

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Ch. Ijaz Ahmed  
Mr. Justice Mahmood Akhtar Shahid Siddiqui

**Human Rights Case No.2041-P of 2009.**  
(Application by Mst. Maqsood Mai)

**In Attendance:**

On Court notice: Qazi M. Amin, Addl. A.G. Punjab  
Date of hearing: 19.06.2009

**ORDER**

D.C.O. Rahim Yar Khan has not furnished explanation in terms of order dated 13.6.2009. Issue fresh notice for 25.6.2009. In the meanwhile Additional Advocate General shall himself contact the applicant as well as victims and furnish necessary details on the next date of hearing. He will also inquire whether the lady, whose husband has died due to fall of wall, has been compensated or otherwise.

Islamabad, the  
19<sup>th</sup> June, 2009  
A.Rehman/\*

**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Ch. Ijaz Ahmed  
Mr. Justice Jawwad S. Khawaja

**Human Rights Case No.2041-P of 2009**  
(Application by Mst. Maqsooda Mai)

On Court Notice: Ch. Khadim Hussain Qaiser, Addl. A.G. Pb.  
Rana Saleem Ahmed, DDO (R), Sadiqabad  
Zulfiqar Hadi, DSP (Legal)

Date of hearing: 25.06.2009

**ORDER**

Learned Advocate General has filed parawise comments on behalf of DCO, Rahim Yar Khan. Stand taken by them in respect of payment of compensation does not seem to be expedient. Unfortunate aspect of the case is that a person has died but besides notice of this Court, no action has been taken by the local administration of Rahim Yar Khan. The place of incident is situated at Ahmed Pur Lama, where a police station has been constructed inside a historical fort. DDO (R) does not know whether the fort has been declared as heritage property or not.

2. Learned Additional Advocate General seeks time to approach the Government through the Chief Secretary to submit note tomorrow, covering the question of compensation to be given to the LRs. of deceased person, who met the unfortunate accident. Secondly; status of the fort, whether it has been declared as heritage property or not? Thirdly; whether the archeology department has ever taken steps to preserve the same or not? Chief Secretary is required to submit his report through Additional Advocate General by tomorrow, so we may finally dispose of the matter.

Islamabad, the  
25<sup>th</sup> June, 2009  
Nisar/\*

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

**Mr. Justice Iftikhar Muhammad Chaudhry, CJ.**  
**Mr. Justice Sardar Muhammad Raza Khan**  
**Mr. Justice Ch. Ijaz Ahmed**  
**Mr. Justice Jawwad S. Khawaja**

**Human Right Case No. 2041-P of 2009.**

(Application by Mst. Maqsood Mai).

**In attendance:**

On Court notice: Ch. Khadim Hussain Qaiser,  
Addl. A.G. Punjab.  
Rana Saleem Ahmed, DDO (R) Sadiqabad.

Date of hearing: 26.06.2009

**ORDER**

Learned Additional Advocate General has filed statement on behalf of Government of the Punjab through Chief Secretary, contents where of are reproduced herein below:-

*"It is respectfully submitted that the incident of the death of Wazir Ahmed husband of petitioner Maqsooda Mai has been brought to the notice of the Government of the Punjab through the titled petition vide order dated 25.6.2009 wherein it was directed to submit note covering the question of compensation, required to be given to the legal heirs of the deceased. Secondly, status of the fort whether it has been declared as heritage property or not? Thirdly, whether the Archaeology Department has even taken a step to preserve the same or not?"*

2. *The compensation of Rs.300,000/- as per policy has been approved by the Competent Authority and the cheque has been delivered to the petitioner.*
3. *It is submitted that fort of Ahmadpur Luma near Rahimyar Khan has not been protected as a 'monument' under the Antiquities Act, 1975 by*

*Department of Archaeology and Museums, Government of Pakistan or as a 'special premises' under the Punjab Special Premises (Preservation) Ordinance, 1985 by Directorate General of Archaeology, Government of the Punjab.*

4. *However, Directorate General of Archaeology, Government of the Punjab has been directed to start working for declaring the fort as a 'special premises' under the Punjab Special Premises (Preservation) Ordinance, 1985. He will also make an assessment on the expected expenditure required for preservation and restoration of the fort. The exercise may take a few weeks and the outcome will be brought to the notice of Honourable Court.*
5. *In view of the above, it is, therefore, most respectfully prayed that the titled petition may graciously be disposed of accordingly.*

2. As far as payment of compensation of Rs.3,00,000/-, as per policy, is concerned, it does not seem adequate. The Administration as well as the Government is bound to protect the lives of citizens in terms of Article 9 of the Constitution of the Islamic Republic of Pakistan. In the instant case, the fort wall has fallen on the deceased Wazir Ahmed. The fort is in a dilapidated condition being very old. It was the duty of the authorities to have taken measures to prevent such untoward incident. It seems that instead of taking necessary measures, a Police Station has been constructed inside the fort which essentially is a historical monument and the Government is also bound to protect the same. However, according to para 3 & 4 of the report, noted herein before, orders have been made to take necessary steps in this behalf.

Therefore, we are of the opinion that the local administration as well as the Government of the Punjab should formulate a comprehensive policy and directions be issued throughout the province to identify such buildings which are likely to collapse, being old. The administration should take extra-ordinary measures to save the general public from any such incident in future.

3. Similarly, compensation has to be granted keeping in view the nature of the death of a person and his prospects of livelihood cut short by this incident. The administration should also make efforts to accommodate the petitioner Mst. Maqsooda or a family member of the deceased against a government job with a view to reduce their miseries because whatever the compensation, the same cannot be a substitute for a human life lost on account of the negligence of the administration.

4. Similarly, steps should also be taken to preserve this fort as a monument under the relevant laws. We were informed that a police station has already been constructed inside the fort. The Chief Secretary shall examine as to whether the fort can be used for this purpose and what measures can be adopted by the government to protect/save the remaining land adjacent to the police station from encroachments.

5. For the purpose of determining further, compensation in view of above observation, the case is adjourned for 23.7.2009. The D.C.O. concerned is directed to file copy of the certificate/receipt alongwith statement of Mst. Maqsooda Mai verifying that the amount of compensation has been received by her.

Before proceeding further, we would like to observe that this action has not been taken for the sake of paying compensation to the petitioner but in the interest of the general public who have expectations from the government that their lives shall be protected throughout the country. If there is any such loss to citizens, the government shall not only compensate them but will also take necessary measures to avoid such untoward incidents. Therefore, a copy of this order be circulated to Chief Secretaries of the Provinces for information and for taking necessary action.

Islamabad, the

26th June, 2009,

A.Rehman/\*

**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ.**  
**MR. JUSTICE CH. IJAZ AHMED**  
**MR. JUSTICE JAWWAD S. KHAWAJA**

**Human Rights Case No.2041-P of 2009**

(Application by Mst. Maqsooda Mai)

On Court Notice: Ch. Khadim Hussain Qaiser, Addl.A.G. Pb.  
Mr. Shahbaz Khan, Director Archeology,  
Government of Punjab  
Rana Saleem Ahmed, DDO (R), Rahimyar Khan

Date of hearing : 23-07-2009

**ORDER**

Learned Additional Advocate General has submitted following report:

*"in pursuance of the Order of the Honourable Supreme Court of Pakistan dated 26.6.2009 in HRC No.2041-P of 2009, the Government of the Punjab has taken the following steps:-*

- a) *As directed vide para 5 of the said order, a copy of the certificate regarding receipt of compensation amounting Rs.300,000/- by Mst. Maqsooda Mai, duly signed by the recipient and verified by witnesses, is attached as Annexure-A.*
- b) *Mst. Maqsooda Mai was advised in her personal interest that she should invest the said amount in the National Saving Schemes. The lady/petitioner has reported that upon encashment of Rs.300,000/-, she purchased Bahbood Saving Certificates No.DB-022103, No.DB-022104 & No.DB-022105, valuing Rs.100,000/- each, which would fetch her a monthly income of Rs.3540/- (Annexure-B)*
- c) *As pointed out in para 2 of the Order dated 26.6.2009 that the said compensation did not seem adequate, the Government of the Punjab has taken the following additional steps for the welfare and sustainable earnings of the affected family:-*
  - i) *The Government would provide stipend worth Rs.250/- per child per month to each of the four children of Mst. Maqsooda Mai till the age of 15 years from Punjab Bait-*

*ul-Mal Fund, which would bring her Rs.1000/- on monthly basis as child support.*

- ii) Mst. Maqsooda Mai has been included as a beneficiary of the Punjab food Support Scheme carrying a monthly support of Rs.1000/-*
- iii) Mst. Maqsooda Mai shall be imparted vocation vocational training in the field of her choice like sewing, stitching etc; and such implement shall also be provided to enable her to make a reasonable earning.*
- iv) Chief Minister, Punjab has sanctioned financial support of Rs.300,000/- for the purchase of a 3 to 5 marla house for the affected family in order provide them with a permanent abode. Necessary action in this regard is underway.*
- d) Ahmed Pur Lamma Fortress, Tehsil Sadiqabad, District Rahimyarkahn has been declared as "Special Premises' under Section 2(a) of the Punjab Special Premises (Preservation) Ordinance, 1985 (XXXIV of 1985) vide Notification No.SO.CUL(INF)5-5/90 (Vol-I) dated 21.7.2009 Annexure-C*
- e) The Punjab Government has agreed to provide an amount of Rs.19.2 Million for the rehabilitation of Ahmed Pur Lamma Fortress. The Director General, Archaeology Punjab shall provide requisite technical support for carrying out the rehabilitation work of the said structure.*
- f) Government of the Punjab has decided to shift the Police Station, Ahmed Pur Lamma from its current location inside the Fortress compound to another place. The land measuring eight Kanals has been identified for the said purpose, and the Provincial Government has allocated an amount of Rs.4.00 Million for the construction of said Police Station in financial year 2009-10."*

2. The steps taken by the Government of the Punjab to compensate Mst. Maqsooda Mai, specified hereinabove, seem to be satisfactory and by the indulgence shown by the Chief Secretary of Government of the Punjab, future of widow lady along with her children has been saved to some extent. Although compensation in terms of money is not substitute of her husband, who died on account of fall of wall of fortress at Ahmed Pur Lamma but the State who is otherwise responsible to extend social



justice being a welfare State has reached to the family of the deceased by providing compensation, noted hereinabove and it would provide some relief to them.

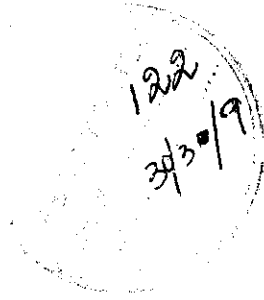
3. In view of the above, no further action is called for. However, before parting this order, we would like to place on record our appreciation to Daily "Express" which has published the news and the matter came before this Court along with application, filed by Mst. Maqsooda Mai. Role of Government of the Punjab through the Chief Secretary who had shown indulgence in supporting Mst. Maqsooda Mai financially and socially to save her future as well as future of her orphan children is also appreciable.

Human Rights Case stands disposed of.

Islamabad, the  
23<sup>rd</sup> July, 2009  
Nisar/\*

HRC 2041 - P/09  
مدد نصاب جوہری اٹھارویں صنف فٹنس سرٹیفکیٹ انڈیا

(بیوہ کی فراہم)



نصاب

گزارش ہے کہ میں ایک بیوہ ہوتی ہوں۔ یہ پانچ مہینوں

پہلے میں گذشتہ سال ریاضہ فائدہ تقانہ احمد پورہ تحصیل مہاشی اباد

کے قریب سے گذر رہا تھا۔ کہ تقانہ کی دیوار اس پر آگری

وہ جگہ کے نیچے دب کر پلاٹ ہو گیا۔ میں نے منظم انتظامیہ

کو درخواستیں دیں۔ مگر کوئی شنوائی نہ ہوئی۔ اب در بدر

ٹھوکریں کھا رہی ہوں۔ نہ گھر ہے۔ نہ در ہے۔ نہ کڑی ذلیم

معاش ہے۔ ایک سال انتظار کیا۔ اللہ تعالیٰ نے اب اس

ملاک میں اگلاں کا بول بالا کر دیا ہے۔ تو صبر بانی کر کے

یہ بھول کی ادارہ کا نبرد سب فرمایا جاوے

اللہ تعالیٰ اجر عظیم دین گے



العقار

صفوہ دہالی بیوہ وزیر اعلیٰ دہلی

احمد پورہ تحصیل مہاشی اباد

منظم ریاضہ اقبال

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