

**BEFORE THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

***Constitutional Petition No \_\_\_\_\_/2018***

**Engineer Jawed Salim Qureshi and Others**

**versus**

**Federal Government and Others**

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**INDEX**

<b>Sr.</b>	<b>Document</b>	<b>Date</b>	<b>Page</b>
1.	Memo of Petition under Article 184(3)	11.07.2018	
2.	Annex A – Pakistan Engineering Council Act, 1976	-	
3.	Annex B/1 – Policy Paper by PEC on Groundwater Development and Management in Pakistan	01.2016	
4.	Annex B/2 – Policy Paper by PEC on Transformation/Restructuring of Federal Flood Commission (FFC)	05.2017	
5.	Annex B/3 – Policy Paper by PEC on Impact of	05.2017	

	Climate Change on Water Resources of Pakistan and Mitigation Options		
6.	Annex C – Water Policy of Council of Common Interests	04.2018	
7.	Annex D – List of relevant articles on the need for technocrats including an article by Dr. Nadeemul Haq, former Deputy Chairman, Planning Commission, Government of Pakistan		
8.	Annex E – List of Engineering-related Divisions of the Federal Government and their Responsibility under the Rules of Business		
9.	Annex F – Appointments to Engineering-related Statutory Bodies and Power-sector Companies		
10.	Annex G - Transcript of the Press Conference on Administrative Reforms, addressed by Mr. Khurshid Hasan Meer, Minister, Government of Pakistan	21.08.1973	
11.	Annex H - Relevant Excerpts from Dr. Ishrat Hussain's Report of National Commission on Governance Reforms	-	
12.	Annex I/1 – First Summary sent by PEC to Prime Minister containing proposed Service Structure for Engineers		
13.	Annex I/2 – Reply to Summary from PM Office		
14.	Annex I/3-Second Summary sent by PEC to Prime Minister containing proposed Service		

	Structure for Engineers		
15.	Annex J - Letters sent by Petitioners to relevant authorities	11.07.2018	
16.	Affidavit-of-Facts	11.07.2018	
17.	Affidavit-of-Service	11.07.2018	
18.	Power of Attorney		

Certified that paper book has been bound as complete and correct

filed by

( \_\_\_\_\_ )

Advocate on Record

Supreme Court of Pakistan

Islamabad

Dated: - .2018

**BEFORE THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

**Constitutional Petition No. \_\_\_\_\_ /2018**

1. Engineer Jawed Salim Qureshi, Chairman, Pakistan Engineering Council,  
Ataturk Avenue, G-5, Islamabad
2. Pakistan Engineering Council, Ataturk Avenue, G-5, Islamabad through its  
Registrar

**...Petitioners**

**VERSUS**

1. Federal Government of Pakistan through Prime Minister of Pakistan having  
office at Prime Minister's Secretariat, Constitutional Avenue, Islamabad
2. Secretary, Establishment Division, Federal Government, having office  
Pakistan Secretariat, Islamabad

**... Respondents**

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

***Respectfully sheweth:***

**I.**

**PARTIES**

1. That Petitioner No. 1 is Engineer Jawed Salim Qureshi, currently **Chairman of the Pakistan Engineering Council** (hereinafter "**Chairman PEC**"). Himself a qualified Electrical Engineer, he was elected to the office of Chairman in 2015 by the country's entire engineering community. Under

Section 3A of the PEC Act, the Chairman is empowered to act as the “Chief Executive of the Council”. The Petitioner has striven to bring the Pakistani engineering profession at par with international standards. During his tenure, on 21<sup>st</sup> June 2017, Pakistan Engineering Council/Petitioner No. 2 became full signatory to the Washington Accord. The Washington Accord is a self-governing, autonomous agreement between national organisations (signatories) that provide external accreditation to tertiary educational programmes that qualify their graduates for entry into professional engineering practice (Please refer to <http://www.ieagreements.org/assets/Uploads/Documents/History/25YearsWashingtonAccord-A5booklet-FINAL.pdf>). The Washington Accord is an international recognition of Pakistan’s engineering educational standards prescribed and regulated by PEC. Pakistan is one of only 19 countries in the world to be bestowed with this honour as a result of which engineers from over a dozen Pakistani universities are now entitled to get enrolled as engineers in various countries of world, including Australia, Canada, China, Hong Kong, Chinese Taipei, India, Ireland, Japan, Korea, Malaysia, New Zealand, Russia, Singapore, South Africa, Sri Lanka, Turkey, United States, and United Kingdom. It is pertinent to note that engineering education of Pakistan is the only stream of professional education which has attained such international recognition. Another major milestone achieved by PEC, under the stewardship of Petitioner No.1, is that PEC has been accredited by International Professional Engineering Alliance (IPEA) to register qualified Pakistani engineers as International Professional Engineers.

2. That Petitioner No. 2 is the Pakistan Engineering Council, the apex professional body of Pakistan’s engineering community formed under Section

3 of Pakistan Engineering Council Act, 1976 (hereinafter “**PEC Act**”). At present, the Council comprises of over 240,000 engineers registered to practice in Pakistan in various capacities and at various levels. The Council has the statutory mandate for not only regulating the profession of engineering but also “*safeguarding the interests of the members*” and providing “*assistance to the Federal Government as a Think Tank.*” (Section 8, PEC Act). Moreover, PEC Act envisages that “*the engineering profession shall function as a key driving force for achieving rapid and sustainable growth in all national, economic and social fields.*”

(Copy of PEC Act is attached as **ANNEX A**)

3. That in accordance with its statutory mandate of being a “Think Tank” for the Federal Government, the Petitioners have from time to time submitted to Respondent No. 1/Federal Government a number of policy documents regarding water and other current issues. Unfortunately, Respondent No. 1/Federal Government has not given due consideration to the policy documents despite the fact that these documents contain proposals to resolve the life threatening crises faced by the country, on account of lack of professional and technical expertise on the subject within the bureaucratic setup of the Government. The announcement of a Water Policy by the Council of Common Interests in April 2018 is a commendable effort but amounts to too little too late. Also, regrettably, the Water Policy does not address the core governance reform issues raised in this petition which are the root cause of the problem.

(Copies of Policy Documents submitted by Petitioner No. 2 to Respondent No. 1 are attached **as ANNEX B/1, B/2, and B/3**)

(Copy of Water Policy approved by Council of Common Interests is attached **as ANNEX C**)

4. That the Respondent No. 1, the **Federal Government** (hereinafter “**Federal Government**”) is created under Article 90 of the Constitution of the Islamic Republic of Pakistan and vested with the executive authority of the state of Pakistan. The Federal Government acts through the Prime Minister and is therefore being impleaded through him.
5. That the Respondent No. 2 is the **Secretary of the Federal Government’s Establishment Division**. Under the Federal Rules of Business, 1973, the Establishment Division is responsible for, inter alia, “*regulation of all matters of general applicability to civil posts in connection with the affairs of the Federation.*” Amongst the responsibilities specifically assigned to the Establishment Division is the “*formation of Occupational Groups.*”

## **II.**

### **BRIEF SUMMARY OF THE PETITION**

6. That Pakistan is presently engulfed in one of the worst water and energy crises it has ever faced in its history. The persistent water and energy shortages demonstrate that Respondent No. 1 is depriving everyone from the basic necessities of life thereby failing to provide the security of person guaranteed by Article 9 of the Constitution.

7. That both among development experts and scholars, there is an emerging consensus that the root cause of Pakistan's water and energy crises is a crisis of governance. The Petitioner humbly submit that **tackling water and energy challenges would require good governance for which it is necessary to include technocrats (professionally and technically qualified and experienced persons) such as Engineers in the senior management positions of Respondent No. 1.**
8. That a study conducted by the Petitioners, whose findings are quoted later in the Petition, shows that, contrary to the objects of the Civil Servants Act, 1973 and PEC Act, 1976, engineers, scientists and other technical specialists continue to be barred from the stream of higher management in government. Instead, all policy-level positions in the Federal Government are held by generalists, usually officers of the Pakistan Administrative Service. It is because of this inappropriate governance structure that our water and energy crises are getting worse every year and the precious resources of the people of Pakistan are being frittered away.
9. That the appointment of non-engineers to policy-making positions in engineering departments amounts to a blatant violation of the fundamental right to good governance – a right recognized by this Hon'ble Court in numerous precedents. The exclusion of engineers from senior management positions in engineering-related government departments also amounts to a violation of the fundamental rights of the engineering profession as class which are protected under the third proviso of Article 27 of the Constitution read with Section 27(5A) of the PEC Act. More specifically, the Petitioners



allege a systematic violation of the following three provisions of the PEC Act, all of which enjoy the cover of Article 27: the Preamble of the PEC Act 1976; Section (5A) of Section 27 of the PEC Act; and sub-section (1) of Section 27 of the PEC Act.

10. That the foregoing have compelled the petitioner to move this petition under Article 184(3) of the Constitution urging the Supreme Court to take notice of non-enforcement of fundamental rights. The petitioners have identified the specific directions which are needed and can be issued by, this Hon'ble Court for remedying the situation. These include directions for: (i) appointment of qualified engineers as Secretaries of those five divisions the bulk of whose business is professional engineering work; (ii) appointment of qualified engineers in senior management positions (BS-20, 21 or 22) in those eight divisions whose business includes a substantial amount of professional engineering work; (iii) appointment of qualified engineers against all such posts in the service of Federal Government which require substantial engagement in professional engineering work; (iv) creation of a distinct Occupational Group for Engineers as "Engineering Service of Pakistan (ESP)"; and (v) utilization by the Federal Government of the services of Petitioner No. 2/PEC on all engineering projects of national importance.

### **III.**

#### **FACTS AND QUESTIONS OF PUBLIC IMPORTANCE**

***Respectfully sheweth:***

**A.**

**That Pakistan is presently engulfed in a water and energy crises which amounts to a gross violation of the right to life of all persons under Article 9 of the Constitution.**

11. **That Pakistan is presently engulfed in one of the worst water and energy crises it has ever faced in its history.** Numerous reports by the Pakistan Council of Research in Water Resources (PCRWR), United Nations Development Programme (UNDP) and the International Monetary Fund (IMF) indicated that the country is amongst the most water-stressed regions in the world. Likewise, a power shortage which started in the mid-1990s has continued unabated till 2018, despite various cosmetic measures taken by the successive governments to tackle it. The water and power shortage is not because we lack water and power resources but rather because of lack of professional and technical expertise on the subject in the Government. Flooding in the Indus River system has increased to levels never before experienced in recent history.
12. That the persistent water and energy shortages are tantamount to non-enforcement of the right to life of all persons guaranteed by Article 9 of the Constitution. Article 9 of the Constitution states: “*No person shall be deprived of life or liberty save in accordance with law.*” There is a vast body of Supreme Court precedent where the Court has expansively interpreted the right to life guaranteed by Article 9 of the Constitution.
13. That according to this body of precedent, the right to life includes, *inter alia*, the right of access to water, electricity and gas. *Ms. Shehla Zia v. WAPDA*

(PLD 1994 SC 693), *Khawaja Asif v. Federation* (PLD 2014 SC 206), *Rental Power Plants case* (2012 SCMR 773), and *Human Rights Case No.14392 of 2013* (2014 SCMR 220).

In *Human Rights Case No.14392 of 2013* (2014 SCMR 220), this Hon'ble Court held:

*[T]he provision of electricity comes under the guarantee of the right to life enshrined in Article 9 of the Constitution as interpreted in the celebrated judgment of Shehla Zia v. Federation of Pakistan (PLD 1994 Supreme Court 694) ... In the world of the 21st century, it seems unfathomable for life to carry on without the provision of an uninterrupted supply of energy in the form of electricity ... [Therefore,] the provision of electricity comes under the guarantee of the right to life enshrined in Article 9 of the Constitution.*

In *Khawaja Asif v. Federation* (PLD 2014 SC 206), this Hon'ble Court held:

*The supply of LPG to a very large number of users, including those living in far-flung areas, is a matter of public importance impacting their 'life' as defined by this Court. Such supply, therefore, needs to continue unabated.*

## **B.**

**That underlying Pakistan's failing to address its water and energy crises is a crisis of governance**

14. That both among development experts and scholars, there is an emerging consensus that the **root cause of Pakistan's water and energy crises is a crisis of governance**. The water and power shortage is not because we lack water and power resources but rather because senior management personnel in the public sector lack professional and technical expertise and skills. The preponderance of expert opinion suggests that Respondent No. 1's state machinery is simply no longer capable of effectively responding to the multiple challenges which Pakistan is facing in the complex world of today. As a matter of fact, the state machinery is in a debilitated shape and those at the helm of affairs often do not have the technical and professional know-how required for tasks given them. This state of affairs has come about because of the systematic side-lining of technical and professional experts over the course of decades and the wholesale appointment of generalists at all senior positions in the service of Pakistan.

15. That a vast body of studies by development experts and scholars highlight the pernicious effect on state performance which results from the practice of elevating generalists and denigrating technocrats – which is the ground reality in Pakistan.

(List of articles on the need for inducting technocrats in the bureaucracy, including article by Dr. Nadeem-ul-Haq, former Chairman Planning Commission, is attached as **ANNEX D**)

16. That the Constitution of the Islamic Republic of Pakistan itself recognizes the necessity of benefitting from the technical and professional know-how of

experts. It is in recognition of the need for including technocrats in policy-making that **Article 59 of the Constitution reserves 5 seats for technocrats in the Senate of Pakistan.** It is ironic that while technocrats have been accorded a place in the legislative branch of government, they are being excluded from the executive branch in favor of generalist bureaucrats. This state of affairs is in complete violation of the spirit of Article 59 of the Constitution and calls for an immediate intervention.

**C.**

**That tackling water and energy challenges would require good governance for which it is necessary to include technocrats (professionally and technically qualified and experienced persons) such as Engineers in the policy-making process of Respondent No. 1**

17. That tackling water and energy challenges would require good governance for which it is necessary to include technocrats (professionally and technically qualified and experienced persons) such as Engineers in the policy-making units of Respondent No. 1.
18. That the ground reality in Pakistan is the very opposite of good governance. As demonstrated by facts presented in this petition, technical experts, engineers and scientists are facing a near complete exclusion from those senior management posts in which policy-making for Respondent No. 1 is taking place. Instead, generalist bureaucrats enjoy a complete sway over all divisions of Respondent No 1.

19. That a review of Schedule of the Federal Rules of Business, 1973, framed by the Federal Government/Respondents No. 1 in accordance with Article 99 of the Constitution, shows that there are at least **five Divisions** the bulk of whose business consists of “professional engineering work” as defined by Section 2(xxv) of the PEC Act. These divisions are:

<b>Sr.</b>	<b>Name of Division</b>	<b>Distribution of Business, Schedule II, Rules of Business</b>
(i)	<b>Ministry of Communications - Communications Division</b>	<i>National highways and strategic roads</i>  (item 6, Schedule II, Rules of Business)
(ii)	<b>Ministry of Energy -Power Division</b>	<i>Matters relating to development of power resources of the country; Matters relating to electric utilities; Liaison with international engineering organizations in power sector; Federal agencies and institutions for promotion of special studies in power sector.</i>  (item 31B, Schedule II, Rules of Business)
(iii)	<b>Ministry of Housing and Works – Housing and Works Division</b>	<i>Development of sites, construction, furnishing and maintenance of Federal Government buildings; execution of Federal Government works; Officers belonging to the Engineering Group; Matters relating to the National Construction (Domestic) Limited; Physical planning; coordination of civil works budget;</i>  (item 14, Schedule II, Rules of Business)
(iv)	<b>Ministry of Railways - Railways Division</b>	<i>All matters pertaining to Pakistan Railways; Maintenance of railway lines; Coordination of development projects of railways as a part of the national development programme. Standardization and specifications of materials and stores. Overall efficiency and safety of railways.</i>  (item 33, Schedule II, Rules of Business)
(v)	<b>Ministry of Water Resources - Water</b>	<i>Matters relating to development of water resources of the country; Liaison with</i>

	<b>Resources Division</b>	<i>international engineering organizations in water sector, such as International Commission on Large Dams, International Commission on Irrigation and Drainage and International Commission on Large Power Systems (Cigre); Federal agencies and institutions for promotion of special studies in water sector; Institute of Engineers, Pakistan</i>  (item 40, Schedule II, Rules of Business)
--	---------------------------	--

20. That even though the above-mentioned divisions are unmistakably “engineering organizations” with the meaning of the PEC Act, the secretaries and most senior managers of all of these divisions are non-engineers. By way of contrast, it must be noted that the Engineer-in-Chief / Colonel Commandant of the Pakistan Army Corps of Engineers is a “professional engineer”. The prevalent administrative structure has a devastating effect on engineers who serve in the civilian departments of Federal Government. Whereas the engineer who starts his or her career in BS-17 in an engineering-related division of the Federal Government has no chance of making it to Federal Secretary in these divisions, the engineer who is recruited by the Pakistan Army can always aim for becoming a Lt. General and retiring as Corps Commander of the Pak Army Corps. of Engineers. This naturally leads to a loss of morale amongst engineers who serve in the Federal Government. It is because of this demoralization of engineers that the Federal Government simply does not have access to high quality in-house human resource required for solving perpetual water crisis, power crisis, housing shortage, industrial and technological backwardness.

21. That in addition to the five (5) above-mentioned engineering divisions, there are at **eight (8) other divisions** to which Respondent No. 1/Federal Government has delegated a substantial amount of business which pertains to “professional engineering work” as defined in Section 2(xxv) of the PEC Act. These eight (8) engineering-related divisions are:

<b>Sr.</b>	<b>Engineering-related Divisions of the Federal Government</b>	<b>Distribution of Business, Schedule II, Rules of Business</b>
(i)	Aviation Division	<i>Aircraft and air navigation; provision of aerodromes</i>  (item 1, Schedule II, Rules of Business)
(ii)	Defense Production Division	<i>Laying down policies or guidelines on all matters relating to defence production; Research and development of defence equipment and stores; Co-ordination of defence science research with civil scientific research organizations; Indigenous production and manufacture of defence equipment and stores</i>  (item 8, Schedule II, Rules of Business)
(iii)	Industries and Production Division	<i>National industrial planning and coordination; industrial policy; Federal agencies and institutions for promoting industrial productivity and promoting of special studies in the industrial fields; testing industrial products; Explosives and safety measures under the Petroleum Act, 1934 and Rules made thereunder; Administration on law on Boilers; all matters relating to state industrial enterprises, especially, in basic and heavy industries, namely:- State Engineering Corporation, Karachi. State Cement Corporation, Lahore. Pakistan Automobile Corporation, Karachi. State Petroleum Refining and Petrochemical Corporation, Karachi. Federal Chemical and Ceramics Corporation, Karachi. Pakistan Steel Mills Corporation, Karachi. Pakistan Industrial Development</i>



		<p><i>Corporation (PIDC); Any other industrial enterprises assigned to the Division.</i></p> <p>(item 15, Schedule II, Rules of Business)</p>
(iv)	Information and Broadcasting Division	<p><i>Broadcasting including television; Training facilities for Radio and Television personnel; Administration of- Pakistan Broadcasting Corporation Act, 1973; Pakistan Electronic Media Regulatory Authority; The Pakistan Television Corporation; Shalimar Recording and Broadcasting Company;</i></p> <p>(item 16, Schedule II, Rules of Business)</p>
(v)	Information Technology and Telecommunications Division	<p><i>Preparation of an overall integrated plan as well as formulation of policy for the development and improvement of Information Technology and Telecommunications, including related infrastructure, in Pakistan; Co-ordination with the Provincial Governments, autonomous bodies, private sector, international organizations and foreign countries in respect of information technology and telecommunications; Human resource development in the field of information technology and telecommunications; Promotion of information technology applications. Providing guidelines for the standardization of software for use within the Government; Planning, policy making and legislation covering all aspects of telecommunications excluding radio and television and issuance of policy directives; Matters relating to Pakistan Computer Bureau and the Electronic Government Directorate; All matters relating to National Telecommunication Corporation (NTC), Telecommunications Foundation (TF), Special Communications Organization (SCO), Virtual University (V.U) and Electronic Certification Accreditation Council. Federal Government functions in regard to Pakistan Telecommunication Authority (PTA) and Frequency Allocation Board (FAB).</i></p> <p>(item 17, Schedule II, Rules of Business)</p>

(vi)	Maritime Affairs Division	<p><i>National Planning, research and international aspects of – i) Inland water transport; and ii) Coastal shipping within the same Province; Light-houses, including lightships, beacons and other provisions for safety of shipping; planning for development and rehabilitation of Pakistan merchant navy; Hydrological Research; Marine Biological Research Laboratory; Korangi Fisheries Harbour Authority</i></p> <p>(item 21A, Schedule II, Rules of Business)</p>
(vii)	Petroleum Division	<p><i>All matters relating to oil, gas and mineral at the national and international levels, including- (i) policy, legislation, planning regarding exploration, development and production;</i></p> <p><i>(ii) import, export, refining, distribution, marketing, transportation and pricing of all kinds of petroleum and petroleum products;</i></p> <p><i>(iii) matters bearing on international aspects; (iv) Federal agencies and institutions for promotion of special studies and development programmes.</i></p> <p><i>Coordination of energy policy, including measures for conservation of energy and energy statistics</i></p> <p>(item 29, Schedule II, Rules of Business)</p>
(viii)	Science and Technology Division	<p><i>Establishment of science cities; Establishment of institutes and laboratories for research and development in the scientific and technological fields; Establishment of science universities as specifically assigned by the Federal Government; Planning, coordination, promotion and development of science and technology monitoring and evaluation of research and development works, including scrutiny of development projects and coordination of development programmes in this field; Promotion of applied research and utilization of results of research in the scientific and technological fields carried out at home and abroad; Guidance to the research institutions in the Federation as well as the provinces in the fields of applied scientific and technological research; Coordination of utilization of manpower for scientific and technological research; Promotion and development of industrial technology;</i></p>

		<p><i>Promotion of scientific and technological contacts and liaison nationally and internationally, including dealings and agreements with other countries and international organizations; National Commission for Science and Technology; Pakistan Council of Scientific and Industrial Research; Pakistan Council of Research in Water Resources; Council for Works and Housing Research; Pakistan Science Foundation; National Institute of Electronics; Pakistan Council of Science and Technology; National Institute of Oceanography; deployment and demonstration of renewable sources of energy; Pakistan National Accreditation Council (PNAC); Pakistan Council of Renewable Energy Technologies (PCRET); COMSATS Institute of Information Technology; Pakistan Engineering Council (PEC).</i></p> <p>(item 36, Schedule II, Rules of Business)</p>
--	--	---

(A Complete List of Responsibilities of each of these Divisions,  
as prescribed in the Federal Rules of Business, 1973,  
is attached as **ANNEX E**)

**22. That the Petitioners have gathered substantial evidence which shows that Engineers are being systematically excluded from Policy Making Positions in all the above-mentioned divisions of the Federal Government and face systematic discrimination in the matter of promotions.**

23. That the Petitioners have previously written letters to the various government divisions in order to gather human resource data from all of these divisions. While some of the divisions did not respond, others volunteered data. The

data collected by the Petitioners regarding employment of engineers in various scales in the above-mentioned divisions of the Federal Government is displayed in the table below:

<b>S. No.</b>	<b>Ministry/Division</b>	<b>BS 17</b>	<b>BS 18</b>	<b>BS 19</b>	<b>BS 20</b>	<b>BS 21</b>	<b>BS 22</b>	<b>Total</b>
1(a).	Communications (Main)	—	—	02	—	—	—	02
1(b).	<i>Percentage at each level viz a viz Total</i>	<i>0 %</i>	<i>0 %</i>	<i>100 %</i>	<i>0 %</i>	<i>0 %</i>	<i>0 %</i>	<i>100%</i>
2(a).	Housing & Works (Main)  Pak PWD	—  265	01  80	—  21	—  05	—  01	—  —	01  372
2(b).	<i>Sub Total S.No.2</i>	<i>265</i>	<i>81</i>	<i>21</i>	<i>05</i>	<i>01</i>	<i>—</i>	<i>373</i>
2(c).	<i>Percentage at each level viz a viz Total</i>	<i>71.05 %</i>	<i>21.71 %</i>	<i>5.63 %</i>	<i>1.34 %</i>	<i>0.27 %</i>	<i>0 %</i>	<i>100 %</i>
3(a).	Petroleum & N.R, (Main)  Geological Survey of Pakistan	03  15	02  09	02  —	01  —	—  —	—  —	08  24
3(b).	<i>Sub Total S.No.3</i>	<i>18</i>	<i>11</i>	<i>02</i>	<i>01</i>	<i>—</i>	<i>—</i>	<i>32</i>
3(c).	<i>Percentage at each level viz a viz Total</i>	<i>56.25 %</i>	<i>34.38 %</i>	<i>6.25 %</i>	<i>3.12</i>	<i>—</i>	<i>—</i>	<i>100 %</i>

4(a).	M/o Railways (Main)	—	—	—	—	—	—	—
	Pakistan Railways							
	(Civil, Mechanical &	75	41	15	12	03	01	147
	Electrical)	61	47	19	13	03	01	144
		87	43	20	05	—	—	155
4(b).	Sub Total S. No.4	223	131	54	30	06	02	446
4(c).	<i>Percentage at each level</i>	50%	29.36	12.1	6.73	1.35	0.45	100%
	<i>viz a viz Total</i>		%	1%	%	%	%	

(Source: Data gathered by PEC based on information obtained from relevant divisions of the Federal Government)

**Table 1: Human Resource Data of Engineering-related Federal Government Divisions**

24. That this data provides clear evidence of the exclusion of qualified engineers from policy making positions in the Federal Government. **If Railways Division is excluded, there is simply no engineer serving in a Grade 22 post and only one engineer serving in a Grade 21 post in the entire Federal Government of Pakistan.** If this is the share of engineer in policy making, how can Pakistan enter into the list of developed nations?

25. That the data also establishes a pattern of discrimination suffered by engineers in getting promoted in the divisions surveyed. For instance, in the Railways Division, at Basic Scale 17, 50% of all gazetted officers are engineers. When we move up to Basic Scale 18, the percentage of engineers dwindles to 29.36%. When we move further up to Basic Scale 19, the percentage of

engineers goes down to a mere 12.11%. At Basic Scale 20, the percentage goes down to 6.73%. At Basic Scale 21 and 22, the percentage is negligible. The situation is much worse in numerous other divisions.

26. That since the Respondents do not allow engineers to be promoted to the policy-making grades (i.e. 20, 21 and 22), the engineering profession, as a whole, feels highly demoralized and degraded. Furthermore, the policy decisions regarding the people of the Pakistan are left in the hands of unskilled persons who lack the ability to take proper decisions.

27. That under Rule 6(1) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the “Appointing Authority” for all posts in BPS 20, 21 and 22 and equivalent is the Prime Minister of Pakistan. In the case of appointment to BPS 20, 21, promotions and transfers must be made on the recommendation of the “Selection Board” constituted by the Federal Government (Rule 7, *supra*).

28. That the pattern of discrimination established by this macro-level data is further evidenced by the **case studies of important engineering-related statutory bodies and companies such as WAPDA, National Highway Authority, urban development authorities and power-sector companies.**

(Case studies are attached as **ANNEX F** of this Petition.)

**D.**

**That the non-appointment of engineers in policy-making positions in engineering departments amount to a systematic violation of numerous fundamental rights of the entire engineering profession.**

**That under Article 27 of the Constitution read with Section 27 of the Pakistan Engineering Act, 1976, engineers have a right not to be under-represented in the service of Pakistan. This right is not being enforced.** To elucidate this grievant of the Petitioners, Article 27 of the Constitution may be reproduced here:

***27. Safeguard against discrimination in services.*** (1) *No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:*

*Provided that, for a period not exceeding forty years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:*

*Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex:*

*Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament).*

29. That it may be noted that the third proviso of Article 27 specifically empowers the Parliament to enact laws to redress the “*under-representation... in the service of Pakistan*” of any “*class*” of persons. The Petitioners contend that engineers represent a class within the meaning of Article 27 and PEC Act is a law whereby Parliament had determined the manner in which the under-representation of this class in the higher echelons of the service of Pakistan was to be redressed. However, the provisions of the Act are being violated and as a result of the fundamental right of engineers as a class under Article 27 is being violated.
30. That more specifically, the Petitioners allege a systematic violation of the 3 provisions of the PEC Act:
- (i) the Preamble of the PEC Act which promised that “*the engineering profession shall function as a key driving force for achieving rapid and sustainable growth in all national, economic and social fields*”;
  - (ii) sub-section (5A) of Section 27 of the PEC Act which specifically reserves for engineers all posts in engineering organizations which involve “engineering work”, a term which is defined very broadly in the Act, and included the commissioning of engineering works; and
  - (iii) sub-section (1) of Section 27 of the PEC Act which actually criminalizes the undertaking of engineering work by non-engineers making it an offence punishable with 6 months imprisonment or Rs. 10,000 fine or both.



Conversely, engaging a non-engineer for doing engineering work is also criminalized, being an offence punishable with 6 months imprisonment or Rs. 5,000 fine or both.

31. That the term '*professional engineering work*' has been defined by the Parliament in Section 2(xxv) of the Act. The scope of this term is very broad and includes the "*commissioning of engineering works*" as well as "*giving of opinions in respect of engineering work*". The definition is reproduced below:

*'Professional engineering work' mean the giving of professional advice and opinions,... the preparation of reports, .. plans and specifications ... in respect of – (a) railways, aerodromes, bridges, tunnels and metalled roads; (b) dams, canals, harbours, light houses; (c) works of an electrical, mechanical, hydraulic, communication, aeronautical, power engineering, geological or mining character; (d) waterworks, sewers, filtration, purification and incinerator works; (e) residential and non-residential buildings... (f) structures accessory to engineering works and intended to house them; (g) ... **commissioning...** and management **of engineering works** ; ...; and (j) any other work which the Council may, by notification in the official Gazette, declare to be an engineering work for the purposes of this Act. (emphasis added)*

32. That the term "*engineering organization*" used in sub-section 5A of Section 27 has not been specifically defined in the Act or any previous judgment of the superior courts. However, an organic construction of the Act suggests that any organization where a substantial amount of engineering work is either

performed, appraised or commissioned would qualify as an “*engineering organization*”. The Petitioners are of the view that at least five (5) divisions of the Federal Government, identified in this petition would qualify as “*engineering organizations*” under the PEC Act.

33. That these legislative provisions were not enacted by Parliament in a vacuum; they must be understood in their proper historical context. The historical context of the PEC Act was that key government positions in all walks of life were dominated by members of the Pakistan Administrative Service (also known as "DMG" officers) who did not possess the professional qualification required for the job. The legislative provisions of PEC Act mentioned above were meant to give effect to a long-standing demand of engineering profession that they were under-represented at senior management positions in engineering-related government departments such urban development authorities, water supply authorities, power generation companies, and so on and so forth.

34. That the enactment of the Pakistan Engineering Council Act in the year 1976 and, in particular, the insertion of sub-section 5A of Section 27 in the year 2004, were meant to bring about a radical change in this situation. However, as is proven through data given in this petition, thus far, the change envisioned by the law has not materialized on ground. If the purpose of the Act was to ensure that engineering profession “*shall function as a key driving force for achieving rapid and sustainable growth in all national, economic and social fields*”, (Preamble, PEC Act) the same has not been achieved because of the blatant violations of the Act by the Respondents.

35. That the lack of enforcement of the provisions of the PEC Act by the Respondents is therefore not only a statutory violation but also amounts to a denial the fundamental right under Article 27 of the Constitution.

36. That the non-enforcement of the provisions of the PEC Act is also badly affecting the general quality of government service provisions to the public at large and contributing to the non-enforcement of fundamental rights. It is common sense that when policy decisions regarding power production, transmission, grid station, distribution, dam, gas energies, canal construction, roads, mineral mining, constructions, sea ports, airports, steel mills, robotics, artificial intelligence, infrastructure, maintenance and so on and so forth are being made by persons who have no competency/experience in such matters, the public interest will be hurt. Not only is the law violated by this practice but also public money is wasted contributing to the non-enforcement of fundamental rights.

**37. That non-appointment of engineers to almost all policy-making positions in engineering-related divisions of the Federal Government also amounts to a violation of the fundamental right to integrity of the profession and professional dignity guaranteed under Article 18 of the Constitution read with Article 14.**

38. That Article 18 of the Constitution of Pakistan, 1973 specifically recognizes the existence and integrity of “*lawful professions*” in Pakistan and safeguards the collective rights of professions. The Constitution confers upon the state the right to “*regulate*” the professions, but it does not allow anyone to encroach upon the professions or to degrade them. This right is reinforced by Article 14

of the Constitution which promises “*dignity of man*” to every person, which include the right to dignity of the profession to which one belongs. Likewise, when Article 18 is read together with the right to non-discrimination protected by Article 27, it follows that the state cannot discriminate against a citizen merely on account of the legitimate professional community to which one belongs. That in pursuance of Article 18 of the Constitution, the Parliament enacted Pakistan Engineering Council Act, 1976. This law, on the one hand, compels engineers to adopt high standards of teaching and practice, and, on the other hand, gives engineers a monopoly over the doing of “*professional engineering work*” and the rationale for the same is to ensure highest quality of professional service to the public. A violation of the professional monopoly conferred upon engineers by the state itself amounts to a violation of the right to professional integrity and professional dignity.

39. That it is instructive to note that the Secretary of the Law and Justice Division is always a qualified legal practitioner or a former justice of the superior courts. Moreover, pursuant to Rule 13 of the Rules of Business, it is mandatory for the Federal Government to consult with the Law and Justice Division on *inter alia* all legal questions and matters arising from any case or on the interpretation of any law.

40. That Article 37(d) of the Constitution, which is a part of the chapter on Principles of Policy command that the “[s]tate shall: make technical and professional education generally available and higher education equally accessible to all on the basis of merit...” When Article 37(d) is read together with Article 18 and Article 14, it follows that the state is not only obliged to invest in the provisions of professional education but is also required to make

efforts for ensuring a respectable career path for persons who acquire professional education and skill.

**E.**

**That this situation can be remedied by giving effect to objects of the Civil Servants Act, 1973 and by creating a specialized “Occupational Group” for Engineers, at par with the existing 12 Occupational Groups.**

41. That the Civil Service of Pakistan has been created under the authority of Article 240 of the Constitution of 1973 and is regulated by various laws including the Civil Service of Pakistan (Composition and Cadre) Rules, 1954, the Civil Servants Act, 1973, and Civil Servants (Appointment, Transfer and promotion) Rules, 1973.

42. That the Civil Servants Act, 1973 was drafted by a 3-member committee headed by parliamentarian, Khurshid Hassan Meer, Minister for Establishment of the Government of Pakistan. On August 21, 1973, on the eve of promulgation of the Civil Servants Act, 1973, the Minister-in-charge addressed a Press Conference where he articulated the objects of the framers of the Civil Servants Act, 1973. He made it clear that one of the most important objects of the framers was to:

***“...enable engineers, scientists and other technical specialists staff to be drawn into the stream of higher management (from they had been barred thus far) and thus***

***to make their advice and expertise directly available to Government at the highest policy-making level. The road to top management and high executive jobs will also thus be opened up to all scientific and technical personnel.”***

(A transcript of the Press Conference on Administrative Reforms, addressed by Mr. Khurshid Hasan Meer, Minister, Government of Pakistan (Establishment Division), on August 21, 1973 is attached as **ANNEX G**)

43. That in pursuance of the objects of the Civil Servants Act, 1973, the Civil Service of Pakistan was divided, for administrative purposes, into numerous “Occupational Groups” created through executive orders. At present there are the twelve Occupational Groups. The names of these Occupational Groups and the Office Memorandums whereby they have been constituted are list below:

Sr.	Occupational Group	Office Memorandum
(i)	Pakistan Administrative Service (PAS)	O.M. No.2/2/74-ARC, dated 23-2-1974 read with SRO of 10 <sup>th</sup> February, 2014
(ii)	Office Management Group (OMG)	O.M. No.1/2/75-ARC, dated 27.1.1975
(iii)	Foreign Service of Pakistan (FSP)	O.M.No.3/2/74-ARC, dated 8.4.1974
(iv)	Police Service of Pakistan	O.M.No.3/2/75-ARC, dated
(v)	Inland Revenue Service (IRS)	O.M. No. 4/2/75-ARC, dated 9.5.1975

		read with O.M. No. 6/2/2009-CP-II dated 12.09.2009.
(vi)	Pakistan Customs Service (PCS)	O.M. No. 5/2/75-ARC, dated 9-5-1975 read with O.M. No. 6/2/2009-CP-II dated 12.09.2009
(vii)	Police Service of Pakistan (PSP)	O.M.No.3/2/75-ARC, dated 31.5.1975 read with SRO No. 1033/1/85 dated 23.10.1985
(viii)	Pakistan Audit and Accounts Service (PAAS)	O.M.No.1/2/74-ARC, dated 23.1.1992-74 read with O.M.No.1/17/92-CP-II dated 10.12.2002.
(ix)	Railways Group	O.M.No.F.1/12/92-CP-II dated 12.10.2012
(x)	Information Group	O.M. No. 2/8/75-ARC, dated 17.6.1977
(xi)	Military Lands & Cantonment Group (ML&C)	O.M. No. 9/2/75-ARC, dated 11.5.1975
(xii)	Postal Group	O.M.No.3/2/75-ARC, dated 30.5.1975

44. That the stated purpose behind creating distinct Occupational Groups in Central Superior Service was to promote professionalism, specialization, functional qualifications and equality of opportunity in government service. However, the figures stated in Table 1 above demonstrate that the key object of the Civil Servants Act, 1973 has not been achieved even forty-five (45) years

later. The stated objective of the framers of the Act – “*enabling engineers, scientists and other technical specialists staff to be drawn into the stream of higher management*” – is as much of a dream today as it was in 1973.

45. That one of the prominent reasons why engineers in public sector are not being promoted to higher grades such as Grades 20, 21 and 22 is because of the absence of an Occupational Group which would specifically cater to their needs. This in spite of the fact that no less than thirteen (13) divisions of the Federal Government (mentioned above) and their attached departments are performing engineering work or engineering-related work.

46. That if an Occupational Group were created for Engineers, a distinctive regime suitable for the training and promotion of engineers in public service would also have to be created in accordance with Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990. Such a suitable regime for training and promotion of public sector engineers would ensure the availability of high-quality responsible professionals suitable for holding policy positions in engineering-related divisions and departments.

47. That it is simply not possible for the Respondents to diligently manage public-sector engineering organizations without creating a specialized “Occupational Group” for engineers, whereby engineers would be recruited, appraised, promoted and transferred on the basis of their technical abilities. This would go a long way towards equipping the Federal and Provincial governments with the manpower which is necessary for fighting, amongst other challenges, the looming energy and water shortage.



48. That since the creation of Occupational Groups has been done through the exercise of power conferred by law, it is within the competence of this Hon'ble Court to direct Respondent No. 1 to create another "Occupational Group" called the "Engineering Service of Pakistan" or to take such other measures as are necessary to achieve objects of the law.

**F.**

**That Respondent No. 1/Federal Government has repeatedly recognized the need for creating a separate Occupational Group for Engineers, but has failed to address this issue.**

49. That the need for creating a separate Occupational Group called "Engineering Services of Pakistan" and adopting a Service Structure for Engineers has been repeatedly recognized by the Respondent No. 1/Federal Government itself. An analysis of reform discourse which has been taking place within Respondent No. 1/Federal Government reveals that there are no two opinions about the need for this reform. Yet, for over forty-five (45) years, the proposed reforms have been delayed through bureaucratic shenanigans. Thus, the need for this Petition urging intervention by the Supreme Court of Pakistan in the public interest.

50. That in 2006, the Federal Government appointed a National Commission on Governance Reforms vide S.R.O. 370(I)/2006. This Commission which was headed by renowned bureaucrat Dr. Ishrat Hussain, submitted its multi-volume report in 2008. The Commission's Report fully endorsed the idea of creating a "*Pakistan Engineering Service*" with at least four sub-

specializations including “*Civil (Works & Housing)*”, “*Irrigation*”, “*Roads and Highways*” and “*Public Health Engineering*”.

(Relevant Excerpt from the Report of National Commission on Governance Reforms is attached as **ANNEX H**)

51. That on 14<sup>th</sup> December, 2016, vide Letter No. PEC/Ch/01/2016, the Petitioners formally initiated a Summary to the Prime Minister of Pakistan titled “*Service Structure for Engineers*”. Annexed with the summary was a proposed draft of Office Memorandum for creating of Engineering Service of Pakistan.

(Copy of Letter No. PEC/Ch/01/2016 along with Summary containing proposed Service Structure for Engineers is attached hereto as **ANNEX I/1**)

52. That on 6<sup>th</sup> January, 2017, the then Prime Minister was pleased to direct the Ministry of Science and Technology to “*hold consultations with the Chairman, Pakistan Engineering Council and representatives of Establishment and Finance Divisions to examine the set of proposals contained in the documents...*”.

(Copy of PM Office Letter dated 6<sup>th</sup> January, 2017 is attached as **ANNEX I/2**)

53. That after going through the consultative process, on 23<sup>rd</sup> August, 2017, the Petitioners moved another summary to the Prime Minister on the same subject.

(Copy of Summary dated 23<sup>rd</sup> August, 2017 containing proposed Service Structure for Engineers is attached as **ANNEX I/3**)

54. That it has come to Petitioner No. 1's knowledge that on May 29<sup>th</sup>, 2018, the Planning Commission also moved a similar Summary to the Prime Minister of Pakistan. This summary also proposed creation of Engineering Service of Pakistan and constitution of a committee for this purpose, comprising Petitioner No. 1/Chairman PEC and a number of other members. It may be noted that this Summary received the assent of the then Minister for Planning, Development and Reform, Hon'ble Mr. Ahsan Iqbal.
55. That despite repeatedly recognizing the need for this proposed administrative reform, the Respondents have failed to do anything about it. Thus the need for this Petition.

**G.**

**That compliance with the letter and spirit of Section 27 of the PEC Act and other relevant laws cited in this Petition requires immediately appointing engineers to senior management positions in Engineering Divisions and Engineering-related Divisions of the Federal Government**

56. That the term division has been defined in the Rules of Business as "*a self-contained administrative unit responsible for the conduct of business of the Federal Government in a distinct and specified sphere.*" The business assigned to each division is listed in great detail in Schedule II of the Rules of

Business. The term “Secretary” has also been defined in the Rules of Business as a Secretary, the Additional Secretary or Joint Secretary who is “*in charge of the Division or the Ministry*”.

57. That it logically follows from these definitions that any division the bulk of whose business falls within the definition of “*professional engineering work*” as provided in Section 2(xxv) of PEC Act, must be considered an “*engineering organization*” within the scope of Section 27(5A) of the PEC Act. Five (5) such divisions have been identified in this petition. It is also logical to presume that all senior management posts in these divisions (Secretary, Additional Secretary and Joint Secretary or equivalent) require substantial engagement in “professional engineering work” - such as commissioning and management of engineering works, giving opinion about engineering projects and appraising them. Under Section 27, these posts can only be held by qualified engineers. This is why the Petitioners have prayed that, in accordance with Section 27, Respondent No. 1/Federal Government should be directed to immediately appoint appropriately qualified engineers to the posts of Secretary, Additional Secretary and Joint Secretary in these divisions.

58. That there are at least eight (8) other divisions of the Federal Government identified by the Petitioners (hereinafter referred to as the engineering-related divisions) with respect to which it can be stated that a substantial amount of business (although not the bulk of it) assigned them under the Rules of Business falls within the definition of professional engineering work. The spirit of Section 27 of the PEC Act mandates adequate representation of engineers in the senior management positions of such engineering-related division.

## H.

**That Federal Government is required by law to utilize the advice and services of Petitioner No. 2/PEC on all engineering projects of national importance such as CPEC and the construction of dams so that the engineering profession may be able to perform its statutory function of being “a key driving force for achieving rapid and sustainable growth in all national, economic and social fields”.**

59. That the objective of the PEC Act was to create an institutional and legal environment where the engineering profession would serve “a key driving force for achieving rapid and sustainable growth in all national, economic and social fields”. Accordingly, under Section 8 of PEC Act, one of the statutory functions assigned by Parliament to PEC is providing “assistance to the Federal Government as a Think Tank.” Leaving nothing to chance, Parliament has also defined the term “Think Tank” in the PEC Act as “a creative and innovative body to advise on engineering and national development plans”. An organic reading of the PEC Act makes it clear that the Federal Government is bound to utilize the advice of Petitioner No. 2/PEC on all significant engineering and national development plans such as CPEC and the construction of dams.

60. That Parliament's wisdom behind giving PEC the role of a statutory "*Think Tank*" whose advice must be sought on "*national development plans*" is not difficult to grasp. PEC is an elected body which has effective representation of engineers from all the federating units. Because of this composition, it is the forum best suited to evolve a techno-political consensus over issues such as the construction of large dams and national highways, which are in all countries of the world politically divisive. It may be said that the very purpose of creating PEC in 1976 was to create a forum where engineers representing the interest all provinces would be able to formulate a common policy in the interest of Pakistan's national development.

61. That in accordance with its statutory mandate of being a "*Think Tank*" for the Federal Government, the Petitioners have from time to time submitted to Respondent No. 1/Federal Government a number of policy documents regarding water and other current issues.

(Policy Documents on submitted by Petitioner No. 2 to Respondent No. 1 are

**ANNEX BI, BII, and BIII)**

62. That unfortunately Respondent No. 1/Federal Government has not given due consideration to the policy documents despite the fact that these documents contain proposals to resolve the life threatening crisis faced by the country, perhaps because of the lack of professional and technical expertise on the subject within the bureaucratic setup of the Government.

63. That it may be added that through the **China-Pakistan Economic Corridor (CPEC)**, foreign investment worth billions of dollars has come,

and is expected to come, to Pakistan. Most of this money has been spent on, and will be spent on, “professional engineering work”, such as construction of power generation companies, roads, railways and ports, through engineering organizations such as the Energy and Power Division, WAPDA, power-sector Public Companies, NHA, Ports and Shipping Division, and Railway Division. It is a worrisome that at this critical juncture in Pakistan’s history, these engineering organizations have very few, if any, engineers or technical experts holding senior policy-level posts. Policy-level posts in all CPEC-related government bodies are filled with bureaucrats from Pakistan Administrative Service who are simply not trained for the jobs given to them. **Hence, the need for intervention by the Supreme Court.**

## **I.**

**That the Petitioner has exhausted all alternative forums but has received no adequate remedy.**

64. That in order to agitate this grievance, the Petitioners have been struggling for years to bring the grievances agitated in this Petition to the notice of the Respondents and other state authorities. They include, *inter alia*, the following:

- (i) Letter dated November 22, 2017 titled “Grievance of Engineering Community on Appointment of Non-engineers as Head of Engineering Organizations/Departments in violation of PEC Act 1976, sent by Petitioners to the Prime Minister of Pakistan.

- (ii) Letter dated October 26, 2016 titled “Appointment of non-engineers in the Engineering Departments in Contravention of PEC Act 1976, sent by Petitioners to the Prime Minister of Pakistan.
- (iii) Letter dated December 10, 2015\_titled “Appointment/Promotion of non-engineers against Posts Involving Professional Engineering Works” sent by the Petitioners to the Prime Minister of Pakistan.
- (iv) Letter dated December 10, 2015 titled “Appointment/Promotion of Non-engineers against Posts Involving Professional Engineering Works” sent by the Petitioners to Mr. Shahrukh Arbab, then holding the office of Secretary Ministry of Housing and Works, Government of Pakistan
- (v) Letter dated 27 November, 2015 titled “Appointment/Promotion of Non-engineers against Posts Involving Professional Engineering Works” sent by the Petitioners to Mr. Rana Tanveer Hussain, then holding the office of Federal Minister for Science and Technology

(Copies of letters sent by Petitioners to relevant authorities  
are attached as **ANNEX J** of this Petition.)

65. That the **petitioners humbly submit that all the illegal practices identified in this petition – lack of an Occupational Group for engineers in public service, systematic discrimination against engineers in promotions to senior management positions, arbitrary appointments to statutory offices in engineering-related**



**organization – are directly linked with the lack of enforcement of the public’s right to access water, electricity, gas and other such necessities. The issues raised in this petition have a direct bearing on the enforcement of the right to life of all citizens (Article 9), and the right of engineers to to professional integrity (Article 18), professional dignity (Article 14), non-discrimination in the service of Pakistan (Article 27) read with the Principles of Policy stated in Article 37.**

#### **IV.**

#### **PRAYER**

That in view of the foregoing submissions, it is humbly prayed that this Hon’ble Court may be pleased to:

- (i) Direct Respondent No. 1/Federal Government to immediately appoint qualified engineers as Secretaries of those five (5) divisions the bulk of whose business is professional engineering work, i.e., Communications Division, Power Division, Housing and Works Division, Railways Division and Water Resources Division, and submit a compliance report within a reasonable time-frame stipulated by this Hon’ble Court;
- (ii) Direct Respondent No. 1/Federal Government to immediately appoint qualified engineers in senior management positions (BS-20, 21 or 22) in those eight divisions whose business includes a substantial amount of professional engineering work, i.e., Aviation Division, Defence

Production Division, Industries and Production Division, Information and Broadcasting Division, Information Technology and Telecommunications Division, Maritime Affairs Division, Petroleum Division and Science and Technology Division, and submit a compliance report within a reasonable time-frame stipulated by this Hon'ble Court;

- (iii) Direct Respondent No. 2/Secretary Establishment to conduct a review of the job descriptions of all other posts in the service of Respondent No. 1/Federal Government and ensure appointment of qualified engineers against all such posts which require substantial engagement in professional engineering work.
- (iv) Direct Respondent No. 1/Federal Government to create a distinct Occupational Group for Engineers as "Engineering Service of Pakistan (ESP)" which would be at par with the other 12 Occupational Groups thus far created by it;
- (v) Direct Respondent No. 1/Federal Government to utilize the services of Petitioner No. 2/PEC on all engineering projects of national importance such as CPEC and the construction of dams such as the Diamer Basha and Mohmand Dam so that the engineering profession may be able to perform its statutory function of being "*a key driving force for achieving rapid and sustainable growth in all national, economic and social fields*" as mandated by the PEC Act;

(vi) Grant such other relief as may be warranted.

**PETITIONERS**

*Through*

Dr. Tariq Hassan,  
ADVOCATE SUPREME  
COURT OF PAKISTAN

assisted by

Syed Bulent Sohail,  
ADVOCATE HIGH COURTS

And

Umer Gilani  
ADVOCATE HIGH COURTS

filed by

\_\_\_\_\_, **AOR**



**BEFORE THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

***Constitutional Petition No. \_\_\_\_ /2018***

**Engineer Jawed Salim Qureshi and Others versus Federal Government**  
**and Others**

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF THE**  
**ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**AFFIDAVIT-OF-FACTS**

\_\_\_\_\_ ,

**ADVOCATE-ON-RECORD**

**SUPREME COURT OF PAKISTAN, ISLAMABAD**

I, the above named deponent do hereby solemnly affirm and declare as under: -

- 1.** That the contents of my accompanying Memo of Petition are all true and correct according to the best of my knowledge and information.
- 2.** That the said facts have been obtained from the perusal of the record as well as instructions received from the Petitioners.

SWORN at Islamabad on this \_\_\_\_ day of May, 2018.

**DEPONENT**

**BEFORE THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

***Constitutional Petition No. \_\_\_\_\_ /2018***

**Engineer Jawed Salim Qureshi and Others**

**versus**

**Federal Government and Others**

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**AFFIDAVIT-OF-SERVICE**

\_\_\_\_\_ ,

**ADVOCATE ON RECORD, SUPREME COURT OF PAKISTAN,  
ISLAMABAD**

I, the above named deponent do hereby solemnly affirm and declare as under: -

1. That I did serve the respondents of my having filed Constitutional Petition on behalf of the Petitioners in the Supreme Court of Pakistan.

SWORN at Islamabad on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**DEPONENT**

**BEFORE THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

**Constitutional Petition No. \_\_\_\_\_/2018**

**Engineer Jawed Salim Qureshi and Others**

**versus**

**Federal Government and Others**

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**NOTICE**

To,

1. Federal Government of Pakistan through Prime Minister of Pakistan having office at Prime Minister's Secretariat, Constitutional Avenue, Islamabad
2. Secretary, Establishment Division, Federal Government, having office at Pakistan Secretariat, Islamabad

**... Respondents**

Please take Notice that I have today filed a Constitutional Petition against you on behalf of the above-mentioned petitioners under Article 184(3) of the Constitution in the Supreme Court of Pakistan at Islamabad.

( \_\_\_\_\_ )

Advocate on Record  
Supreme Court of Pakistan  
Islamabad

Dated: - .2018