

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate/Original Jurisdiction)

**Present:**

MR. JUSTICE GULZAR AHMED, HCJ  
MR. JUSTICE MAZHAR ALAM KHAN MIANKHEL  
MR. JUSTICE MUHAMMAD ALI MAZHAR

**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

**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

**C.M.A.516/2019 in Const.P.62/2017:**

Pribhu Lal etc v. Government of Pakistan etc.

**Const.P.62/2017:**

Pribhu Lal etc v. Government of Pakistan etc.

**Const.P.63/2017:**

Leo Roderick Paul etc v. Government of Pakistan etc

**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

**C.M.A.1123-K/2021:**

Niamatullah Khan Advocate v. Federation of Pakistan, etc

**...Applicants/Petitioners/Respondents**

**IN ATTENDANCE:-**

Mr. Sohail Mehmood, Addl. Attorney General for Pakistan

Mr. Niazullah Khan Niazi, AG-Ibd

Dr. Shoaib Suddle, Chairman, One-Man Commission

Dr. Ramesh Kumar, MNA

Syed Junaid Akhlaque, Joint Secy. M/o Federal Education

Mr. Sohail Bin Aziz, AEA, M/o Federal Education

Dr. Maryum Chughtai, DG-NCC, M/o Federal Education

Dr. Agha Ghulam Haider, DD (Legal), M/o Federal Education

Mr. Samuel Payara, Chairman, IMRF

Ms. Qurat-ul-Ain Malik, Additional Commissioner-ICT

Mr. Zubair Siddiqui, Addl.DG-FIA

Mr. Waqas Rasool, Acting Director, Law-FIA

Mr. Qaisar Masood, Addl. Director (Law) FIA

**For ETPB:**

Mr. Muhammad Ikram Chaudhry, Sr. ASC

Raja Qasit Nawaz, ASC

Dr. Aamir Ahmed, Chairman, ETPB

**For Govt. of the Punjab:**

Barrister Qasim Ali Chohan, Addl. AG-Punjab

**For Govt. of Sindh:**

Mr. Fauzi Zafar, Addl. AG-Sindh

**For Govt. of KP:**

Mr. Shumail Aziz, Advocate General, KPK

Dr. Shahzad Khan Bungash, Chief Secy. KPK

Date of hearing: 14.01.2022

**ORDER**

**GULZAR AHMED, CJ.-** Pursuant to this Court's order dated 16.11.2021, the Director General, Federal Investigation Agency (FIA) has submitted a report by way of CMA No.10/2022 in which paragraph-4 contains as follows:-

"4. That it may kindly be submitted here that out of 776 Audit Paras, the FIA has taken legal

action on 453 Audit Paras by now. FIA's action in this context is epitomized as follows:-

- (i) Thirty Nine (39) FIRs have been registered by all FIA Zonal Directorates. One hundred and six (106) accused; twenty one (21) ETPB officials, four (04) Government Officials of other departments and eighty one (81) private individuals have been nominated and twenty six (26) private persons have been arrested so far.
- (ii) One hundred ninety seven (197) Enquiries have been registered at FIA Zonal Directorates.
- (iii) Out of estimated value of questioned immovable properties worth Rs.15730.08 Million, the properties worth Rs.15028.78 Million have been retrieved by the FIA from the illegal possessors thereof.
- (iv) Out of non-recovered estimated rent of Rs.839.96 Million, the FIA has effected recovery of Rs.296.486 Million".

2. The above quoted para shows that 39 FIRs have been registered by the FIA Zonal Directorates but with the report, copies of the FIRs have not been attached and it is not clear as to how and on what basis such FIRs have been registered, more so, when it is noted that the FIA has found 106 accused persons out of which 21 are officials of Evacuee Trust Property Board (**ETPB**), 4 are government officials and 81 are private individuals, of whom 26 private individuals have been arrested. It is informed by the official of the FIA who is present in Court that some of the private persons have obtained bails from the Court. It is also mentioned that there are 197 inquiries and out of the estimated value of immovable properties involved worth Rs. 15730.08 million, the properties worth Rs.15028.78 million have been retrieved by FIA from illegal possessors and those not recovered are estimated Rs.839.96 million and it is claimed that FIA has effected recoveries worth Rs.296.486 million.

3. The above narration has been given in the report of FIA and some documents are also attached with report but the documents in respect of items No. (i) to (iv) of paragraph 4 of the report have not been filed by the FIA. What happened to the recovered rent of Rs.296.486 million, it is also not clear from the record, although it is stated by the officials of FIA that the recovered rent has been deposited in the Govt. treasury. Let all documents relating to items No.(i) to (iv) of the paragraph-4 of the report be filed by the FIA and FIA is also cautioned that whatever steps it takes in compliance with the Court's order, referred to above, it will do so strictly in accordance with law and it should be ensured that no harassment to any of the officials of ETPB or other government officials or private persons will be caused by the FIA and only when it is established on the record that wrong has been done and that a crime is, *prima facie*, established then only it will take action against the persons who are, *prima facie*, found to be involved in illegal and criminal dealings with the government property. Let such report be made available to the Court within four weeks.

4. With regard to property i.e. Plot No.32, NP-04 Napier Quarters, Saddar Town-I, Karachi, measuring about 716 square yards said to be a *Dharam Shala*, it seems that report has been filed by Dr. Ramesh Kumar by way of CMA No.109/2022. It seems that the FIA has also registered FIR in respect of this building and has also conducted elaborate investigation, and statements under section 161 Cr.P.C. of the people have also been recorded who are working or residing around it. The FIA is directed to place before the Court the copy of the FIR and the material collected by it during investigation. The ETPB has also filed concise statement along with documents.

5. The matter is adjourned to a date after four weeks, when a report of the FIA be also made available on the record so that the issue/matter shall be heard and decided.

6. As regards the order dated 16.11.2021 with regard to Jain Mandir and Neela Gumbad Mandir at Lahore, Mr. Shoaib Suddle, Chairman, One-Man Commission constituted by this Court reports that the rehabilitation and restoration of Jain Mandir has already started and will be completed soon. As regards Neela Gumbad Mandir, Mr. Shoaib Suddle informs that some litigation is going on in respect of this Mandir and Dr. Ramesh Kumar has informed that the occupants of this Mandir do not want any rehabilitation and restoration by ETPB. Let record pertaining to the litigation in respect to this very Mandir be filed within four weeks, with its complete report regarding its status, by the ETPB.

7. Dr. Ramesh Kumar informs that there is a Gori Temple-Jain Mandir in Nagar-Parkar, which is also lying in a dilapidated condition and same also needs rehabilitation and restoration. Let a report in this respect be filed by ETPB about the status of this Mandir.

8. It is informed by Mr. Samual Payara, Chairman, IMRF that in respect to 268 million, handed over to Disaster Management Authority (DMA), issue has been resolved and the same has been received by the Khyber Pakhtunkhwa Rehabilitation of Minorities (Victims of Terrorism) Endowment Fund and Mr. Samual Payara is satisfied with the progress in the matter.

9. With regard to the claim of the Pakistan Hindu Council for payment of Rs. 38 million, said to be expended on rehabilitation, restoration of Teri Mandir, District Karak, Dr. Ramesh Kumar seems to have filed documents in respect of Pakistan Hindu Council's claim

vide CMA No. 109/2022. Ch. Muhammad Ikram, learned counsel, for ETPB states that the copy of this CMA has not been provided to him. Let such copy be received by ETPB today and shall examine the same and also submit report on the next date of hearing. The ETPB shall be prepared to argue as to whether such amount was to be paid to Pakistan Hindu Council or not?

10. Mr. Shoaib Suddal, One-Man Commission, states that Christian Community so also Sikh and other Scheduled Caste also want to be represented in the committee constituted by this Court to assist the Commission. There is already membership of Dr. Ramesh Kumar and committee has also its Member Mr. Saqib Jillani, Advocate. Let a report be filed by One-Man Commission before this Court and, thereafter, the Court will consider the same and will pass an appropriate order.

11. Chief Secretary, Government of Khyber Pakhtunkhwa shall file a comprehensive report regarding conditions of the Government Hospitals in the Province and also availability/provision of the Hospital in Teri, District Karak. Such report be made available in Court before the next date of hearing.

12. Adjourned to a date after four weeks.