

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi

C.M.A. NO.5602/2021 IN C.M.A. NO.4821/2018 IN S.M.C. NO.1/2014, C.M.A. NO.4821/2018 IN S.M.C. NO.1/2014, C.M.A. NO.516/2019 IN CONST.P. NO.62/2017, CONST.P. NO.62/2017, CONST.P. NO.63/2017, C.M.A. NO.1507/2021 IN C.M.A. NO.4821/2018 IN S.M.C. NO.1/2014

C.M.A.5602/2021 in C.M.A.4821/2018 in S.M.C.1/2014
Human Rights Commission of Pakistan, through Chairperson,
Dr. Mehdi Hasan and others v. Federation of Pakistan through
Ministry of Education and others

AND

C.M.A.4821/2018 in S.M.C.1/2014
Human Rights Commission of Pakistan, through Chairperson,
Dr. Mehdi Hasan and others v. Federation of Pakistan through
Ministry of Education and others

AND

C.M.A.516/2019 in Const.P.62/2017
Pribhu Lal, etc. v. Government of Pakistan, etc.

AND

Const.P.62/2017

Pribhu Lal, etc. v. Government of Pakistan, etc.

AND

Const.P.63/2017
Leo Roderick Paul, etc, v. Government of Pakistan, etc.

AND

C.M.A.1507/2021 in C.M.A.4821/2018 in S.M.C.1/2014
Human Rights Commission of Pakistan through Chairperson,
Dr. Mehdi Hasan and others v. Federation of Pakistan through
Ministry of Education and others

In Attendance:

Federation & Department	Mr. Sohail Mehmood, Addl. Attorney General for Pakistan Muhammad Shabbir,
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	Deputy Secretary, M/o Religious Affairs Muhammad Rafiq Tahir, Joint Secretary Curriculum Miss. Farah Hamid, Secretary, Ministry of Federation Education
Commission	Mr. Shoaib Suddle, Chairman Mr. M. Saqib Jillani, Member Dr. Ramesh Kumar, Member
KP	Mr. Shumail Ahmed Butt, AG KPK Barrister Qasim Wadood, Addl. AG KPK Mr. Atif Ali Khan, Addl. AG KPK Khayam Hassan Khan, Secretary Minorities, KPK Javed Marwat, Commissioner, Kohat Zafar Khan, RPO, Kohat Rai Babar Saeed, DIG HQ, KPK
Balochistan	Mr. Ayaz Khan Swati, Addl AG, Balochistan Mathar Rana, Chief Secretary, Balochistan
ICT	Mr. Niaz Ullah Khan Niazi, AG Islamabad
For ETPB	Mr. Muhammad Ikram Ch., Sr. ASC Dr. Amir Ahmed, Chairman
Punjab	Ch. Faisal Fareed, Addl. AG Shahid Abbas, DSP, Multan Naveed Ahmed Goraya, Sr. Law Officer HR & MA Muhammad Aslam Sipra, DS Punjab Curriculum & Text Book Board Muhammad Afzal Bashir, DS Home Department Shah Manzar Fareed, Director Sports
Sindh	Ms. Leela Kalpana, Addl. AG Javed Ahmed Abro, Addl. Secretary Muhammad Abdul Hadi Bullo, Secretary Minorities Riaz Hussain Sahi, Sahito, Addl. Secretary Raheem Bukhsh Matlo, District Registrar Board of Revenue Dr. Saeed Ahmed Qureshi, Focal Person to Chief Secretary, Sindh (through Video Link from Karachi)
Applicant	Ms. Hina Jillani, ASC Mr. Kamran Murtaza, Sr. ASC Mr. Samual Payara, Chairman IMRF Peter Jacot, ED/CSJ, Chairperson PCMR

ORDER

GULZAR AHMED, CJ.-

C.M.A. No.5602 of 2021: The one man Commission has filed this application with the prayer that the allocation of funds be made to it because earlier funds of Rs.7 million allocated to it vide order dated 19.02.2020, has already been spent and rather some liabilities have also accrued. In the application, the Commission has prayed for granting of an amount of Rs.14.994 million for clearance of outstanding liabilities and also for allocation of budget for the year 2021-2022. Notice of this application be issued Ministry of Religious Affair and Interfaith Harmony and also to the Attorney General for Pakistan. In the meanwhile, the amount of Rs.14.994 million be disbursed to the Commission. For allocation of new budget, let a proper response be filed by the Ministry of Religious Affairs and Interfaith Harmony. We, however, be noted that one man Commission shall ensure to maintain proper accounts for the moneys disbursed to it and spent by it for the purpose of implementation of the Commission.

2. The learned counsel for the applicant in Civil Misc. Application No.4821 of 2018, states that the very Commission created by the Ministry of Religious Affairs and Interfaith Harmony is not in accordance with law for the reasons that it has been constituted through an executive order and no law to support such a Commission has been passed. She contends that the functioning of the Commission constituted by the Ministry is,

therefore, not legal and the Ministry should ensure that the Commission be constituted with proper support of law. Let submissions on such points be made on the next date of hearing. Adjourned to a date after the summer vacations.

3. Dr. Ramesh Kumar, Co-opted Member of the Commission, states that the property on Plot No.32, NP-04 Napier Quarters Saddar Town-I, Karachi, measuring about 716 Sq. Yards was a Dharam Shala and placed before the Court photographs of such building, which is being demolished for making way for a new construction of a commercial plaza. He states that this property has been leased out by the Evacuee Trust Property Board to some private person and he is in the process of demolishing the Dharam Shala and raising of a new building. It is stated by the Chairman, Evacuee Trust Property Board that the matter regarding the very Dharam Shala has been decided by the High Court of Sindh, where it has allowed the Evacuee Trust Property Board to lease it out, have it demolished and raised new construction. Such an order of the High Court of Sindh is not before us. The very photograph apparently shows that the building is of Dharam Shala constructed in the year 1932, which can be read from the marble slab affixed on the building and must be a protected heritage building. Let notice be issued to the Secretary Heritage, Government of Sindh to file its report regarding the building. In the meantime, no demolition activity of the said building shall be conducted by anyone and possession of the building and the land shall be taken over by the Commissioner Karachi, who shall manage the same and not allow

any person to enter upon it. No demolished material shall be allowed to be removed. This be done by the Commissioner Karachi today and report, in this respect, be submitted to the Office of the Supreme Court. The office of this Court shall communicate this order to the Commissioner Karachi, today.

CHIEF JUSTICE

JUDGE

Bench-I

Islamabad

11.06.2021

'NOT APPROVED FOR REPORTING'

Mahtab/*

JUDGE