

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

**Present:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ  
Mr. Justice Gulzar Ahmed  
Mr. Justice Sh. Azmat Saeed

**Const.P.No.10 of 2013**

Against the violence in Christian Colony in Badami  
Bagh area over alleged blasphemy

For the Applicant (s) : Ch. Naeem Shakir, ASC  
(in CMA No.1380/13)

**In Attendance**

For Govt. of Punjab :  
: Mr. Ashtar Ausaf Ali, A.G.Punjab  
Mr. Asjad Javed Ghurral, Addl.P.G.  
Mr. Jawwad Hassan, Addl.A.G.  
Mr. Khan Baig, Acting IGP, Punjab  
Mr. Muhammad Amlish, CCPO, Lahore  
Mr. Noor-ud-Din Mengal, DCO, Lahore  
Mr. Babar Bakht Qureshi, SSP (Inv)  
Mr. Multan Khan, Former SP (Inv)  
Syed Muhammad Amin Bukhari, SP.,  
City (Inv), Lahore

Date of Hearing : 25.03.2013

**ORDER**

**CMA No.1548/13**

This report has been submitted by the CCPO, Lahore,  
the following paras (j) and (k) mentioned under the caption of  
causes/reasons for putting quarters on fire are reproduced herein  
below: -

- (j) *On 09.03.2013 at 09:30 am to 10:30 am, the aggressive crowd started pelting stones at the police. On which SP Multan Khan ordered DSP and SHO to collect all the police officers available in the area at one place which was*

*resisted by SHO and DSP as they had deployed them at the gates of Joseph Colony. But on insistence of SP, the police force was collected and SP Multan Khan ordered them to carry out lathi charge and tear gas on the un-ruly mob. Then the crowd started stone pelting on the police on which the police started retreating. In the meantime, Javed and Yousaf Kandawala Godowns opened the gates for the police and police entered into their Godowns and closed the doors. SP Multan Khan took refuge on third floor of the Godown and SHO, DSP alongwith the force closed the main gate. On this, the crowd returned to Joseph Colony and set ablaze the quarters of Christians. They also brought their households/equipments on the main road and put them on fire."*

*(k) Police reinforcement started arriving around 11:30 am alongwith officers which included SSP Operations Sohail Sukhera, SSP Investigation, Babar Bakht Qureshi, SP Cantt:, Maroof Safdar Wahla, SP Iqbal Town Imtiaz Sarwar, SP Civil Lines, Dr. Farukh Raza alongwith DSPs and SHOs with reserves. On arrival of this force, SP Multan Khan and his force which had taken refuge in godowns came out. By that time, the damage had been done.*

2. It has also been admitted that the incident is the result of the instigation by the instigators/leaders of two groups, namely, Aman Group and Ittehad Group. Their names have been mentioned in the caption of investigation which are reproduced herein below: -

| Name of Group | Leaders  |
|---------------|--|
| Aman Group    | 1. Tariq Mehmood<br>2. Usman Butt<br>3. Ch. Shabbir Ahmed<br>4. Malik Yasir Anwar<br>5. Mian M. Saleem<br>6. Bao Sajjad<br>7. Bao Fayyaz |
| Ittehad Group | 1. Amir Siddique<br>2. Saddian Butt<br>3. Ch. M. Younis<br>4. Haji Shaukat   |

3. The conclusion of the report is also reproduced herein below: -

*"It is submitted that the blasphemy case has been proved to be true against accused Sawan Masih. The investigation of case FIR No.114/13 (burning of Christian Colony) is in progress in which 48 accused have been arrested. The case in which Bishop was man-handled is also being investigated. Main culprits have been identified and efforts for their arrest are being made. Vacation of quarters of Christians was outcome of fear and charged atmosphere as well as persuasion by the SHO. Right from SHO to SP took the event of 08.03.2013 lightly and failed to convey gravity of the situation to their seniors. The senior officers including DIG Operations, DIG Investigation and the then CCPO too could not assess the gravity of the situation. Incident of blasphemy, instigation by business community and presence of labour class (Pathans) a large scale and strike call were the main causes of putting the Joseph Colony on fire. Nothing solid has come on record so far, to show that the godown owners or any other group had planned these events to occupy the land of the Joseph Colony. The investigation of cases is being carried out on merits under my supervision which will be finalized within shortest possible time and real culprits will be brought to book."*

4. Without prejudice to the case of either of the parties at this stage, we refrain from making any comments except making reference to paras (j) and (k) mentioned in the causes/reasons of the incident from which any one can draw inference thus we leave to the high-ups of the police to draw inference in this behalf. In a situation like this where the police officers themselves had taken shelter in a godown, no one else could

protect to the life and property of the inhabitants of the Joseph Colony and their failure to do so is sufficient to *prima facie* hold that the Fundamental Rights of the citizens of Joseph Colony were not protected as enshrined under Articles 9 and 14 of the Constitution.

5. Learned Advocate General on our query stated that the Federal Government despite repeated requests by the Provincial Government so far has not posted an Inspector General of Police and the command is still with the Acting Inspector General of Police, Mr. Khan Baig with effect from 01.01.2013, after the retirement of the then Inspector General of Police.

6. We may observe that under Article 148 (3), it is also the duty of the Federation to protect every Province against external aggression and internal disturbances and to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution. According to the rules and practice, the Inspector General of Police is required to be appointed by the Federation after providing a panel enabling the Provincial Government to make a choice out of the same. A similar situation was also prevailing in the Province of Sindh, where the post of Inspector General of Police was lying vacant from 06.03.2013, ultimately this Court has to pass an order directing to the Federal Government through Establishment

Division to appoint the Inspector General of Police enabling him to ensure the maintenance of law and order situation and we believe that here in the Province of the Punjab in view of the facts and circumstances, noted in this case, it is necessary to issue direction to the Secretary, Establishment Division, Government of Pakistan to do the needful otherwise it would not be possible for the Provincial Administration to maintain the law and order situation in the Province and post a competent person, as Inspector General of Police so he may protect the life and property of the citizens, instead of allowing the police force to be commanded by the Acting Inspector General of Police.

7. The Registrar of this Court is directed to deliver the copy of this order to the Secretary, Establishment Division, Government of Pakistan as well as to the Chief Secretary of the Province of the Punjab so they may with the consultation of each other take steps for the appointment of Inspector General of Police after due consultation with the competent authority.

**CMA No.1549/13**

8. The DCO, Lahore has submitted a report, which is to be examined on the next date of hearing as it is already 4:00 P.M.

9. The case is adjourned for a date in office after 7 days enabling Mr. Muhammad Amlish, CCPO to further probe into the

matter as according to him the report, which he has placed before this Court, is a tentative one.

*CJ.*

*J.*

Islamabad  
25.03.2013  
\*Rabbani\*

*J.*