

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

**Present:**

Justice Qazi Faez Isa, CJ  
Justice Naeem Akhtar Afghan  
Justice Shahid Bilal Hassan

**Criminal Original Petition No. 19 of 2024**

Bilal Haque.	...	Petitioner
<u>Versus</u>		
Kamran Ali Afzal, Secretary, Cabinet Division, Islamabad and others.	...	Respondents

**AND**

**Criminal Original Petition No. 20 of 2024**

Rina Saeed Khan.	...	Petitioner
<u>Versus</u>		
Eazaz A. Dar, Secretary M/o Climate Change and Environmental Coordination, Islamabad.	...	Respondents

For the Petitioners: (In both cases)	Mr. Umar Ijaz Gillani, ASC. Syed Rifaqat Hussain Shah, AOR. a/w Bilal Haque-Petitioner.
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**On Court's Call:**

Mr. Mansoor Usman Awan,  
Attorney-General for Pakistan.  
Malik Javed Iqbal,  
Additional Attorney-General for Pakistan.  
Mr. Kamran Ali Afzal, Secretary Cabinet Division, Islamabad.  
*(respondent No. 1 in CrI. Org. P. No. 19/2024)*  
Mr. Eazaz A. Dar, Secretary, M/o Climate Change and Environmental  
Coordination, Islamabad *(respondent No. 1 in CrI. Org. P. No.20/2024)*  
Ms. Romina Khurshid Alam, Coordinator to the PM on Climate Change.

Date of Hearing: 09.08.2024.

**ORDER**

Civil Petitions for Leave to Appeal No. 304 and 305 of 2022 were filed by Mr. Luqman Ali Afzal, the sole proprietor of *The Monal Group of Companies*, and Constitution Petition No. 3 of 2024 was filed by the Islamabad Wildlife Management Board (**'Wildlife Management Board'**) through its Chairperson, Ms. Rina Saeed Khan. These cases were disposed of *vide* order dated 11 June 2024 for detailed reasons to follow.

2. Criminal Original Petition No. 19 of 2024 is filed by Mr. Bilal Haque, a citizen of Pakistan who describes himself as an environmentalist, and

Criminal Original Petition No. 20 of 2024 by the said Ms. Rina Saeed Khan. They seek to initiate contempt proceedings because they contend that this Court's order dated 11 June 2024 has been violated.

3. It is submitted by the learned counsel representing Ms. Rina Saeed Khan that because, in her capacity as a Chairperson of the Wildlife Management Board, she had filed Constitution Petition No. 3 of 2024 before this Court she has been punished and removed from the position of Chairperson *vide* Notification dated 19 July 2024, issued by the Ministry of Climate Change and Environmental Coordination and this has been done without assigning any reason. The said Notification also stipulates that Additional Secretary-I should hold the position of Chairperson as additional charge for three months till another Chairperson is appointed. The petitioners have also filed the following order:

'IMMEDIATE

PRIME MINISTER'S OFFICE  
ISLAMABAD

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Subject: TRANSFER OF THE ISLAMABAD WILDLIFE  
MANAGEMENT BOARD (IWMB) FROM CLIMATE  
CHANGE & ENVIRONMENTAL COORDINATION  
DIVISION TO THE INTERIOR DIVISION

The Prime Minister has been pleased to direct that the Islamabad Wildlife Management Board (IWMB) shall be transferred from the Climate Change & Environmental Coordination Division to the Interior Division along with all assets and liabilities henceforth, in terms of the Rule 3(3) of the Rules of Business, 1973.

2. The Prime Minister has further directed that requisite formalities shall be completed in this regard, within (01) one month.

Sd/-  
(Sarah Aslam)  
Additional Secretary-I  
02-08-2024

Secretary, Cabinet Division  
Secretary Interior Division  
Secretary, Climate Change & Environmental Coordination  
Division  
No.D.260-DS(IA-V)/2024'

5. The petitioners state that through the said Notification and the order this Court's order dated 11 June 2024 is being violated. And, that the same are also *mala fide* and have been issued to facilitate the further desecration and destruction of the protected Margalla Hills National Park ('**National**

**Park’)**. The petitioner’s learned counsel submits that the National Park was transferred from the relevant Ministry of Climate Change and Environmental Coordination to the Ministry of Interior despite the fact that the Ministry of Interior has no connection, association or relevance with the protection and conservation of nature or national parks, nor has the requisite expertise and ability to ensure the same. Another element of alleged *mala fide* was that Mr. Luqman Ali Afzal is the real brother of Mr. Kamran Ali Afzal, the Secretary of the Cabinet Division.

6. In view of the very serious allegations leveled against senior most bureaucrats this Court considered it appropriate to first ascertain the veracity of the said Notification and the said order. Therefore, we sent for the learned Attorney-General for Pakistan (**‘AG’**), Mr. Kamran Ali Afzal, Secretary Cabinet Division and Mr. Eazaz A. Dar, Secretary Ministry of Climate Change and Environmental Coordination. We inquired from Mr. Kamran Ali Afzal if he is the brother of Mr. Luqman Ali Afzal and he stated that he was indeed his real brother. He was then asked whether the requisite Cabinet approval was sought before issuing the said order and he stated that the same was not required as it was within the sole discretion of the Prime Minister, and referred to rule 3(3) of the Rules of Business, 1973 of the Federal Government, and produced Memorandum dated 6 August 2024, reproduced hereunder:

‘F. No.4-1/2024-Min-I

Islamabad the 6th August, 2024

MEMORANDUM

Subject: TRANSFER OF ISLAMABAD WILDLIFE  
MANAGEMENT BOARD (IWMB) FROM CLIMATE  
CHANGE & ENVIRONMENTAL COORDINATION  
DIVISION TO THE INTERIOR DIVISION

The undersigned is directed to state that the Prime Minister, in terms of rule 3(3) of the Rules of Business, 1973, has been pleased to approve the transfer of the Islamabad Wildlife Management Board (IWMB) from the Climate Change & Environmental Coordination Division to the Interior Division.

2. Therefore, the Islamabad Wildlife Management Board (IWMB) stands transferred from the Climate Change & Environmental Coordination Division to the Interior Division. Necessary consequential amendment in Schedule-II of the Rules of Business, 1973, to reflect the Islamabad Wildlife Management Board (IWMB) under the Interior Division, shall be made in due course.

(Sabina Qureshi)

Sr. Joint Secretary to the Cabinet

Secretary  
Interior Division  
Islamabad

Secretary  
Climate Change & Environmental Coordination Division  
Islamabad

7. We then inquired from the Secretary Climate Change and Environmental Coordination whether the protection and conservation of national parks had any nexus with the Ministry of Interior and he stated that he was not consulted in the matter. Therefore, we asked for his opinion as to whether protected national parks should be handed over to the Ministry of Interior and he stated that this should not have been done. The learned AG was also asked whether the Ministry of Interior or the Ministry of Climate Change and Environmental Coordination had the requisite expertise with regard to national parks and he stated that it was the latter and that the National Park should be retained by it. The learned AG, however, stated that it appears that the Prime Minister did not receive proper advice and/or the matter was not given due consideration and requested for some time before this Court initiates any action on the contempt petitions. The learned AG further undertakes, on behalf of the Government of Pakistan, that the Notification dated 19 July 2024, order dated 2 August 2024 and Memorandum dated 6 August 2024 will not be given effect to and the National Park will be retained under the Ministry of Climate Change and Environmental Coordination till the next date of hearing. Therefore, the taking of any further action on the said contempt applications is postponed till the next date, on which date the concise statement to be filed by the Federal Government will be considered. We expect, as stated by the learned AG, that he will brief the Prime Minister himself, when he will also undoubtedly bring to his attention this order.

8. The petitioners have also attached photographs of banners on street lights on Constitution Avenue and on the grilled wall of the National Assembly mentioning the Capital Development Authority ('CDA') and 'Pine City'. The learned counsel states that the banners state - 'MARGALLA HILLS TREE DRIVE 2024', however, the same is a guise for further desecration of the National Park as apparently the Pine City project is being allowed. Therefore, **notice** is issued to the CDA, through its Chairman, and CDA is directed to make complete disclosure of the said banners and Pine City, and whether it is an approved project or is in the pipeline, who is its

owner(s) and if any other projects are being contemplated in the National Park, with or without the approval of the CDA.

9. With regard to these contempt petitions we are also concerned with the comprehension of the Secretary Cabinet Division of the Rules of Business, which he is required to strictly apply. His reliance on rule 3(3) and ignoring the established practice of seeking prior approval of the Federal Cabinet coupled with the fact that he acted in a matter involving his own brother, prima facie suggests nepotism and pursuing an agenda and one which is against the interest of the citizens of Pakistan and future generations to the extent that it degrades, desecrates and/or destroys the National Park.

10. Mr. Luqman Ali Afzal, had earlier managed to procure a 'Lease Agreement' dated 30 September 2019 from a non-entity - 'Remount, Veterinary and Farms Directorate, Quarter Master General Branch, General Headquarters' and in this was facilitated by a serving officer of the Pakistan Army, Maj. General Muhammad Samrez Salik, the Director-General of the said Directorate. An application (CMA No. 7541 of 2024) was subsequently filed by the Ministry of Defence of the Government of Pakistan stating that Maj. General Muhammad Samrez Salik had no authority to enter into the said Lease Agreement and that the same was '*void ab initio*.'

11. To come up on Thursday, 15 August 2024 on which date the following are directed to be in attendance: Mr. Kamran Ali Afzal, Mr. Eazaz A. Dar and, Chairperson CDA, Ch. Muhammad Ali Randhawa.

Chief Justice

Judge

Judge

Islamabad:  
09.08.2024  
(M. Tauseef)