

P L D 2023 Federal Shariat Court 47

Before Muhammad Noor Meskanzai, C.J., Dr. Syed Muhammad Anwer and Khadim Hussain M. Shaikh, JJ

Messrs FAROOQ BROTHERS and others---Petitioners

Versus

UNITED BANK LIMITED and others---Respondents

Shariat Petition No.30-L of 1991, Shariat Miscellaneous No.4-L of 2002, Shariat Petition No. 11-I of 1989, Shariat Petitions Nos. 27-L, 8-K, 17-I, 18-I, 20-I, 21-I, 21-L, 30-I, 31-I of 1990, Shariat Petitions Nos.1-K, 1-L, 2-I, 2-L, 3-I, 4-I, 4-K, 16-I, 16-A/I, 16-C/I, 17-I, 17-A/I, 17-C/I, 24-L, 25-L, 27-I, 28-I, 30-I, 31-I, 32-I, 33-I, 35-I, 42-I, 45-I, 48-L, 51-I, 56-I, 57-I, 64-I, 65-I, 66-I, 67-I, 68-L, 69-L, 70-L, 71-L, 72-L, 74-I, 74-L, 78-I, 79-I, 80-I, 82-I, 83-I, 84-I, 85-L of 1991, 1-L, 7-I, 8-I, 9-I, 59-I of 1992, Shariat Suo-Motu Nos. 2-I, 3-I, 4-I of 1991, Shariat Suo-Motu Nos. 2-I, 3-I, 4-I, 5-I, 6-I, 7-I, 8-I, 9-I, 10-I, 11-I, 13-I of 1992, Shariat Petitions Nos. 4-I, 4-L, 6-L, 9-L of 2003, Shariat Petitions Nos. 1-I, 2-L of 2004, Shariat Miscellaneous Application No.8-I of 2007, Shariat Petitions Nos. 1-L, 2-K of 2008, Shariat Petition No. 12-I of 2013, Shariat Petition No. 3-I of 2014 and Shariat Petition No. 1-I of 2019, decided on 28th April, 2022.

Per Dr. Syed Muhammad Anwer, J; Muhammad Noor Meskanzai, C.J. and Khadim Hussain M. Shaikh, J agreeing.

(a) Constitution of Pakistan---

----Arts. 38(f), 203-B(c), 203-D & 203-G---Shariat petitions relating to Riba/interest--Maintainability---Federal Shariat Court, jurisdiction of---Federal Shariat Court has jurisdiction to examine and review any law on the touchstone of the Injunctions of Islam in the light of the Quran and the Sunnah and to decide whether such law is repugnant to the Injunctions of Islam or not, irrespective of the fact if any law or the provision of any law is linked with any Article of the Constitution---Federal Shariat Court has full jurisdiction over the fiscal laws also to analyze them at the touchstone of Islamic injunctions, i.e., the Holy Quran and Sunnah of the Holy Prophet (SAW)---Petitioners had challenged certain laws on the basis of Islamic Injunctions, seeking declaration that these provisions of law are against the Injunctions of Islam as laid down in Holy Quran and Sunnah (SAW) because they fall within the definition of Riba, which is prohibited in Islam---Hence, the prayer of the petitioners in their petitions cannot be and should not be viewed as a prayer for only the implementation of Art. 38(f) of the Constitution, which is Principle of Policy i.e. non-justiciable right in the Constitution---Present petitions before the Federal Shariat Court were maintainable.

Government of N.-W.F.P. through Secretary, Law Department v. Malik Said Kamal Shah PLD 1986 SC 360; Nusrat Baig Mirza v. Government of Pakistan and another PLD 1991 SC 509; Qazalbash Waqf and others v. Chief Land Commissioner, Punjab, Lahore and others PLD 1990 SC 99 and Zahid Rehman v. The State PLD 2015 SC 77 ref.

(b) Constitution of Pakistan---

----Part II, Chap. 2--- Principles of Policy mentioned in the Constitution---Scope---Although the Principles of Policy are non-justiciable rights, however, each such Principle mentioned in the Constitution is binding upon the government and it is the

responsibility of each organ and authority of the State to act in accordance with these Principles of Policy.

2015 SCMR 1739; 2012 SCMR 779; PLD 2016 SC 189; 2005 SCMR 100; PLD 2015 SC 275 and PLD 1984 SC 439 ref.

(c) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Types of transactions falling within the definition of Riba---Concept of Riba according to Injunctions of Islam in the light of Holy Quran and Sunnah of the Holy Prophet (SAW) and views of Muslim jurists stated.

Prohibition of Riba is complete and absolute in all its forms and manifestations according to the Injunctions of Islam in accordance with the Holy Quran and Sunnah. The charging of any amount in any manner over the principal amount of a loan or debt is Riba which is completely prohibited according to the Quran and Sunnah of the Holy Prophet (SAW)---Riba is undisputedly, categorically, explicitly and absolutely prohibited by Nass-i-Qati, i.e., Quran and Sunnah. There is consensus and unanimity amongst (Muslim) scholars that the word Riba means to increase, to grow, and to rise. Any amount taken or given in a loan transaction in excess to the actual loan amount is Riba. The increased amount upon a loan transaction has to be pre-determined or has to be mentioned as a condition for grant of loan or granting of extra time at the end of agreed period to return the loan. [pp. 120, 143, 243] G₁, K₁ & A₅

<https://al-maktaba.org/book/28100/1778;>

<https://al-maktaba.org/book/12145/1096;> <https://al-maktaba.org/book/33866/487;>

al-Jami al-Saghir of as-Suyuti, Hadith No.6336,:

Riba should be defined inclusively not exclusively. It means that in the light of the verses of the Quran, saying of the Prophet (SAW) and the practice of Sehabah Karam, any transaction which has the slightest doubt of being included in any type or category of Riba must be included in the definition of Riba.

There are 12 verses in the Quran which deal with the term Riba which is relevant to the present case. Sequence of the revelation of these verses is different from the sequence in which they occur in the Quran. The sequence of their revelation is important to understand because the verse which declared complete prohibition of Riba in all its forms and manifestation was revealed gradually. Hence, all the verses of the Holy Quran regarding the prohibition of Riba must be read and understood collectively. Any attempt to read any of such verse out of context may cause misunderstanding in comprehending the full meaning of prohibition of Riba.

Surah ar-Rum, 30:39; Surah al-Baqarah, 2: 276;

Surah an-Nisa, 4: 160-161

Surah Aal-e-Imran, 3:130

There is a consensus amongst (Muslim) scholars that the last and final hukam in the Quran which unequivocally/expressly and categorically prohibited Riba was revealed in verses 275 to 279 of Surah Al-Baqarah. There is also another consensus

among the scholars that this was the final hukm of Allah which was revealed upon Prophet Muhammad (SAW) before he left this world. [pp. 134, 135] I₁ & J₁

Surah al-Baqarah, 2:275-279;

The first and the foremost type of Riba is called Riba al-Nasi h , which is the most well-known type of Riba. Since this type of Riba is prohibited in Quran; therefore, it is also called Riba al-Quran . This type of Riba was known and practiced by the Arab tribes before the dawn of Islam in the period of ignorance. Therefore, this kind of Riba is also called Riba al-Jahiliya . As this type of Riba is associated with a transaction involving loan, therefore, it is also called Riba al-Qard . Some jurists have also called it as Riba Jali .

Another type of transaction known as Riba al-fadl is also prohibited which was explained by Prophet (SAW) himself. The Riba al-fadl' is also called Riba-ul-Sunnah because its prohibition is based on Ahadith and Sunnah of the Prophet (SAW). Prohibition of Riba al-fadl is in fact a precautionary measures introduced by Islam to implement the complete prohibition of Riba in any manner and all its forms. Basically Riba al-fadl is referred to that specific increase which occurs in relation to exchange of exactly similar types of goods. Riba al-Fadl is related to trade of goods, but not directly related to banking and financial transactions. However some principles can be drawn, while doing trade or drafting trade contracts which are being used in banking, on the basis of the Ahadith explaining the prohibition of Riba al-fadl.

According to the majority of the (Muslim) jurists, Riba of surplus or Riba al-fadhli comes into existence in a sale transaction that involves the exchange of one of the Ribawi commodities, i.e., the commodities which are mentioned in the Ahadith of the Prophet (SAW) (such as dates, wheat, and salt etc.) for the same type of commodity but different amount or weight. Riba al-fadl arises from the exchange between two items of the same type, but in unequal amounts. The addition on one side of the transaction has to be in physical quantity rather than in value, it is irrelevant if that increase or addition is initially stipulated in the contract or not.

Bulugh al-Maram 7: 833, Sahih Muslim 81: 1587, <https://sunnah.com/bulugh/7/66>
Sahih Muslim, The Book of Musaqah : 1584e. <https://sunnah.com/muslim:1584e>
Mishkat al-Masabih, Business Transactions , Hadith 2813, Hukm:
<https://sunnah.com/mishkat:2813>. ref.

In the light of all the verses related to the prohibition of Riba in the Quran, Ahadith of the Prophet (SAW), explanations of all the jurists, scholars and mufassirin of Quran it can be concluded that:

- i. According to the Injunctions of Islam, Riba exists in a loan or a financial transaction in which increase in principal amount of the lender of the money occurs;
- ii. That increase in a transaction occurs according to the wishes of loan lending party (lender) at a predetermined rate or without any predetermined rate. (It is irrelevant whether the increased amount upon a loan is fixed at the initiation of the loan contract or charged after the lapses of certain stipulated time period);
- iii. The transaction occurs in the absence of any exchange of a counter-value or recompense or Iwid; and
- iv. Riba is prohibited absolutely in all of its forms and manifestations.

Shariah strictly prohibit all types of Riba, therefore any kind of socio-economic, legal or religious change in the borrower or the lender of a loan transaction involving Riba does not change the nature of prohibition. Riba is equally forbidden for the poor

and the rich and even for the Muslims and the Non-Muslims in an Islamic State. Similarly, nature of its prohibition does not change with the change in the purpose of taking loan; which means that the loan taken on Riba for commercial, productive of industrial purpose is as prohibited as the charging of Riba upon a loan which is taken to fulfill personal need. Likewise, change in the ratio of percentage at which Riba is charged on a loan in a transaction does not change legal effect of prohibition of Riba in a transaction. This means that no limit of percentage can be fixed for the purpose that up till a certain limit charging of interest upon a loan is legal or permissible and more than such limit is forbidden or prohibited. Similarly, change in legal status of any party involved in a Riba transaction, for example if one of the parties or both the parties in a transaction are legal persons, does not change the legal or Sharai effect of the Riba transaction, as it will remain prohibited.

Any transaction of money for money of the same denomination and value where the quantity on both sides is not equal, either in a spot transaction or in a transaction based on deferred payment is Riba. A barter transaction between two weighable or measureable commodities of the same kind, where the quantity on both sides is not equal, or where the delivery from one side is deferred is Riba. Similarly a barter transaction between two different weighable or measurable commodities where delivery from one side is deferred is also Riba.

(d) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam--- Simple interest and Compound interest ---Question as to whether the term Riba is confined to compound interest only, and hence in light of Islamic Injunctions only charging of compound interest on loans is prohibited and not the charging of simple interest---Held, that Riba is haraam or prohibited in every form and quantity; its prohibition is not at all dependent on its percentage or the mathematical style in which it is calculated---Phraseology or expression of the Quran used in Verse 130 of Surah Aal-e-Imran itself makes it evident that in the said verse only doubled or multiplied interest is not meant or intended but it also includes even the smallest percentage of interest---Riba or interest is absolutely prohibited and forbidden---Shariat petitions were allowed.

Surah Aal-e-Imran, 3:130; al-Jassas, Abu Bakr Ahmad bin Ali al-Razi, (305-370H/917-981);

(e) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Question as to whether there is any difference between the terms usury (Riba) and interest ---Held, that the terms interest and usury are synonyms used to translate the meaning of the term Riba---According to the Islamic principles of jurisprudence there is no difference between Riba (usury) and interest---Hence in principle both are one and the same thing and prohibited in Islam---Alteration in the name of any term does not change its legal effect---Shariat petitions were allowed.

<https://www.bible.com/search/bible?q=usury> and Book of Exodus (22:25) ref.

(f) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Question as to whether the prohibition of Riba in Islam changes with the change in the percentage of interest charged upon a loan---Held, that according to Injunctions of Islam, a thing which is prohibited is deemed to be prohibited completely and absolutely; its quantity does not have any effect over its prohibition, i.e., if large quantity of a thing is prohibited, a very small quantity of the

same is also equally prohibited---According to the Holy Quran and Sunnah, the prohibition of Riba does not depend upon the quantum or the percentage of amount on which the interest is charged in any transaction, or the rate of interest taken in a transaction---Prohibition of Riba is absolute---Shariat petitions were allowed.

(g) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Consumption loans and commercial loans---Question as to whether only the charging of interest upon consumption loans is prohibited and the charging of interest upon commercial or productive loan is not prohibited in Islam---Held, that the prohibition of Riba is absolute, irrespective of the purpose for which the loan is taken on interest---Purpose of taking a loan does not change the status of prohibition of Riba---Shariat petitions were allowed.

Prohibition of Riba is absolute. It does not differentiate between the rich and the poor loan borrower. Riba or interest be it on personal loan or on commercial loan is haram and prohibited. Purpose of taking a loan does not change the status of prohibition of Riba. According to Injunctions of Islam, usury is associated with the ways and mode of transaction not with the quantity or type of interest. The nature of prohibition of Riba does not change with any change in the form or status of the borrower or the lender. Any change in the socio-economic status of the borrower or for that matter of the lender does not have any effect on the legal status of Riba or interest as it remains prohibited under any circumstances.

In early twentieth century some Muslim scholars felt that banking is unavoidable in the realm of commerce and industry, not just on a national but also on worldwide level. This drove them to claim that only usury is haram (illegal), but not commercial interest, because making commercial interest haram would obstruct their path to industrialization and economic advancement in insurmountable ways. They only included usury in the name of Riba since it is explicitly banned in the Quran and Sunnah, and they excluded commercial interest from ambit of Riba. As a result, it was determined that the ban of Riba was limited to usury, whereas interest on commercial loan was permissible. This approach is against the basic principle of Islamic Injunctions. When Islam prohibits anything, it prohibits not only one specific form of something which is currently widespread, but it prohibits all forms of that thing that may emerge in the future. The fact that the state or form has changed has no bearing on the judgment.

Sir Syed Ahmed Khan, Syed Ahmad Taqvi bin Syed Muhammad Muttaqi, (1817 ref.

The claim that commercial interest did not exist in the days of the Prophet (SAW) is completely wrong. The Arabian society at that time was a trading society and charging of interest on commercial loan was very much in vogue in Arabia at that time rather the existence of interest on commercial loan was one of the reasons for revelation of some of verses of the Quran relating to Riba. Shariat petitions were allowed.

(h) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Islamic banking model, practicality of---Islamic Banking or interest free banking was a reality; it was not only practical but also feasible not only in Pakistan but all across the world---Calling the Islamic Banking as a whole as heela i.e. a device to avoid what is otherwise Riba, is an unfounded and baseless argument---Products of Islamic Banking issued by the State Bank are reviewed and approved from Shariah Board of the State Bank in the light of Islamic Injunctions---Accounting standard

adopted by the State Bank of Pakistan for such purpose are made and issued by a highly reputed International body of well recognized Islamic scholars of the world called Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI)---Islamic Banking is contributing a lot in bringing economic stability in the country according to its market share---Similarly, the apprehension that Islamic Banking may pose a risk to security of the country is also unfounded---State Bank of Pakistan was also making efforts to remain compatible with the international standers of Islamic Banking---Currently there are many international organizations which are systemically working on standardization of Islamic finance and Islamic banking like Islamic Financial Services Board (IFSB) and Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI)---In Pakistan a comprehensive framework exists for Sukuk (bonds) and regular issuance of Sukuk (bonds) can be used to make the financial system Shariah compliant and interest free at the Government Level---Gradual target can be set by Government to convert its entire borrowing to Islamic modes in next few years and stop issuance of interest-based instruments---Therefore, to eliminate Riba completely Federal Shariat Court directed all Public Sector entities to start dealing only in interest-free Shariah-compliant modes which are approved by the State Bank of Pakistan---Steps taken and standards adopted by the State Bank of Pakistan and Government of Pakistan through Ministry of Finance to promote Islamic Banking in Pakistan stated.

(i) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Business transaction---Question as to whether interest or Riba becomes permissible if a transaction is undertaken or made in the name of a business---Held, that all or any transaction undertaken by a bank, if it involves interest or Riba at any percentage, less or more, in any form simple or multiplied or compound, is prohibited and haram---Banking itself per se is neither permissible nor impermissible according to the Injunctions of Islam in the light of the Quran and Sunnah, and it is actually the nature of transaction which it undertakes that makes it permissible or impermissible---If its transactions are Shariah compliant then it is permissible ,and if they are not Shariah compliant or there are doubts about them of being Shariah compliant, then such transactions are impermissible and against the Injunctions of Islam---Shariat petitions were allowed.

verse 2: 275 of Surah Baqrah ref.

(j) Constitution of Pakistan---

---Arts. 38(f), 203-B(c) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Federal Shariat Court, jurisdiction of---Scope---Question as to whether mechanism of indexation and inflation should be adopted by the banking sector in Pakistan to balance the inherent imbalance in the economic transactions---Held, that such question did not come under the precinct of jurisdiction of the Federal Shariat Court because presently there did not exist any law which contains the said issue---At present, there did not exist any law, regulation or SRO of State Bank, etc., which deals with the question of indexation; therefore, the question of indexation and all the related questions in such regard, which are connected to the effect of inflation of money over the borrowed amount during the period of borrowing fall outside the scope of the jurisdiction of the Federal Shariat Court at the moment---Mechanism of indexation and inflation was a matter to be decided by the relevant authorities like the regulator of the banking sector, i.e., Sate Bank of Pakistan or the Government or the Parliament---Shariat petitions were allowed.

(k) Constitution of Pakistan---

---Arts. 2-A, 203-D & 227---Federal Shariat Court, jurisdiction of---Scope---Policy guidelines---To give a policy guideline to the government or to any sector in order to mould that sector in accordance with the principles of Islam is not the job of Federal Shariat Court---Such obligation and duty was on the Parliament to follow the guiding principles by itself keeping in view the Islamic provision of the Constitution like Arts 2-A & 227 in addition to the overall framework of the Constitution or it could seek the assistance of Council of Islamic Ideology of Pakistan.

(l) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Charging of interest by banks on loans given by them to their customers---Interest paid by the bank to its depositors upon their deposits in the bank---Held, that both said forms of interest were Riba, and, thus prohibited---Banking interest is Riba in all its forms and manifestation---Loan that draws any additional amount which is normally called as interest is Riba; be it the amount taken by the banks from their customers upon lending them loan for any purpose or be it the payment made by the banks to its customers against their deposits which they maintain with the banks---Shariat petitions were allowed.

The banking interest charged by the bank upon extending any kind of loan to any kind of customer does fall within the definition of Riba. The money provided by conventional banks to their customers is undoubtedly a loan, and at the time of return of principal amount by the customer to the bank any increase in that principal amount does fall in the category of Riba Al-Naseah or Riba al-Quran.

Shariah considers bank deposits as Qarz and not as amanah because the repayment of the deposited money to the depositor is guaranteed and the bank has full freedom to use it, spend and invest it in any manner which the bank decides in accordance with Shariah. It means that it is not given by the customer to the bank only and solely for keeping in a safe custody. Hence, deposits made in the banks are considered as Qarz given by the depositors to the banks and the charging of interest upon the deposit, under any name, is Riba and, thus, prohibited. Overwhelming majority of the jurists in the Islamic world have consensus over it.

Resolution No. 10 (10/2) regarding: 'Rulings on Usury-based Bank Transactions and Dealing with Islamic Banks', passed in 2nd Session in Jeddah, Saudi Arabia, on 10-16 Rabi Rabi' al-Awwal 1406H / 22 28 December 1985. For English version <https://iifa-aifi.org/en/32234.html> and Arabic version: <https://iifa-aifi.org/ar/1598.html>; Sahih al-Bukhari, 3129 <https://sunnah.com/bukhari:3129> and Resolution No. 86 (3/9) regarding: 'Bank Deposits (Bank Accounts)', passed in 9th Session held in Abu Dhabi, United Arab Emirates, on 1-6 Dhu al-Qi'dah 1415H/ 1 6 April 1985. For English version <https://iifa-aifi.org/en/32511.html> and Arabic version: <https://iifa-aifi.org/ar/1992.html> ref.

Since financial activity is an ever-evolving phenomenon; the different modes of financial and economic actions must be made to confirm to the guiding principle of Islamic financial principles. This means that all and every financial transaction must be completely free from Riba, al-Gharar (uncertainty), al-Qimar (gambling) and al-Maysir (unearned income). Shariat petitions were allowed.

(m) Constitution of Pakistan---

---Art. 203-D---Action/activity prohibited by Shariah---Consent of any party while doing an action or activity which is prohibited and forbidden in Shariah does not make it legal or permissible.

(n) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---International commitments on payment of interest or Riba on international loans already taken by Pakistan---Future foreign borrowing by the Federal Government---Held, that according to the Injunctions of Islam, Pakistan is bound to fulfill all or any financial obligation regarding its foreign debt, however, if it wants to make those Riba based transactions Shariah-compliant, then it is also possible but with the mutual consent of the parties---Any interest stipulated in the Government borrowings acquired from domestic or foreign sources is Riba and clearly prohibited by the Holy Quran and Sunnah, therefore, in future the Government should adopt Shariah-compliant modes while borrowing either from domestic or from foreign sources---For future foreign borrowing there are enough Shariah-compliant modes available in the international financial market which can be used and which are well recognized by the International banks and financial institutions---Islamic finance structure savailable for financing infrastructure projects and shariah compliant solutions for foreignborrowing offered by major international banks and multi-lateral agencies stated.

(o) Constitution of Pakistan---

---Arts. 38(f) & 203-D(2)(b)---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Timeline for the Government to take necessary steps for formulation of legislation which could provide enabling legal framework necessary to transform the Conventional banking system into Riba-free or Islamic banking system--Held, that under the prevalent circumstances it is appropriate and suitable for the Federal Shariat Court to set a time line for complete implementation of present decision which is also a Constitutional requirement in terms of Art. 203-D(2)(b) of the Constitution---Setting of the timeline is the requirement of the Constitution which also fulfills the requirement of Shariah as in some situations time is required for proper implementation of a Shariah ruling---Existence of Shariah Standard for Audit and Accounting approved by the State Bank of Pakistan and above all the existence of number of full-fledged Islamic Banks in the country in addition to many conventional Banks with branches or windows of Islamic Banking is ample evidence that the transformation from conventional banking system into Riba-free or Islamic banking system can be completed very easily---Federal Shariat Court observed that five years period is reasonably enough time for the implementation of the present decision completely i.e converting economy of Pakistan into, equitable, asset based, risk sharing and interest-free economy---Accordingly the Federal Shariat Court specified 31-12-2027 as the date on which the present decision shall take effect by way of complete elimination of Riba from Pakistan---Shariat petitions were allowed.

(p) Constitution of Pakistan---

---Arts. 38(f) & 203-D---Interest Act (XXXII of 1839), Preamble---Government Savings Banks Act (V of 1873), S. 10---Negotiable Instruments Act (XXVI of 1881), Ss. 78, 80, 114 & 117(c)---Land Acquisition Act (I of 1894), Ss. 28, 32, 33 & 34---Civil Procedure Code (V of 1908), Ss. 2(12), 34, 34-A, 34-B, 35(3) & 144(1) & O. XXI, R. 11(2)(g), O. XXI, R. 38, O. XXI, R. 79(3), O. XXI, R. 80(3), O. XXI, R. 93, O.XXXIV, Rr. 2(1)(a)(i), 2(1)(a)(iii), 2(1)(c)(i) & 2(1)(c)(ii), O.XXXIV, R. 2(2), O.XXXIV, R. 4, O.XXXIV, Rr. 7(1)(a)(i), 7(1)(a)(iii), 7(1)(c)(i) & 7(1)(c)(ii), O.XXXIV, R.7(2), O. XXXIV, R. 11, O.XXXIV, R. 13 (1), O.XXXVII, R. 2 & O.XXXIX, R. 9---Co-operative Societies Act (VII of 1925), Ss. 33-A, 50, 59(2)(e), 71(2)(m) & 71(2)(ee)---Co-operative Societies Rules, 1927, Rr.14(1)(h), 22 & 41 & Appendices 1 to 4---West Pakistan Money-Lenders Ordinance (XXIV of 1960), Preamble---Sindh Money-Lenders Ordinance (W.P Ordinance XXIV of 1960), Preamble---Khyber Pakhtunkhwa Money-Lenders Ordinance (W.P. Ordinance XXIV of 1960), Preamble---West Pakistan Money-Lenders Rules, 1965---Agricultural

Development Bank Rules, 1961, Rr. 17(1), 17(2) & 17(3)---Banking Companies Ordinance (LVII of 1962), S. 25(2)(a)---Banking Companies Rules, 1963, R. 9---Banks (Nationalization) Payment of Compensation Rules, 1974, R. 9---Defense Saving Certificates Rules, 1966---Special Savings Certificates Rules, 1990---Legal Practitioners and Bar Councils Act (XXXV of 1973), S. 61(2)(c)---Life Insurance Nationalization Order (President's Order No. 10 of 1972), Preamble---War Risks Insurance Ordinance (XXXII of 1971), Preamble---Federal Employees Benevolent Fund and Group Insurance Act (II of 1969), Preamble---War Risks Insurance Ordinance (XXVI of 1965), Preamble---Riots and Civil Commotion Risks Insurance Ordinance (III of 1947), Preamble---War Injuries (Compensation) Insurance Act (XXIII of 1943), Preamble---Shariat petitions---Riba/interest---Repugnancy to Injunctions of Islam---Federal Shariat Court declared that the Interest Act, 1839, the West Pakistan Money-Lenders Ordinance, 1960, the Sindh Money-Lenders Ordinance, 1960, the Khyber Pakhtunkhwa Money-Lenders Ordinance, 1960, the West Pakistan Money-Lenders Rules, 1965, Section 10 of Government Savings Banks Act, 1873, Sections 78, 80, 114 and 117(c) of the Negotiable Instruments Act, 1881 (so far as these sections are used to support or facilitate any interest bearing transaction), Sections 28, 32, 33, and 34 of the Land Acquisition Act, 1894 (so far as the word interest is used in these sections within the meanings of banking interest), Section 25(2)(a) of the Banking Companies Ordinance, 1962 relating to interest and mark-up, Section 61(2)(c) of Legal Practitioners and Bar Councils Act, 1973 (to the extent the word any interest is used in this clause), the Defense Saving Certificates Rules, 1966, the Special Savings Certificates Rules, 1990, Rule 9 the Banking Companies Rules, 1963, Rules 17(1) & (2) of the Agricultural Development Bank Rules 1961, Rule 9 of the Banks (Nationalization) Payment of Compensation Rules, 1974, Rules 14(1)(h), 22 & 41 along with Appendices 1 to 4 of the Cooperative Societies Rules 1927 (and any circular made thereunder containing the provision of word interest), are repugnant to the Injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (SAW)---Federal Shariat Court further declared that Sections 33-A, 50, 59(2)(e), 71(2)(m) and 71(2)(ee) of the Co-operative Societies Act, 1925, Sections 2(12), 34, 34-A, 34-B, 35(3) & 144(1) and O. XXI, R. 11(2)(g), O. XXI, R. 38, O. XXI, R. 79(3), O. XXI, R. 80(3), O. XXI, R. 93, O. XXXIV, R. 2(1)(a)(i), 2(1)(a)(iii), 2(1)(c)(i) & 2(1)(c)(ii), O. XXXIV, R. 2(2), O. XXXIV, R. 4, O. XXXIV, R. 7(1)(a)(i), 7(1)(a)(iii), 7(1)(c)(i) and 7(1)(c)(ii), O. XXXIV, R. 7(2), O. XXXIV, R. 11, O. XXXIV, R. 13(1), O. XXXVII, R. 2 and O. XXXIX, R. 9 of Civil Procedure Code, 1908 to the extent that the word interest appears in all these provisions are repugnant to the Injunctions of Islam hence they shall be deleted and be amended appropriately---Federal Shariat Court also declared that the Life Insurance Nationalization Order, 1972, the War Risks Insurance Ordinance, 1971, the Federal Employees Benevolent Fund and Group Insurance Act, 1969, the War Risks Insurance Ordinance, 1965, the Riots and Civil Commotion Risks Insurance Ordinance, 1947, and the War Injuries (Compensation) Insurance Act, 1943, to the extent the word interest occurred in these laws, are against the Injunctions of Islam as laid down in the Holy Quran and Sunnah, hence the same should be deleted or alternatively changed where ever possible with any of the Shariah-compliant mode which is approved by the State Bank of Pakistan.

Habib Bank Limited v. Muhammad Hussain and another PLD 1987 Kar. 612 ref.

(q) Constitution of Pakistan---

----Arts. 38(f) & 203-D---Shariat petitions---Insurance business---Takaful---Repugnancy to Injunctions of Islam---Concept of insurance per se is not un-Islamic; its prohibition and permissibility in Shariah depends upon the modes of business in which an insurance company is involved to generate profits for itself and its customers---If an insurance company is involved in those type of modes which are

linked with or based upon those activities which are prohibited in Islam like Riba, al-Gharrar or al-Qimar, then such insurance services given by a company are prohibited according to the Injunctions of Islam---Otherwise, if an insurance company is involved in any of the Shariah-compliant business modes to generate profits for itself and for its customers then it is permissible according to the Injunctions of Islam---Islamic concept of insurance is called Takaful---Word Takaful originates from the Arabic word Kafalah which means to Guarantee, Guardianship, Foster care and protective care etc.---Takaful companies undertake business in accordance with the Shariah-compliant Modes which are free from Riba, al-Gharar and al-Qimar---Concept of Takaful is based on Islamic Injunctions.

Qamoos al-Maani , Qamoos Arabi anglezi ref.

Per Muhammad Noor Meskanzai, CJ; agreeing with Dr. Syed Muhammad Anwer, J.

(r) Jurisdiction---

----Jurisdiction cannot be conferred by consent if a forum otherwise lacks jurisdiction.

(s) Constitution of Pakistan---

----Arts. 2, 2-A, 31, 38(f), 203-B(c), 203-D, 203-G & 227---Shariat petitions relating to Riba/interest---Maintainability---Federal Shariat Court, jurisdiction of---Scheme of Constitution for Islamization of laws cannot be overlooked and ignored; it starts with the Preamble followed by Arts. 2, 2-A, 31 & 227 of the Constitution which ensure that the State shall enable its subjects to order their lives in the individual and collective spheres in accordance with teaching of Islam as set out in Holy Quran and Sunnah---Commitment of the State with its subjects regarding Islamization of laws guaranteed in clear and unequivocal constitutional terms have to be honoured, respected and given effect to---Islamic way of life is absolutely incomplete and impossible without an economic environment/culture and society free from Riba, usury and interest---Word Riba used in Art. 38(f) of the Constitution has been admitted as a menace, economic evil and stands to be eliminated as soon as possible---No controversy regarding prohibition i.e. Hurmat of Riba---All laws challenged in the present petitions are subordinate legislation to the Constitution, so by no stretch of imagination an implied bar can be pleaded to oust an express and clear jurisdiction of the Federal Shariat Court---After 26-04-1990 the bar regarding financial institution [mentioned in Art. 203-B(c) of the Constitution] does not exist, nor any subordinate legislation regarding fiscal laws can be claimed to be immune from examination of the Federal Shariat Court within the powers exercisable under Art. 203-D of the Constitution---Federal Shariat Court for all intent and purposes is well within its jurisdiction to decide the present Shariat petitions.

Ahmad v. Abdul Aziz PLD 1989 SC 771 ref.

(t) Constitution of Pakistan---

----Art. 203-D---Federal Shariat Court, jurisdiction of---Scope---Any subordinate legislation or a law even if validated or protected under Constitution cannot get itself out from the test of repugnancy at the touchstone of Injunctions of Islam i.e. Holy Quran and Sunnah simply because of its protection or validation.

Government of N.W.F.P. through Secretary, Law Department v. Malik Said Kamal Shah PLD 1986 SC 360 ref.

(u) Jurisdiction---

----Ouster of jurisdiction of Court---Scope---Courts do have jurisdiction unless it is barred expressly or by necessary implication---Practice of Superior Court has been

that they have preferred assumption of jurisdiction instead of abdication of jurisdiction.

Sajjad Hussain and 2 others v. The State PLD 1989 FSC 50 ref.

Shariat Petition No. 30-L of 1991

For Petitioners:

Dr. Aslam Khaki, Advocate (supported by Mrs. Yasmeen Haider, Advocate), Qaiser Imam, Advocate, Saif Ullah Gondal, Advocate for Jamat-e-Islami, Dr. Fareed Ahmed Paracha, Imam Dullah and Sujah Ullah, Zafar Ali Raja, Advocate. Raja Muhammad Akram, Advocate, Malik Ghulam Sabir, Advocate, Col. Retd. Syed Iqbal Hashmi, Advocate, Muhammad Siddique Mughal and Qazi Muhammad Siddique, Advocates, **Emad-ul-Hassan**, Advocate, Javed Mansoor Khan, Advocate, M. Kowkab Iqbal, Advocate, Rai Bashir Ahmad, Ghulam Farid Senator and M.Asad Manzoor Butt, Advocates, Raja Farrukh Arif Bhatti, Advocate, Ghulam Qadir Jatoi, Advocate, Prof. Muhammad Ibrahim Khan, Advocate, Touseef Abbasi, Sher Hamad Khan Advocates, Anwar Mansoor Khan, Senior Advocate, Faiz Rasool Jalbani, Advocate, Syed Sikander Abbas Gillani, Advocate, Salamat Ali Chohan, Adviser to State, Mehmood ur Rehm, Advocate, Atif Waheed, Ishtiq Ahmed Farooq, Liaquat Baloch, Jamat-e-Islami, Lahore, Dr. Atta-ur-Rehman, Jamat-e-Islami, Lahore, Dr. Sahams-ul-Haq Hanif, Peshawar, Khuda Yar Khan, Muhammad Aftab Abbasi, Tanzim-e-Islami, Qazi Irfan, Muhammad Saeed Al-Rae, Retd Inspector General of Police, Squardon Leader (Retd.) Tariq Abdul Majeed, Lt. Commander Rtd. Mehmood Iqbal, General Secretary (Foreign), Ghulam Murtaza Jatoi, Advocate, Adnan Ramay and Muneeb Ali Awan, Advocates, Muhammad Younas Meo, Advocate, Maluna Abdul Maalik, Muhammad Anwer Abbasi, Advocate, Dr. Muhammad Hafeez Arshad, Al-Hafeez Welfare Trust, DHA-II, Abdul Ghafoor Chohan, Wing Commander Zarin Qureshi for Tanzee-e-Islami, Imran Shafique, Advocate, Dr. Sahams-ul-Haq Hanif, Peshawar, Mst. Rashidan, Mst. Shukran Bibi, Mst. Saleema Bibi daughters of Khurshid Muhammad, Messrs Bodhla Cotton Ginning and Pressing Factory, Umer Latif, Mufti Ahsan Waqar, Head Shariah Board, NBP. Dr. Mufti Tajamal Muhammad Zubair Usmani, UBL, Tanveer Farhan Mehmood, Head of Islamic Banking System, UBL. Mufti Muhammad Ibrahim Essa, Shariah Advisor and Jalaluddin Ahmed, Chief Executive, Muhammad Saeed Alrai (PSP), Muhammad Iqbal, Muhammad Ayub, Director Research and Training Islamabad, Muhammad Anwar Abbasi, Col. (R) Abdul Rahman, Ghulam Jillani. Prof. Dr. M. Fahim Khan, Riaz Ahmed, Zahoor Ahmed and Saeed Ahmed sons of Khurshid Muhammad, Khuda Yar Khan, Messrs Farooq Brothers, Ishtiaq Ahmed Farooq, Babar Moinuddin, Mufti Abdul Ghaffar, Darul Fatta, Sukkur, Dr. Humaira Awais Shahid, Lahore, Gul Muhammad Toor, Prof. Muhammad Asif, Mir Zaman Khan, Tauseef Ahmed Advocate, Khurram Imam Advocate, Imdadullah Advocate, Ms. Abida Safdar, Assistant A.G. KPK and Ms. Sofia Noreen, Assistant A.G.KPK.

For respondents:

Khalid Javed Khan, Attorney General for Pakistan, Anwar Mansoor Khan, Ex-Attorney General for Pakistan, Ashtar Ausaf Ali, Ex-AG Pakistan, Ch. Ishtiaq Meharban, DAG, Pervaiz Khan Tanoli, Assistant Attorney General for Federal Govt., Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab and Ahsan Hameed Dogar on behalf of A.G. Sindh, Muhammad Ayyaz Khan, Advocate on behalf of A.G. Balochistan, Syed Aley Rizwi, Addl. A.G. Sindh, Kashif Paracha, Addl. AGP. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, Assistant A.G. Balochistan, Malik Akhtar Hussain, Addl. A.G. KPK, Nazeer Abbasi, Standing Counsel for Federal Government, Razzaq.A. Mirza, Addl. Advocate General Punjab, Syed Wajid Ali Gillani, Addl. Advocate General, Punjab, Mujahid Ali Khan, DAG KPK. Ms. Sofia Noreen, Assistant Advocate General, KPK, Nadeem Arshad, SO Legal Ministry of

Finance, Ali Safdar Naghra, Law Officer on behalf of Secretary Finance Punjab, Raja Ahsan Mehmood Satti, Standing Counsel for Federal Government, Syed Aley Maqbool Rizvi, Additional Advocate General, Sindh, Barrister Qasim Ali Chochan, Assistant A.G. Punjab, Arshad Ahmad, Assistant A.G. KPK, Ayaz Khan Swati, Addl. A.G. Balochistan, Raza Abbas Naqvi, A.A.G. Punjab, Shaukat Rauf Siddiqui, Addl. Advocate General, Punjab, Muhammad Zikria Sheikh, Deputy Attorney General of Pakistan, Lahore, Yousaf Qureshi, Assistant A.G. Punjab, Walayat Khan, Assistant A.G. KPK, Razaq A. Mirza, Addl. Advocate General Punjab, Wallayat Khan, Assistant Advocate General, KPK, Salman Akram Raja, Advocate for SBP, Syed Ansar Hussain, Deputy Director on behalf of SBP, Javed Iqbal Khan, Advocate for Chairman Punjab Co-operative Board for Liquidation Lahore, Mehmood Nazir Rana, Law Officer SBP, Mufti Ehsan Waqar, Chairman/Head Shariah Board, NBP, Barrister Maqbool Ahmed, Advocate on behalf of Salman Akram Raja, Advocate, Muhammad Tajamul Hussain, Manager NBP Legal, Rustam on behalf of Sindh Bar Counsel, Zaheer Tanoli, Law Officer on behalf of UBL, Tahir Shabbir, Deputy DAO, Rawalpindi on behalf of Secretary Finance, Punjab Lahore, Shahid Saleem, Ministry of Finance, Lahore. Ms. Iram Younas on behalf of Ministry of Commerce and PIC, Masood Anwar, Advocate for NICL Ministry of Commerce, Aziz ur Rehman, Advocate, Ayyaz Hussain, Executive Officer Law National Insurance Corporation, Shakeel Asghar, Law Officer on behalf of Chief Secretary KPK, Dr. Mehmood ul Rehman Faisal, DG National Savings, Shaukat Rauf Siddiqui, Addl. Advocate General, Punjab, Raja Saleem Ullah, Law Officer Finance Department Government of Punjab, Malik Ghulam Advocate for State Bank of Pakistan, Ghulam Nabi Azhar, Industrial Assistant Registrar Cooperative Department Lahore, Wallayat Khan, Assistant Advocate General, KPK, Muhammad Yousaf, MD Legal Affairs SLIC, Abdul Shakoor Saqib, Deputy DAO Rawalpindi, Feroz Malik, Deputy Manager State Life Insurance, Khan Pacha, Senior Superintendent, Office of the Chief Executive Terbel, Ms. Bushra Qamar, President Provincial Bar Council Punjab Lahore, Salah ud Din Khan, Gandapur and Manzoor Leghari, Advocates on behalf of Sindh Bar Council, Shakil Ahmed, Assistant Solicitor Ministry of Law and Justice, Javed Ali, Deputy District Accounts Officer Punjab Finance Department, Muhammad Javed Iqbal, Assistant Vice President, ZTBL, Muhammad Javed Ali, DAO Punjab Finance Department Rawalpindi, Muhammad Asad Mehmood, Section Officer (Insurance) Commerce Islamabad, Muhammad Aslam Sipra, Deputy Director Finance, Punjab Government, Ghulam Muhammad and Mehmood Shafqat for State Bank of Pakistan, Saleem Shehzad, Section Officer Ministry of Finance, Sohabt Ali Talpur, Deputy Secretary Ministry of Finance Islamabad, Saleem Ullah, Director State Bank of Pakistan, Muhammad Yousaf, SPS to Ahmed Dildar, Member Legal FBR Islamabad, Rana Abdul Ghaffar Khan, Advocate, Saim AR Abbas, Assistant Registrar Industrial Cooperative, GM Abbasi, Director State Bank of Pakistan, Mrs. Imrana Baloch, AOR on behalf of Government of Punjab, Zain-ul-Abidin, Secretary Sindh Bar Council, Raza Mohsin Qazalbash, Director State Bank of Pakistan, Ghani Value, Glass Limited, Lahore, Muhammad Yaseen Traders, Commission Agent, Momin Cotton Ginners and Oil Mills, Rahim Yar Khan, Welcome Agro Chemicals, Bahawalpur, Raazi Hospital, Rawalpindi and Mazhar A Nurani.

Economist:

Shaukat Shehzad.

Jurisconsults:

Dr. Attiq-ul-Zafar Khan, Dr. Hafiz Muhammad Tufail, Dr. Muhammad Ayub, Dr. Muhammad Tahir Mansori, Dr. Muhammad Qaseem, Prof. Dr. Muhammad Yousaf Farooqi and Asim Mansoor Khan.

Amici Curiae:

Dr. Ijaz Ahmed Samdani, Dr. Zaheer-ud-Din Babar Awan, Advocate, Barrister Abdullah Babar Awan, Advocate, Anwar Mansoor Khan, Asim Mansoor Khan, Maluana Asmat Ullah, Maulana Ahmed Ali Siddiqui and Dr. Waqar Masood, Ex-Secretary Finance, Islamabad.

Public Notice:

Shakeel Ahmed, Ex-Banker. Mst. Balqees Rahat, Advocate, Syed Arshad Hussain, Advocate, Sayyid Tahir, Saad. Hujaj Ali Nawaz Khan, Muhammad Umar Khan and Siraj ul Haq, Ameer Jama'at-e-Islami.

Shariat Misc. Application No.04-L of 2002

Counsel for petitioner:

Ch. Abdur Rehman, Advocate and Mian Sher Alam, Advocate, Barrister Abrar Nahakm, Advocate, Malik Wiqar Saleem, Advocate and Hafiz Muhammad Saeed, Advocate.

For respondents:

Ch. Ishtiaq Meharban, D.A.G.

Shariat Petition No.27-L of 1990

For petitioner:

Iqbal Hamed-ur-Rehman, Advocate and Muhammad Amin Sheikh, Advocate.

For respondents:

Aijaz Ali Khaskheli, Ghulam Rasool Korai and Khalid Mahmood Siddiqui, Advocates on behalf of NBP

Shariat Petition No.01-K of 1991

For Petitioner:

S.M. Saeed, Advocate.

For respondents:

Ahmad Bashir and Aziz-ur-Rehman Farooqi, Advocates, Ms. Sarah Rehman, Advocate, Babar Sattar, Advocate for HBL, Aneeq Salman Malik, Advocate for HBL and Muhammad Saleem, Manager HBL Zone Office Islamabad.

Shariat Petition No.08-K of 1990

For Petitioner:

Syed Afzal Hussain (in person).

For respondents:

Syed Ali Zafar, Advocate, for Chairman Pakistan Banking Council Karachi and Farrakh Qayyum, Deputy Secretary (BKG) Government of Pakistan Finance Division Islamabad.

Shariat Petition No.17-I of 1990

For petitioner:

Dr. Mahmood ur Rehman Faisal (in person)

For respondents:

Syed Ali Zafar, Advocate, Salaman Akram Raja, Advocate for SBP. Syed Ansar Hussain, Deputy Director SBP, Mahmood Nazir Rana, Law Officer SBP and Barrister

Maqbool Ahmed, Advocate SBP.

Shariat Petition No.18-I of 1990

For petitioner:

Dr. Mahmood ur Rehman Faisal (in person) and Tahir Malik, Advocate.

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.20-I of 1990

For petitioner:

Dr. Mahmood ur Rehman Faisal (in person)

For respondents:

Syed Ali Zafar Advocate.

Shariat Petition No.21-I of 1990

For petitioner:

Muhammad Amin Sheikh, Advocate.

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.21-L of 1990

For petitioner:

Muhammad Amin Sheikh, Advocate.

For respondents:

Babar Sattar, Advocate, Aneeq Salman Malik, Advocate for HBL, Muhammad Saleem, Manager HBL Zone office Islamabad and Ms. Sarah Rehman, Advocate for HBL.

Shariat Petition No.30-I of 1990

For petitioner:

Dr. Mahmood ur Rehman Faisal (in person).

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.31-I of 1990

For petitioner:

Dr. Mahmood ur Rehman Faisal (in person).

For respondents:

Syed Ali Zafar, Advocate, Muhammad Sultan, A.P. Legal National Savings, Muhammad Tanveer Mehmood, (NSO) C.D.N.S, Aziz-ur-Rehman Farooqi, Advocate, Bakht, Bahadur, Director CDNS, Nazir and Sardar Hameed, CDNS Islamabad, Zaheer Abbas, Joint Director, CDNS, Sardar Hameed Akhtar on behalf of Ministry of Finance and Sardar Hamad Akhtar, CDNS, Islamabad.

Shariat Petition No.01-L of 1991

For petitioner:

Ch. Ijaz Ahmad (in person).

For respondents:

Malik Muhammad Nawaz, Advocate.

Shariat Suo-Motu No.02-I of 1991

For respondents:

Khalid Javed Khan, Attorney General for Pakistan, Anwar Mansoor Khan, Ex-Attorney General for Pakistan, Ashtar Ausaf Ali, Ex-AG Pakistan, Ch. Ishtiaq Meharban, DAG and Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab and Ahsan Hameed Dogar on behalf of A.G. Sindh, Muhammad Ayyaz Khan, Advocate on behalf of A.G. Balochistan, Syed Aley Rizwi, Addl. A.G. Sindh, Khashif Paracha, Addl. AGP. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, Assistant A.G. Balochistan, Malik Akhtar Hussain, Addl. A.G. KPK, Nazeer Abbasi, Standing Counsel for Federal Government, Razzaq.A. Mirza, Addl. Advocate General Punjab, Mujahid Ali Khan, DAG KPK, Nadeem Arshad, SO Legal Ministry of Finance, Ali Safdar Naghra, Law Officer on behalf of Secretary Finance Punjab, Raja Ahsan Mehmood Satti, Standing Counsel for Federal Government, Barrister Qasim Ali Chochan, Assistant A.G. Punjab, Arshad Ahmad, Assistant A.G. KPK, Ayaz Khan Swati, Addl. A.G. Balochistan, Raza Abbas Naqvi, A.A.G. Punjab, Yousaf Qureshi, Assistant A.G. Punjab and Walayat Khan, Assistant A.G. KPK.

Shariat Petition No.02-L of 1991

For petitioner:

Dr. Syed Asad Gillani (in person) and Sheikh-ul-Hadith Maulana Abdul Malik, Mansoorah Lahore.

For respondents:

Ghulam Nabi-Azhar, Industrial Assistant Registrar Cooperative Society Lahore and Mian Azhar Hussain, Assistant Electric Inspector Energy Department Govt. of Punjab.

Shariat Suo Motu No.03-I of 1991

For respondents:

Ch. Ishtiaq Meharban, DAG and Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab and Ahsan Hameed Dogar on behalf of A.G. Sindh, Muhammad Ayyaz Khan, Advocate on behalf of A.G. Balochistan, Syed Aley Rizwi, Addl. A.G. Sindh, Khashif Paracha, Addl. AGP, Ashtar Ausaf Ali, Ex-A.G. Pakistan, Khalid Javed Khan, Attorney General for Pakistan, Anwar Mansoor Khan, Ex-Attorney General for Pakistan, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, Assistant A.G. Balochistan, Malik Akhtar Hussain, Addl. A.G. KPK, Nazeer Abbasi, Standing Counsel for Federal Government, Razzaq A. Mirza, Addl. Advocate General Punjab, Mujahid Ali Khan, DAG KPK, Nadeem Arshad, SO Legal Ministry of Finance, Ali Safdar Naghra, Law Officer on behalf of Secretary Finance Punjab, Raja Ahsan Mehmood Satti, Standing Counsel for Federal Government, Barrister Qasim Ali Chochan, Assistant A.G. Punjab, Arshad Ahmad, Assistant A.G. KPK, Ayaz Khan Swati, Addl. A.G. Balochistan, Raza Abbas Naqvi, A.A.G. Punjab, Yousaf Qureshi, Assistant A.G. Punjab and Walayat Khan, Assistant A.G. KPK.

Shariat Suo Motu No.04-I of 1991

For respondents:

Ch. Ishtiaq Meharban, D.A.G. and Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab and Ahsan Hameed Dogar on behalf of A.G. Sindh, Muhammad Ayyaz Khan, Advocate on behalf of A.G. Balochistan, Syed Aley Rizwi, Addl. A.G.

Sindh, Khashif Paracha, Addl. AGP, Asthar Ausaf Ali, Ex-A.G. Pakistan, Khalid Javed Khan, Attorney General for Pakistan, Anwar Mansoor Khan, Ex-Attorney General for Pakistan. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, Assistant A.G. Balochistan, Malik Akhtar Hussain, Addl. A.G. KPK, Nazeer Abbasi, Standing Counsel for Federal Government, Razzaq A. Mirza, Addl. Advocate General Punjab, Mujahid Ali Khan, DAG KPK, Nadeem Arshad, SO Legal Ministry of Finance, Ali Safdar Naghra, Law Officer on behalf of Secretary Finance Punjab, Raja Ahsan Mehmood Satti, Standing Counsel for Federal Government, Barrister Qasim Ali Chochan, Assistant A.G. Punjab, Arshad Ahmad, Assistant A.G. KPK, Ayaz Khan Swati, Addl. A.G. Balochistan, Raza Abbas Naqvi, A.A.G. Punjab, Yousaf Qureshi, Assistant A.G. Punjab, Walayat Khan, Assistant A.G. KPK, Ashraf, AC (HR) Kasur and Javed Ali, Punjab Finance Department.

Shariat Petition No.04-K of 1991

For petitioner:

Javed Mazhar (in person).

For respondents:

Ch. Muhammad Nawaz, Advocate for respondent No.3, Amjad Ali, A.O. Customs and Muhammad Javed Iqbal, APV, ZTBL.

Shariat Petition No.16-I of 1991

For petitioner:

Raja Muhammad Akram, Advocate.

For respondents:

Aijaz Ali Khaskheli, Ghulam Rasool Korai and Khalid Mahmood Siddiqui, Advocates on behalf of NBP and Qasim Bhatti, MIS, Officer, NBP, Regional Office Rawalpindi, Muhammad Riaz, Vice-President UBL, Legal Division and Zaheer Ahmad Tanoli, Law Officer for UBL.

Shariat Petition No.16-A/I of 1991

For petitioner:

Raja Muhammad Akram, Advocate and Sameer Khosa, Advocate.

For respondents:

Qasim Bhatti, MIS-Officer NBP, Regional Office Rawalpindi and Abdul Rauf, Advocate.

Shariat Petition No.16-C/I of 1991

For petitioner:

Raja Muhammad Akram, Advocate and Sameer Khosa, Advocate.

For respondents:

Qasim Bhatti, MIS-Officer NBP, Regional Office Rawalpindi.

Shariat Petition No.17-I of 1991

For petitioner:

Nemo.

For respondents:

Malik Muhammad Siddique Awan and Rizwan Mahmood, Advocates, for NBP.

Shariat Petition No.17-A/I of 1991

For petitioner:

Raja Muhammad Akram, Advocate and Sameer Khosa, Advocate.

For respondents:

Nadeem, SO Legal Ministry of Finance.

Shariat Petition No.17-C/I of 1991

For petitioner:

Raja Muhammad Akram, Advocate and Sameer Khosa, Advocate.

For respondents:

Qasim Bhatti, MIS-Officer NBP, Regional Office Rawalpindi.

Shariat Petition No.24-L of 1991

For petitioner:

Muhammad Ashraf and Muhammad Akram (in person).

For respondents:

Javed Iqbal Khan, Advocate and Ch. Muhammad Yaqub Sidhu, Advocate for Chairman Punjab Cooperative Board for Liquidation Lahore, Jameel Ahmed Qazi, Industrial Inspector Rawalpindi, Ghulam Nabi Azhar, Industrial Assistant Registrar Cooperative Department Lahore, Rana Naeem Akhtar, Assistant Manager Legal for NICFC/PCBL and Liaqat Ali, Industrial Assistant Registrar Lahore Punjab.

Shariat Petition No.25-L of 1991

For petitioner:

Muhammad Iqbal Naz (in person).

For respondents:

Nasir Javeid Virk and Tahir Lateef Sheikh, Advocates HBFCL, Shafqat Rasool, Manager Legal, HBFC, Sammer, IAR Cooperative, Jameel Ahmed Qazi, Industrial Inspector Rawalpindi, Muhammad Shahid Butt, Industrial Assistant Registrar Cooperative and Rana Abdul Ghaffar Khan, Advocate.

Shariat Petition No.27-I of 1991

For petitioner:

Muhammad Ashraf (in person).

For respondents:

Jameel Ahmed Qazi, Industrial Inspector Rawalpindi and Liaqat Ali, Industrial Assistant Registrar Lahore Punjab.

Shariat Petition No.28-I of 1991

For petitioner:

Muhammad Iqbal Naz (in person).

For respondents:

Jameel Ahmed Qazi, Industrial Inspector Rawalpindi and Liaqat Ali, Industrial Assistant Registrar Lahore Punjab.

Shariat Petition No.30-I of 1991

For petitioner:

S.M. Tayyab, Advocate.

For respondents:

Javed Iqbal Khan, Advocate on behalf of Chairman Cooperative Board for Liquidation, Lahore, Rana Naeem Akhtar, Assistant Manager Legal for NICFC/PCBL and Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.31-I of 1991

For petitioner:

Faiz Ahmad (in person).

For respondents:

Ahmed Bashir and Aziz ur Rehman Farooqi, Advocates, Syed Ali Zafar, Advocate, Mehmood Tanveer, NSO and Muhammad Saleem, Manager HBL Zone office Islamabad.

Shariat Petition No.32-I of 1991

For petitioner:

Faiz Ahmed (in person).

For respondents:

Ahmed Bashir and Aziz ur Rehman Farooqi, Advocates for HBL and Muhammad Saleem, Manager HBL Zone Office Islamabad.

Shariat Petition No.33-I of 1991

For petitioner:

Faiz Ahmed (in person).

For respondents:

Ahmed Bashir Advocate, Aziz ur Rehman Farooqi, Advocate for HBL and Muhammad Saleem, Manager HBL Zone Office Islamabad.

Shariat Petition No.35-I of 1991

For petitioner:

Kashmir Fabrics (in person).

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.42-I of 1991

For petitioner:

Muhammad Hashim (in person).

For respondents:

Aziz Ali Khaskhali, Advocate, Ghulam Rasool Korai and Khalid Mahmood Siddiqui, Advocates on behalf of NBP.

Shariat Petition No.45-I of 1991

For petitioner:

Muhammad Hashim (in person).

For respondents:

Aziz Ali Khaskhali, Advocate, Ghulam Rasool Korai and Khalid Mahmood Siddiqui, Advocates on behalf of NBP.

Shariat Petition No.48-L of 1991

For petitioner:

Petitioner s counsel has died.

For respondents:

Tahir Lateef, Advocate for HBFC, Shafaat Rasul, Manager Legal HBFC and Hashmat Ali Habib, Advocate.

Shariat Petition No.51-I of 1991

For petitioner:

Muhammad Iqbal Advocate (in person).

For respondents:

Nemo.

Shariat Petition No.56-I of 1991

For petitioner:

Kashmir Fabrics (in person).

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.57-I of 1991

For petitioner:

Kashmir Fabrics (in person).

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.64-I of 1991

For petitioner:

Mohammad Mukhtar Ahmad Farani (in person).

For respondents:

Govt. of Sindh through Secretary Law.

Shariat Petition No.65-I of 1991

For petitioner:

Mohammad Mukhtar Ahmad Farani (in person).

For respondents:

Government of Balochistan through Secretary Law.

Shariat Petition No.66-I of 1991

For petitioner:

Muhammad Mukhtar Ahmad Farani (in person).

For respondents:

Government of NWFP through Secretary Law.

Shariat Petition No.67-I of 1991

For petitioner:

Mohammad Mukhtar Ahmad Farani (in person).

For respondents:

Government of Punjab through Secretary Law.

Shariat Petition No.68-L of 1991

For petitioner:

Muhammad Amin Sheikh, Advocate.

For respondents:

Syed Ali Zafar, Advocate ABL and Khawar Ehsan, Manager SAM ABL.

Shariat Petition No.69-L of 1991

For petitioner:

Muhammad Amin Sheikh, Advocate.

For respondents:

Syed Ali Zafar, Advocate, Khawar Ehsan, Manager SAM ABL and Khurram Ehsan, Member SAM North ABL.

Shariat Petition No.70-L of 1991

For petitioner:

Muhammad Amin Shaikh, Advocate.

For respondents:

Aijaz Ali Khaskheli, Litigation Officer, Ghulam Rasool Korai, and Khalid Mahmood Siddiqui, Advocates for NBP and Syed Ali Zafar, Advocate.

Shariat Petition No.71-L of 1991

For petitioner:

Muhammad Amin Shaikh Advocate.

For respondents:

Aijaz Ali Khaskheli, Litigation Officer, Ghulam Rasool Korai, and Khalid Mahmood Siddiqui, Advocates for NBP, Syed Ali Zafar, Advocate.

Shariat Petition No.72-L of 1991

For petitioner:

Muhammad Amin Shaikh, Advocate.

For respondents:

Aijaz Ali Khaskheli, Litigation Officer, Ghulam Rasool Korai, and Khalid Mahmood Siddiqui, Advocates for NBP, Syed Ali Zafar, Advocate and Muhammad Javed Iqbal, APV, ZTBL.

Shariat Petition No.74-I of 1991

For petitioner:

Abdul Qayyum Qureshi (in person).

For respondents:

Attorney General and Deputy Attorney General for Pakistan.

Shariat Petition No.74-L of 1991

For petitioner:

Naveed Asif (in person).

For respondents:

Aijaz Ali Khaskheli, Litigation Officer, Ghulam Rasool Korai, and Khalid Mahmood Siddiqui, Advocates for NBP.

Syed Ali Zafar, Advocate and Khurram Ehsan, Member SAM North ABL.

Shariat Petition No.78-I of 1991

For petitioner:

Gulzar Ahmad Khan (in person).

For respondents:

Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.79-I of 1991

For petitioner:

Gulzar Ahmad Khan, Senator (in person).

For respondents:

Javed Iqbal Khan, Advocate for Chairman Punjab Cooperative Board for Liquidation Lahore, Jameel Ahmed Qazi, Industrial Inspector Rawalpindi, Rana Naeem Akhtar, Assistant Manager Legal for NICFC/PCBL and Liaqat Ali, Industrial Assistant Registrar Lahore Punjab.

Shariat Petition No.80-I of 1991

For petitioner:

Gulzar Ahmad Khan, Senator (in person).

For respondents:

Punjab Cooperative Board.

Shariat Petition No.82-I of 1991

For petitioner:

Ch. Sarwar Hayat (in person).

For respondents:

Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.83-I of 1991

For petitioner:

Ch. Sarwar Hayat (in person).

For respondents:

Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.84-I of 1991

For petitioner:

Ch. Sarwar Hayat (in person).

For respondents:

Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.85-L of 1991

For petitioner:

Mohammad Sharif (in person).

For respondents:

Muhammad Shahid Butt, Industrial Assistant Registrar Cooperative and Liaquat Ali, Industrial Assistant Registrar Lahore Punjab.

Shariat Petition No.01-L of 1992

For petitioner:

Syed Afzal Haider, Advocate.

For respondents:

Syed Mir Ahmed Shah, Cooperative Punjab.

Shariat Petition No.07-I of 1992

For petitioners:

Abdur Rehman Siddiqui Advocate and Muhammad Mansoor Jafer (in person).

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, DAG for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK. Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Tanveer Mehmood, (NSO) C.D.N.S. Sardar Hameed Akhtar, CDNS National Savings, Muhammad Sultan, AP (Legal) National Savings, Bakht Bahadur, Director CDNS, Nazir and Sardar Hameed, CDNS Islamabad, Zaheer Abbas, Joint Director, CDNS. Sardar Hameed Akhtar on behalf of Ministry of Finance and Sardar Hamad Akhtar, CDNS, Islamabad.

Shariat Petition No.08-I of 1992

For petitioners:

Abdur Rehman Siddiqui Advocate and Muhammad Mansoor Jafer (in person).

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Tanveer Mehmood, (NSO) C.D.N.S, Muhammad Sultan, AP (Legal) National Savings, Bakht Bahadur Director CDNS, Nazir and Sardar Hameed, CDNS Islamabad, Zaheer Abbas Joint Director, CDNS, Sardar Hameed Akhtar on behalf of Ministry of Finance and Sardar Hamad Akhtar, CDNS, Islamabad.

Shariat Petition No.09-I of 1992

For petitioners:

Abdur Rehman Siddiqui Advocate and Muhammad Mansoor Jafer (in person).

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Tanveer Mehmood, (NSO) C.D.N.S, Muhammad Sultan, AP (Legal) National Savings, Bakht Bahadur, Director CDNS, Nazir and Sardar Hameed, CDNS Islamabad, Zaheer Abbas, Joint Director, CDNS. Sardar Hameed Akhtar on behalf of Ministry of Finance. Sardar Hamad Akhtar, CDNS, Islamabad and Raja Mehmood Subhani, Manager Legal on behalf of Chief Secretary Punjab.

Shariat Petition No.11-I of 1989

For petitioner:

Musthaq Hussain Shah (in person), Salah ud Din Khan, Advocate and Musa Bashir Janjua Advocate.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Imtiaz Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Aziz-ul-Haque Nishtar, Advocate for respondent, Sajjad Ali, Advocate for Director (Legal) WAPDA, WAPDA House Lahore, Tahir Malik, Advocate for State Life Insurance Cooperation Rawalpindi Zone, Salman Mushtaq, Deputy DAO on behalf of Chief Secretary Punjab, Masood Anwar, Advocate for NICL, Ayaz Hussain, Executive Officer NICL, Muhammad Umar Khan, NICL-MOC, Barrister Adam Hassan Malik on behalf of Postal Life Insurance, Awal Daad, Assistant Superintendent Postal Life Insurance, Sajjad Zafar, Advocate for WAPDA, Mehr un Nisa Khalid, AGM, Abdul Bais, Dy. Director Admn WAPDA, Muhammad Farooq Malik, DM, SLIC, Abdul Shakoor Saqib, Deputy DAO Rawalpindi. Syed Wajahit Ali, ADPLI Lahore, Muhammad Siddique Malik, DG Legal GEPCO WAPDA, Dr. Muhammad Akram Nawaz, GM Postal Life Insurance, Post office Service Management Board, Niaz Sardar, Deputy Director Admin WAPDA, Rao Akram Khurram, Advocate on behalf of Pakistan Insurance Corporation, Muhammad Nusrat Hussain, ED (OPS) NICL, Khan Bacha, Senior Superintendent WAPDA Office CE (P) Tarbela, Mahmud Raza Khan, Advocate on behalf of Chairman Pakistan Insurance Corporation and Jibran Khalil, Law Officer Government of Punjab.

Shariat Petition No.59-I of 1992

For petitioner:

Roshan Din Roshan (in person).

For respondents:

Khalid Umar Chaudhary, Law Officer Punjab Bar Council, Salah ud Din Khan Gandopar, Sindh Bar Council, HCB (Annexue) Karachi, Muhammad Farooq Malik, DM, SLIC, Abdul Shakoor Saqib, Deputy DAO Rawalpindi, Syed Wajahit Ali, ADPLI Lahore and Zain ul Abideen, Secretary Sindh Bar Council.

S.S.M.No.02-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, DAG for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

S.S.M. No.03-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.04-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.05-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.06-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.07-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.08-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar,

A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.09-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.10-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Suo-Motu No.11-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar, Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan and Shafqat Rasool, Advocate NICL.

Shariat Suo-Motu No.13-I of 1992

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Petition No.04-I of 2003

For petitioner:

Rai Khan Muhammad, Advocate.

For respondents:

Deputy Attorney General for Pakistan.

Shariat Petition No.02-L of 2004

For petitioner:

Rana Ghulam Sarwar, Advocate, Noor Ahmad, Assistant Board of Revenue Tehsil Municipal Administration Kasur, Muhammad Abid, Municipal Officer (Finance) Municipal Corporation Kasur, Rashid Mehmood, Municipal Officer Retd Municipal Corporation Kasur, Idrees Khan, Municipal Officer Regulations Municipal Committee Kasur and Khalil Ahmed, Tehsil Municipal Administration Government of Punjab Kasur.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Ibrahim, (AEI) Energy Department Punjab, Iqbal Ahmed Khan, respondent No.16, Muhammad Yaseen, Director Technical Power, Muhammad Adnan Khan, Senior Law Officer Board of Revenue Punjab, Tariq Nazeer, Law Officer, Board of Revenue Punjab on behalf of respondents Nos.5 and 9. Raja Mehmood Subhani, Manager Legal on behalf of Chief Secretary Punjab.

Shariat Petition No.04-L of 2003

For petitioner:

Muhammad Ismail Qureshi, Advocate, Abdul Bais, Dy. Director Admn WAPDA, Muhammad Siddique Malik, D.G. Legal GEPCO WAPDA and Niaz Sardar, Deputy Director Admin WAPDA.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Ibrahim, (AEI) Energy Department Punjab, Muhammad Yaseen, Director Technical Power, Muhammad Adnan Khan, Senior Law Officer Board of Revenue Punjab, Muhammad Siddique Malik, D.G. Legal GEPCO, Tariq Nazeer Law Officer, Board of Revenue Punjab on behalf of respondents Nos.5 and 9 and Raja Mehmood Subhani, Manager Legal on behalf of Chief Secretary Punjab.

Shariat Petition No.06-L of 2003

For petitioner:

Justice (Retd) Muhammad Munir Paracha, Advocate for GEPCO, Gujranwala, Aurangzeb Mirza, Advocate for petitioner, Abdul Bais, Dy. Director Admn WAPDA, Muhammad Siddique Malik, D.G. Legal GEPCO WAPDA and Niaz Sardar, Deputy Director Admin WAPDA.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK, Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Ibrahim, (AEI) Energy Department Punjab, Muhammad Siddique, DG Legal GEPCO, Muhammad Yaseen, Director Technical Power, Muhammad Adnan Khan, Senior Law Officer Board of Revenue Punjab, Tariq Nazeer, Law Officer, Board of Revenue Punjab on behalf of respondents Nos.5 and 9 and Raja Mehmood Subhani, Manager Legal on behalf of Chief Secretary Punjab.

Shariat Petition No.09-L of 2003

For petitioner:

Aurangzeb, Advocate, Muhammad Siddique Malik, DG Legal GEPCO WAPDA, Niaz Sardar, Deputy Director Admin WAPDA.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh, Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan, Muhammad Ibrahim, (AEI) Energy Department Punjab, Muhammad Siddique Malik, DG Legal on behalf of GEPCO Limited Gujranwala, Muhammad Yaseen, Director Technical Power, Muhammad Adnan Khan Senior Law Officer Board of Revenue Punjab, Abdul Bais, Dy. Director Admn WAPDA and Tariq Nazeer, Law Officer, Board of Revenue Punjab on behalf of respondents Nos.5 and 9.

Shariat Petition No.01-I of 2004

For petitioner:

Syed Kazim Hussain Kazmi, Advocate and Naeem Ahmed Awan, Advocate for GENCO-III, Muzaffargarh, Muhammad Ashraf Sheikh, Advocate for NPGCL, TPS, Muzaffargarh, Muhammad Usman Sheikh, Advocate for GENCO-III, Muzaffargarh, Muqarras Iqbal, Chief HRM Admn, NPGCL, on behalf of petition, Muhammad Iqbal Anjum, CEO NGPCL, TPS through CEO WAPDA, Thermal Power Station Muzaffargarh, Muqarrab Iqbal, Chief Human Rights NPGCL, Salamat Ali Jogi, (DM) on behalf of Chairman State Life Insurance Corporation of Pakistan and Musa Bashir Janjua, Advocate.

For respondents:

Ch. Ishtiaq Meharban, Deputy Attorney General for Pakistan, Salamat Ali Jogi, D.M. on behalf of Chairman State Life Insurance Corporation of Pakistan.

Shariat Misc. Application No.08-I of 2007

For petitioner:

Syed Muhammad Baqir Ali Gilani (in person).

For respondents:

Syed Ali Zafar, Advocate.

Shariat Petition No.01-L of 2008

For petitioner:

Mst. Shaista Yasmeen (in person), Mian Ghulam Ullah Khan Joiya, Advocate, Muhammad Ahmed Hassan Khan, Advocate, Muhammad Javed-ur-Rehman Rana, Advocate, Syed Muhammad Ilyas Chairman Awam Dost Part, Chief Editor Hafiza Newspaper, Lahore.

For respondents:

Salman Akram Raja, Advocate for SBP, Tahir Latif Sheikh and Nasir Javed Virk, Advocates for respondent No.2 HBFC, Rehan Nawaz, Advocate for respondent No.4 State Bank of Pakistan, Hashmat Habib, Advocate for HBFC Karachi, Shafqat Rasool, Manager Legal HBFC, Zahid Ali Khan former G.M. HBFC Lahore, Dil Afroz Subhani, Advocate for respondents Nos. 4 to 7, Muhammad Amin, Officer Grade-I SBP Lahore, Muhammad Nawaz Waseer, Standing Counsel for Federal Government, Zafaraullah Khan, GM, Legal, HBFC, Abid Ali Baig, Law Officer

HBFC, Irshad Ali Khan, Officer Grade-I on behalf of State Bank of Pakistan, Hamza Liaquat, Manager Legal HBFCL and Shafqat Rasool, Manager Legal, HBFC.

Shariat Petition No.02-K of 2008

For petitioner:

Manzoor Ahmed Yousfani (in person).

For respondents:

Muhammad Aslam, D.A.G.

Shariat Petition No.12-I of 2013

For petitioner:

Muhammad Kokab Iqbal, Advocate and Ghulam Fareed Sanotra and Rai Bashir Ahmad and Rai Usman, Advocates, Muhammad Younas Meo, Advocate and M. Asad Manzoor Butt, Advocate, Muhammad Rafique Nizami, Advocate and Atif Waheed, Incharge IRTS Quran Academy Lahore.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Petition No.03-I of 2014

For petitioner:

Raja Farrukh Arif Bhatti, Advocate.

For respondents:

Khalid Javed, Attorney General for Pakistan, Ch. Ishtiaq Meharban, D.A.G. for Pakistan, Ch. Saleem Murtaza Mughal, Addl. Advocate General Punjab, Arshad Khan, Addl. A.G. KPK. Sardar Ali Raza, Addl. A.G. KPK, Muhammad Fareed Dogar, A.A.G. Balochistan, Ahsan Hameed Dogar Advocate on behalf of A.G. Sindh and Muhammad Ayaz Khan Swati, Addl. A.G. Balochistan.

Shariat Petition No.01-I of 2019

For petitioner:

Atif Waheed (in person) and Muhammad Younas Meo, Advocate.

For respondents:

Ch. Ishtiaq Meharban, Deputy Attorney General for Pakistan.

Dates of hearing: 3rd June, 21st October, 5th November, 2013, 18th May, 16th June, 29th October, 2015, 25th April, 3rd October, 2016, 30th, 31st January, 13th, 14th February, 6th, 13th March, 10th April, 2017, 23rd April, 14th May, 11th June, 24th September, 16th October, 6th November, 11th December, 2018, 15th January, 19th February, 19th March, 16th April, 2019, 30th November, 7th December, 21st December, 2020, 3rd February, 27th May, 30th September, 17th, 18th, November, 1st, 2nd, 3rd, 9th, 15th, 16th, December, 2021, 13th 21st, January, 3rd, 17th, 1st, 18th, 22nd, February, 3rd, 10th, 12th, 16th, 21st, 25th, 26th, March, 4th, 9th, 11th and 12th April, 2022.

ALLAH HATH PERMITTED TRADE AND FORBIDDEN USURY

JUDGMENT

DR. SYED MUHAMMAD ANWER, J.---The Civil Shariat Review Petition No. 01 of 2002 filed by the United Bank Limited was allowed by the Hon'ble Shariat Appellate Bench of the Supreme Court on 24.06.2002 under its Shariat Review Jurisdiction; resultantly, judgment dated 23.12.1999 in Civil Shariat Appeals Nos.11 to 19 of 1992 and the judgment dated 14.11.1991 of the Federal Shariat Court passed in Shariat Petitions Nos.42-I + 45-I of 1991, etc. were set aside and the cases were remitted to the Federal Shariat Court for determination afresh in the light of contentions of the parties as noted in the said judgment and observations made upon them, which were germane to the controversy. According to the said judgment, parties were permitted to raise any other issue relevant to these cases in addition to the points raised before the Hon'ble Shariat Appellate Bench of the Supreme Court. The Federal Shariat Court was also allowed by the Hon'ble Shariat Appellate Bench of the Supreme Court through its judgment dated 24.06.2002 to take into consideration any point on its own motion or from any other aspect, which it may found relevant for determination of issues involved therein.

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