

Ladies & Gentlemen, I am deeply humbled and honoured from the deepest recesses of my heart to be here amongst you in such a distinguished gathering.

Let me begin that after Britain and the Middle East, the third largest Pakistani Diaspora is North America. It is also the community that is likely to have the deepest impact on its original homeland. Although the Pakistani in the Middle East send much greater amounts as remittances to their-homeland, the economic impact of the community in North America has been-and will be- of much greater consequence.

What distinguishes the North American Pakistani Diaspora from the ones in Britain and Middle East is its composition of young and new, its relative wealth, its better integration with the host population and its ability to provide managerial expertise in a number of areas in which Pakistan lacks the needed skills. Given the importance of this community for Pakistan's future the Pakistanis in North America have now begun to either identify as a separate entity including as part of the Muslim community rather than being a subset of the South Asian Diaspora.

Pakistanis are known to have fared better in the US than anywhere else in the world, by attaining higher levels of education and being gainfully employed. The Pakistani Diaspora in North America is quite diverse and talented.

Overseas Pakistanis in North American are sons/daughters of the soil and have a legitimate expectation from their country, their motherland, and in their absence their legal rights and interest will be well recognized and protected by a watchful administration and considerate judiciary, therefore, annexing paramount importance to the concerns of overseas Pakistanis and in order to safeguard their legal rights and interests, the Lahore High Court has established an exclusive Overseas Pakistanis Cell in Lahore High Court, Lahore in June, 2019 under the guidance of the Hon'ble Chief Justice of the Lahore High Court to operate under the supervision of a Director, Secretary and Support Staff for the resolution of problems of expatriate Pakistanis regarding the pendency of litigation in the largest province of Pakistan i.e. Punjab.

The job of an overseas Pakistani becomes cumbersome when he has to protect his rights/interests through litigation particularly during his absence from Pakistan makes it more difficult for him.

The litigation requires personal attendance and consistent attention which is rather extremely different rather impossible for an overseas litigant to remain present in the country throughout the proceedings and to properly pursue his case as it requires considerable amount of time.

A lot of overseas Pakistanis including those living in North America invest in property in Pakistan with the hope of eventually returning home to living a peaceful life but certain fall victim to fraudsters and land grabbing mafia besides succumbing to property and real estate frauds. The overseas Pakistanis also face problems regarding family, guardianship, custody of minors, succession cases, criminal cases, travel agents and airline related cases.

The Lahore High Court Lahore has always taken initiatives and radical measures to redress problems and grievances of overseas Pakistanis most particularly regarding their legal rights and interests pending in the form of litigation for years. Earlier an effort was made through establishment of “Sahulat Centre” in Lahore High Court, but it was focused only to the cases pending in District Judiciary.

The overseas Pakistanis cell at Lahore High Court has been set up with an aim to perform supervisory role about the cases of overseas Pakistanis throughout the districts of Punjab where special courts to try cases of overseas Pakistanis have been established with the direction to decide all such cases within minimum time. Their performance is monitored on daily basis and necessary directions are issued frequently to meet the goal of early disposal of cases by overseas commission of Lahore High Court. E-Courts under the direction of the Hon’ble Chief Justice have been established and are up and running in number of districts in Punjab.

May I also add that Punjab is the only province of Pakistan which has a law for the overseas Pakistanis which is called as “**The Punjab Overseas Pakistanis Commission Act, 2014**”.

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- **Complaints addressed to the Executives.**
- **LHC-Cell for OP which will address judicial complaints to the High Court U/A 199 of the Constitution of Islamic Republic of Pakistan, 1973. The mandate to file direct complaint in LHC U/A 199 gives the High Court power to redress to different shapes of complaints and ills which plagues Overseas Pakistanis especially residing in North America.**

Special Benches have been constituted at the level of High Court, comprising:-

- Hon’ble Mr. Justice Muhammad Qasim Khan to deal with criminal matters.
- Hon’ble Mr. Justice Shujaat Ali Khan and Hon’ble Mr. Justice Jawad Hassan, to deal with constitutional matters.
- Hon’ble Mr. Justice Ch. Muhammad Masood Jahangir to adjudicate upon civil matters, of Overseas Pakistanis.

They will deal with all pending matters of Overseas Pakistanis in all the spheres and will decide them as early as possible to facilitate Overseas Pakistanis.

Let me walk you through the different salient features and areas which the newly OPC-LHC shall take care of different aspects of cases of Overseas Pakistanis, which includes: -

- Illegal Possession of their properties in Pakistan or any threats thereof:
- An inordinate delay in decision of cases:
- Frauds in plots/landed properties purchased by them:
- Inability to pursue their court cases from abroad and hurdles in engaging counsel:
- A window/page in the official website of this Court shall be created for projection of objectives of the Cell and its functioning parameters to the Pakistanis living abroad.

- An online web portal to be developed to address the queries of the overseas litigants in this connection to the extent of Lahore High Court, Lahore. The Director and the Secretary of the Cell shall maintain a constant liaison and interaction with the Overseas Pakistani litigants in order to facilitate them. In this regard, IT Branch-LHC shall extend its complete support to the cell, whenever needed.
- The Overseas Pakistanis while visiting Pakistan may also in person approach the director or secretary of the cell to seek any kind of information or help, as the case may be. Their Counsels/Representatives/ Relatives living in Pakistan will also be facilitated accordingly at the cell regarding litigation issue(s).
- The Telephone help-line, in addition to the online facility, will also be established at the cell for the provision of speedy information;
- The complaints with regard to fixation or early disposal of their cases at Lahore High court will be redressed promptly by the Hon'ble Special Judge, nominated in this behalf in conjunction with the coordination of "OPC-LHC".

The Federal Legislative List, Part-I, Serial No.6 of the Constitution of Islamic Republic of Pakistan, 1973 defines “**EMIGRATION AND EMIGRANTS**”:

“Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan; pilgrimages to places beyond Pakistan.”

Article 260 of our Constitution defines “**citizen**” which means a citizen of Pakistan as defined by law and as per Citizenship Act, 1951. The Hon’ble Supreme Court of Pakistan in its judgment in **PLD 2019 SC 133 Muhammad Ibrahim Shaikh v. Government of Pakistan through Secretary Ministry of Defence and others** has decided the ratio regarding the Pakistan Citizenship Act, 1951 through which section 10 & 11 of the Pakistan Citizenship Act, 1951 the Pakistanis who are residing abroad have been given dual nationality status which has been enshrined under Article 17 of the Constitution of Islamic Republic of Pakistan, 1973.

Further, Article 4 clearly encapsulates right of individuals to be dealt in accordance with law to enjoy the protection of law and to be dealt in accordance with law “**to enjoy the protection of Law and to be treated in accordance with Law is the inalienable right of every citizen, wherever he may be and of every other person for the time being within Pakistan**”.

Article 25 further strengthens in unequivocal words gives equality to all citizens of Pakistan who are equal before the law and are entitled to equal protection of law and no discrimination to its citizens. This ratio was decided in the landmark judgment of the Apex Court of the country reported as **PLD 2018 SC 788 Dr. Farhat Javed Siddique and 15 others v. Government of Pakistan and others.**

Article 5 beautifully illustrates the duty of every citizen of Pakistan to give complete loyalty to the State and obedience to Constitution and law. Loyalty to the State is the basic duty of every citizen including Pakistanis living in North America.

I would also like to draw your attention to a very important provision of the Constitution i.e. **Article 23** which gives right to every citizen to acquire, hold and dispose of property in any

part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest. This right to hold property has been laid down by the Apex Court of the country's landmark judgment reported as **1999 SCMR 2792 Mst. Shahnaz Saif v. Dr. Talat Nadeem and others** in which it has categorically been held that overseas Pakistanis who had applied for allotment of plots in the Scheme specially reserved for overseas Pakistanis and in drawing of lots, specific plots were drawn in their names and they paid the price of the plots they were entitled to allotment of respective plots. The Hon'ble Supreme Court of Pakistan further held that even the Chief Minister of the province could not allot a plot which was specifically reserved for overseas Pakistanis.

The Hon'ble Chief Justice of the Lahore High Court who is sitting amongst us is representing 1/3rd of Pakistan as he is CJ of the largest province of Pakistan having population of over 110 million.

The Hon'ble Chief Justice with his far sightedness and broad vision had initiated training programs for the district judiciary especially to deal with cases of Overseas Pakistanis and sensitized the Judicial Officers, under the auspices of the Punjab Judicial Academy.

I will take this opportunity to give you a brief synopsis of the cases instituted by Overseas Pakistanis living in North America and the proceedings which have been done are as under: -

City	No. of cases	Reason for recording evidence through E-Court.
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Gujranwala	3 cases	One of the party is out of country.
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Multan:	2 cases	Witnesses were abroad.
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For September, 2019

Total Pendency	3435
Total Institution	220
Total Disposal	268
Balance	3387

Disposal of overseas Pakistani claiming to be residents of North America

Jan to Sept, 2019

Total institution:	162
Total Disposal	51
Pendency:	140

(Chakwal, Faisalabad, Lahore, Okara, Sheikhpura, Vehari)

In conclusion, we would like to thank you all for extending your hospitality and providing such an amazing opportunity for such interaction. I hope we can come up with even more meaningful resolutions for overseas Pakistanis which will help to resolve your legal problems in Pakistan.