

# **FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**

(Appellate Jurisdiction)

**Present:**

**Justice AAMER FAROOQ**  
**Justice SYED ARSHAD HUSSAIN SHAH**

**C.P.L.A. No.5312 of 2024**

(Against Order dated 20.11.2024, passed by  
the Lahore High Court, Lahore in ICA.No.72980/2024)

Siraj Ahmad

...Petitioner(s)

***Versus***

Governor Punjab through  
Principal Secretary, Lahore &  
others

...Respondent(s)

For the Petitioner(s) : In person

For the Respondent(s) : Dr. Yaser Aman Khan, Addl. A.G, Punjab

Assisted by : Barrister Zarrar Haider Bhatti, Law Clerk

Date of Hearing : 24.02.2026

## **JUDGMENT OF THE COURT**

**JUSTICE AAMER FAROOQ:**

1. The determinative issue is whether the Federal Constitutional Court of Pakistan possesses the authority to initiate, adjudicate, or otherwise entertain contempt of court proceedings under the existing constitutional framework, despite the absence of any express reference to this Court in the Contempt of Court Ordinance, 2003. We hold that it does. This power flows directly from Articles 204 and 189 of the Constitution, 1973. In any event, this Court is of the considered view that the power to punish for contempt is inherent in its constitutional character and essential to the effective discharge of its functions.

2. At the very outset, petitioner in person, objects to the jurisdiction of this Court on the basis that there are contempt proceedings against the Registrar, Supreme Court of Pakistan. In this behalf, he submitted that under Article 204(1) of the Constitution, 1973 (the '**Constitution**') the word 'Federal Constitutional Court' has although been inserted, but

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the law regulating the contempt proceedings *viz* Contempt of Court Ordinance, 2003, (the '**Ordinance**') does not mention this Court as a superior court, hence, this Court has no jurisdiction to entertain and proceed with contempt proceedings. He further urged the Court that first the question of jurisdiction of this Court be decided otherwise he is not addressing the arguments on merit.

3. In reply to a query from the Court, he argued that this Court lacks jurisdiction in the present matter, as no substantial question of law arises for determination. He submitted that, in terms of Article 175E of the Constitution, the petition filed before this Court against the decision of the learned High Court is not maintainable. Upon a further query from the Court, he contended that the allegations levelled against him, particularly that he failed to dispose of cases, are unfounded. In support of his submission, he referred to the order dated 17.07.2025 passed by the Supreme Court, specifically highlighting the observations therein concerning the petitioner's contention that no show cause notice was issued and no inquiry proceedings were conducted. He took the Court through various documents to show that allegations levelled against him are baseless, particularly list attached at page-33 of the petition, to show that the fines were duly recovered and same was solely due to the efforts of the petitioner.

4. Learned Additional Advocate General, Punjab, *inter alia* contended that petitioner was appointed for a period of two years on contract after consultation with the Chief Justice of Lahore High Court, but due to observations of the Administration Judge, Drug Court, that no disposal is being made, Provincial Government took the matter with the then Chief Justice and after due consultation, revoked the contract.

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It was submitted that since the appointment was on contract, no show cause notice or inquiry was required to be made. In response, petitioner in person, categorically submitted that contentions, which are duly recorded in the order of the Supreme Court, dated 17.07.2025, with respect to inquiry and show cause notice, have remained unattended, even till to date inasmuch as, despite the order, nothing has been placed on record to the effect. He reiterated that first the question of jurisdiction be addressed.

5. We have heard the petitioner at length and pursued the record available.

**A.**

**Jurisdiction of this Court in relation to contempt proceedings**

6. Since the petitioner has raised a question regarding the jurisdiction of this Court, the same must be addressed at the outset. It has been contended before us that this Court lacks the authority to entertain contempt proceedings. We find this submission wanting. The power of this Court to initiate and adjudicate contempt proceedings flows directly from Article 204 of the Constitution by virtue of the doctrine of self-execution. Moreover, the authority to deal with matters of contempt is inherent in this Court and is intrinsically connected with Articles 189 of the Constitution.

**I**

**Doctrine of Self-Execution**

7. The only allegation, which has been made during the course of arguments, was that the Supreme Court, *vide* order dated 07.11.2024, adjourned the matter for the next week, which was not complied with

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and the case was not listed for hearing<sup>1</sup>. The examination of the petition as well as all pending applications shows that no contempt proceedings are pending against any person including the Registrar Supreme Court, thus, objection as to the jurisdiction of this Court is unfathomable. However, provided that that the jurisdictional question was vehemently contended before us, we would like to dilate upon jurisdictional objection raised by the petitioner.

8. So, we start our analysis with Article 204 of the Constitution. Article 204(1) commences by defining the “Court” to include “Federal Constitutional Court”, namely this Court, as well as the “Supreme Court” and the “High Court”. It then proceeds to Article 204(2), which provides that “a court shall have the power to punish any person who: abuses, interferes with or obstructs the process of the Court in any way or disobeys the any order of the court (Article 204(2)(a)), or scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt (Article 204(2)(b)) or does anything which tends to prejudice the determination of a matter pending before the Court (Article 204(2)(c)) or does any other thing which, by law, constitutes contempt of the Court (Article 204(2)(d))”. Thereafter, Article 204(3) not only clarifies that Article 204 is a “power conferring clause”, but also vests the concerned Courts with discretion to regulate the exercise of their contempt jurisdiction in the following terms: “The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court”.

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<sup>1</sup> In the first place, non-compliance of such an order, is not contemptuous inasmuch are there are numerous occasions when said order is passed but due to administrative reasons, cases are not listed. Even-otherwise, contempt proceedings against the staff are not maintainable and it is appropriate that administrative/disciplinary action be taken by the Courts in such situations. See, e.g., *Sardar Tahir Sabir v. The State*, CrI. Appeal 263/2024 (Per CHIEF JUSTICE AAMER FAROOQ).

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9. So, the above provision makes it clear that the Constitution, expressly carved out a power in this Court (including the Supreme Court and the High Court) to initiate contempt proceedings. The direct conferment of this power signifies that the provision is self-executing in nature, requiring no ancillary legislation for its operationalization. In the case of a “self-executing” provision, Mr. Thomas M. Cooley, wrote in his Treatise, laying down the idea of the doctrine in Constitutional law and was of the view:

“A constitutional provision may be said to be self-executing if it supplies a sufficient rule by means of which the right given may be enjoyed and protected, or the duty imposed may be enforced; and it is not self-executing when it merely indicates principles, without laying down rules by means of which those principles may be given the force of law. Thus, a constitution may very clearly require county and town government; but if it fails to indicate its range, and to provide proper machinery, it is not in this particular self-executing, and legislation is essential”. [*Thomas Cooley, A Treatise on the Constitutional Limits Which Rests Upon the Legislative Powers of The State of The American Union (4th edn, Boston, Little, Brown & Co. 1878)*]

10. Mr. Cooley’s idea of self-executing constitutional provisions then gained judicial recognition by the United States Supreme Court in *Davies v. Burke*, 179 U.S. 399 (1900) (Per JUSTICE BROWN)<sup>2</sup>. The case of *Burke* an appeal from an order denying a writ of *habeas corpus* to the appellant Davis, who was, on April 15<sup>th</sup>, 1897, found guilty of murder in the district court of Cassia County, Idaho, and sentenced to be hanged June 4, 1897. The U.S. Supreme Court in holding that Art.1, Sec. 8 of the Idaho Constitution as self-executing, relied on the aforementioned idea of Mr. Cooley and formed the view:

“Where a constitutional provision is complete in itself it needs no further legislation to put it in force. When it lays down certain general principles, as to enact laws upon a certain subject, or for the incorporation of cities of certain population, or uniform laws upon the subject of taxation, it may need more specific legislation to make it operative. In other words, it is self-executing only so far as it is susceptible of execution. But were a constitution asserts a certain right, or lays down a certain principle of law or procedure, it speaks for the entire people as their supreme law, and is

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<sup>2</sup> In Pakistan, Supreme Court and the High Court has also recognized the idea of self-executing provisions. See. e.g., *Ismat Naureen v. Additional Sessions Judge*, PLD 1998 Lahore 275 (Per FAQIR MUHAMMAD KHOKHAR, J.), *Kaniz Fatima v. Wali Muhammad*, PLD 1993 SC 901 (Per SALEEM AKHTAR, J.)

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full authority for all that is done in pursuance of its provisions. In short, if complete in itself, it executes itself". [*Davis v. Burke*, 179 U.S. 399, 403 (1900)].

11. The above study shows that the Constitution may contain provisions that do not depend upon statutory backing for their enforcement and are therefore regarded as self-executing, that is, "provisions which the judiciary may enforce without the aid of legislative enactment". See, Black's Law Dictionary 1360 (6th ed., 1990); Tammy Wyatt-Shaw, "The Doctrine of Self-Execution and the Environmental Provisions of the Montana State Constitution: 'They Mean Something,'" 15(8) Public Land & Resources Law Review, June 1994). This could be understood with reference to Article 202A of the Constitution, which authorizes the establishment of "Constitutional Benches" in the provinces, and appears to envisage, or contemplate, the creation of such Benches. However, it does not itself constitute or operationalize them in the strict legal sense. Rather, their coming into force is expressly made contingent upon a resolution passed by a majority of the total membership of the relevant Provincial Assembly, or, in the case of the Islamabad Capital Territory, by a majority of the total membership of Parliament in joint sitting. This dependency, embedded in Article 202A(7), renders the provision non-self-executing. While it envisages, or provides for, the establishment of Constitutional Benches in the High Courts, it defers, or conditions, their actual enforcement and operationalization upon a subsequent legislative resolution by Parliament or the concerned Provincial Assembly, as the case may be.

12. In the *Burke case*, it says that where a constitutional provision merely sets out "general principles", it is regarded as non-self-executory and requires further legislative action to give it effect. However, where a provision goes further and articulates a definite rule or "lays down a

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certain principle of law”, it operates as an independent and enforceable mandate rather than a self-contained declaration awaiting statutory implementation. This distinction is evident in Part VII, Chapter 1 of the Constitution, which establishes the judicature of Pakistan. The Constitution itself creates the superior courts, the Supreme Court and the High Courts, and comprehensively delineates their composition, jurisdiction, powers, and the mode of appointment of judges. The framework of their establishment is clearly and directly drawn by the Constitution, leaving no necessity for supplementary statutory enactment (except where the Constitution itself expressly permits or requires legislative intervention).

13. Article 204 of the Constitution embodies the general principle that superior courts possess the power to punish for contempt. If it had merely provided that “the Court shall have the power to punish any person for contempt of court”, without further elaboration, the matter would likely have required legislative intervention or judicial rules to define the scope, content, and procedure of that power. However, Article 204 goes further. In Article 204(2)(a)–(c), it expressly identifies three principal categories of contempt, thereby giving substantive content to the otherwise general power. These clauses define the core situations in which contempt arises, effectively refining and circumscribing the ambit of the jurisdiction. In addition, Article 204(2)(d) contemplates that “law” may prescribe further instances constituting contempt of court. By expressly delineating these categories, Article 204 does more than state a constitutional principle, it meaningfully defines its contours. The provision, therefore, is not merely declaratory but self-executing in nature. The judicature does not require a separate statutory definition

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to activate or give life to the contempt power; the Constitution itself has sufficiently articulated its essential scope and framework.

14. Article 204(4), which provides that “exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court”. The language employed in clause (4) is “permissive” rather than “mandatory” or “restrictive”. The use of the word “may” ordinarily connote discretion (and it does so in this case as well). However, it is true that in certain contexts “may” has been interpreted as “shall,” where the legislative intent so demands. *See, Province of Punjab v. Murree Brewery Co. Ltd*, 2021 SCMR 305 (Per MUSHIR ALAM, J.). However, the determination of whether “may” should be read as “shall” depends upon the statutory context and the intention discernible from the provision as a whole. The principle of *noscitur a sociis*, that a word is known by the company it keeps, requires that the meaning of an ambiguous word be construed in light of the surrounding words. Ref. *Ghazanfar Amin v. Province of Punjab*, W.P. No. 7027 of 2022 (Per TARIQ SALEEM SHEIKH, J.). Here, the phrase “may be regulated by law” suggests facilitation rather than compulsion<sup>3</sup>. It enables the legislature or the Court to regulate the exercise of contempt “powers” but does not make such regulation a condition precedent to their exercise. The Constitution was conscious of the fact itself, that it has already granted a “power” in the form of Article 204(2) but it still left the room for “regulation” which suggests that the power given under Article 204(2) could be “structured” if need by (by providing the word may), even otherwise, Article 204(2) would operate on its own.

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<sup>3</sup> We point out herein that, the same power in relation to contempt seems to have been regulated, as this Court has adopted Supreme Court Rules 2025 on November 19<sup>th</sup>, 2025 and its Order XXIX regulates our powers in terms of proceedings of contempt of Court.

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15. So, in essence, it appears to us that Article 204 is a self-executory provision and does not require prior or simultaneous legislative enactment for the exercise or regulation of the power it confers. The jurisdiction flows directly from the Constitution itself and is complete in its essential contours. While Parliament may, under Article 204(4), regulate the manner of its exercise, the absence of such legislation does not impede or suspend the Court's authority. The provision is, therefore, capable of standing on its own force, without the necessity of supplementary statutory aid.

**II**

**Contempt of Court powers are inherent in the Courts**

16. The Constitution of Pakistan stands as the supreme law of the land. See, *Zafar Ali Shah v. General Pervaiz Musharraf*, PLD 2000 SC 869 (Per CHIEF JUSTICE IRSHAD HASAN KHAN). Every law, rule, regulation, and form of conduct must conform to the Constitution. This reflects the fundamental purpose of having a constitution. Within our constitutional framework, the judiciary holds a vital and indispensable role and "it is emphatically the province and duty of the judicial department to say what the law is". See, *e.g.*, *Marbury v. Madison*, 5 U.S. 137 (1803).

17. Our judiciary inherently possesses the authority to exercise judicial review. Any legislative or executive action is open to scrutiny through judicial review by the Courts. This Court thus holds a unique position within our constitutional framework as the ultimate interpreter of the Constitution. Can its orders or judgments be permitted to remain unimplemented? The answer is unquestionably in the negative. If any individual disobeys the orders or judgments of this Court, such conduct attracts the exercise of contempt powers under Article 204, which

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operates independently of any statutory enactment, thereby rendering this authority inherent in the judicial structure itself.

18. “The power to punish for contempt’s is *inherent in all courts* [unless limited by law or the Constitution]; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice.” See, *e.g.*, *Ex Parte Robinson*, 86 U.S. (19 Wall.) 505 1874 (emphasis supplied). “The power of courts to punish for [contempt] is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration whose judgments and decrees would be only advisory”, See, *Gompers v. Buck Stove & Range Co.*, 221 U.S. 418 (Per JUSTICE LAMAR)

19. From the foregoing discussion, it follows that a court must be vested with the authority to initiate contempt proceedings to ensure its effective functioning, which is intrinsically linked with judicial independence. Litigants approach courts for the resolution of their disputes, and it is the courts that adjudicate and settle those matters. Access to justice, intertwined with the independence of the judiciary, reflects the public’s confidence in our judicial system. Where court orders are not implemented, or judicial pronouncements are disregarded as though cast into thin air, firm and uncompromising action becomes imperative. No leniency can be afforded on this score. At the same time, a note of caution is necessary for all courts. “This power should be used sparingly and only in serious cases and that Courts should not be either unduly touchy or over-astute in discovering new varieties of contempt, for, its usefulness depends on the wisdom and

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restraint with which it is exercised.” See, e.g., *Muhammad Samiullah v. The State*, PLD 1963 SC 237 (Per HAMOOD-UR-REHMAN, J. citing *Shamdasani v. King-Emperor*, LR 1945 AC 264).

20. In light of the discussion above in Part A-I and A-II of this judgment we hold that this Court has the power to entertain contempt proceedings by virtue of Article 204 of the Constitution.

**B**

**Merits of the case**

21. Insofar as the merits of the case are concerned, although the petitioner in-person stated that he was not advancing arguments on merits, we have nevertheless examined the matter on merits as well. Upon such examination, we find that the petitioner’s appointment was purely contractual in nature and was terminated by the competent authority after due consultation with the Chief Justice, Lahore High Court. In such circumstances, there was no requirement to issue a show cause notice or to initiate formal inquiry proceedings, it being settled law that where an appointment is contractual and is brought to an end in accordance with its terms, a petition under Article 199 of the Constitution is not maintainable, See, e.g., *Prof. Dr. Qazi Tahir Uddin v. The Secretary, Pakistan Medical Commission*, 2022 PLC (C.S.) 805 (Per MIANGUL HASSAN AURANGZEB, J.). Consequently, no prior show cause notice or inquiry was legally mandated.

22. Even otherwise, the record reflects that the Lahore High Court, on 12.02.2023, issued a show cause notice/notice to the petitioner regarding the reasons for non-disposal. The petitioner submitted his reply on 26.01.2024. Thereafter, the matter was taken up with the Primary and Secondary Healthcare Department, and consultation with

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the Chief Justice was sought on 02.04.2024 for initiation of the process of removal of the petitioner. The Office of the Advocate General also rendered its opinion on the issue. On 02.04.2024, the Chief Justice, Lahore High Court, concurred in the petitioner's removal, following which the relevant notification was issued on 15.04.2024. In view of the foregoing, the contention of the petitioner that due process was not followed or that the action taken was in violation of law is devoid of merit.

23. The appellate jurisdiction of this Court is contained in Article 175F of the Constitution<sup>4</sup>; it has the jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court. Where an Act of Parliament so provides; if High Court certifies that the case involves a substantial question of law as to the interpretation of Constitution or from a judgment or an order of a High Court made under Article 199 only if the Federal Constitutional Court grants leave to appeal. The jurisprudence that has evolved over a period of time is that leave to appeal is granted where there is a question of law for the Court to answer and no interference is generally made as to the findings of facts. See, e.g., *Ghulam Rasool v. Government of Balochistan*,

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<sup>4</sup> Article 175F. Appellate jurisdiction of the Federal Constitutional Court. — (1) The Federal Constitutional Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court as provided herein below—  
(a) where an Act of Majlis-e-Shoora (Parliament) so provides;  
(b) if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or  
(c) from a judgment or an order of a High Court made under Article 199 only if the Federal Constitutional Court grants leave to appeal:

Provided that no appeal shall lie against a judgment or an order of a High Court made under Article 199, in a case which relates to rent and family except guardianship and such other matters as may be determined by law.

(2) All petitions for leave to appeal, appeals or review applications, to which clause (1) apply or any other proceedings falling within the jurisdiction of the Federal Constitutional Court, filed or pending before the Supreme Court prior to commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, stand transferred to the Federal Constitutional Court and shall only be heard and decided by that Court.

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PLD 2002 SC 381 (Per JAVED IQBAL, J.); *Muhammad Shamim Ali v. Mst. Asma Begum*, 2024 SCMR 1642 (Per IRFAN SAADAT KHAN, J.).

**C.**

**Conclusion**

24. For the above reasons, instant petition is without merit and is dismissed. Leave refused. All pending applications are accordingly disposed of.

25. It has come to our attention that the petitioner has been addressing letters, through the Registrar's office, requesting the recusal of one of us (AAMER FAROOQ, J.), the recent one being dated 27<sup>th</sup> March, 2026. These communications were sent to the bench after the judgment had already been reserved. Such conduct is wholly inappropriate and a matter of serious concern. The language employed in these letters is also disrespectful and borders on contempt; however, the Court, in its discretion, refrains from initiating any action at this stage. The petitioner is, nonetheless, cautioned that any similar conduct in the future may invite proceedings for contempt of court, as it constitutes an improper attempt to directly approach the judge.

*The judgment is hereby entered.*

**Judge**

**Judge**

**Announced in Open Court on: \_\_\_\_\_**

**Judge**

**Islamabad**  
**24.02.2026**

Zawar/

**APPROVED FOR REPORTING**