



Quantification of Damages in Tort cases in Pakistan

MUHAMMAD NASEER

Research Scholar, Faculty of Shari'ah & Law
International Islamic University, Islamabad. Email: na872670@gmail.com

HAFIZ MUHAMMAD USMAN NAWAZ

Assistant Professor of Law, Faculty of Shari'ah & Law
International Islamic University, Islamabad. Email: usman.nawaz@iiu.edu.pk

PAPER INFO

History

Received:

July 12, 2022

Revised:

August 16, 2022

Accepted:

September 03, 2022

Online:

December 30, 2022

Keywords

Quantification,
Damages,
Tort,
Defamation,
Court Cases,
Calculation of
Damages

ABSTRACT

The Damages can be demarcated as a disadvantage endures by a person in resulting the act or default of the other.¹ It is an award of money to injured party by the defaulter as compensation in case of loss or injury caused on act of tort or breach of contract. Damages can be defined as the right to claim compensation for loss suffered. Penalty in shape of money awarded to the party whose right violated is damages. Punishment is not considered as damages. A tort is an unjust act other than breaching of contract that harms others and consequently imposes civil liability by law. Tort in common law and most of the other legal systems that result from it are defined as any example of a malicious act, such as a physical assault on a person, encroachment on someone's property, or the use and exploitation of one's own land, economic interests, honor, reputation, and privacy. Initially, the tort involved only serious mistakes, bodily harm, damage to property, and instability on the ground. It is about individuals and the injured party can take action by initiating civil action. Remedy is compensation and tort is a private wrong.

Introduction

The scope of law of tort in Pakistan is limited. Most of the people are unaware of this right of remedy. Majority of the case laws available related to tort in Pakistan are on defamation. On this point a Defamation Ordinance, 2002 was promulgated and enforced. The tort of defamation

has been actionable before the civil courts under section 9 of CPC now and even before the introduction of the Defamation Ordinance, 2002.² The English common law in respect of the tort of defamation is applicable in Pakistan as justice, equality and conscience, until some other feature or circumstance operative in Pakistan made application of such common law undesirable.³ Defamation of any person or citizen by spoken words, in writing or any other means of communication which undermined the dignity of a person which is fully guaranteed by the Constitution, it is a constitutional obligation not only of the state but of all citizens too. The state must respect and honor the dignity of every person and citizen.⁴ Anyone who slanders or misbehaves against any person is found guilty under the Constitution and crosses the red line prohibited by the Constitution, resulting in serious punitive consequences under the law, and the offender must be prosecuted by law. When a person is humiliated, his or her dignity is almost nullified, so no one should be treated leniently in this regard, and no one can claim the right to unconditional expression and the right to information.⁵

Defamation is the transmission to a third party through any material means of perception, which may damage the reputation, benevolence or value of person, profession or goods through print, oral, audio or visual means or devices, or any combination thereof, distribution or transmission. In terms of anti-slander measures, Innuendo is the subtle or indirect effect of clarity on words or phrases, usually resulting in injury, damage to reputation, goodwill and person, property or profession.⁶ A class, individual or group of people cannot claim to be slandered as a class, division, group or community, nor can a person claim to be slandered as a class, division, group or community to which a person belongs.⁷

The Defamation Ordinance, 2002, section deal with the two remedies, the first is tendering apology and the damages which court can allow, the second part of section deals with special damages, the special damages is an added right of the party which give the choice to claim special damages from competent forum.⁸ Jurisdiction of civil court under S.9, CPC and that of District Judge under Defamation Ordinance, 2002 to entertain such suit was concurrent. Open to plaintiff to choose either to pursue statutory remedy under Defamation Ordinance, 2002 or general law remedy, under S.9, CPC. When plaintiff once opted to pursue general law remedy under S.9, CPC then his statutory remedy under

Defamation Ordinance, 2002 would be completely barred and vice versa.⁹

Under section 9 of Defamation Ordinance, 2002 damages are provided as a remedy under three headings.¹⁰

Compensatory, General and Aggravated Damages

Compensatory damages can be divided into general and special. General damages awarded who wins a defamation action against the injury to his reputation and feelings. The damages are being awarded proportionately to the loss which plaintiff has suffered and nothing more than what is necessary to adequately compensate and restore his reputation.¹¹

General damages are based on the matters of vindication, injury to reputation and injury to feelings. Sometimes restoration to the pre-publication status quo is not possible so the general damages purely reflect the damage caused by the defamatory publication. Pain and suffering caused by the injurious defamation cannot be taken into account when it comes to a legal entity such as a registered society.

Aggravated damages define as the improper or irregular conduct in connection with the publication mostly tends to arise with actions associated with the media. Simple steps such as attempts at verification, misquoting, are publishing the allegations despite warnings that they are false, use of lies, subterfuge or financial inducement to obtain material or unjust intrusion of privacy.¹²

It is pointed out that where a legal right is already recognized in common or general law, which is later codified through statute and such statute also provides a remedy. In such cases, unless there is an ouster clause barring jurisdiction of civil courts, both the remedies under the general and special laws would be available, subject to the doctrine of election i.e. the plaintiff/applicant will have to choose as to whether he would pursue the remedy under special or general law; in the second category of cases, the legal right itself is created by the statute, but no remedy is provided under the codified law. In such cases, the statutory right will be enforceable by the procedure given under the general law.¹³

Section 13 of the Defamation Ordinance, 2002 provides that the trial shall be conducted by the District Court.¹⁴ Section 15 of the Ordinance guides us that the appeal will present to the High Court

against the final decree and decision of the District Court under section 13 of Defamation Ordinance, 2002.¹⁵

Principle of Quantification of Damages

When Defamation Made Through Media

The reputation of the individual is protected by Article 4(2)(a) and according to Article 14, the dignity of the person, obedience to the law, and the privacy of the home are the inalienable rights of every citizen.¹⁶ Defamation of any person orally, in writing, or by any other means of communication undermines human dignity, which is fully guaranteed by the Constitution. Respecting and honoring the dignity of every citizen of Pakistan is a constitutional duty of the state and all citizens. If someone acts in bad faith by defaming someone's name, he or she is guilty under the Constitution and crosses the red line prohibited by the Constitution, resulting in serious penalties under the law, and the responsible person must be prosecuted under the law.¹⁷ The court while granting damages on the basis of defamation made through media evaluate the quantum of readership or viewership on which the honor of aggrieved party suffers. A case is referred namely *Liberty Papers Ltd. and others v Human Rights Commission of Pakistan*¹⁸ the respondents filed a suit of Rs. 100 million against petitioners as damages on publishing defamatory and libelous material against the respondent organization and its office bearers in the newspaper namely "Khabrain" false, malicious and were deliberately published to harm the reputation. The trial court awarded Rs. 5 million. The court pointed out that in a case of defamation for damages defamation materials must prove with evidence, that they are diligent in verifying the truth and that they adhere to generally accepted professional ethics.¹⁹ The Council of Pakistani newspaper editors "codes of ethics" laying out for press to prevent the publication of unapproved material, impartial reporting or publication, and the expression of comments and assumptions. If the publisher of the defamatory material is unable to determine the truthiness of the published material, the publishers are found to be at fault and liable under aggravated damages.²⁰

The court has decided that the lenient treatment shall not be shown in this regard to anyone nor can anyone claim an unrestricted right to expression and the right to information when the subject is discredited, when its value is almost abolished, because the right to expression and

information is regulated by laws, rules and regulations and the license is issued in accordance with the Law on Press and Publication.²¹ It is fact that media as a whole is playing a vital role in reshaping our political and social life, creating awareness amongst the masses about their rights and responsibilities as well as against corruption. While performing such noble duties, the media is equally required like any other citizen to abide the provisions of Constitution, the code of ethics, the rules and regulations and not to resort to mud-slinging by violating standards of true professional ethics as irresponsible and derogatory reporting of news would diminish its own credibility in the eyes of the readers and viewers.²² Freedoms envisaged in Arts 15, 16, 17 and 19 of the Constitution are subject to reasonable restrictions.²³ Fundamental duty of every Propagator, printer and publisher would be to establish that whatever they published was based upon truth.²⁴ In another case *Muhammad Aslam and others v Khawaja Abdul Manaf and others*²⁵ on defamation prove the court awarded damages Rs. 500,000/- on publication of defamatory story. The facts was that the respondent/plaintiff lodged a suit for recovery of Rs. 10,000,000/- as damages under the provisions of Defamation Ordinance, 2002, on the grounds, that the respondent belongs to a respectable religious family having large number of devotees; the appellants/defendants published defamatory/scandalous news in their magazine with the intention to extract money and which is in fact a deliberate attempt of the appellants/defendants to disrepute the plaintiff's family because of this the honor dignity and reputation of the respondent/plaintiff were seriously damaged and the respondent/plaintiff suffered mental agony and torture. It was established that the news published was defamatory and scandalous in nature. It was established that the appellants was habitual to published baseless and defamatory material against people to extract money and innocent people lodged FIR and filed civil suits for damages on the same issue. On prove of guilty, Learned Trial Court decreed the suit to the extent of Rs. 500,000/-. Court has decided that this type of illegality and willful negligence on part of appellants cannot be overlooked and left unattended which is not only against the law and also the unwritten norms, values and conventions of at least a fair reporting and ideal journalism. Court also mentioned that this type of negligence is so fatal which ruins the life of a person or family because on publication of this type of the news without the inquiry the aggrieved person committed suicide and the appellants published material against respondent without establishing the veracity of news material which is extreme example of

yellow and irresponsible journalism.²⁶ It is well settled that for grant of damages there should be defamation and said defamation must be published in the meaning of publication.

Publication of Defamation is required for Award of Damages

It is well established that the court while granting damages check that whether the publication is fall in the meaning of publication on the basis which the party claiming damages. It was held in a renowned case *A. Khalid Ansari v Mir Shakil Ur Rahman*²⁷ the defamation was made through email and was libel in terms of S.3 (4) of Defamation Ordinance, 2002. Defendant contended that a libel committed by the journalist and not defendant who was recipient and not author or originator. The Court observed that there was possibility of defendant having dictated such e-mail to his Secretary. Dictation of e-mail by defendant to Secretary would constitute a distinct and separate publication in its own right. Each act of publication of alleged defamation being a separate act of defamation must be alleged pleaded and proved accordingly. The court has decided that plaintiff had to prove defamation, and if publication denied by defendant, then he had to prove publication as well. Plaintiff did not contain any averment regarding publication of e-mail by defendant. Plaintiff had no cause of action in absence of any publication of alleged e-mail in a newspaper nor was broadcast. Plaintiff's subsequent e-mail defendant asking an unconditional apology would sufficient compliance with the requirements of S.8 of Ordinance.²⁸ Plaintiff was rejected. It was decided that the alleged libel must injure the repute of man or tend to reduce him to ridicule, unjust criticism, dislike, contempt or hatred.²⁹ Where defamatory communication was confined only to person being allegedly defamed and there was no publication/circulation thereof, then there could be no defamation.³⁰

It was decided by the court that for awarding damages that there should be a publication of defamation. Through this Civil Revision against the judgment and decree passed by learned Civil Judge whereby petitioner suit for recovery of damages amounting to Rs. 25,000/- against respondent was dismissed. The appeal was also dismissed.³¹ The facts leading to this Civil Revision was that petitioner lodged a suit for recovery of Rs. 25,000/- as damages for defamation, loss of reputation, mental and physical torture allegedly caused by the respondent on filing an application before District Police Officer attributing false implication of

theft of his cattle's against the petitioner and imputing derogatory statements against the petitioner in the locality, brotherhood and relatives of the petitioner. It is a strict principle of the law to publish a statement that reflects the dignity of the individual and seeks to undermine or avoid them in assessing the right-thinking members of society.³² Defamation is form of two separate torts i.e. libel and slander. By gone through the documentary evidence provided by petitioner fails to contain any defamatory imputation. Evidence does not reveal that respondent had leveled any allegation of theft of cattle's against the petitioner and therefore the contents of the petition do not fall within the ambit of libel.³³ Court observed that the alleged imputation of respondent had lowered the respect or reputation of the petitioner in his estimation or in the estimation of right thinking members of the society in general or made him shun to avoid the petitioner. Petitioner has not been able to establish the allegation against the respondent for causing defamatory imputation amounting to libel or slander to claim any damages. The court dismissed the suit.

Publication of False Report and Unqualified Apology

The section 9 of defamation ordinance, 2002 provides that there should be apology published in a same manner as the news defames the party. Court has decided that if the party who defaming through newspaper should published the apology in the same manner as the defamatory news published.³⁴ In a case *Raodiljan khan v Dr. Muhammad Younis and another*³⁵ the plaintiff sued for damages in the tune of Rs. 20,000,000/- as the defendant published false reports in the newspaper damaging his reputation and professional activities. Trial Court decreed the suit and awarding damages to the extent of Rs. 500,000/- as damages with direction to publish apology of false news within 15 days, failing which he would entitle to remaining Rs. 15,00,000/- of the amount which claimed. Defendant published the apology and understands that matte is dissolved and there is no need to pay Rs. 500,000/- as awarded by Trial Court. He further said that the published apology entitled him to the defence under S.5(e) of the Defamation Ordinance, 2002. The court has decided that it is not maintainable because the defendant published apology after the matter decided by the court, so it is not a proper apology offered which is required by law. Apology tendered in pursuance of judgment of the court to avoid payment of alternative damages could not be termed a proper

apology as envisaged in S.5(e) of the Ordinance.³⁶ The defendant has to pay the damages as awarded by the Trial Court.

Freedom of Speech

Freedom of expression is one of the fundamental rights that are the foundation of democratic institutions. The right to free speech belongs to all human beings, they affect the way of life without restricting any specific fact about human interest and include basic freedom of expression.³⁷ The right to freedom of speech and expression includes the right to publish and disseminate their ideas, opinions and views with complete freedom and using any available means of publication. The right to freedom of speech and opinion is unfettered and unbridled. Absolute and unrestricted such personal rights do not exist in any modern state, and there is no such thing as absolute and uncontrolled freedom. In addition to allowing freedom of speech and expression as a fundamental right, it is also guaranteed in Art. Article 14 of the Constitution, human dignity, obedience to the law, privacy of the home are inviolable.³⁸ There is no attempt by anyone, individually or collectively to discriminate or discredit another person, degrading his or her dignity, respect and the value of life.³⁹ Article 14 of the Constitution, which guarantees human dignity as a fundamental right, is the most valuable right. Not only is human dignity guaranteed by the Constitution of Pakistan, but historically and according to Islam, great importance has been attached to human dignity and the inviolability of the home.⁴⁰ In exercising the statutory right of freedom of speech, it should be kept in mind that there is a corresponding responsibility to ensure that the freedom of speech should not transgress the limits of freedom beyond the boundaries of Art. 14 of the Constitution.⁴¹ If the party goes beyond the boundaries set by the constitution under Article 14 then the party is committed an offences and liable to pay damages to the aggrieved party.

False Publication

Prior to promulgation of Defamation Ordinance, 2002 civil action for defamation was actionable under tort, now it has been made actionable under statute law. Once it is established that the libel has been committed, injury or damage to the reputation, goodwill is presumed this long standing principle has now been assimilated in section 4 of the Ordinance.⁴² It was held in a case *Syed Mehmood Ali v Network Television*

*Marketing (PVT) LTD. and another*⁴³ defendant admitted that the impugned documentary containing insinuation conveyed innuendo at the plaintiffs concern and Haleem was telecast but pleaded justification. Plea of justification fair comment or any other admissible defence in like action, may not wipe out the effect of defamation altogether but may be considered as an exonerating and or mitigating circumstance. Once, defamation is proved, damage injury and impairment to the reputation, goodwill or estimation of a person, vocation or goods as the case may be, is invariably presumed. Whilst deciding the matter, it was held that the documentary telecast was not true, the insinuating documentary was telecast twice, harmed and impaired the estimation, reputation and goodwill of the plaintiff and his Haleem (Business). It Converse to the criminal liability, civil liability for libel, slander or innuendo does not depend on the intention of the offender but on the fact of defamation. It was observed that the defendants failed to prove the documentary innuendo conveyed or telecast was not angled to insinuate, malign or defame the plaintiffs concern or his product i.e. Haleem. Court decided that as a consequence the plaintiff is entitled to claim damages and awards him the damages to the tune of Rs. 50,000/- as general damages.

Excessive use of Lawful Power

Excessive use of lawful power is illegal and authority who involve is responsible under the law. The Plaintiff was owner of the property which was attached by income tax authorities on plea that jurisdiction of Civil Court was barred.⁴⁴ Jurisdiction of Civil Court as envisaged in S. 9, CPC had to be construed strictly and if it was found that government officials or authorities mentioned under particular statute, which was invoking statutory bar, had not acted fairly, justly and reasonably, then such bar could not be pressed into service. Court observed that the procedure mentioned in law was never adhered by income tax officials while passing attachment order in respect of suit property.⁴⁵ Attachment order in respect of suit property was without any legal justification and was liable to be set at naught. High Court declared that suit property was owned by Plaintiff Company and income tax authorities illegally, wrongfully and by excessive use of power and authority had attached suit property.⁴⁶ High Court also directed the government to initiate disciplinary proceedings against income tax officials forthwith and all officials were liable to pay damages to Plaintiff Company.⁴⁷ The claim of Plaintiff has supported by

the documentary evidence and particularly the registered lease deed issued by Karachi Municipal Corporation (KMC). The conclusion is that the Plaintiff is entitled to the reliefs from Defendants jointly and severally to pay damages to tune of Rs. 15,00,000/-. Court has also decided that the subject property owned by Plaintiff, the defendants illegally, wrongfully and by excessive use of power and authority have attached the subject property. Quantum of damages would have been different if Plaintiff had led evidence about the losses it sustained, including the opportunity loss, on account of the impugned attachment order. No doubt, due to impugned action, the Plaintiff has been prevented at least to a certain degree, from use and enjoyment of the subject property.⁴⁸ Court has decided, it is not necessary that there should be a physical taking over a property or actual dispossession of its owner, in order to justify that an owner has been prevented to use and enjoy the same but if his ability to use and enjoy his property is obstructed, even that can be termed as expropriation of property. In terms of Section 121 of the Tax Law, an owner of a property is exposed to criminal prosecution if the latter attempts to frustrate an attachment order, inter alia, by disposing of the property. In the same way, the official Defendants are also saddled with an implied obligation in the nature of a public duty, that they shall act in a fair, just, reasonable and diligent manner and not callously, as they have acted. One of the defendant No.4 is also held liable, considering the principle of vicarious liability. Through various judicial pronouncements it is now a settled legal position that where government functionaries are guilty of committing illegality of such a degree, then they have to compensate the person wronged, in instance case, the Plaintiff.

False Prosecution and Defamation with Mental Agony

The rights of anyone are protected by law. If someone breached the right then he comes under obligation of law. There are number of prevailing laws which exist for the welfare of the society. The Court punishes or award of damages when the rights are violated. Court has decided to award of damages even on false prosecution. A case is referred *Zafar Ali v Additional District Judge, Pakpattan and another*⁴⁹ the court in the light of evidence brought by the parties finds two claims i.e. malicious prosecution and causing damages to the reputation with mental agony to the appellants. The principles for grant or refusal of damages with regard to

malicious prosecution are laid down by the Honourable Supreme Court in case of Niaz and others which reads as under:⁵⁰

- 1) That the plaintiff prosecuted by the defendant.
- 2) That the prosecution ended in plaintiff's failure.
- 3) That the defendant acted without reason and probable cause.
- 4) The defendant was actuated by malice.
- 5) That proceedings had interfered with plaintiffs liberty and affected reputation.
- 6) That the plaintiff had suffered damages.

The appellants have failed to prove the alleged application which was filed by the respondent. It needs no reiteration that mere filing of the application would not amount to malicious prosecution. The appellants have also claimed general damages for mental torture but they have failed to distinguish the damages for malicious prosecution and general damages for mental torture and defamation. Court states that for establishing the defamation a person who claiming must establish that his reputation has been diminished.⁵¹ The appellants did not produce any evidence, even nobody from the general public, friends, and close relatives or from his nears and dears came forward to substantiate his claim of defamation. The question of mental agony was required to be established through cogent and reliable evidence and mere feeling of resentment in one's mind is not sufficient to establish mental agony. It is well settled that if a person claimed mental torture/agony or damage/injury to his reputation among the general public, the initial burden lies upon him to lead evidence on this point.⁵² The court concluded that the appellants have failed to establish their claim for damages for malicious prosecution and injury caused to their reputation mental agony. Therefore, the court dismissed their claim. For award of damages the court set the parameter and on fulfillment of these parameters court awarded damages even in false prosecution.

Tendering Apology Mechanism

The Court while granting damages also fixes the mechanism of publication of an apology in newspaper. It is observed by the court that if someone claim & brought the owner of newspaper in the Court of law on account of publication of defamation, then an apology has been published

in newspaper in the corner consisting of few lines without publishing the scandalous/defamatory material in detail. Normally public-at-large/readers of newspapers do not read the apology. That apology published is totally insufficient and not acceptable in law. The apology published by appellants cannot restore dignity and honor of a person or family and it is also not possible for an aggrieved person to show the apology to every person known to him. Therefore, the plea of apology is hardly sustainable in law. The court has decided that the publisher and newspaper owner shall publish apology in the same place and space in newspaper along with defamatory material so that the public-at-large could know the defamatory material as well as the apology tendered by the publisher.⁵³ The apology published in a manner which is decided by the court is only acceptable.

For Claiming Damages the Claimant have to Pay Court Fee

The court has decided that when a party claim damages in the court of law should pay the court fees. The cases are referred in which the court directed the claimant to pay court fees.⁵⁴ The facts, is that, the respondents, namely Mst. Bilqees Bibi and Mst. Nasim Akhtar, held a press conference alleging (inter alia) that the appellants have grabbed their property and are a Kabza Group. The press conference covered by the newspaper i.e. Gujranwala Times. The appellants, on account of these allegation, being aggrieved brought an defamatory action against the said ladies/publishers/staff etc. of the newspaper. The remedy initiated under section 9 of the Defamation Ordinance, 2002 and the appellants claimed the special damages amounting to Rs. 50,000,000/-. Learned Courts, seized of the matter, directed the appellants to pay court fee i.e. Rs. 15,000/- for the claim of damages propounded by them in their petition, which order was unsuccessfully challenged by the appellants through a constitution petition and dismissed through the impugned judgment.

Trial Court directed appellants to pay court fee for the claim of special damages propounded in petition. The defamation ordinance, 2002 Section 9 dealt with two remedies, the first related to tendering of apology and statutory damages which the court allow and for this the court is not payable; second part of the section deals with the special damage which have to prove by the plaintiff in satisfaction of the court which is an added right of party, it is a choice and option which is given him to claim special damages from the competent forum.⁵⁵ The said remedy available to the

person by approaching the Court is in the nature of a civil suit so the claim attract the payment of court fee which have to pay by the party who claiming the damages. The appellant did not paid the court fee the appellate court dismissed the Appeal.⁵⁶ It is easy to understand from the above referred case law that before claiming the only special damages the claimant should pay the court fees as per the prevailing law.

Conclusion

Tort law is also applicable in Pakistan but scope is limited. The aggrieved party whose rights are violated the law protect them and grant the damages as remedy. To address the issue a special law comes into force in 2002 namely “The Defamation Ordinance, 2002”. Apart from this, the tort law is also remedied under Section 9 of CPC. The party can approach to the court under special law as well as general law on selection of remedy. Most of the cases in Pakistan are related to defamation and on this point court has granted damages. While granting damages when defamation exist the court has decided that there should be a publication. The publication means that minimum one person other than parties could see the defamatory material.

Recommendations

While perusal of the available case laws on tort cases in Pakistan, following are the some recommendations which call the law making authority to develop a law on it:

1. It is observed that the legislature and judiciary in Pakistan have shown deep concern for human rights as the layman is unaware of the available rights which are protected by the constitution i.e dignity of man etc., it is the dire need of the time to educate the people by promotion of these rights.
2. It is also observed that the damages in tort cases are awarded by the court in Pakistan by adopting old procedures but in developed countries the courts quantifying the damages by using latest techniques, we should do work on it for adoption of these new innovative techniques which provides the speedy and maximum remedy.
3. The claimant have to prove the injury with evidence that it is done due to the negligence of accused, after suffering with the heavy losses, injury, agony, it seems to be one of the most painful and

helpless situations for the litigant who is knocking the door of court with folded hands and with great faith in the system. It is suggested that to amend the laws by providing a supportive system/mechanism.

4. It feels that the system is unsatisfactory to the extent that the damages for tort being a lengthy and expensive litigation process due to the peoples are reluctant to approach the courts for their grievances, it should be addressed by the law making authority.

• • •

Notes and References

¹ Mobin Ahmad Siddiqui, *Law of damages and compensation* 2013 p. 100.

² Moosa v. Mahomed and others PLD 1959 Karachi 378.

³ Rases Ghulam Sarwar through Attorney v Mansoor Sadiq Zaidi and others PLD 2008 Karachi 458.

⁴ Liberty Papers Ltd. and others v Human Rights Commission of Pakistan PLD 2015 SC 42.

⁵ Ibid.

⁶ Tolley v. J.S Fry & Sons Ltd., 1931 A.C. 333.

⁷ Syed Mehmood Ali v Network Television Marketing (PVT) LTD. and another 2005 CLD 840.

⁸ Ch. Zulfiqar Ali Cheema and 3 others v Farhan Arshad Mir and others PLD 2015 Supreme Court 134.

⁹ Rases Ghulam Sarwar through Attorney v Mansoor Sadiq Zaidi and 4 others PLD 2008 Karachi 458.

¹⁰ Liberty Papers Ltd. and others v Human Rights Commission of Pakistan PLD 2015 SC 42.

¹¹ Ibid.

¹² Ibid.

¹³ Rases Ghulam Sarwar through Attorney v Mansoor Sadiq Zaidi and others PLD 2008 Karachi 458.

¹⁴ Zafar Ali v Additional District Judge, Pakpattan and another 2017 CLC 45 [Lahore].

¹⁵ Rases Ghulam Sarwar through Attorney v Mansoor Sadiq Zaidi and others PLD 2008 Karachi 458.

¹⁶ The constitution of Islamic Republic of Pakistan, 1973.

-
- ¹⁷ Liberty Papers Ltd. and others v Human Rights Commission of Pakistan PLD 2015 SC 42.
- ¹⁸ PLD 2015 SC 42.
- ¹⁹ Liberty Papers Ltd. and others v Human Rights Commission of Pakistan PLD 2015 SC 42.
- ²⁰ Ibid.
- ²¹ Liberty Papers Ltd. and others v Human Rights Commission of Pakistan PLD 2015 SC 42.
- ²² Ibid.
- ²³ Raees Ghulam Sarwar through Attorney v Mansoor Sadiq Zaidi and others PLD 2008 Karachi 458.
- ²⁴ Ibid.
- ²⁵ 2017 Y L R Note 248 [Lahore (Multan Bench)].
- ²⁶ Muhammad Aslam and others v Khawaja Abdul Manaf and others 2017 YLR Note 248 [Lahore (Multan Bench)].
- ²⁷ PLD 2011 Karachi 484.
- ²⁸ The Defamation Ordinance, 2002 ammended upto 2004.
- ²⁹ A. Khalid Ansari v Mir Shakil Ur Rahman PLD 2011 Karachi 484.
- ³⁰ Ibid.
- ³¹ Faqir Muhammad v Muhammad Shakil PLD 2014 Lahore 177.
- ³² Ibid.
- ³³ Faqir Muhammad v Muhammad Shakil PLD 2014 Lahore.
- ³⁴ Flt. Lt. Dr. Shariq Saeed v Mansoob Ali Khan and 5 others 2010 YLR 1647 [Karachi].
- ³⁵ 2010 CLD 1175 [Lahore].
- ³⁶ The Defamation Ordinance, 2002 ammended upto 2004.
- ³⁷ Flt. Lt. Dr. Shariq Saeed v Mansoob Ali Khan and 5 others 2010 YLR 1647 [Karachi].
- ³⁸ The Constitution of Islamic Republic of Pakistan, 1973.
- ³⁹ Ibid.
- ⁴⁰ The Constitution of Islamic Republic of Pakistan, 1973.
- ⁴¹ Flt. Lt. Dr. Shariq Saeed v Mansoob Ali Khan and 5 others 2010 YLR 1647 [Karachi].
- ⁴² The Defamation Ordinance, 2002ammended upto 2004.
- ⁴³ 2005 CLD 840 Karachi.
- ⁴⁴ S. 162 of Income Tax Ordinance, 1979.
- ⁴⁵ See section 93, Income Tax Ordinance, 1979.

⁴⁶ Al-Riaz (Pvt.) Ltd. through Director and another v Muhammad Ismail and others 2018 CLC 596 [Sindh].

⁴⁷ Ibid.

⁴⁸ Al-Riaz (Pvt.) Ltd. through Director and another v Muhammad Ismail and others 2018 CLC 596 [Sindh].

⁴⁹ 2017 CLC 45 [Lahore].

⁵⁰ PLD 2006 SC 432.

⁵¹ 2017 CLC 45 [Lahore].

⁵² Ibid.

⁵³ Muhammad Aslam and others v Khawaja Abdul Manaf and others 2017 YLR Note 248 [Lahore (Multan Bench)].

⁵⁴ Ch. Zulfiqar Ali Cheema and 3 others v Farhan Arshad Mir and others PLD 2015 Supreme Court 134.

⁵⁵ The Defamation Ordinance, 2002 amended upto 2004.

⁵⁶ S.7(1) of the Court Fees Act, 1870.

The End