

16th September , 2013

Honorable Justice Iftikhar Muhammad Chaudhry,
Chief Justice of Pakistan,
Supreme Court of Pakistan,
Constitution Avenue,
Islamabad.

Attn: Human Rights Cell

Sub: Civil Misc. Application No. 3393 of 2013 (Appointment of Mr. Salman Faruqi as Federal Ombudsman) in Constitution Petition No. 30 of 2013 – Rejoinder of Syed Adil Gilani, Adviser TIP, on submissions of Secretary Wafaqi Mohtasib Secretariat, Secretary Law and Justice, Secretary to the Prime Minister, Managing Director Printing Corporation of Pakistan, Accountant General of Pakistan and Mr Slaman Faruqi made before the Hon'ble Supreme Court

My Lord,

The copy of Oath as Wafaqi Mohtasib taken by Mr Salman Faruqi submitted in the apex court on 2nd July 2013 by Mr. Waseem Sajjad, ASC, does not include the name of place where the oath was taken (**Annex-A**). On the other hand, it contains the following:

"The Oath was taken before me today the 1st March 2013.

*Sd/
(ASIF ALI ZARDAI)
PRESIDENT"*

This omission of the place in the Oath of Wafaqi Mohtasib claimed to be taken on 1st March 2013 by Mr Salman Faruqi is significant.

As a matter of fact, the Oath was neither reported in the press nor was attended even by Mr Imtiaz Qazi, Secretary Wafaqi Ombudsman. No ceremony, if held, was never covered by the electronic media, nor even the Ptv. Nor was a summary for the purpose moved by Secretary Wafaqi Ombudsman. All this prima facie shows that the Oath was not taken before the ex President Asil Ali Zardari, and the document purportedly signed by him may be a forged document.

The authenticity of the Oath of 1st March 2013 becomes further doubtful when the Oath document is compared with the document of Oath taken on 11 December 2012 by Mr Salman Faruqi as Acting Wafaqi Mohtasib (a copy of which was submitted in the apex court on 2nd July 2013 by Mr. Waseem Sajjad, ASC). The latter document includes Islamabad as the place where the Oath was administered by the Acting President (**Annex-B**):

"Islamabad the 11th December 2012.

The Oath was taken before me today the 11th December 2012

Sd/
SYED NAYYER HUSSAIN BOKHARI
ACTING PRESIDENT
ISLAMIC REPUBLIC OF PAKISTAN"


This shows that the Oath document of 1st March 2013 may relate to a unique Oath in the history of Pakistan, in the sense that it has no public witnesses nor even mentions the city where the Oath was administered.

Prayer:

The Hon'ble Supreme Court is requested to take action as deemed appropriate against all those involved directly or indirectly in this rare example of scandalous violation of law by top holders of public offices, including those from Ministry of Law, Ombudsman Secretariat, President's Secretariat and Accountant General's office. As these officials did not hesitate to submit false statements/documents in the apex court, which amounts to perjury, they all may be brought to justice so that in future no one at the highest level of government dares to do what they have apparently done, including presenting allegedly forged Oath documents in the apex court.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop illegal and corrupt practices.

Yours obediently,


Syed Adil Gilani,
Adviser

Encl: Annexes A and B.



OATH

WAFAQI MOHTASIB (OMBUDSMAN) PAKISTAN

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(In the name of Allah, the most Beneficent, the most Merciful)

I, M. Salman Faruqi do solemnly swear that I will bear true faith and allegiance to Pakistan;

That, as Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That, I will not allow my personal interest to influence my official conduct or my official decisions;

That I shall do my best to promote the best interest of Pakistan;

And that I will not directly or indirectly communicate, or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Wafaqi Mohtasib, except as may be required for the due discharge of my duties as Wafaqi Mohtasib.

May Allah Almighty help and guide me (A'meen).

Salman Faruqi
WAFAQI MOHTASIB (OMBUDSMAN)

The Oath was taken before me today, the 1st March, 2013.

Asif Ali Zardari
(ASIF ALI ZARDARI)
PRESIDENT



OATH

ACTING WAFAQI MOHTASIB (OMBUDSMAN) PAKISTAN

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(In the name of Allah, the most Beneficent, the most Merciful)

I, M. Salman Faruqi do solemnly swear that I will bear true faith and allegiance to Pakistan;

That, as Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That, I will not allow my personal interest to influence my official conduct or my official decisions;

That I shall do my best to promote the best interest of Pakistan;

And that I will not directly or indirectly communicate, or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Wafaqi Mohtasib, except as may be required for the due discharge of my duties as Wafaqi Mohtasib.

May Allah Almighty help and guide me (A'meen).

Salman Faruqi

ACTING WAFAQI MOHTASIB (OMBUDSMAN)

Lahore, the 11th December, 2012.

The Oath was taken before me today, 11th December, 2012.

SYED NAYYER HUSSAIN BOKHARI

ACTING JUDGE

ISLAMIC TRIBUNAL OF PAKISTAN