

51/23

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ

Mrs. Justice Ayesha A. Malik

Mr. Justice Athar Minallah

**SMC NO.17/2018, CONST. PETITIONS.25 AND 27 OF
2018 AND CMA NO.294-Q/2018 IN SMC NO.17/2018**

[Regarding Target killing of Hazara Community in Quetta]

SMC No.17/2018	Suo Moto Action Regarding Target Killing of Hazara Community in Quetta
Const. P.25/2018	Abdul Khaliq Hazara Vs. The Federation of Pakistan through Secretary, M/o Interior, Islamabad and others
Const. P.27/2018	Barrister Iftikhar Raza Khan and others Vs. The Federation of Pakistan through Secretary, M/o Interior, Islamabad and others
CMA.294-Q/2018 in SMC.17/2018	Application by Gul Aghawife of Dr. Ali Raza

In attendance

: Raja M. Shafqat Abbasi,
Deputy Attorney General for
Pakistan
Mr. M. Ayaz Swati,
Additional Advocate General,
Balochistan

Mr. Tahir Hussain Khan, ASC
(in Const. P.25/2018)

Barrister Iftikhar Raza, ASC
(in Const. P.27/2018 via video link,
Quetta)

Mr. Shahid Riaz Gujar, Deputy
Director Passport
Group Captain Sohail, Director
Ministry of Defence
Moteeullah, Section Officer
Ministry of Interior,

Gul Agha, in person (in CM.294-
Q/2018)

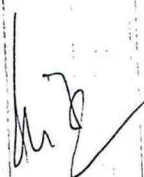
Date of Hearing

: 03.05.2023



ORDER

UMAR ATA BANDIAL, CJ.- The principal grievance raised before us as noted in our previous orders passed in SMC No.17 of 2018 is that NADRA authorities and the Directorate of Immigration & Passports were harassing the members of the *Hazara* Community about the veracity of their claim of residence in the territory of Pakistan. In this respect, the previous notification of the Director General Immigration & Passports (Headquarters) dated 20.02.2009 contained a requirement that certification to such effect by the Chairman Union Council, MPA and MNA would be required for establishing eligibility for issuance of a passport or even an identity card. To our minds that requirement was unjustified and also illegal. It was maintained by Barrister Iftikhar Raza, ASC that members of the *Hazara* Community were willing to provide certification from the Chairman Union Council as well as the local MPA; however, it was difficult to procure such certification from the concerned MNA because he was mostly outside the area, in Islamabad. This aspect was noted in our last order dated 29.03.2023. The learned Additional Attorney General for Pakistan assured that a clarification in this regard would be made. As a result, on 02.05.2023 a fresh direction has been issued by the Government of Pakistan, Directorate General, Immigration & Passports (Headquarters), Islamabad, which is scanned and reproduced below:





No.14/1/2021-Policy
Government of Pakistan
Directorate General, Immigration & Passports
(Headquarters)

MOST IMMEDIATE

Islamabad the 02 May 2023

Deputy Director (Policy)
Tel: 92-51-9107055

To: The Director/ Zonal Head (BZ),
Regional Passport Office,
QUETTA.

Subject:- **PROVISION OF PASSPORTS FOR HAZARA TRIBE IN QUETTA**

Reference Instructions issued vide this Directorate General's letter No.17/35/08-Admn dated 05-03-2009 regarding issuance of passports to the members of Hazara Tribe in Quetta.

2. In compliance to the Honorable Supreme Court of Pakistan's order dated 29-03-2023 passed in S.M.C No.17/2018, C.P No.27/2018 and C.M.A.294-Q/2018, It has been decided to exclude the requirement of countersignatures of Certificate by MNA as specified in Clause III of Para 1 of above referred letter. However, all other codal formalities will remain same as contained in the Passport Rules, 2021.

3. This issues with the approval of Director General Immigration & Passports.


(SHAHID RIAZ GUJAR)
Deputy Director (Policy)

Copy to:-

- i. The Section Officer (P&C), Ministry of Interior, Islamabad with reference to their letter No.4/15/2023-Pass (P&C) dated 18-04-2023.
- ii. Raja Muhammad Shafqat Khan Abbasi, Deputy Attorney General for Pakistan with reference to their letter No.1(1)/2022/DAG-II dated 06-04-2023.
- iii. Mr. Noor Mustafa Shah, Assistant Registrar (Civil-II), For Registrar, Supreme Court of Pakistan with reference to their S.M.C No. 17/2018-SCJ dated 05-04-2023.

As a result, the members of *Hazara* Community have been brought at par with all citizens of Pakistan and consequently, the allegation of discrimination has been cured. Insofar as the main grievance is concerned that has been redressed.

2. There is another matter which is before us in this *suo motu* case. That concerns the kidnapping of one Ali Raza on 05.03.2013. He has still not been recovered. The Ministry of Interior, Government of Pakistan (**Ministry**) has been directed to coordinate its efforts with the Government of Balochistan on a nationwide basis to recover the said abductee. By letter dated 27.4.2023, the Ministry has

approached the Inspector General of Police, Balochistan for coordinating and cooperating for the recovery of the kidnapped person.

3. A grievance is also raised before us with respect to the travel checks imposed on visiting members of the *Hazara* Community at Quetta Airport. The complaint is that the FIA authorities are harassing such visitors at the Quetta Airport. The learned Additional Attorney General is directed to convey the complaint to the Director General, FIA, Islamabad in writing and to provide a copy thereof for our record. The Director General, FIA, Islamabad shall make sure that visiting members of the *Hazara* community are treated strictly in accordance with law.

4. In the circumstances, present proceedings have matured for disposal as the grievances stand redressed or addressed as the case may be. SMC No.17 of 2018 as well as Const. Petition Nos.25 and 27 of 2018 along with CMA No.294-Q of 2018 are disposed of.

Sd/-HCJ
Sd/-J
Sd/-J

Islamabad
03.05.2023
Azmat/

17/5/23
17-05-23