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The magic of suo moto powers, visible in SC action

ISLAMABAD: Some loud voices are being raised against the suo moto jurisdiction of the Supreme Court, but the record of the court and the incompetence of the government show that had there been no suo moto notices, there would have been no institution in the country to curb corruption.

In a country where the government is deeply drowned in corruption and its cover up, the Federal Investigation Agency (FIA) is tamed and the National Accountability Bureau has been made toothless by stuffing it with the king's men, there is only one institution—the Supreme Court—which has taken a stand against corruption, injustices and brutalities of police and the appointments of incompetent people against lucrative posts.

The superior judiciary, since its restoration in 2009, has taken up cases involving over Rs400 billion and has saved tens of billions for the national exchequer, which had almost gone to the pockets of powerful and mighty. This figure is apart from NRO cases that involve another Rs175 billion-looted money.

The record of Supreme Court and the high courts states that the government has been idle in curbing corruption and, in fact, has been using the state organs to hide its corruption while the superior judiciary has taken up cases of corruption worth tens of billions of rupees to recover the looted public wealth.

In addition to suo moto notices taken in numerous human rights cases, cleansing the superior judiciary from the likes of Dogar and removing constitutional distortions introduced by General Musharraf and his hand-picked judges, the Supreme Court after its re-instatement in March 2009 has so far picked up for hearing corruption cases, illegal and controversial allotments of state-land on throw away prices, fraudulent bank loaning and other financial matters involving tens of billions of rupees.

These cases were taken up by the apex court when there were reports of worst corruption in government institutions. The Zardari-Gilani duos have been showing unusual arrogance and stubbornness in the non-implementation of the apex court's directions and decisions. From the implementation of the NRO judgment to the fair investigations into the corruption scams like Haj fraud, NICL swindle, Pakistan Steel's plunder, Bank of Punjab scandal, re-employment fraud, the Supreme Court has been repeatedly passing orders, giving directions, and seeking changes, but the government remained disinclined to respect the topmost judicial body of the country because of the involvement of many bigwigs and their relatives. Following are some of the important cases: The NICL Scam: On a letter of the Transparency International, the Supreme Court took suo moto notice of dubious purchases worth Rs5 billion by the National Insurance Company Limited (NICL) of which Rs2 billion have been recovered. This case is a bond between the PML-Q and PPP government.

Haj Scam: The SC also took suo moto notice of the corruption in the Haj arrangements, and a federal minister is in jail nowadays in that corruption case. The FIA is trying to dodge the apex court in multi-billion scandals relating to the Haj operation.

Sialkot brothers: The SC took suo moto notice of public lynching of two brothers in Sialkot. Recently the accused of that incident have been awarded with death punishment and imprisonment.

Karachi situation: When dozens of innocent people were being killed in Karachi daily, and the Gilani government was doing nothing, it was again the SC that took suo moto notice of the incident. Resultantly killings have come to a halt in Karachi ever since the suo moto notice.

Evacuee Trust Property Board case: The CJ, through a suo moto action, blocked controversial sale of 240 acres worth billions of rupees for peanuts Karachi land of Evacuee Trust Property Board. The report, which appeared in The News, had also revealed that almost each and every inch of the total 2,380 acres of state-owned land, belonging to the EPT Board in Karachi worth a whopping Rs60 billion, has been grabbed.

The Bank of Punjab case: During the Musharraf regime, Haris Steel owners, in connivance with the then BoP President Hameesh Khan, took a financial facility of Rs8.6 billion on fake collaterals, bogus documents and fraudulent companies. CJ Iftikhar Muhammad Chaudhry after his restoration on March 16, 2009 took up the mega corruption scandal and ordered confiscation of assets of the looters and a considerable amount has so far been deposited with the BoP. Now the Harris Steel owner has assured the apex court that he would return all the money but named those top lawyers, bankers and a journalist who allegedly got

millions from him to bribe the Dogar court. The Supreme Court has referred the case of lawyers to the Pakistan Bar Council.

Sindh land allotment cases: The News highlighted a glaring case of contempt of the highest judicial forum, the Supreme Court of Pakistan, where an official committee, comprising middle ranking officials allowed regularization of 50 acres of Karachi land at throwaway prices, thus causing losses running into hundreds of millions to the state exchequer for the benefit of a few. The Supreme Court took suo moto notice of the case that led to the immediate cancellation of the allotment.

Federal Government Housing Foundation land scam: Chief Justice Iftikhar Muhammad Chaudhry took suo moto notice on a column of Daily Jang regarding illegal allotment of government plots for peanuts by the Federal Government Housing Foundation, besides the controversial purchase of over 2,000 kanals of land in the suburbs of Islamabad for a government housing scheme. **Missing persons' case:** The Supreme Court directed the Interior Ministry to submit before the court details pertaining to Pakistani citizens who have been handed over to foreign countries. A three-member bench of the apex court, headed by Justice (r) Javed Iqbal, hearing the case of missing persons, observed that it will not give more time to the government for tracing the whereabouts of the missing people.

Punjab land allotments: The Supreme Court has directed the Punjab Board of Revenue to produce all cases of allotments made by the government during the last four-five years amid reports that thousands of acres of land was doled out to favourites.

Steel Mills scandal: The CJ took suo moto notice of the loot and plunder of this national institution, including PSM, which involves a loss of Rs22 billion to the public sector enterprise. Because of the massive corruption in the PSM, the biggest steel unit of the country was defaulted. Pakistan Steel Mills reached to a stage of collapse because of award of all-important contracts to some favourite businessmen of the present regime.

New Murree Project: SC also ordered end to New Murree Project, a Rs60 billion project, which was a man-made disaster for entire forest range of Murree. Following the demand of MQM's Chief, Altaf Hussain, the SC also took up the matter of written off loans and directed the State Bank of Pakistan to submit the list. The list of SBP stated that loans worth Rs256 billion have been written off in last 38 years since 1971. The Supreme Court in another case also directed the government to ensure inheritance rights of eunuchs. It also suggested to provide jobs to eunuchs in loan recovery department.

Pakistan Cricket Board: The SC also took a suo moto notice of embezzlement of Rs7 billion by Pakistan Cricket Board and has directed the board to submit its report. The Supreme Court also did not spare plaza owners of Lahore and ordered dismantling of illegally constructed plazas. There are 122 plazas, which will be dismantled.

On Supreme Court instructions, a session's judge, in his report, has unearthed one of the mega land scams of the country's history, involving over 30,000 kanals of land grabbing in the suburbs of the capital.

Sugar price issue: After cartelisation of sugar mafia and unprecedented hike in sugar price, the apex court took suo moto notice and after hearing and analysing the whole sugar marketing process, fixed the sugar price at Rs40 per kg and ordered federal and provincial governments to take all necessary steps to ensure the sale of sugar in the whole country on the price as decided by the Supreme Court. However, the federal and provincial governments failed to implement the apex court's decision. **Carbon Tax suo moto notice:** In the federal budget 2009-10, the government imposed 10 percent petroleum levy which was meant for removing polluted contents from the petroleum products for betterment of environment. However, no consultation was done with the Ministry of Environment and the government's financial managers admitted that despite its name it would simply be a government's revenue generation source. The Supreme Court took suo moto notice and nullified carbon tax. However, the government proclaimed another ordinance within 48 hours and re-imposed the same percentage of levy on oil products but under a different name.

Musharraf's electricity theft case: After disclosure of theft of electricity of lakh of rupees by ex-military dictator General Pervez Musharraf and some other influential residents of Islamabad's Chak Shahzad farmhouses, Chief Justice Iftikhar Muhammad Chaudhry took suo moto notice and ordered inquiry.

The Supreme Court took up the case of alleged corruption of a former attorney general on the application and affidavit of a citizen. The citizen had alleged that the attorney general had taken bribe of Rs3 million from him for influencing a court decision. The SC has referred this case to the Pakistan Bar Council.

The SC ordered Punjab to reinstate ad hoc lecturers in three days: The Supreme Court dismissed an appeal of the Punjab Government with costs and directed it to reinstate the 90 lecturers within three days. The lecturers were recruited in 1994, but their services were terminated in 2001. Later, the top court ordered reinstatement of their services on September 25, 2002, but the court's order was not implemented by the then Punjab Government.

Murree Gas Pipeline Project: The chief justice also took a suo moto notice of alteration in Murree gas pipeline project. This alteration was costing Rs750million, along with destruction of thousands of trees.

Another suo Moto action was taken over extension of Canal Road, Lahore, where hundreds of trees were being cut to facilitate the elites.

The Supreme Court also took notice of public flogging of a girl in Swat. Another important case of promotions of 54 officers of Grade 21 was also heard by the SC. The SC also took up election petitions of Sheikh Rashid and others and ordered the Punjab Government to hold by-election in NA 55 and NA 123. On the orders of the Balochistan High Court, a murder FIR has been lodged against Gen (r) Pervez Musharraf. Though it was the duty of the executive and Parliament to catch the alleged murderer, but he was facilitated in running away from the country.

The Lahore High court took a suo moto notice of a daredevil day-light robbery in Murree where the authorities have found 15,000 kanals of reserved forest land, worth tens of billions of rupees, encroached and ordered police to lodge FIRs against all encroachers. Besides these cases, dozens of suo moto notices for recovery of abducted persons have also been taken. One such case is of recovery of Dr Lutufullah Kakakhel, Vice Chancellor of Kohat University, who was kidnapped from Kohat on 06-11-2009. Kidnapping for ransom and other heinous crimes have become a daily routine and it is the Supreme Court that intervenes to prevent such crimes in stead it is the duty of the executive, which is idle.