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PART III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
(Cabinet Division)

NOTIFICATION

Islamabad, the 15th November, 2023

F. No. 01/16/2023-Lit-III.—WHEREAS, on 5th November, 2017, the members of Tehreek-e-Labaik Pakistan (“TLP”) and its supporters occupied Faizabad Interchange paralyzing the cities of Islamabad and Rawalpindi (“Faizabad Dharna”).

2. AND WHEREAS, the Faizabad Dharna resulted in restricting public’s movement, preventing them from reaching their workplaces, schools, courts, hospitals and caused damage to public and private properties et cetera. The perpetrators, facilitators, and participants of Faizabad Dharna violated several fundamental rights guaranteed to the citizens of Pakistan under Articles, 9, 10A, 14, 15, 18, 23 and 25A of the Constitution of the Islamic Republic of Pakistan (“Constitution”).

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3. AND WHEREAS, the Supreme Court of Pakistan, in its judgment rendered in SMC No. 7/2017 dated 06-02-2019, gave conclusive findings on the unconstitutional, illegal and un-lawful acts of omission and commission.

4. AND WHEREAS, the Supreme Court gave declarations and directions, contained in paragraph 53 of the aforesaid judgment, to the Federal Government, the Provincial Governments, the Election Commission of Pakistan, and the Pakistan Electronic Media Regulatory Authority.

5. AND WHEREAS, it is imperative to implement the judgment of the Supreme Court, identify the perpetrators, facilitators, and organizers of Faizabad Dharna and failure of the law enforcement agencies to prevent it from happening to ensure that such events do not occur in future and the public is not made to suffer from such events.

6. THEREFORE, in exercise of powers conferred under Section 3 of the Pakistan Commissions of Inquiry Act, 2017 ("Act"), the Federal Government is pleased to constitute an Inquiry Commission to probe into and identify the persons responsible for Faizabad Dharna and recommend legal action against them.

7. The Commission shall comprise the following:

- (i) Syed Akhtar Ali Shah, PSP (QPM,PPM), IGP (Retd.) *Chairman*
- (ii) Tahir Alam Khan IGP (Retd.) *Member*
- (iii) Khushal Khan, Additional Secretary, Ministry of Interior *Member*

8. The Terms of Reference (TOR) of the Commission shall be as follows:—

- (i) to inquire into any illegal financial and/or other support provided to TLP for undertaking Faizabad Dharna and the events which followed;
- (ii) to recommend action against those who issued edicts or *fatwas* during or in relation to Faizabad Dharna, which either harmed or put others in harm's way;
- (iii) to inquire into the inaction of Pakistan Media Regulatory Authority against broadcasters and cable operators who violated the provisions of law and the code of conduct;
- (iv) to examine the spread of hate and violence through social media and recommend measures to deal with it;

- (v) to determine violation, if any, of the law and the liability incurred by any person or public office holder;
- (vi) to fix responsibility of any person and/or government officers including, those working with intelligence agencies;
- (vii) to determine as to whether any disciplinary proceedings or other legal action is required to be taken against any of the aforesaid, if found involved;
- (viii) to examine and if required, recommend measures which must be taken by police and other law enforcement agencies and departments with regard to handling rallies, protests and sit-ins;
- (ix) to recommend framework for the Federal and Provincial Governments to effectively monitor and prosecute those who advocate hate, extremism and terrorism;
- (x) any matter ancillary and incidental thereto or which the Commission deems fit to inquire into, in the interest of justice and to ensure compliance of the judgment of the Supreme Court in SMC No. 7/2017 in relation to Faizabad Dharna.

9. The Commission shall have all the powers granted under the Act including, but not limited to Section 10 thereof.

10. It shall be the duty of all executive authorities of the Federation and the Provinces to act in aid of the Commission in the discharge of its functions and to comply with its directions.

11. The Commission shall be entitled to establish a Secretariat in Islamabad and appoint its Secretary for the stated inquiry at the cost and expense of the Federal Government. Secretarial and logistic support will be provided by the Interior Division.

12. The Commission shall initiate the inquiry immediately after the notification of its constitution and shall conclude the inquiry and submit its report to the Federal Government within two months. However, if the Commission requires further time, the Federal Government may grant it.

P. Z. ABUBAKAR IQBAL RABBANI,
Section Officer (Lit-III).