**Travesty of Justice**

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December 19, 2023

Muhammad Ali Jinnah, father of the nation, not only successfully led the struggle for a separate homeland for Muslims of the sub-continent but he also bequeathed a vision regarding the course the country needed to adopt to consolidate the gains of independence and earning a respectable place in the community of nations. But regrettably, the country has failed to implement his vision owing to the shenanigans of the military dictators, politicians and, more so, due to the unbelievable decisions given by the pliable judges of the judiciary. They are all tormentors of Pakistan and responsible for where it stands now.

It is universally recognized that an impregnable edifice of the country can be erected only when the judges dispense justice without any fear strictly in conformity with the constitution of the land and universally recognized practices and norms of justice. We, unfortunately, have an unenviable judicial history replete with horrendous decisions that consigned the country to perennial political instability besides scuttling chances of the desired socio-economic progress.

The biggest ever injustice was done by Justice Muneer by inventing the doctrine of necessity in the Maulvi Tameezuddin case, which was repeatedly used to give legitimacy to coups by military dictators and helped them get away with their unconstitutional adventures. The invention sowed the seed for political instability. The hanging of Zulfiqar Ali Bhutto was the worst-ever example of injustice. Historians, journalists, lawyers and even judges have maintained over decades that Bhutto’s trial was a travesty of justice and a judicial murder. The verdict aggravated political instability in addition to undermining democracy.

If the current CJ plays his role in rectifying these historic injustices, he will always be remembered as a flag-bearer of justice.

Similarly, removal of Nawaz Sharif from power through the Panama case is also a classic case of injustice. It was a sequel to a conspiracy hatched against him in which the SC judges played a dirty role. The fact that he was not convicted on the basis of the issue that was raised in the petitions but for not taking salary from his son provided a ranting testimony to the theory of conspiracy. Later events and revelations have corroborated the veracity of that sleazy game. The events that followed have surely added to the challenges faced by the country including nose-dive in the economy.

A larger bench of Supreme Court has finally taken up hearing of the reference lodged by former President Asif Ali Zardari in 2011 praying the court to declare hanging of Zulfiqar Ali Bhutto as judicial murder. But the case was not taken to its logical end. A bench under former CJ Iftikhar Chaudhr held five hearings followed by another one before it was put on the back burner and no one cared to conclude it for the last 12 years for the reasons best known to the successive CJs. Chief Justice Qazi Faez Isa must be appreciated for this initiative.

It is pertinent to point out that ever since the SC gave its verdict to hang Bhutto, it has invariably been described as judicial murder. It is also a strong perception among the public. Later on, the biggest testimony of the judges having acted under pressure from dictator Zia ul Haq to award death sentence to Bhutto came from former CJ Naseem Hasan Shah, who was one of the members of the bench that heard Bhutto’s case.

In an interview with Iftikhar Ahmed, he admitted that Bhutto was wrongly hanged and the judges were under pressure from the dictator to deliver that verdict. I do not think that after that admission by the former CJ, there remains any doubt about the injustice done to Bhutto, which also derailed democracy and paved the way for a decade of dictatorial rule in the country during which sectarian fires were deliberately lit that shook the foundations of the country. Although the reversal of the verdict to hang Bhutto is not going to bring him back but at least it would be a big step towards righting a judicial wrong and also lead to some sort of consolation to the Bhutto family and his supporters who have been demanding it for the last four decades.

Justice Naseem Hasan Shah also told me the same. He was Chief Justice of Pakistan as well as chairman BCP when he came to Australia to witness the 1992 World Cup. I was on protocol duty with him from Pakistan embassy. After the world cup, he stayed for about three days during which I gave him company and took him around different places. During that leisure time, I asked him about the verdict against Bhutto and he confessed that the judges were forced to endorse LHC decision to hang Bhutto. He also told me that he was related to Nawaz Sharif. Probably that could have been the reason why he restored Nawaz Sharif government when it was sacked by President Ghulam Ishaq Khan in 1993.

Like Bhutto, the verdict against Nawaz Sharif in Panam case also needs to be reviewed and set aside. When that verdict was delivered, many constitutional experts and known legal minds, including former CJ Iftikhar Muhammad Chaudhry, launched a scathing criticism against it. The strange thing about the whole process was that the Supreme Court acted as a court of trial contrary to its role as the final court of appeal. Not only that, after delivering the verdict to remove Nawaz Sharif, the court also ordered institution of cases against him and appointed an inspecting judge to oversee the proceedings of the trial in the lower court. That was unprecedented and smacked of something sinister behind all that was happening. I think an appeal against Panama verdict must be lodged in the Supreme Court for nullifying the verdict or the SC on its own take up the case. If the current CJ plays his role in rectifying these historic injustices, he will always be remembered as an icon of judiciary and flag-bearer of justice, earning the prayers of the nation unlike the other pliable judges who will remain perennial object of curses of the public and the nation.

*The writer is a former diplomat and freelance columnist.*