

ASMA HAMID ASSOCIATES

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Constitutional Law
Civil & Commercial Litigation
Banking and Finance Law
Contract Law
Construction disputes
Energy Law
Environmental Law
Intellectual Property Law
Criminal & Accountability Law
Regulatory / Advisory Public Sector
Cybercrime Law

ASMA HAMID

Advocate of the Supreme Court of Pakistan

PRACTICE

Asma Hamid, ASC is the Founder of and Head of Litigation at [Asma Hamid Associates](http://www.asmahamidlaw.com) (AHA). AHA is a disputes-focused practice associated with Fazleghani Advocates in Karachi and leading lawyers in Islamabad and Peshawar, providing legal services in all 4 major cities of Pakistan. Asma and her team cater to local and foreign clients who want premium legal services and personalised handling of cases in Pakistan.

A recommendation in Legal 500 describes her as: “*Asma stays on top of matters and gives personal attention to cases.*”

As an advocate she has been described as “*tenacious and articulate.*”

Asma’s extensive litigation portfolio includes representing individuals, multinationals and corporates before the Supreme Court, Federal Shariat Court, Lahore High Court, Islamabad High Court, environmental, tax, service and intellectual property Tribunals and governmental departments.

She regularly advises clients in corporate and commercial laws comprising reviewing, drafting and negotiating contracts, general advice, opinions, due diligence, structuring and leading complex and high value transactions.

Asma was Equity Partner and Head of Litigation at RIAA Barker Gillette Chambers for two years.

She has carried out extensive work in the areas of public and private sector projects, tax laws, procurement laws, contracts, joint ventures, banking and finance laws, capital markets and securities laws, intellectual property laws, foreign investment, insurance laws, construction and real estate laws, employment and labour laws, energy, water and environmental laws.

She has provided advice to the Government of Punjab on an extensive range of policy matters including energy, education, health, criminal matters, prosecution reforms, security, State land resumption, agricultural laws reforms and service matters.

Asma was the Advocate General for the Province of Punjab. She has the unique distinction of being the first woman to hold the post of Advocate General in Pakistan's history.

LITIGATION

CONSTRUCTION, INFRASTRUCTURE, GENERAL COMMERCIAL CLAIMS

Asma acts as lead counsel in big-ticket cases in the construction industry and infrastructure mega-projects. Examples of her past experience are:

- Successfully represented while at RIAABG:
 - **Sinohydro Corporation Limited**, a major Chinese construction conglomerate in multiple civil suits;
 - **Hikvision Pakistan** in the Civil Court in 3 claims filed by a past distributor;
 - **Samsonite Middle East** in the Intellectual Property Tribunal and the Lahore High Court; both forums found in favour of the client and dismissed a past distributor's claims to extend the terms of an expired contract and for damages;
 - **Ingerosec/Nippon Koei** in a construction related matter in Civil Court while at RIAABG;
 - **Archroma Pvt. Ltd.** and **Clariant**.
 - **NTL Ltd.** in an employee's fraud/embezzlement case.
 - **Zameen.com** on financial transactions.
 - **International Trading Pte. Limited** on an arbitration related matter in Pakistan.
- Successful representation of the following while Advocate General Punjab:
 - **Lahore Ring Road Authority (LRRRA)** while AG Punjab, in a constitutional petition in the Lahore High Court; the Court found in favour of LRRRA and dismissed a time-barred claim for enhancement of compensation for land acquisition
- Currently, Asma acts as:
 - lead counsel for a private **Overseas Pakistani** family group in respect of all of their property matters in courts all over Pakistan;
 - **Havelet Gas Pvt. Ltd.** against OGRA in the Islamabad High Court involving an LPG bowser accident;
 - **Pyramid Gas Pvt. Ltd.** in an income tax related appeal before the Lahore High Court;
 - **Shehri-CBE** in the Supreme Court of Pakistan against commercialisation of a specific road in Karachi by City District Government, Karachi;
 - **TBEA Construction Ltd.**, a Chinese company, in the Lahore High Court; the Court set aside the appointment of a sole arbitrator appointed without our client's consent; the judgement is reported as 2020 CLC 106. Currently represent the Company in civil court.

ENVIRONMENTAL DISPUTES

Asma's personal interest in the environment and climate change drives her to excel in representing clients in the Environmental Tribunal, High Court and the Supreme Court of Pakistan. Her recent successes and cases are:

- Successful representation of the Chief Executive Officer (CEO) of **Pakistan's premier power company** in the Lahore High Court in an appeal filed against an order of the Punjab Environmental Tribunal.
- Represented while AG Punjab: **Mines & Minerals Department and Environment Department**, Government of Punjab in the Human Rights Case: '*Drying Up of the Shri Katas Raj Pond*' in Chakwal. Assisted the Supreme Court on the implications of the Study for Delineating Negative & Positive Areas in the Salt Range & Trans Indus Area in Punjab and its implications on the cement sector in Pakistan.
- Successful representation of Government of Punjab while AG Punjab: in '*Maple Leaf versus Environmental Protection Agency, Punjab*' P L D 2018 Lahore 255 in the Lahore High Court, **stopping the expansion of cement plants in Punjab until approval is obtained from the EPA.**
- Secured while AG Punjab, the suspension of granted mine leases in the '*Margallah Hills Mining Leases Case*' in the Supreme Court until the lessees obtain environmental approvals.
- Successful representation of the Forest Department, Government of Punjab while AG Punjab in '*Province of Punjab versus Syed Ghazanfar Ali Shah*' reported as 2017 SCMR 172 before the Supreme Court of Pakistan **saving 117 acres of Forest land in Sheikhpura, Punjab from the land grabber mafia.**

INTELLECTUAL PROPERTY LAWS – TRADEMARK DISPUTES

Asma has successfully assisted several foreign and domestic clients in protecting their trademark in court and in enforcing their copyright and trademark through filing applications before the Registrar Trademarks & Copyrights. Her recent successes are:

- Successful representation of **Samsonite Global** and Samsonite ME, while at RIAABG, in the Intellectual Property Tribunal achieving a vacation of the injunctive order against Samsonite, allowing the Client to recommence its sales.
- Successfully represented **U.B. Chemicals Industries** (a company registered in Thailand), in a suit filed in the Lahore High Court by a distributor praying for a declaration of ownership of Arche' whitening cream products' trademark (highest selling such product in Pakistan with a turnover in the millions of dollars); the suit of the distributor was dismissed; the judgement is reported as 2020 CLC 604.
- Advised and represented **Hangzhou Hikvision Ltd.**, while at RIAABG, in a copyrights matter, successfully stemming copyright infringement by dealers in Lahore and Karachi manufacturing counterfeit products.
- Successful representation of the TV channel '**Channel 7**' owned by **Sunbiz Pvt. Ltd.** in an appeal filed by a past agent against the order of the Pakistan Electronic Media Regulatory Authority (PEMRA) who claimed ownership of the trademark; the appeal was dismissed.
- Lead counsel for **United Chemicals Industries** for objections filed against application by several claimants for ownership of **Arche'** trademarks and copyright in Pakistan.
- Currently, defending U. B. Industries Limited in the Supreme Court in an IP related matter.

BANKING SUITS

Asma represents major banks in Pakistan's banking sector in the Banking Court, High Court and Supreme Court. Some examples are:

- While at RIAABG, Asma represented as Lead counsel - **Askari Bank** and **Standard Chartered Bank, Citibank, NIB, MCB, HBL, Al Baraka Bank Pakistan Limited** in a number of recovery suits and Schemes of Arrangement filed in the Banking Courts and Lahore High Court.
- Currently:
 - advises **JS Bank Limited** on a variety of transactions.
 - advises **Faysal Bank** on a settlement arrangement with a high stakes defaulter;
 - represents **Askari Bank Limited** in a number of recovery suits and executions filed in the High Courts.

TAX CASES

Asma concentrates on constitutional and appellate tax work. Her recent successes are:

- Successful representation of **ICI Pakistan Limited (now Azko Nobel Pakistan)** in the Lahore High Court in a Sales Tax Appeal.
- Successful representation of **Pyramid Gas Pvt. Ltd.** in the Lahore High Court; obtained an injunctive order against a show-cause notice issued to the client by the Federal Board of Revenue in connection with its income from the import of LPG.
- Successful representation of Govt. of Punjab while AG Punjab in '*Colony Sugar Mills versus Government of Punjab*' reported as 2017 PTD 406; secured **Rs. 3 billion in tax revenue for the Excise & Taxation Department** allowing the imposition of excise duty on the manufacture of spirit by all distilleries in Punjab.
- Successful representation of the Government of Punjab in the **CVT Case**; won the case, setting aside the Lahore High Court judgment that barred the Government from collecting tax on the registration of power of attorney executed in favour of a stranger, **involving tax revenue of over Rs. 2 billion.**
- Represented Province of Punjab in '*Kohinoor Textile Mills versus Govt. of Punjab*' reported as 2015 CLC 1232 and '*Hilal Tanneries Case*' in the Lahore High Court and won the case, barring these companies from selling **State land grants** for paying off commercial loans.
- Successful representation of Food Department, Government of Punjab in the Supreme Court in the '**Wheat Export Subsidy Case**', arguing and securing a favourable leave granting order and suspension of the High Court judgment with regard to foreign exchange regulations related to the wheat export policy.

CONSTITUTIONAL CASES

Asma's 4 years (2014-18) in the Office of the Advocate General of Punjab as an Assistant, an Additional and finally the Advocate General afforded her tremendous opportunities to practice constitutional law in respect to property, State land, service, labour, environment, devolution, infrastructure and a whole host of sectors. Some highlights are:

- Lead Law Officer representing the Province of Punjab in the Supreme Court in the of case regarding devolution of assets related to labour after the 18th Amendment to the Constitution, in the Supreme Court.
- Represented Province of Punjab in '*Sui Southern Gas Ltd versus Federation of Pakistan*' in the Supreme Court of Pakistan, arguing against the power of the Federation to legislate in the field of labour, trade unions and ancillary matters related thereto. Asma argued in favour of the completion of the devolution process after the 18th Amendment in the Constitution of

Pakistan that takes specific subjects including labour out of the purview of the Federal Legislature.

- Represented the **Inspector General of Police, Punjab and the Home Department** in the case of the '*Rape & Murder of the Minor Girl, Zainab in Kasur*' in the Supreme Court in which the case concluded with the arrest of the accused, his conviction and execution. Asma argued successfully for banning of Dr. Shahid Masood's talk show on national TV for three months on the basis of his false allegations against the Government of Punjab in the case.
- Lead counsel currently representing the Police Officers of Punjab in review petitions filed in the Supreme Court in an important constitutional case involving the terms of their service and the entire seniority structure of the police force in Punjab.

PRO BONO WORK

Most of the appellate criminal cases are handled by Asma on a *pro bono* basis. Currently, these include appeals of convicts on charges of murder and sentenced to death and persons convicted for possession of narcotics and sentenced to life imprisonment.

REGULATORY / PUBLIC SECTOR ADVISORY WORK

- Member, SECP's Working Group on Creating a Conducive Regulatory Environment for Fintech Solutions – 2018 -19.
- Advised on Punjab Public Private Partnerships for Infrastructure Act, 2010, the main legislation regulating the PPPs for infrastructure in Pakistan, for a private investor client.
- Advised Mines & Minerals Department, Industries Department and Environment Department on the **inclusion of the cement sector in the regulatory Schedule of Industries laws in Punjab.**
- Represented **Technical & Vocational Training Institutes Association** in the superior Courts.
- Advised Government of Punjab on policy and projects in sectors of Energy, Power, Coal Plants, Education, Health, Health Reforms, Culture, Industries Regulation, Child Protection, Women's Empowerment, Agriculture, Irrigation, Industrial Regulation, Transport and Public Sector Companies between 2014-18.
- Represented Information Department, Government of Punjab in '**Political Advertisements Case**' in the Supreme Court. Drafted Guidelines for political advertisements to be adopted by all Provinces and dovetailed all aspects with the All Pakistan Newspaper Society (APNS) and the Pakistan Broadcasters Association (PBA).
- Advised Labour Department for drafting legislation related to **Occupational & Safety Hazards (OSH)** incorporating ILO Conventions' requirements.

OTHER

- Lectured on Alternative Dispute Resolution at the Workshop / Training of Commercial Court Judges organised by the World Bank Group and the Punjab Judicial Academy – September 7-12, 2020.
- Lecturer, Legal Drafting, Nadra Hassan School of Law, Kinnaird College for Women, Lahore from January-July 2020.
- Member, SECP's Working Group on formulating Fintech regulations in 2019.
- Judge, Law Moot Court Competition held in Lahore University of Management Sciences (LUMS) Law School in February, 2017.
- Judge, Pakistan Law Moot Court Competition organised by United States Department of Justice – OPDAT (Overseas Prosecution Development Assistance and Training).
- Judge, Final Round of Philip C. Jessup International Law Moot Court Competition organised by US, Department of Justice in February, 2018 in Islamabad.

- Liaison between the Office of the Advocate General, Punjab and Department of Justice – OPDAT (Overseas Prosecution Development Assistance and Training) for future collaboration for training in criminal / prosecution matters.
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EDUCATION

LL.M. Harvard Law School, Cambridge, MA, USA:

- LL.M., May 2011; specialised in Constitutional Law
- Negotiation Workshop, Harvard Law School (January 2011)
- Summer Academic Fellow, Harvard Law School 2011

- **Activities /Awards at HLS:**

Distinction awarded for LL.M. Long Paper Thesis titled 'INDEPENDENCE v. ACCOUNTABILITY; JUDICIAL APPOINTMENTS' REFORM IN PAKISTAN IN THE AGE OF CONSTITUTIONALISM

- LL.M. Class Representative of the Harvard International Law Society
- HLS LLM Class Representative of the Harvard International Affairs Council
- Vice-President, Organisational Management/HLS Representative of the Harvard Students for Pakistan Group
- Organiser of Law & International Development (LIDS), Symposium.
- Coordinated Professor Amartya Sen and Madame Michele Pierre-Louis, former Prime Minister of Haiti as keynote speakers at the **2010 LIDS Symposium: Rebuilding After the Storm: The Role of Law in Post- Natural Disaster Development, 11/19/2010**
- Organiser of Panel Discussion of His Excellency Abdullah Hussain Haroon (Pakistan's Ambassador to the United Nations), Professor Noah Feldman (Bemis Professor of Law at Harvard University) and Professor Graham T. Allison (Douglas Dillon Professor of Government at Harvard Kennedy School of Government), on the 'Future Relationship of US, Afghanistan and Pakistan and the Legal Implications of Drone Strikes.

LL.B. – Punjab University/City Law College, University of Punjab, Lahore, Pakistan:

- Honors: Ranked 4th in class of 200 (LL.B Part II) and 3rd in class of 170 (LL.B Part III)
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PROFESSIONAL AFFILIATIONS

- Founder, Pakistan Chapter of Harvard Law School Women Lawyers Alliance
- Member, Harvard Alumni Association
- Member, Harvard Pakistan Students Association
- Member of the Punjab Bar Council
- Lifetime Member of the Lahore High Court Bar Association
- Lifetime Member of the Supreme Court Bar Association

REPORTED CASES

- 2014 SCMR 676 [Supreme Court of Pakistan] – ASAF FASIHUDDIN VARDAG versus GOVERNMENT OF PAKISTAN & Others
- 2014 PTD 1807 – TAJ INTERNATIONAL (PVT.) LIMITED versus FEDERAL BOARD OF REVENUE

- 2015 C L C 1232 [Lahore] – KOHINOOR TEXTILE MILLS LIMITED versus BOARD OF REVENUE, PUNJAB
- 2016 Y L R 285 [Lahore] – Sheikh GHULAM HUSSAIN Versus CHIEF SETTLEMENT COMMISSIONER and others
- P L D 2016 Lahore 156 – MUHAMMAD IDREES through Muhammad Sarwar versus DISTRICT OFFICER (REVENUE) and another
- 2016 Y L R 2428 [Lahore] – SARDAR ALI Versus PROVINCE OF PUNJAB through District Collector District Toba Tek Singh and 9 others
- 2017 M L D 1947 [Lahore] – NADEEM TARIQ Versus FULL BOARD, BOARD OF REVENUE (MEMBERS JUDICIAL-V & VIII), PUNJAB, LAHORE and 4 others
- 2017 P T D 406 [Lahore High Court] – Messrs COLONY SUGAR MILLS LTD. through Deputy Manager Versus PROVINCE OF PUNJAB and 5 others
- 2018 C L C 733 [Lahore] – Messrs TANDLIANWALA SUGAR MILLS LTD. versus PROVINCE OF PUNJAB through Excise and Taxation and 5 others----Respondents
- 2018 S C M R 301 [Supreme Court of Pakistan] – SECRETARY, HOUSING AND PHYSICAL ENVIRONMENTAL PLANNING AND PHE DEPARTMENT, GOVERNMENT OF PUNJAB and others Versus MUHAMMAD RAMZAN and others
- 2018 S C M R 349 [Supreme Court of Pakistan] – SECRETARY, AGRICULTURE GOVERNMENT OF THE PUNJAB, LAHORE and others versus MUHAMMAD AKRAM
- 2018 S C M R 802 [Supreme Court of Pakistan] – Messrs SUI SOUTHERN GAS COMPANY LTD. and others versus FEDERATION OF PAKISTAN and others
- P L D 2018 Lahore 255 – MAPLE LEAF CEMENT FACTORY LTD. versus ENVIRONMENTAL PROTECTION AGENCY and others
- 2020 CLC 106 – TBEA COMPANY (PRIVATE) LIMITED versus ALWASAY CONSTRUCTION COMPANY (PRIVATE) LIMITED
- 2020 CLC 604 – UNITED CHEMICAL INDUSTRIES versus AHMAD NAWAZ