

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

**Mr. Justice Jawwad S. Khawaja
Mr. Justice Dost Muhammad Khan**

Criminal Petition No.210 of 2015

Muhammad Haroon ur Rasheed ... Petitioner(s)

Versus

The State and another ... Respondent(s)

For the petitioner(s): Syed Rafaqat Hussain Shah, AOR

For the State: Mian Arshad Jan, Addl. AG, KP
Mr. Jehangir, AD(Social Welfare), KPK
Mr. Mujahid Khan, AD (Industries)

Complainant: In person.

On Court's notice:

For the Federation: Mr. Sajid Ilyas Bhatti, DAG with
Mr. Hamid Ali Khan, National Coordinator, NACTA

For Govt. of Balochistan: Mr. Muhammad Ayaz Khan Swati, Addl. AG

For Govt. of Punjab: Mr. Razzaq A. Mirza, Addl. AG
Mr. Muhammad Yasrab Hanjra, DG (Social Welfare)
Mr. Tariq Ismail, Law Officer (Social Welfare)
Mr. Muhammad Aslam Maitla, DO (Social Welfare)
Khawaja Nadeem Iftikhar, ALO (Industries)

For Govt. of Sindh: Mr. Shehryar Qazi, Addl. AG
Raja Abdul Ghafoor, AOR
Dr. Saeed Qureshi, Focal Person to Chief Secretary.

For the L&JCP: Mr. Muhammad Sarwar Khan, Secretary

Date of hearing: 22.07.2015

ORDER

Muhammad Haroon ur Rasheed, the petitioner herein seeks bail in case FIR No.39 dated 28.01.2015 registered under Section 489-F PPC at P.S. SMA, Tank. We were not inclined to grant bail in view of the circumstances which have come to light in this case. Therefore, learned counsel for the petitioner requests that the record of the case presently with the Additional Advocate General may be ordered to be sent back to the trial Court so that the trial can be proceeded with. The learned Law Officer for KP shall retain a copy of the record and transmit the original back to the trial Court which may proceed in the matter and decide the case expeditiously.

2. The learned DAG has submitted a report (Crl.M.A. 743/2015). The Secretary LJCP has pointed out that statistical information had been sought from the five governments so that baseline data could be established. However, according to him, the requisite information has not been furnished by the governments concerned. Some reports have been filed in Court today. Upon a cursory examination of the same, there appears to be some lack of urgency. For instance, the Joint Investigation Directorate (JID) has still not been established or made functional. The National Coordinator is present and states that the funding required is two billion approximately. On 18.03.2015 a summary was sent to the Prime Minister for approval but the same was returned in April, 2015 with some observations. On 6.5.2015 a revised summary was sent by NACTA to Prime Minister but the same also was returned with comments. For the third time on 9.7.2015 a second revised summary has been sent which is awaiting decision by the government. The National Coordinator has also stated that the existing budgetary allocation of rupees one hundred million is grossly insufficient even for meeting the salaries and operating costs of NACTA. According to him, the organization is under-staffed and cannot perform the function of coordination without the requisite funding.

3. The report submitted by the learned DAG also shows that immediately after the announcement of National Action Plan on 24.12.2014 a sub committee was constituted in terms of Item No.6 of the National Action Plan for the purpose of choking the financing for terrorists and terrorist organizations. It is in this context that relevant statistical data has not as yet been furnished by any of the governments to the Secretary LJCP. As a consequence, the on-ground monitoring of NGOs/INGOs is not evident. The governments shall, therefore, expedite their efforts to gather the relevant data and furnish the same to the Secretary LJCP who shall collate the data and submit a report before the next date of hearing.

4. The learned Law Officer for government of Balochistan has candidly conceded that there is no information or data currently available with the government in connection with the sources of funding and the expenditure by NGOs/INGOs, operating within Balochistan. The same is the position with the government of KP. The learned Law Officer, KP has, however, pointed out that in connection with an NGO namely Baran it has been found that funds was received in its account in MCB, Kohat Road, Peshawar. From MCB, Peshawar the funding was traced to Standard Chartered Bank, Peshawar. Thereafter, the money trail went

dead. This is just one out of ten thousand NGOs operating in KP. The learned Law Officer states that a report has been prepared pursuant to the previous order but the same has not as yet been filed. Let the same be filed before the next date of hearing.

5. The government of Punjab, however, appears to have made some progress in gathering the relevant data. A report (Crl.M.A. 745/15) has been filed in Court. Let a copy of the same be supplied by the Additional AG to the Secretary LJCP today.

6. The learned Law Officer of the Sindh government states that the state of affairs and information/data gathering in respect of NGOs/INGOs in the Province of Sindh is not satisfactory. Currently he has submitted a report. Let a copy of the same be supplied by the Addl. AG to the Secretary LJCP who may go through the same and submit a report before the next date of hearing.

7. Re-list on **28.07.2015**.

Judge

Judge

Islamabad, The
22nd July, 2015
M. Azhar Malik/*