



Deputy Secretary  
FD  
19 JUL 2018  
Dy. No. 640

5782  
16 JUL 2018  
Punjab

Chief Secretary	
Date	16.7.18
Secy	SMBR, F.S
Secy I&C	
AS (Staff)	
DS (Staff)	
DS (SM)	✓

OFFICE OF THE  
ATTORNEY-GENERAL FOR PAKISTAN  
Supreme Court Building, Islamabad.  
Tel : (92-51) 9214742,-9214608, Fax : (92-51) 9215852

**MOST URGENT**  
No. F.1(3)/2018-AGP  
14<sup>th</sup> July, 2018

**Subject: Constitution Petition No. 57 of 2017 and others - Regarding raising of Funds for Diamer Bhasha and Mohmand Dam.**

Dear Sir,

As directed by the Attorney-General for Pakistan, please find enclosed orders dated 11-7-2018 and 13-7-2018 passed by the Hon'ble Supreme Court of Pakistan in the cited case in the terms stated therein for information and immediate necessary action/compliance.

AFS (B)  
Diary No. 1938  
Dated 18-07-18

SSF (E&CF)	
SSF (B&R)	✓
AFS-ESTT	
AFS-B	
AFS-ES	
AFS-SS	
AFS-LGF	
AFS-R	
AFS-P&D	
AFS-M	

2. This may be treated as MOST URGENT.

17/7

(KHALID KHAN NIAZI)  
Secretary to Attorney-General

**DISTRIBUTION:**

1. The Secretary, Ministry of Law & Justice, Islamabad.
2. The Chairman, Federal Board of Revenue, Islamabad.
3. The Chief Secretary, Government of Punjab, Lahore.
4. The Chief Secretary, Government of Sindh, Karachi.
5. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
6. The Chief Secretary, Government of Balochistan, Quetta.
7. The Senior Member, Board of Revenue Punjab, Lahore.
8. The Senior Member, Board of Revenue Sindh, Karachi.
9. The Senior Member, Board of Revenue Khyber Pakhtunkhwa, Peshawar.
10. The Senior Member, Board of Revenue Balochistan, Quetta.

4885  
17-7-18  
AFS (B)  
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for n/s pl.  
DS (A)

System Analyst -  
upload on FD site BH 18/7

Special Secy.  
(B&R)  
17 JUL 2018  
1695  
Finance

Dams and appealed to the nation to make its contribution in a fund being established for this purpose by way of donations for this National cause. The State Bank of Pakistan has

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE MUNIB AKHTAR

CMA NO.6155/2018 IN CONSTITUTION PETITION NO.57/2016

*Advertisement by UBL and HBL regarding raising of Funds for Diamer Bhasha a Mohmand Dam by the government of Pakistan.*

In attendance: Mr. Khalid Jawed Khan,  
Attorney General for Pakistan  
Syed Nayyar Abbas Rizvi, Addl.A.G.P.  
Mr. Tariq Bajwa, Governor State Bank.  
Mr. Arif Ahmed Khan, Secy. Finance.  
Mr. Saleemullah Khan, Executive Director  
(Finance State Bank).  
Dr. Rahim Awan, Secy.  
Law & Justice Commission  
Mr. Sanaullah Gondal,  
Dy. Legal Advisor (State Bank)  
Syed Ansar Hussain, Assistant Director  
State Bank  
Mr. Muhammad Saleem Baig,  
Chairman PEMRA  
Ms. Rukhsana Yasmeen, Chairman FBR.  
Dr. Muhammad Iqbal, Member FBR.  
Mr. Ali Naseer, Jazz.  
Muhammad Basharat, Telenor.  
Muhammad Ayub, Zong.  
Naveed K. Butt, U-fone)  
Mr. M. Talib Dogar, D. G. (Service) PTA.  
Mr. Arif Sargana, Director (PTA) ECO.  
Mr. Aadil Umer Khalil, Dir (CA) PTA.  
Mr. Muhammad Khurram Siddiqui,  
(Dir) Law PTA.

**ATTESTED**



Court Associate  
Supreme Court of Pakistan  
Islamabad.

Date of hearing: 11.07.2018

ORDER

Vide order dated 04.07.2018, passed by this Court, we had emphasized the urgent need for construction of Dams and appealed to the Nation to make its contribution in a fund being established for this purpose by way of donations for this National cause. The State Bank of Pakistan has

accordingly set up an account titled, "Supreme Court of Pakistan - Diامر Bhasha & Mohmand Dams - Fund". The account has been set up to receive donations from the Nation for the sole purpose of construction of the aforementioned Dams (Diامر Bhasha & Mohmand Dams).

2. Donations can be made at all Branches of the State Bank of Pakistan, all Treasury Offices and Branches of National Bank of Pakistan as well as other Banks including Micro Finance Banks. Such donations can be made in the form of cash, cheques, pay orders, demand drafts, prize bonds deposited either at the counters or through online transfers. The Banks receiving such donations shall provide duly stamped/signed receipts acknowledging receipt of the donations.

3. Branches of all Banks (15000 approximately) across the country receiving such deposits shall prominently display banners on their entry points stating that donations / contributions are being received in these branches for the construction of Diامر Bhasha & Mohmand Dams as ordered by the 'Supreme Court of Pakistan'.

4. The State Bank of Pakistan has set up a Toll Free Helpline No.021-111-723-273 for answering queries as well as receiving complaints from anyone interested in making a donation. Other Banks shall also set up their separate Helplines which will be notified through their advertisements in the Print and Electronic Media.

**ATTESTED**

Court Associate  
Supreme Court of Pakistan  
Islamabad.

5. An IBAN Number has also been allocated to facilitate receipt of online donations/contributions in the Fund through internet banking and ATMs. This IBAN Number shall be displayed on the websites of the State Bank of Pakistan and the Supreme Court of Pakistan.

6. Persons wishing to make donations through Credit/Debit Cards may do so without any extra charge on payments made through such Cards if these are issued domestically. However, payments made through credit/debit Cards issued outside Pakistan will be subject to charges (if any) applicable in the respective countries.

7. Branchless Banking i.e. Omni/Easy Paisa, etc operated by their approximately 400000 Agents across the country shall be made functional within 48 hours from today. All donations/ contributions received in any form and in any Bank shall within a maximum time of 30 minutes of the transactions be transmitted to the Fund account with the State Bank of Pakistan.

**ATTESTED** Donations/contributions received by Banks through Debit/Credit Cards transactions and Branchless Banking Agents shall be settled with the State Bank of Pakistan within 48 hours.

*[Signature]*  
 Court Associate  
 Supreme Court of Pakistan  
 Islamabad

9. The State Bank of Pakistan shall communicate the amounts received in its account to the Registrar of this Court on hourly basis through its data acquisition portal.


*[Signature]*

10. The Pakistani Missions as well as all Branches of Pakistani Banks abroad shall receive donations/contributions. The routing instructions for remittances from abroad shall be displayed on the websites of this Court as well as the State Bank of Pakistan.

11. The Ministry of Foreign Affairs is directed to issue appropriate directions to the Pakistani Missions abroad in consultation with the State Bank of Pakistan for receiving donations / contributions and transmission of the amounts received by them to the designated account of the Fund with the State Bank of Pakistan.

12. Subscribers of cellular mobile phone companies namely Mobilink (Jazz), Telenor, Zong and Ufone wishing to make donations / contributions may dial short code i.e. 8000 which will result in an automatic deduction of Rs.10/-. The amount so received by the said Companies shall be transferred on daily basis to the Fund with the State Bank of Pakistan. All four cellular mobile phone companies shall display on their websites, the amounts received by them which shall be transferred to the Fund account on daily

**ATTESTED**

  
Court Associate  
Supreme Court of Pakistan  
Islamabad


13. Aforesaid cellular mobile phone companies have voluntarily undertaken to run a media campaign of 5-8 seconds on the Print and Electronic Media publicizing this initiative.

14. Mobilink (Jazz) and Telenor shall also facilitate receipt of contributions / donations through Jazz Cash and Easy Paisa modes. These companies shall advertise the mode and manner through which contributions/donations through Jazz Cash and Easy Paisa can be made. All amounts received in this regard shall be transferred to the Fund with the State Bank of Pakistan on daily basis.

15. All four cellular mobile phone companies through their respective Banks shall provide details of collections to the Registrar of this Court and shall also display details thereof on their respective websites on daily basis which shall be accessible to the public.

16. The Ministry of Information and Broadcasting has in consultation with the State Bank of Pakistan, Pakistan Telecommunication Authority and Print & Electronic Media Regulatory Authority prepared an advertisement campaign for the media to increase public awareness through the Print as well as Electronic Media which shall be run by all Print and Electronic Media houses/channels/FM Radio Station free of cost as public service messages.

**ATTESTED**

  
Court Associate  
Supreme Court of Pakistan  
Islamabad.


17. PEMRA and the Ministry of Information shall ensure that the media campaign for the Fund run effectively and efficiently and is allocated sufficient time during prime hours for raising public awareness about the, "Supreme Court of Pakistan - Diamer Bhasha & Mohmand Dams Fund".



18. We direct the Ministry of Law & Justice in consultation with Federal Board of Revenue to promulgate an Ordinance for *inter alia* making appropriate amendments in different laws including the Income Tax Ordinance to ensure that donations/contributions made to the Fund are not subjected to any taxes or deductions. The contributions made to the Fund shall be treated as contributions towards charitable purposes and shall not be liable to any tax/duty whatsoever. The Ordinance shall also cater for the following:-

- i) Exemption to any income of, "Supreme Court of Pakistan - Diamer Bhasha & Mohmand Dams - Fund;
- ii) Exemption to the Fund from minimum tax on turn over under Section 113 of the Income Tax Ordinance, 2001;
- iii) Exemption from withholding tax on payment received by the Fund;
- iv) All Provincial Governments and their respective Revenue authorities shall provide appropriate exemptions under their respective Laws and if necessary issue appropriate Ordinances;
- v) Any person making donations /contributions to the Fund shall not be subjected to any inquiry or probe as to the sources of the funds utilized for making contributions/donations by any Department, authority or person; and
- vi) The Auditor General of Pakistan as well as all Accountant Generals of the Provinces shall assist the Registrar of this Court in

**ATTESTED**

  
Court Associate  
Supreme Court of Pakistan  
Islamabad

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Ph: 9082235  
Fax: 9220406

**MOST URGENT**  
**Thr. Special Messenger/Registered**  
**No.Const.P. 57/2016 - SCJ**  
**SUPREME COURT OF PAKISTAN**  
**Islamabad, 13<sup>th</sup> July 2018**

From

The Registrar,  
Supreme Court of Pakistan.  
Islamabad.

To

- ✓ 1. The Attorney General for Pakistan, Islamabad
2. The Governor, State Bank of Pakistan, Karachi
3. The Chief Manager, State Bank of Pakistan, Islamabad
4. The Secretary, Ministry of Foreign Affairs, Government of Pakistan, Islamabad.
5. The Secretary, Ministry of Finance, Government of Pakistan, Islamabad.
6. The Secretary, Ministry of Law & Justice, Government of Pakistan, Islamabad.
7. The Secretary, Ministry of Information & Broadcasting, Government of Pakistan, Islamabad.
8. The Chairman, Pakistan Electric Media Regulatory Authority, Islamabad
9. The Chairman, Federal Board of Revenue, Islamabad
10. The Chief Secretary, Government of Punjab, Lahore.
11. The Chief Secretary, Government of Sindh, Karachi.
12. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
13. The Chief Secretary, Government of Balochistan, Quetta.
14. The Senior Member, Board of Revenue Punjab, Lahore
15. The Senior Member, Board of Revenue Sindh, Karachi
16. The Senior Member, Board of Revenue Khyber Pakhtunkhwa, Peshawar
17. The Senior Member, Board of Revenue Balochistan, Quetta
18. The Auditor General of Pakistan, Islamabad
19. The Accountant General Punjab, Lahore
20. The Accountant General Sindh, Karachi
21. The Accountant General Khyber Pakhtunkhwa, Peshawar
22. The Accountant General Baluchistan, Quetta

**Subject: CIVIL MISC. APPLICATION No. 6309 & 6332 of 2018**  
**IN**  
**CIVIL MISC. APPLICATION No. 6155 OF 2018**  
**IN**  
**CONSTITUTION PETITION No. 57 OF 2016**

Dear Sir,

In continuation of this Courts letter of even number dated 11-07-2018, I am directed to enclose herewith a certified copy of the Order of this Court dated 13/07/2018 passed in the above cited case in the terms stated therein for information and immediate necessary action/compliance.



Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE MUNIB AKHTAR

**Civil Miscellaneous Applications No.6309 & 6332 of 2018**

**IN**

**Civil Miscellaneous Applications No.6155 of 2018**

**In**

**Constitution Petition No.57 of 2016**

*Advertisement by UBL and HBL regarding raising of Funds for Diamer Bhasha and Mohmand Dam by the government of Pakistan.*

In attendance: Mr. Khalid Jawed Khan,  
Attorney General for Pakistan  
Syed Nayyar Abbas Rizvi, Addl.AGP.  
Raja Abdul Ghafoor, AOR/ASC (for SBP)

Date of hearing: 13.07.2018

**ORDER**

**IJAZ UL AHSAN, J-**. These applications (CMA Nos.6309 and 6332 of 2018) seek amendments in our order dated 11.07.2018 to get typographical errors corrected and to remove certain technical difficulties being faced in implementation of the same.

2. It has been pointed out that in paragraph 4 of the order, the correct Toll Free Helpline Number, set up by the State Bank of Pakistan is "021-111-727-723" which has inadvertently been written as "021-111-723-273". The said correction is accordingly made.

3. In paragraph 5 of the order, the words, "an IBAN Number has" shall be replaced by the words, "IBAN Numbers have".

4. Paragraph 7 of the order shall be replaced by the following:-

**ATTESTED**

For 

Court Associate  
Supreme Court of Pakistan

*"Donations can also be made through Jazz Cash / Easy Paisa / Wallet, etc. All such donations / contributions shall be transmitted to the Fund account with the State Bank of Pakistan within 48 hours"*

5. It has further been pointed out that in paragraph 12 of the order, the Short Code No."8000" has been mentioned through which contributions can be made by sending a blank SMS at the said Number. It has been requested that in order to remove technical difficulties, it may be stated in the order as follows:-

*"subscribers wishing to make donations/contributions may type the word 'dam' and send the said SMS at Short Code No.8000".*

Further, it is clarified that the amounts received by the Cellular Mobile Companies shall be remitted to the Fund account within 48 hours.

6. In terms of paragraph 13 of the order, it is clarified that the cellular mobile companies shall run media campaigns as per instructions of Pakistan Telecommunication Authority on the print and electronic media publicizing the initiative of this Court.

7. In paragraph 14 of the order, in the second line from the top, the words, *"/wallet, etc"* shall be added. The amounts so deducted shall be transmitted to the Fund account within 48 hours.

8. The above modifications will be deemed to be an integral part of the order of this Court dated 11.07.2018. Except as hereinabove modified, the order of this Court shall for all intents and purposes continue in full force and effect.

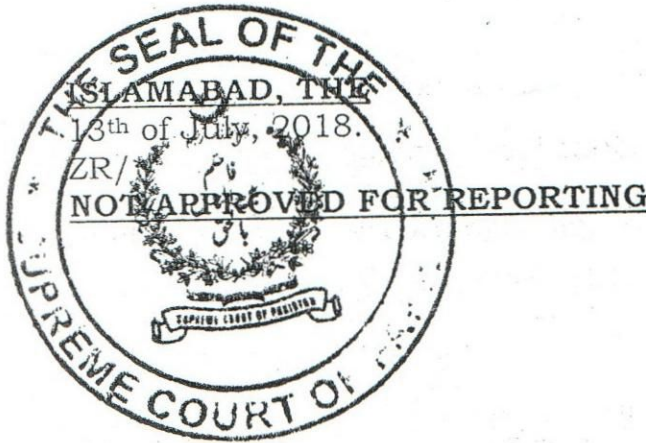
ATTESTED



Court Associate  
Supreme Court of Pakistan  
Islamabad

9. The listed applications, with the above modifications, are accordingly disposed of.

Sd/ = Mian Saqib Nisar, CJ  
Sd/ = Faisal Arab, J  
Sd/ = Gjaz ul Ahsan, J  
Sd/ = Munib Akhtar, J



Certified to be True Copy

For

Court Associate  
Supreme Court of Pakistan  
Islamabad