

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

CMA No.4821 of 2018 in S.M.C. No.01 of 2014.

(Human Rights Commission of Pakistan through Chairperson, Dr. Mehdi Hasan and others. v. Federation of Pakistan through Ministry of Education and others).

AND

CMA No.516 of 2019 in Const. Petition No.62 of 2017.

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

AND

Constitution Petition No.62 of 2017.

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

AND

Constitution Petition No.63 of 2017.

(Leo Roderick Paul, etc. v. Government of Pakistan, etc.)

In Attendance: Mr. Sohail Mehmood, Addl. AGP.

Mr. Shoaib Suddle, Chairman of Commission.

Mr. M. Saqib Jillani, Member of Commission.

Dr. Ramesh Kumar, Member of Commission.

For ETPB: Mr. M. Ikram Ch., Sr. ASC.
Dr. Aamir Ahmed, Chairman ETPB.
Mr. Tariq Khan Wazir, Addl. Secy., (Shrines) ETPB.

For Govt. of KP: Mr. Shumail Ahmed Butt, A. G. KP.
Mr. Qasim Niaz, Chief Secy., KP.
Mr. M. Rafiq, Addl. Asstt. Commissioner, Kohat.
Mr. Tayyab Khan, RPO, Kohat.
Mr. M. Naeem, Deputy Secretary, H.E. KP.

For Govt. of Punjab: Ch. Faisal Fareed, Addl. A. G. Punjab.
Mr. Ibad Ullah Sajid, Social Welfare Office, Govt. of Punjab.

Mian Zahid Mehmood, Law Officer, H.R. Punjab.

Rizwana Naveed, Addl. Secy., H.R. Punjab.

Mr. Amir Riaz, Director, PCTB, Lahore.

Dr. Sohail Sarwar, Deputy Director, PCTB, Lahore.

Mr. Shehzad Manzoor, DSP, Multan.

Mr. Wajid Ullah Kundi, Secretary I&C, Punjab.

For ICT:

Mr. Niaz Ullah Niazi, A. G. Islamabad.

For Govt. of
Balochistan:

Mr. Ayaz Khan Swati, Addl. A. G. Balochistan.

Fed. Department:

Mr. Iftikhar Ahmed, S.O. M/o Religious Affairs.

Mr. Sohail Aijaz, Dy. Director Litigation M/o Federal Education.

Mr. M. Rafiq Tahir, J.E.A. M/o Federal Education.

Mr. Kamran Murtaza, Sr. ASC
(via video-link from Quetta)

Mr. Peter Jacob, E.D. CSJ/Chairperson PCMR.

For Govt. of Sindh:

Ms. Leela Kalpana, Addl. A. G. Sindh
(via video-link from Karachi)

Mr. Abdul Hadi, Secretary Minorities Affairs, Sindh.
(via video-link from Karachi)

Date of Hearing:

15.02.2021.

ORDER

In our last order dated 08.02.2021, there is a reference of Rupees Thirty Eight Million to be paid to Pakistan Hindu Council by the Evacuee Trust Property Board ("ETPB"). It is stated that an amount of Rupees Two Million has already been paid by Government of Khyber Pakhtunkhwa for reconstruction of the Samadhi at Karak. So far the claim of Dr. Romesh Kumar for payment of Rs.38 million by the ETPB is

concerned, it is stated by the learned Additional Attorney General as well as learned ASC for the ETPB that no account has been submitted by the Hindu Council in response of said claim and that in case the Hindu Council submits the account of such amount of Rs.38 million, the ETPB shall consider the same and deal with it appropriately and in case any amount is due to be paid by the ETPB to Hindu Council, the same shall be paid. In this view of the matter, Dr. Romesh Kumar may submit appropriate accounts to the Chairman, ETPB.

2. As regards the criminal cases initiated against the persons who are alleged to have caused damage to the Samadhi in Karak, it is stated by Mr. Kamran Murtaza, learned Sr.ASC appearing before us through video link from Quetta that the cases are not proceeding before the criminal Courts and on this account the arrested persons are facing difficulties. On this, the learned Advocate General, Khyber Pakhtunkhwa has stated that there is no obstruction from the side of KP Government for proceeding with the cases of arrested persons and that the cases are being proceeded. He however makes a statement that he will seek instructions with regard to the complaint made and ensure that the cases are proceeded expeditiously. In view of such statement made by the learned Advocate General, KP the learned counsel (*Mr. Kamran Murtaza*) for the arrested persons states that his above query stands satisfied.

3. So far Prahlad Mandir at Multan is concerned, no satisfactory report has been received from the Government of Punjab and even the Chief Secretary, Punjab is not in attendance despite the fact that it was directed to him to ensure that restoration of the Mandir is made in order to facilitate Hindu Community of Pakistan to hold Holi festivals in said Mandir on 28th March of 2021.

4. Once the Court had passed an order, it was the duty of the Chief Secretary, Punjab to ensure its compliance. We note that despite meeting of the 'One Man Commission' appointed by this Court with the Chief Secretary, Punjab so also by Dr. Romesh Kumar nothing has been done by the Chief Secretary and this Court takes serious note of such conduct of the Chief Secretary, Punjab. In the circumstances, the Chief Secretary, Punjab is directed to ensure that compliance of this Court's order dated 08.02.2021 is made in letter and spirit and such compliance report be submitted before this Court on the next date of hearing, when the Chief Secretary, Punjab shall also be in attendance. Two weeks' time is granted for this purpose.

5. Mr. Muhammad Ikram Chaudhry, learned ASC appearing for the ETPB states that through notification dated 12.06.2006 management of Katas Raj Temple Complex in District Chakwal was transferred by the Federal Government to the Provincial Government Punjab for its maintenance with immediate effect and until further orders. We are informed that

the maintenance which was required to be made in the year 2006 has already been done by the Punjab Government and now the purpose of said notification dated 12.06.2006 stands served and Katas Raj Temple Complex in District Chakwal has to be reverted back to the ETPB. In this regard, let Federal Government issue necessary notification(s) and ensure that Katas Raj Temple Complex in District Chakwal is returned back to the ETPB to be dealt with under the Evacuee Trust Properties (Management & Disposal) Act, 1975. Such an exercise will be completed by the Federal Government within a period of two weeks.

6. A report has been submitted on behalf of Secretary, Ministry of Federal Education and Professional Training which is not signed by the Secretary himself rather it is signed by Deputy Director (Literacy) of said Ministry. Such report is not in compliance of our order dated 08.02.2021 and as such the same is returned with direction to the Secretary, Ministry of Federal Education and Professional Training to submit a report duly signed by him to the Court and he shall also be in attendance on the next date of hearing. The report shall be made available by him within a period of two weeks.

7. The Chairman, ETPB has handed over to the learned 'One Man Commission' in Court a USB Drive containing full details of all Evacuee Trust Properties as well as details of all Mandirs, Samadhies and Gurdawaras, etc. The learned 'One Man Commission' shall examine such material

contained in the USB as supplied to him by the Chairman ETPB and thereafter, if deemed necessary, submit his response to the same.

8. However, the Chairman, ETPB has been informed that none of the properties of the ETPB can be utilized by the Board for its own employees nor the same can be sold out/transferred to any person and in case leases of such properties have been made, the Chairman shall give full details of the same as well as the amounts which the Board is receiving from the lessees. He shall also in the report mention the rates which were initially fixed as lease amounts and the present rates of lease amounts which are being paid to the ETPB by the lessees. The duration of the leases shall also be indicated from the initial stages uptill now and the persons to whom such leases have been granted. This report shall be made available by the Chairman, ETPB to this Court within a period of two weeks and he shall also be in attendance before us on the next date of hearing. Adjourned to a date in office after two weeks.

Sd/- H.C.J.

Sd/- J

Sd/- J

ISLAMABAD.

15.02.2021.

ZR/

'Not Approved For Reporting'