

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Jawwad S. Khawaja
Mr. Justice Khilji Arif Hussain

CMA No. 19002/2012

in

CONSTITUTION PETITION No. 77 OF 2010.

President Balochistan High Court Bar Association ... PETITIONER

VERSUS

Federation of Pakistan, etc. ... RESPONDENTS

For the petitioner(s) Malik Zahoor Shahwani, Advocate/President
Balochistan High Court Bar.
Mr. Sajid Tareen, Advocate/Vice President
Sardar Akhtar Jan Mengal

For the applicants: Mr. Nasarullah Baloch (CMA 178-Q/2012)
Mr. Mahmood A. Sheikh, AOR
Ms. Tehniat Zahra, Adv./Member PIHRO (CMA
3966/2012)

For SCBAP:

For Fed. of Pakistan: Mr. Irfan Qadir, Attorney General for Pakistan

For M/o Defence: Commander Hussain Shahbaz, Dir(L)

For M/o Interior: Mr. Munir Piracha, ASC
Mr. Masoodur Rehman Tanoli, Dir. NCMC

For Govt. of Balochistan: Mr. Amanullah Kanrani, A.G.
Mr. Azam Khatak, A.A.G.
Mr. Babar Yaqoob Fateh Muhammad,
Chief Secy.

For IG FC: Raja Muhammad Irshad, Sr. ASC

For FBR: Rana M. Shamim, ASC

Date of hearing : 27.09.2012

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. Sardar Akhtar

Jan Mengal, former Chief Minister and Head of Balochistan National party, in pursuance of direction of this Court dated 20.09.2012 appeared to assist the Court to resolve the issue of missing persons and target killings of the citizens in the Province of Balochistan. He briefed the Court by making oral submissions and also placed on record extract from the book titled *Zulfiqar Ali Bhutto – Afwah aur Haqiqat* composed by Altaf Ahmad Qureshi. He has suggested different ways and means to resolve the issues, which are being faced by the residents of the Province. He has also placed on record a statement in writing under his signature, one of the Paras along with suggestions thereof reads as under: -

“Before initiating a meaningful process of conflict resolution it is imperative that the Government of Pakistan should take and practically implement some measures which are must to build a conducive atmosphere for Baloch reconciliation process: -

- (1) All covert and overt military operations against the Baloch should immediately be suspended.
- (2) All missing persons should be procured before a court of law.
- (3) All proxy death squads operating under the supervision of Inter Services Intelligence (ISI) and Military Intelligence (MI) should be disbanded.
- (4) Baloch political parties should be allowed to function and resume their political activities without any interference from intelligence agencies.

- (5) Persons responsible for inhuman torture, killing and dumping of dead bodies of the Baloch political leaders and activists should be brought to justice.
- (6) Measures should be taken for the rehabilitation of thousands of displaced Baloch living in appalling condition.

After taking the above mentioned confidence building measures, a meaningful negotiation between the recognized and genuine representatives of the Baloch and military establishment could take place to decide the future relationship of Balochistan."

2. On 19.09.2012, we had asked the Chief Secretary, Government of Balochistan to bring the issues highlighted therein into notice of the Prime Minister (Chief Executive), Governor, Chief Minister of Balochistan as well as the heads of the agencies. Although he had meetings with the said functionaries, but it seems that so far no fruitful results have come out. Be that as it may, as the matter is pending, and is now likely to be concluded, therefore, we direct him that he should bring the above suggestions of Sardar Akhtar Jan Mengal into the notice of the concerned authorities, including, Prime Minister, Heads of ISI, MI, IB, etc. As the Chief Secretary along with Inspector General of Police has traveled all the way from Quetta and realizing the importance of the issues and the hearing of the case before this Court, he may discuss the issue as already directed by this Court *vide* order referred to above, and the suggestions which Sardar Akhtar Jan Mengal has made today in Court keeping in view the previous general situation in the Province of Balochistan, and give us the reaction in black and white of all those functionaries on 28.09.2012.

3. We place on record our thanks and appreciation for Sardar Akhtar Jan Mengal who has come forward to provide assistance to this Court for the purpose of resolving the issues raised in the petition moved by the High Court Bar Association.

CHIEF JUSTICE

JUDGE

JUDGE

Islamabad, 27th September, 2012