursuance of Court order dated 04.04.2023 passed in Const. Petition No. 5/2023, were placed before Hon'ble Judges in Chambers in circulation and following order has been passed:-

" In terms of para 5 of the order of the Court dated 04.04.2023, made in CP 5/2023 (Muhammad Sabtain Khan and others v Election Commission of Pakistan and others), the Federal Government was directed and ordered to release and provide to the Election Commission ("Commission"), latest by 10.04.2023, Rs. 21 Billion for the holding of general elections to the Punjab and KPK Assemblies.

2. The same para directed the Commission to submit a compliance report with regard to the release or otherwise of funds by 11.04.2023. Such report has been filed. The Commission reports that no funds have at all been released and provided to it as required by the order of the Court.

Contd....

3. The failure of the Federal Government to comply with the order of the Court as aforesaid is prima facie disobedience. The consequences that can flow from such prima facie defiance of the Court are well settled and known. Every person who embarks upon, encourages or instigates disobedience or defiance of the Court can be held liable and accountable.

4. The result of the present prima facie disobedience is that yet again, the holding of general elections in a timely manner as mandated by the Constitution may be put in jeopardy. The question of the provision of funds for such a vital constitutional purpose is something that requires immediate attention which takes priority over proceeding against those who may have committed contempt of the Court. In the first instance therefore, let notice be issued to the Governor, State Bank of Pakistan and the next senior most official of the Bank, for both to appear in person before the Court (in Chambers) on Friday, 14.04.2023 at 11:00 a.m. They must bring with them the record and details of all monies whatsoever of the Federation/Federal Government lying with or under the control, custody or management of the Bank under any law, rule, practice or agreement, including in particular (but without limitation) in terms of (i) the Federal Government Receipt and Payment Rules, 2021 (with specific reference to Rules 3 and 4 thereof) framed under the Public Finance Management Act, 2019 and/or (ii) s. 21 of the State Bank of Pakistan Act, 1956.

5 Let notice also be issued to the learned Attorney General for Pakistan to appear before the Court on the date and time abovementioned. Notice also to be issued to the Secretary, Ministry of Finance, Government of Pakistan and the next most senior official of the said Ministry for both to appear in person before the Court on the date and time abovementioned. The said officials shall bring with them all the relevant record and shall place before the Court a detailed report as to why the order of the Court made in para 5 of Const. P. 5/2023 has not been complied with, as stated by the Commission.

6. Let notice also be issued to the Secretary and Director General (Law) of the Commission to appear in person before the Court on the date and time abovementioned, with the full record pertaining to the general elections to the Punjab and KPK Assemblies."

Your are, therefore, required to comply with the above said Court Order in letter and spirit.



(NOOR MUSTAFA SHAH)
ASSISTANT REGISTRAR (CIVIL-II)
FOR REGISTRAR.