

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 and 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. Sanauallah 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. Aadir Umer Khalil, Dir (CA) PTA.
Mr. Muhammad Khurram Siddiqui,
(Dir) Law PTA.

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 – Diamer 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 (Diamer 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 Diamer 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.

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.

8. 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.

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.

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 basis.

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.

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

maintaining, operating and conducting audits of the Fund from time to time.

19. This Court has not authorized any individual or group, etc to collect donations.

20. We are confident that the systems being put in place on the recommendation of the Governor, State Bank of Pakistan, various Government Departments as well as representatives of the Cellular Mobile Phone Companies and other experts shall operate smoothly and seamlessly towards achieving the objective of this national cause. All concerned have assured this Court that in case any problems are experienced at any stage and of any nature in receipt of contributions, the same shall immediately be resolved.

21. Let this matter be listed for hearing **30.07.2018**.

CHIEF JUSTICE

JUDGE

JUDGE

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ISLAMABAD, THE

11th of July, 2018.

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NOT APPROVED FOR REPORTING