

CHAPTER-C.

CAUSES

AND

RESPONSIBILITIES

PART-I.

CAUSES

CAUSES

Preceding night of 31st July 2009 had seen the ugliest shape of aggression of one religious community against the other which according to the brief W-567/A/1-5 filed by Tahir Hussain Commissioner Faisalabad Division witness # 567 had affected 53 Christian families of IZAFI ABADI Village KORIAN located in Chak # 95/JB through torching, ransacking and damaging of 51 houses and a Church, the rehabilitation of which as per estimate submitted by Ghulam Ahmad Farooq XEN Provincial Buildings Faisalabad witness # 555 was to cost Rs.70.538 Millions. The vendetta was the outcome of a religious dispute pertaining to the desecration of the Holy Quran. The alleged culprits of defiling were still at large despite the fact that according to statement of Imran Sikandar Bloch the then DCO District T.T Singh (Witness # 557), Mr. Inkisar Khan the then D.P.O. T.T Singh had assured their arrest during the negotiations with the spokesmen of the protestors as a

result of which the situation had calmed down. Emotionally charged members of one community had already exhibited modus of expression of their inflamed religious sentiments and anger. On the other hand, the Christian community of the Sub-Division had suffered from a huge loss including displacement from their abodes. The incident had attracted attention of National & International Print as well as Electronic Media through which the News were repeatedly being flashed. In the above scenario, vulnerability about creation of law & order situation had attained its maximum level.

It will not be out of place to mention here that in Gojra Sub-Division, Christian Community is a sizeable component of the population. The number of its members is 39,011 according to census 1998 as provided by Asghar Majeed Bloch D.D.O.(R) witness # 321 in Exh.EA; whereas, it is said to be as large as 150,000 to 200,000 according to Bishop John Samuel witness # 508. The Christians had mostly been residing at one place in the Town known as Christian Colony. Whereas, on the

other hand in Gojra Sub-Division there were 87 MADARIS of Muslims of different schools of thoughts according to W-496/A/1-9 and a number of radical elements as indicated in W-496/B/1-2 as well as the persons affiliated with proscribed organizations shown through W-496/D. Therefore, in the said state of affairs, every probability of communal clash in post said incident days did exist. But unfortunately, it appears that the persons incharge of the helm of affairs miserably failed to identify brewing trouble and tension in the atmosphere. They were satisfied and contended after obtaining assurance to keep peace and not to create law & order situation from the persons who had been leading the mob last night at Bus Stop KORIAN and most of whom did not hail from Gojra Town. Commissioner Faisalabad, Regional Police Officer (RPO) Faisalabad, District Co-ordination Officer (D.C.O) T.T Singh and D.P.O T.T Singh left Gojra while assessing that the situation had been controlled. Reference in this regard is made to the depositions of DDO(R) Gojra witness # 321, the then

DCO Gojra witness # 577, the Commissioner Faisalabad witness # 567, D.P.O T.T Singh witness # 512 and R.P.O Faisalabad witness # 514.

From appraisal of the evidence made in the preceding chapters, it follows that the main causes which paved way to happening of the unfortunate incident dated 1.8.2009 are as under:-

a. **Inability of Law enforcing agencies to assess gravity and sensitivity of the situation.** In the circumstances discussed in earlier chapters of this report, even a man of ordinary prudence would say that allowing the public meetings to be held on 31-07-2009 i.e. Friday was like adding fuel to the fire. There is yet another shocking aspect of the matter. It is mentioned in the reports of Intelligence Agencies i.e. W-113/A/1-8, W-132/C/1-3, W-132/A/1-2, W-577/A, W-170/A/1-5 & W-578/A/1-4, the reports sent by the police & administration to the high ups and even in the security plans W-496/G/1-2 & W-496/H/1-4 that some Proscribed Organizations were also conveners of the public

meetings to be held after JUMMA prayer and in forenoon of 1.8.2009 wherein their members were to deliver speeches. Such like activities of any proscribed organization constitute cognizable offences under law of the land i.e. Anti Terrorism Act, 1997 but astonishingly the concerned authorities took no mandatory steps whatsoever such as registration of the cases, enforcement of section 144 Cr.P.C, taking of action under section 11 of the ATA 1997, initiation of the proceedings U/Ss 107 & 151 Cr.P.C. or invoking of the provisions of MPO 1960. Therefore, I feel no hesitation in concluding that allowing the parties and organizations to hold public meetings on 31-07-2009 as well as on 1.8.2009 was a blunder committed by the persons at the helm of affairs and the same became the major cause for the happening of the incident.

- b. **Inadequacy of precautionary/preventive measures taken by Law Enforcing Agencies to avoid happening of any untoward incident on 01-08-2009.** The record

shows that only the following two visible steps were taken to avoid happening of any untoward incident;

- 1 Requisitioning of four Platoons of Punjab Constabulary vide W514/A.
- 2 Issuance of security plans W496/G/1-2 & W496/H/1-4.

Letter W514/A dated 31-07-2009 written on behalf of RPO Faisalabad witness # 514 only mentions that four Platoons may be provided to maintain Law & Order at Gojra. It is silent about the period for which, the said Force was required. However, it appears from the contents of W514/A that it had been issued with reference to RPO Faisalabad's telephonic discussion with DIG Operations and CPO Punjab dated 31-07-2009. In response to the said letter four platoons were sent to Gojra to perform their duty under the command of DPO T.T Singh vide placement order W-573/C. It will be relevant to reproduce here the contents of W-573/C for the purpose of discussion;

FROM POLICE LAHORE
TO COMMANDANT, PC/FAROOQABAD
RPO/FAISALABAD REGION
DY: COMMANDANT, PC FAROOQABAD
SSP/HQR. PC, FAROOQABAD

Subject: PROVISION OF PLATOONS

AS APPROVED BY THE IGP/PUNJAB, FOUR (04) PC
PLATOONS ARE PLACED AT THE DISPOSAL OF DPO/TT
SINGH FOR LAW AND ORDER DUTY ON 31-07-2009.(.)
FORCE WILL REPORT FOR DUTY IN POLICE LINES,
DISTRICT TT SINGH TODAY I.E. 31-07-2009
IMMEDIATELY (.) AFTER PERFORMING DUTY ON 31-07-
2009 FORCE WILL AUTOMATICALLY MOVE BACK TO
PARENT UNITS BY 1000 HRS ON 01-08-2009 (.)
TRANSPORT WILL BE ARRANGED BY DISPATCHING
UNITS (.) FOR RPO / FAISLABAD REGION FOR
INFORMATION WITH REFERENCE TO HIS OFFICE
LETTER NO. 12033/PA, DATED 31-07-2009 (.) FOR DPO/TT
SINGH ONLY (.) HE IS REQUESTED TO MAKE
ARRANGEMENTS FOR ACCOMODATION, ADMINISTRATION
AND WELFARE OF THE ARRIVING FORCE (.)

N.T.T

(USAMA MUMTAZ RAJA) PSP
AIG/Administration,
For Inspector General of Police
Punjab

The local police while putting forward their version have blamed PC Platoons that they refused to perform the duty which caused short fall in the strength of the Force available in the Town making the same insufficient to cope with the situation. However, this stance does not appear to be the whole truth. The letter W-573/C reproduced above stood received through Fax to D.P.O T.T Singh and R.P.O Faisalabad. The period of stay of PC Platoons at Gojra (as bolded above) was categorically mentioned therein but astonishingly, the said officers did not show any concern or reaction over it and failed to make any request for extension of time of stay of the Platoons w.e.f. 31.7.2009 (noon) to 1.8.2009 (morning).

Muhammad Inkisar Khan the then DPO TT Singh witness # 512 has taken a stance that in routine, PC Platoons, if called, come for a minimum period of three days at any place. However, the said version of witness # 512 could not be supported through any rule, regulation or precedent. He further stated that he made a request to R.P.O Faisalabad to the effect that P.C Platoons were

required at least for three days but R.P.O Faisalabad witness # 514 did not bear him-out on this point. Osama Mumtaz Raja A.I.G witness # 573 categorically stated that in case time is not mentioned in the letter of request for provision of PC Platoons then the Platoons are dispatched for 24 hours.

The controversy regarding period of stay of PC Platoons at Gojra stands resolved, if one takes note of telephonic discussion into consideration as mentioned in W-514/A & W-573/B from where it can clearly be construed that the request by RPO Faisalabad was made for four Platoons to stay at Gojra on 31-07-2009 only. Conjective consideration of the statements of police & administration clearly suggests that they showed lack of foresight in comprehending the gravity of the situation and the probability of serious disturbances on Friday i.e. 31-07-2009 only whereafter they scheduled to relax. Had they realized the need for further stay of PC Platoons then they would have instantly reacted upon receipt of W-573/C and would have complained to the concerned

Authorities on 31.07.2009 about the improper interpretation of their request for placement of PC Platoons. They would have immediately taken necessary steps to get extended the period of stay of the PC Platoons. But no activity on the part of the then DPO T.T. Singh or RPO, Faisalabad or any other responsible police officer suggests that they had done so. In view of the above situation, it is opined that requisitioning of PC Platoons was firstly, inadequate with reference to its period of stay at Gojra and secondly, the concerned Police Officers omitted to get extension therein despite the fact that they had reasonable time at their disposal to do so.

The other precautionary/preventive measure taken by the Police was issuance of the security plans W-496/G/1-2 & W-496/H/1-4. A careful perusal and proper evaluation of the security plan for 01-08-2009 issued on 31-07-2009 shows that the strength of the personnel deployed at various points to maintain Law & Order was inadequate and insufficient to cope with the expected size and nature of disturbances. The PC Platoons were to go

back as mentioned in the placement order W-573/C but RPO Faisalabad neither requested for their stay nor moved the Forces which were directly under his command as mentioned in letter No. 14440 dated 04-09-2009 sent by him in pursuance of the directions of this Tribunal of Inquiry. He had 24 Inspectors, 42 Sub Inspectors, 48 Assistant Sub Inspectors, 102 Head Constables and 1283 constables in his Range in the Police Lines of Districts Faisalabad, Jhang, T.T Singh, Chiniot and Range reserve. However, the said officer did not mobilize and utilize the same to make up deficiency of the police personnel for the purpose of coping with the situation which was constantly deteriorating at Gojra and remained so for hours. This very factum was noticed by every one including Mr. Dost Muhammad Khosa, a Provincial Minister (as mentioned in his affidavit) who visited the site of occurrence. The said Provincial Minister and the other eye witnesses of the occurrence have stated that number of the police personnel seen at the site was too small to handle the situation in a proper manner.

Another weakness of the security plan is to the effect that it does not mention about the duty points and assigned tasks of any Officer of the rank of DSP except mentioning of Raja Ghulam Abbas SDPO Gojra witness # 560 as overall incharge of the security plan. The deposition of the then DPO T.T. Singh as Witness # 512 read with the scheme of the security plans for 31.7.2009 and 1.8.2009 clearly shows that he did not trust Raja Ghulam Abbas DSP Witness # 560 who in capacity of being local Sub-Divisional Officer of the Police Force would have been more effective in the Town but DPO T.T. Singh while issuing the security plan for 31.7.2009, deputed him to perform his duty at Chak # 95/JB where the situation had already calmed down and handed over the affairs of the Town to other DSPs who had either been posted at Head Quarter or in other Sub-Divisions. Perusal of statement of the DPO shows that he for the reasons best known to him kept the said DSP away from taking part in the affairs of the Town. Although, the security plan for 1.8.2009 mentions that DSP Gojra would be overall

Incharge yet the account rendered by DPO T.T. Singh in his deposition as witness # 512 shows that he hardly came in contact with the said DSP, before or during the course of happening of the occurrence. Had the said Officer been factually made overall incharge then the call log as well as the call record of cell number of the DPO would have shown repeated contacts between him and the said DSP. To keep an effective person away from the main arena and handing over the same to aliens in the Town appears to be a funny move and brings out the fact that the security plan for 1.8.2009 was not based on the ground realities. **Hence, it is observed that the security plan being defective was incapable of giving the desired results.**

c. **Non enforcement of section 144 Cr.P.C.** The provisions of section 144 Cr.P.C are invoked in urgent cases of nuisance or apprehended danger. It has already been discussed earlier that the incident dated 30-07-2009 involved serious form of arson and was an outcome of a communal-cum-religious dispute. The grievance of both the communities had not yet been redressed for which,

they had been making demands and intending to lodge agitation through public meetings and processions. Attention of the public had been focused and the issues involved therein were of highly sensitive nature. Therefore, the situation demanded enforcement of section 144 Cr.P.C. However, it has come on the record that the said measure was not taken. According to the present legal situation, in case of apprehended danger, it is the D.P.O who in case of apprehended danger is to recommend the enforcement of the prohibitions u/s 144 Cr.P.C. to ZILLA NAZIM for a period of two days whereafter, the extension if required is to be sanctioned by the Provincial Government. The then DPO T.T Singh did not recommend enforcement of section 144 Cr.P.C. Had section 144 Cr.P.C been enforced to prohibit holding of public meetings and carrying out the processions, then there was every likelihood that the situation would have not aggravated. Therefore non enforcement of Section 144 Cr.P.C. was also one of the causes of happening of the unfortunate incident.

d. Omissions to take steps U/S 107 & 151 Cr.P.C Chapters VIII-B & XIII Cr.P.C speaks of prevention of offences and preventive action of police respectively. After happening of the occurrence dated 30-07-2009, the local police and administration negotiated with the members of both the communities and remained in contact with the active influential persons of the Town, therefore, it was natural that they would have become in a position to identify those persons who could have committed breach of the peace or disturbed the public tranquility or committed the cognizable offences. But police did not initiate the proceedings u/s 107 & 151 Cr.P.C. against any one. If such proceedings would have been initiated then the prospective law violators would have been restrained and happening of the unfortunate incident could have been avoided. Hence, non-initiation of proceedings under section 107 & 151 Cr.P.C. also paved way to the incident dated 1.8.2009 to take place.

e. Non invoking of the provisions of Punjab Maintenance of Public Order (MPO) 1960 Same is the

situation, with non-invoking of the powers under the West Pakistan Maintenance of Public Order Ordinance, 1960 (hereinafter called the MPO 1960). According to the provisions of MPO, 1960, a District Co-ordination Officer (DCO) is empowered to issue orders of arrest & detention of any person for the purpose of preventing him from acting in any manner prejudicial to the public safety or the maintenance of public order. The DCO remained involved in the whole process but omitted to exercise his said powers. Had he done so then the things would have taken a different shape. Therefore, non-invoking of the said powers amounted to let the miscreants at loose to play havoc during the course of incident dated 1.8.2009.

f). Inefficiency and inactiveness of police during the course of happening of the incident. As far as performance of the duty by police at the site of incident is concerned, a plethora of evidence has come before me in shape of ocular account, CDs and documents. The persons who got recorded their statements categorically stated that the police was either not seen at the site of incident or

were found in an inactive role. The facts culminating into the incident have already been detailed in Chapter B of this report, therefore, it would be repetition to narrate the same here at this juncture. It is an admitted position that police was to protect a small area of Christian colony from the protestors. It has come on the record that initially there were approximately 100 to 200 people who went towards the Christian colony, raised slogans against the Christians and pelted stones in response to which, the residents of Christian colony climbed over the roofs, made indecent gestures and also resorted to targeted firing as a result whereof, some of the protestors were injured. The role of the police at that time was nothing more than that of the spectators. No doubt that the security plan had been chalked out defectively and sufficient deployment had not been made at the most vulnerable point i.e. the site of occurrence yet initially, the things were easily controllable if police at that time had acted diligently but police just kept on playing role of a cushion between two colliding forces. The situation demanded that they would have

acted with full force on both the sides i.e. by arresting the persons who were firing from the roofs of the houses of Christian Colony and the protestors who were attempting to mount an assault. It has come on the record that the first group of the protestors reached the Christian Colony between 11:30 a.m. to 12.00 noon. It was the time when the Commander of the District police i.e. DPO T.T Singh according to his own version had reached the site. However, the record shows that he did not lead the Force in right direction with a proper strategy. Thereafter rumor about killing of Muslims by the Christians worked like a magnet and attracted the Muslims mostly the youngsters to the place of occurrence and police despite having fielded many pickets as indicated in the security plan W-496/H/1-4 failed to stop flow of the people towards the site of incident. The facts narrated by the witnesses during the course of recording of evidence and the visuals watched in the CDs tendered before the Tribunal of Inquiry, show a clear picture that the police despite being a unified force completely failed to exhibit proper

discipline or to act in accordance with any planned strategy. The difference between them and others was difference of dresses. They were in uniform whereas, the others were in MUFTI clothes.

The site of occurrence remained a battle field for a period of more than four hours. The DPO himself as stated by him remained present there but during the said long period he could not arrange for sufficient re-enforcement or to plan a strategy according to the changing circumstances. Meanwhile, the mob kept on swelling and number of its participants exceeded thousands whereafter, the situation went out of control. In fact it was the most crucial phase demanding quick decision, effective action and right strategy but unfortunately all of these were missing.

Mr. Dost Muhammad Khosa the Provincial Minister came to the site in the company of Regional Police Officer, Commissioner where local political leadership of his party joined him but he also could not convince the protestors to calm down and had to leave the site of

occurrence. When he left the site, the personnel of the administration accompanied him to the TMA Office and the then DPO also followed them while leaving the situation as it was in a worsening condition. It has also come on the record that the time when the DPO T.T. Singh and DCO T.T. Singh left the site of occurrence for TMA office, some terrorists statedly invited by some participants or planners of the incident took the charge, entered Christian Colony, made indiscriminate firing, set the houses on fire allegedly by means of chemicals and played havoc therein as a result whereof, seven Christians of a family had to lose their lives whereas, 18 persons, (3 Christians, 3 police officials and 12 Muslim protestors) stood injured. The above discussed details of the incident clearly show that the police did not perform their duties with due diligence which also should be listed as a cause.

g). Irresponsible behaviour of Administration.

Presence of the administration at the site of occurrence is an admitted fact. The witnesses appearing before the Tribunal have stated that the hierarchy of administration

kept on making their best efforts to control the situation and to extend help to the Law Enforcing Agencies including the effort of calling the local leadership at the site but their efforts did not bear any fruit. However, astonishingly arrival of a Provincial Minister, they all left the field as stated by **DDO® Gojra witness # 321** and **DCO T.T Singh witness # 557** to accompany him to TMA office whereafter, the miscreants succeeded in invading the Christian Colony. Although, hierarchy of administration under the present system has directly not been obliged to maintain law & order yet total exemption cannot be claimed by them in this regard because maintenance of law and order is obligation of the Provincial Government which, of course, is represented by them at District or Sub-Divisional level. It has categorically been disclosed by **P.P.O witness # 580** that the Government keeps on issuing verbal instructions to make endeavor jointly with the administration in the matters of maintenance of law & order. In fact, the administrative authorities of the district have become de-

facto in-charge of the matters of law & order. A DCO has been made convener and Chairman of District Intelligence Committee, District Crime Control Committee, District Emergency Board and other bodies dealing with the affairs of law & order by the Government through different notifications. The amendments in MPO 1960 made in the year 2008 are evident on this aspect. Hence, involvement of the DCO of a District in the matters of law & order has not remained just of a helper but he has assumed a status of guiding partner. Therefore, the act of DCO and his subordinates to accompany the Provincial Minister while leaving the place of incident in a boiling state was a fault at their part. It has already been pointed out above that the main damage was done at the site during that period when DCO etc., and DPO left for TMA office. Reference is made to the statements of DDO (R), Gojra witness # 321 and DCO T.T. Singh witness # 557. This irresponsible behaviour of the Administration also proved to be one of the causes of the incident.

h). Inability of police to exercise its powers under the new system. Basically, the department of the police is meant for the enforcement of the orders of Executive & judiciary and its main functions used to be, the prevention of crime, to set the law into motion upon commission of any offence, to carry out investigation, to hold inquiries, to maintain law & order and to execute the orders of competent authorities. However, it always lacked autonomy while discharging its duties and had to fall back upon the powers of executive and judiciary either before exercise of its powers or thereafter. However, promulgation of Police Order 2002 and the amendments introduced in the **Code of Criminal Procedure (Cr.P.C) 1898** made it semi autonomous in exercise of its powers with regard to discharge of certain obligations. Reference may be made to the **Art. 3** (attitudes & responsibilities towards the public), **Art. 4** (duties of police), **Art. 8** (organization of police on functional basis), **Art. 27** (general powers of police officers etc.), **Art. 32** (policing plans), **Art. 33** (relationship of District police with ZILLA

NAZIM etc.) Art. 34 (obligation to support Government functionaries), Art. 118 (power to issue orders), Art. 119 (power to give direction to the public), Art. 120 (regulation of public assemblies and processions and licensing of the same), Art. 121 (powers with regard to assemblies and processions violating the condition of license), Art. 122 (power to prohibit certain acts for prevention of disorder), Art. 124 (erecting of barriers in streets etc.), Art. 125 (power to search suspected persons or vehicles in streets etc.) Art. 126 (employment of additional police to keep peace), Art. 132 (control of camps, parades etc.) and Art. 133 (authority of head of district police over the village police) of the said order and **section 144 Cr.P.C.**

The said empowerment of police has resulted into creation of diarchy in certain matters including the subject of maintenance of law & order. The new Order is yet to be reconciled with the previous procedure and practices which had been working satisfactorily for over a century. Even the rules for implementation of police Order 2002

in letter & spirit have yet not been framed and the affairs are still being run under the police Rules, 1934. Since the matter in hand deals with prevention of crime and maintenance of law & order, therefore, I will confine myself to the extent of the subject under discussion. The responsibilities & duties assigned to the police under Art. 3 (b), Art. 4 (1) [(a), (b), (d), (e), (o), (p)] & 4 (3) are still to be discharged subject to law of the land wherein respective amendments have not yet completely been made. Art. 8 though speaks of establishment of Branches including crime prevention i.e. clause (i) but no independent Branch has still been made functional. Therefore, it will be justified to say that newly introduced system has not yet been made workable in its true letter & spirit.

Chapter XIII of Police Order 2002 has empowered Head of the District Police to issue orders, give directions, regulate public assemblies and functions, prohibit certain acts, erect barriers and to search suspected persons whereas, Chapter XIV *ibid* also empowers

police officers to employ additional police, control camps and parades etc. but on ground such powers are not being exercised by police. The apparent reasons for the reluctance being exhibited by police in exercise of the said powers are incomplete workability of newly introduced system and engraved tendency of the police to look for the orders of the competent authorities other than themselves for their execution. Police have not yet developed requisite efficiency, capability and courage to take decisions themselves with respect to the matters which previously fell within the domains of executive or judiciary. This state of affairs did not let the field officers of the police to take decisions themselves for the purpose of controlling the situation before or during happening of the unfortunate incident. The said timidity regarding exercise of powers also served as one of the causes.

- i) Vesting of powers to maintain law and order in an unskilled, partial and non-accountable person. Under Art. 33 of Police Order 2002, head of the district police has been made responsible to ZILLA NAZIM for

police functions in certain matters including maintenance of law & order and under Sec. 144 Cr.P.C, a District Police Officer has to depend upon him for its enforcement. ZILLA NAZIM is a public representative. It is mockery of our system that ZILLA NAZIM is considered as a non political personality whereas, the ground reality is that almost all the representatives of local bodies are affiliated with some political party. Clause (2) of Article 33 (ibid) speaks about prevailing of decision in case of a difference of opinion between ZILLA NAZIM and the Government wherein it is provided that the decision of the Government shall prevail. It is not necessary that ZILLA NAZIM of a District should have been the person having affiliation with the political party sitting in the Government. So, accrual of differences between ZILLA NAZIM and the Government is a natural phenomenon. In addition to it, ZILLA NAZIM not being a public servant has got no apprehension of departmental actions. According to the existing law the subject of law and order is exclusive responsibility of the provincial

Government which of course is not represented by ZILLA NAZIM at district level. The representative of the Government in a district is the DCO. In case of disharmony between Government and the ZILLA NAZIM, a state of dead lock in respect of exercise of the powers may arise whereas, the powers u/s 144 Cr.P.C are exercised in cases of emergency. Accrual of the difference between ZILLA NAZIM and the Govt. can highly be injurious because a time is to be consumed for resolution of the same but the emergencies like time and tide wait for none.

As I have said above that inherently ZILLA NAZIM is a political person having his own vote bank, therefore, complete impartiality from him cannot be expected at least in our illiterate society. Hence, the powers dealing with law & order should have not been given in the hands of a person who is not impartial. Besides it, a ZILLA NAZIM may not be so keen as a public servant would be in discharging the obligations in the matters of law & order if, his affiliations are not with the sitting

Government. In such an eventuality, the public servants also do not give required compliance of the orders of Zilla Nazim. Mian Abdul Sattar Nazim of the district appeared as witness # 558 and while replying the question put by the Tribunal of Inquiry answered that neither DPO nor DCO T.T Singh made any request to proceed u/s 144 Cr.P.C in order to prevent damage to human lives, safety or to avoid disturbance of public peace and tranquility. He also submitted that no written or verbal order or instruction stood received from Home Department or Govt. of the Punjab to him for exercise of his powers u/s 144 Cr.P.C. He very frankly disclosed that neither the DPO nor DCO T.T. Singh apprised or kept him abreast of in the situation prevailing in the District during the period w.e.f 30-07-2009 to 01-08-2009 and he himself did not invite any report from DCO TT Singh or DPO and did not pass any instruction or order. The above mentioned answers of District Nazim are evident on the weaknesses of the existing system as discussed above. Therefore, lack of co-ordination between local police &

administration and ZILLA NAZIM witness # 558 was also one of the factors which paved way to happening of the tragedy dated 01-08-2009.

j) Visits of VIPs to the sites of emergency. Ample evidence has come on the record that major damage was done during the period when Mr. Dost Muhammad Khosa, Provincial Minister for Local Bodies after visiting the site of occurrence left for TMO office. His departure from the said place was either accompanied or followed by the high ups of police and administration who also reached the said office. By mentioning so, I do not mean that the said gentleman was responsible for letting the damage to be caused. However, by giving its reference, I intend to say that visits of VIPs to the sites where there is state of emergency should be discouraged. Unfortunately, our public servants have developed a tendency that they remain more concerned to please the men in power instead of showing their devotion and conviction towards performance of their duties.

When a VIP visits any place the attention of the law enforcing agencies is diverted from the main functions. Here in the instant matter, Commissioner Faisalabad and RPO Faisalabad who were the field officers had to wait for arrival of the Provincial Minister while sitting in their offices for the purpose of accompanying him to the place which was scheduled to be visited by him. Had they been in Gojra early in the morning then their experience and abilities would have been utilized and proved beneficial in controlling the deteriorating situation of law & order. In that case, no communication gap would have accrued between them and the District Officers. It may be pointed out that the then DPO TT Singh Mr. Inkisar Khan has loudly spoken in his statement that he kept on trying to contact RPO Faisalabad to apprise him of the situation but could come in contact after a considerable time. Had RPO Faisalabad been at Gojra or even free in his office to respond and to guide the force performing duties at the troubled place then the things would have taken a different shape. No doubt that to provide protection to the

VIPs is also duty of the Government and law enforcing agencies but the same should not be performed at cost of damage to human lives and properties of the other citizens who too have right of equality before law under the Constitution. Hence, it is observed that though the visit of Provincial Minister Mr. Dost Muhammad Khosa was aimed at pacification and for noble cause yet in the given circumstances, it proved otherwise.

k) Scarcity of resources of police. It has also come in the evidence that police force had been facing scarcity of necessary equipments throughout the process of happening of the incident. So many SOS calls were made in this regard but the deficiency could not be made up at proper time. This aspect also became one of the reasons which hindered police personnel to act with requisite force and efficiency.

l) Failure of Intelligence Agencies in providing prompt and correct informations. Special Branch was to feed police of the District directly about any prospective eventuality or incident. It has come on the

record that the incident of desecration of the Holy Quran did happen in Izaafi Abadi village Korian but the first report initiated by Special Branch of the Police in that regard was dated 31.7.2009. One fails to comprehend that even after happening of the incident dated 30.7.2009 the reports sent by the Special Branch were not upto the mark and the same just provided general information about happening of untoward incident. Responsibility of Special Branch was to arrange for more personnel and to deploy the same in Tehsil Gojra to collect ample information for the purpose of providing the same to the operational Force. Doing of such like activities is not visible from the record. It has also come in the evidence that the control of the mob was taken over by some terrorists who played havoc in the Christian colony. Not a single line in the reports of Special Branch can be found in which it would have been indicated that any person of the Tehsil was having contact with terrorists and could invite them to Gojra. The reports submitted by the Special Branch are narration of the occurrences which had

happened earlier to their initiation. To make such reports is not the job of Special Branch of the Police but so is to be done by the News Reporters

The Establishment of IB and ISI also did not perform their functions efficiently and failed in feeding the Government to take proper preventive measures in time. The reports submitted by them are also of general nature. Reference is made to W-113/A/1-8, W-132/C/1-3, W-132/A/1-2, W-577/A, W-170/A/1-5 & W-578/A/1-4. According to Muhammad Ashraf Deputy Director ISI (Witness # 132) an information about the incident of desecration of the Holy Quran earlier to 30.07.2009 despite being sensitive and relevant was not provided to local police or administration. Even after the incident dated 30.07.2009 they failed to point out those persons who were working behind the scene and caused or facilitated happening of the occurrence dated 01.08.2009 so that the concerned authorities could take anticipatory preventive measures.

PART-II
RESPONSIBILITIES

RESPONSIBILITIES

Before fixation of the responsibilities, it is necessary to reiterate that a night mare had been seen by every concerned in the preceding night of 31st July 2009 in shape of ugliest aggression of one religious community over the other. The situation demanded some thing extra from the persons sitting at the helms of affairs who unfortunately instead of discharging their duties diligently, due to their commissions and omissions became responsible for happening of the tragic incident. Hence, on the basis of the findings recorded in earlier parts of this report I proceed to fix the responsibilities;

1) MR. MUSHTAQ AHMAD S/I ACTING SHO P/S CITY GOJRA.

He being Acting Station House Officer of the area where the occurrence had taken place was obliged to keep a vigilant eye over the activities going on under his nose on 31-07-2009 when the public meetings were being held wherein according to him as witness # 548 provoking speeches were delivered. It is an admitted position that the

announcements for observing strike in the Town and to hold another meeting on the fateful day i.e. 01-08-2009 were continuously being made in the mosques. Another fact which he disclosed in his statement in response to the questions put by the Tribunal of Inquiry when he was recalled and re-examined is quite astonishing i.e. discharge of his duties under the instructions of a person i.e. Mr. Bahar Hussain Inspector witness #563 who had been removed from SHO-Ship. Hence, he is responsible for the following commissions and omissions;

- He did not cause arrest of any of the persons who were behind convening the public meetings, getting made the announcements and striving for observance of strike in the Town.
- He did not initiate the proceedings u/s 107 & 151 Cr.P.C against any body.

2) **Raja Ghulam Abbas the then DSP Gojra**

Although, overall charge of the situation had been taken over by DPO District T.T Singh who issued the Security Plan and all his subordinates including the man

under discussion were to perform under his instructions yet, he (Raja Ghulam Abbas) being Sub Divisional Police Officer was the most affective person and would have done much more than he statedly did. Therefore, he is responsible for the following commissions and omissions;

- He failed to lead the local police right from the front.
- He did not perform his duty as assigned to him according to the satisfaction of his seniors.

3) **Mr. Inkisar Khan the then DPO T.T Singh**

Prevention of offences and taking of preventive actions had already been the headache of police as contemplated in part IV Chapter VIII and Chapter XIII Cr.P.C. After promulgation of Police Order 2002, District Police Officer had amply been empowered to take all the steps at his own without looking forward to any other source. Chapter XIII of Police Order 2002 has empowered Head of the District Police with regard to issue orders, give directions, regulate public assemblies and functions, prohibit certain acts, erect barriers and to

search suspected persons whereas, Chapter XIV ibid also empowers police officers to employ additional police, control camps and parades etc. District Police Officer (DPO) could have also recommended to ZILLA NAZIM for enforcement of the prohibitions u/s 144 Cr.P.C in case of apprehending the danger to Law & Order, however, he did nothing in this regard. If one goes through from the answers given by him to the questions put by the Tribunal, one can clearly assess his efficiency and the steps taken by him. Therefore, before jotting down his commissions and omissions making him responsible, it will be pertinent to reproduce the answers given by him here at this juncture for ready reference;

"I assumed the charge as District Police Officer, T.T. Singh on 13.5.2009. Earlier to it I was posted as S.P. Discipline Lahore. I am not sure "whether District Intelligence Committee in pursuance of Notification No.S.O.(IS,III)11-3/2007, Government of the Punjab, Home Department dated 11.7.2007 has been constituted in District Toba Tek Singh or not? I never attended its meeting during the period of my posting here at Toba Tek Singh. I also do not

know about existence of District Emergency Board Toba Tek Singh because I did not attend its meeting during my tenure here in this District. Similarly, I do not know about constitution and existence of District Inter-Faith Harmony Committee District Toba Tek Singh as I never attended its meeting. Volunteers (the meetings of the said committees and the Board were to be convened by the District Co-Ordination Officer Toba Tek Singh). I never suggested or recommended to the District Nazim Toba Tek Singh or to any other Authority for promulgation of the prohibitions under section 144 Cr.P.C. for the purpose of achieving the object of maintaining law and order in the District during my period of posting here at Toba Tek Singh. I was not intimated either by Executive District Officer or District Co-Ordination Officer, T.T. Singh about any suggestion or recommendation made by them to get promulgated the prohibitions under section 144 Cr.P.C. in the District during my period of posting at T.T. Singh. It is not in my knowledge whether special advance report initiated by the District Officer Special Branch T.T. Singh bearing No.SBT-2725-27 dated 31.7.2009 stood received in my office. This report was not presented before me. The said report being special advance report should

have been placed before me. Copy of the report bearing endorsement No.12302 dated 31.7.2009 of S.P. Special Branch, Faisalabad Region has not been produced by me in the documents tendered along with my affidavit. I never saw this report as it was never produced before me. Report of SP Special Branch Faisalabad Region regarding schedule of the programmes prospectively to be held on 1.8.2009 in the Division was not seen by me. However, such reports come in daily routine. Report dated 31.7.2009 mentions about the strike to be observed at Gojra and a public meeting convened by Ahl-e-Hadith to be held at Malkanwala Chowk, Gojra. I also did not receive special report bearing Endorsement No.12284 dated 31.7.2009 of S.P. Special Branch, Faisalabad Region in which it was written that in view of the incident happening on 30.7.2009 there was apprehension that the Muslims might cause damage to Christian Colonies and the Churches. I placed verbal request before RPO Faisalabad between 2.00 to 3.00 a.m. on 31.7.2009 to ask for reserves from Punjab Constabulary for the purposes of their deployment in my jurisdiction including Gojra. Four Platoons of PC arrived at Gojra at 2.30 p.m. on 31.7.2009. In routine PC Platoons, if called, come for a minimum period of

three days at any place. I while making my request to the RPO Faisalabad submitted that I needed the Platoons of PC at least for three days. RPO Faisalabad placed request to the I.G. Police Punjab in writing. I was not provided copy of the written request placed by RPO Faisalabad to I.G. Police Punjab, Lahore for provision of Punjab Constabulary personnel at my disposal. Khalid Inspector was Incharge of the Platoons of PC. He neither appeared before me in person nor he himself produced the order of placement of PC at my disposal in pursuance of which he and the other police personnel had reached Gojra. However, a Fax in this regard stood dropped in my office from the office of A.I.G. (Operations), Lahore which was of letter No.16607-11 dated 31.7.2009. I produce Photostat copy of the letter as W-512/T. The said Fax was presented before me at 2.30 p.m. on 31.7.2009 and I went through the same in the evening. After perusing the said letter I on 1.8.2009 showed my reservation and submitted before the RPO Faisalabad that personnel of Punjab Constabulary had not been provided for reasonable time. I sent a letter in this regard the copy of which was W-512/J whereby I requested for extension of time for stay of the Platoons of PC up to 4.8.2009.

The said letter containing request for extension in stay of Punjab Constabulary was faxed to RPO Faisalabad between 8.30 to 9.00 a.m. on 1.8.2009 from my office at T.T. Singh. I reached Gojra between 11.40 to 12.00 noon on 1.8.2009. On that day I did not come to the office of DDO (R) Gojra before my said arrival at the site. It was brought to my knowledge in routine that the Muslims would hold public meetings at Gojra on 1.8.2009. However, it was not particularly informed that any public meeting would be held at Molkanwala Chowk. DSP Gojra did not provide me any information in this regard. DSP Saddar T. T. Singh and DSP Headquarters T.T. Singh briefed me about the activities prospectively to be done at Gojra on 1.8.2009. Security Plan/order was chalked out under my instructions by the Security Branch of the District Police. It is written in first paragraph of the Security Plan (W-512/D) that it is being chalked out to cater for the situation which may arise due to the strike and the public meeting to be observed and held respectively on 1.8.2009 at Gojra. It is also written in the Security Plan that some processions were expectedly to be carried out by different Organizations. On the basis of the informations received by me from different sources, I considered

the deployment of the police personnel as shown in W-512/D adequate to handle the prospective situations. DSP Gojra remained dormant throughout the episodes dated 30.7.2009 and 1.8.2009 while performing his duties and I had to fall back upon the informations and strength of DSP Headquarters, DSP Saddar T.T. Singh and DSP Kamalia. During the period w.e.f. 30.7.2009 to 1.8.2009 (evening) I did not take any disciplinary action against the then DSP Gojra and also did not recommend taking of any action against him to any higher officer. After happening of the incident I recommended action to be taken against him on the basis of which he was placed under suspension. So was done in the middle night of 1.8.2009 and 2.8.2009. The record of the members of proscribed organizations is maintained by Security Branch of the District Police. Record of religious organizations is also kept by that Branch. Almost all the information which can be utilized to prevent commission of crimes or to maintain law and order situation is maintained by the said Branch of the police which works under the control and superintendence of District Police Officer. I cannot confirm whether record of Abdul Khaliq Kashmiri (Ex-President of Sipah-e-Sahaba Pakistan), Abid Farooqi (Sipah-e-Sahaba), Nafees ur Rehman

Baloch (Jamia Saadia Pansra Road), Muhammad Saleem (President Youth Wing Ahal-e-Hadith) and Qari Babar Asad (Sunni Tehreek) have been maintained as radical elements of proscribed organizations or the organizations being kept under surveillance. I cannot tell "whether any action was taken against any element/person under section 107 and 151 Cr.P.C. by the local police"? Such an information can be provided to this Hon'ble Tribunal after consulting the relevant record. I cannot tell the exact time when PC personnel reached the place of incident i.e. Christian Colony, Gojra. However, even after their arrival there they did not perform their duties. They just kept standing there. It is also not in my knowledge "whether any personnel of PC stood injured or not"? I complained about the contumacious attitude of PC personnel towards performance of their duty to RPO Faisalabad and to I.G.P. as well before culmination of the incident. Prior to happening of the incident at village Korian, it from nowhere was reported that any incident of desecration of the Holy Quran had taken place at Basti Eesayan (Izaafi Abadi) Village Korian. I suspended the then SHO P.S. Sadder Gojra verbally but due to my engagement on the following day I could not issue formal order. I

could not issue the orders regarding his suspension till relinquishing of the charge by me. Mushtaq Bhatti Sub-Inspector was performing the duties as Incharge of Police Station City Gojra w.e.f. 29.7.2009. I did not take any action against him on 1.8.2009. The visit of Dost Muhammad Khosa Minister for Local Bodies Government of the Punjab to Tehsil Gojra was scheduled one. DCO T.T. Singh informed me in this regard on 31.7.2009. Escorts were sent to receive the said Minister from the boundary of Tehsil Gojra. He entered Tehsil Gojra before 3.00 p.m. He reached TMA office at 3.00 p.m. I did not come to receive the said Minister at TMA office. I came to TMA office to see the Minister between 3.45 p.m. to 4.00 p.m. and remained there for a period of 30 to 45 minutes. RPO Faisalabad, Commissioner, Faisalabad and DCO T.T. Singh were also present in TMA office. The Minister left Tehsil Gojra in the night. The Minister directly came to the place of occurrence and then returned to TMA office. On that day he did not visit Basti Eesayan village Korian. I did not come in contact with District Nazim T.T. Singh between the period starting from 30.7.2009 (evening) and ending on 1.8.2009 (night). However, I remained in contact with DCO T.T. Singh.

Secretary Home Department, Government of the Punjab visited Gojra after happening of the incident dated 1.8.2009. We instantly informed the Home Department about happening of the occurrence dated 30.7.2009 at village Korian. The said incident attained hype even prior to happening of the incident dated 1.8.2009 as the news in that regard were aired and flashed in print as well as electronic media. Home Secretary did not invite any report from me for the purpose of promulgation of the prohibitions under section 144 Cr.P.C. I or any concerned of the District Police did not make any formal request to DCO T.T. Singh to take action under Maintenance of Public Order Ordinance against any one. However, I verbally discussed the matter with him. We had mainly been focusing at the activities which were scheduled to be done on 31.7.2009 because it happened to be a Friday and gatherings of Muslims were expected in the Mosques. The personnel having been deployed at village Korian were called to perform their duties at Gojru in the evening of 1.8.2009 in view of the deteriorated situation."

The facts disclosed by Mr. Inkisar Khan the then DPO T.T Singh witness # 512 are also contradictory to the statements made by other responsible witnesses; for

example, he has stated that he directly came at the site of occurrence on 01-08-2009 and did not come to the office of DDO(R) Gojra on 01-08-2009. **Imran Sikandar Bloch** the then DCO T.T Singh witness # 557 has stated that he and DPO T.T Singh left for Gojra together around 11:45 a.m. and directly came to the office of DDO(R) Gojra. Such an account has also been rendered by **DDO(R) Gojra witness # 321** and **one Rehmat Ullah Arshad witness # 257** a person who attended the meeting held in the office of **DDO(R) Gojra** on the said date. Hence, the commissions and omissions making Mr. Inkisar Khan, the then DPO T.T Singh responsible are as under:-

- He completely failed in comprehending the situation and did not exercise any relevant power vesting in him to avoid happening of the unfortunate incident.
- He neither himself took any precautionary or preventive measure nor made any recommendation in this regard.
- He proved himself to be an inefficient and ignorant officer knowing nothing about existence of the

Committees and Boards in the District which had been established for the purpose of prevention of crimes, maintenance of law & order and to cope with the state of any emergency.

- He did not keep any liaison with ZILLA NAZIM even with regard to the functions for which he had been made responsible to aforesaid person under the provisions of section 144 Cr.P.C.
- He firstly; failed to put forward a demand for requisitioning of sufficient number of PC Platoons for their deployment on the fateful day and secondly; upon receipt of the placement order of PC Platoons for 31-07-2009 **only** he did not react well in time to take up the matter with the concerned authorities to get extended the time which resulted into shortfall in the personnel and made him helpless.
- He while incorrectly assessing the situation, achieved contentment and left Gojra leaving the affairs at disposal of his subordinates.

- He let the parties and even proscribed organizations to hold meetings on 31-07-2009 as well as on 01-08-2009.
- The security plan W496/G/1-2 & W496/H/1-4 issued by him for 01-08-2009 was and proved to be inadequate and non workable.
- He exhibited his inexperience while dealing with the situation at the site.
- He relied upon those officers who were aliens to the Town and for the reasons best known to him, did not assign duty at the most vulnerable point i.e. Christian Colony to SDPO Gojra who would have been more effective.
- He while making his statement before the Tribunal concealed the facts and also told lie.

4) **Ahmad Raza Tahir RPO Faisalabad**

Regional Officer of Police being a field officer is obliged to lead from the front but it has come on the record that Ahmad Raza Tahir RPO Faisalabad during the whole episode failed to perform his functions in efficient

and diligent manner particularly, in the matters of requisitioning the Platoons of Punjab Constabulary personnel, moving and utilizing the resources under his own control. He preferred to wait for a VIP instead of coming in the arena. He is held responsible for the following commissions & omissions;

- He failed to assess gravity of the situation and did not advise or guide his subordinates properly.
- He kept himself away from troubling area falling within his jurisdiction.
- He through letter W-514/A dated 31-07-2009 did not put forward a demand to requisition sufficient number of PC Platoons for their deployment on the fateful day and also upon receipt of the placement order W-573/C of PC Platoons for 31-07-2009 only he did not react well in time to take up the matter with the concerned authorities to get extended the time and thus failed in getting resolved the matter within proper time..

- He despite having sufficient police personnel at his own disposal as mentioned in letter No. 14440 dated 04-09-2009 sent by him in pursuance of the directions of this Tribunal of Inquiry failed to provide re-enforcement to the then DPO T.T Singh despite making of repeated demands in this regard as voiced by the then DPO (Witness # 512) on the day of occurrence i.e. 01-08-2009.
- He despite having knowledge of the deteriorating situation at the site of incident opted to wait for and accompany a VIP instead of focusing his attention to get controlled the situation.
- He kept on painting a picture of all fine before PPO and the Government against the facts prevailing at the site.

5) **Imran Sikandar Bloch the then DCO T.T Singh**

Presence of Mr. Imran Sikandar Bloch the then DCO T.T Singh and his active participation to overcome the deteriorating situation during the process of happening of the incident is evident from the record. He while

appearing as witness # 557 put forward a stance that he was not legally obliged to play any role in maintenance of law & order but as a matter of convention and under verbal directions by the Government of the Punjab, he did so but the fact of matter is that maintenance of law & order is liability of the Provincial Government whereas, DCO of a District represents the Government and factually, a DCO has become defacto in charge of the matters of law & order as he has been made convener and many Committees dealing with the affairs of Law & Order. Under the West Pakistan Maintenance of Public Order Ordinance 1960, a DCO has been empowered to issue orders of arrest and detention of any person for the purpose of preventing him from acting in any manner prejudicial to the public policy or the maintenance of public order. The DCO being representative of the Government is also obliged to apprise the Government of the situation prevailing in his District and recommend exercise of powers vesting in the Government if required. Hence, Mr. Imran Sikandar Bloch the then DCO T.T

Singh is responsible for the following omissions and commissions;

- He though stated before the Tribunal in his statement as witness # 557 that he thrice convened meetings of District Intelligence Committee during the month of July, 2009 but per letter of the Home Department dated 05-09-2009 submitted before the Inquiry Tribunal, record of meetings of District Crime Control Committee, District Intelligence Committee and District Emergency Board w.e.f 02-07-2009 to 31-07-2009 had not been found in the Department. This very factum speaks of his falsehood.
- He failed to assess and comprehend gravity as well as sensitivity of the situation and thus did not exercise his powers vesting in him under the West Pakistan Maintenance of Public Order Ordinance, 1960 despite the fact that the active persons and the radical elements had come into the knowledge of all concerned Authorities.

- He failed in providing requisite information received from the Intelligence Agencies to police and also withheld his advice.
- He had actively been involved in the process of controlling the situation at the site but preferred to leave the site to accompany a VIP without any order of any competent authority.
- He also provided incorrect informations to the high ups about all being good at the site and failed to recommend the Government to step in if police or District Nazim had failed to take appropriate actions.

6) MIAN ABDUL SATTAR ZILA NAZIM T.T. SINGH

After promulgation of Punjab Local Government Ordinance, 2002 and the amendments made in Code of Criminal Procedure, the matters of law & order have been placed within the domain of Zila Nazim of a District to whom the District Officer of the Police is made responsible. The provision of law i.e. section 144 Cr.P.C. deals with issuance of temporary order in state of

emergency. This power vests in Zila Nazim and he is to exercise the same upon recommendation of District Police Officer. The evidence having come on record including his own deposition clearly suggests that he remained dormant in the whole crises. He did not realize his responsibilities and failed to do the needful. He in his statement has stated that he was not apprised of by DPO or DCO T.T. Singh of law and order situation w.e.f. 30.7.2009 to 1.8.2009. He has also stated that he himself did not do any act during the said period for the purpose of controlling the deteriorating situation of law and order in the District. Such hibernating attitude of Zila Nazim is highly shameful because he being public representative of the District as well as obliged under the law to maintain law & order in the District was expected to lead from the front but as disclosed by himself, he could get information of the incident after a couple of days of happening of the same. Therefore, he is responsible for the following commissions and omissions:-

- He did not realize sensitivity and gravity of the situation culminating into unfortunate incident rather remained ignorant about the affairs going on within his jurisdiction.
 - He defied his electorate by not performing his functions under the relevant law for which he had been elected.
 - He failed in enforcing section 144 Cr.P.C. in Tehsil Gojra.
 - He did not keep liaison with the District Administration & Police even in a state of acute emergency endangering public tranquility, human life and properties of the residents of the District.
- 7) **ZIA ULLAH KHAN INCHARGE SPECIAL BRANCH FAISALABAD.**

He has been the person who was to feed police of the District directly about any prospective eventuality or incident. It has come on the record that the incident of desecration of the Holy Quran did happen in Izaafi Abadi village Korian but the first report initiated by Special

Branch of the Police in that regard was dated 31.7.2009. One fails to comprehend that what was being done by the Branch working under the gentleman under discussion. Even after happening of the incident dated 30.7.2009, the reports sent by him were not up to the mark which only contained general information about happening of untoward incident. His responsibility was to arrange for more personnel and to deploy the same in Tehsil Gojra to collect sufficient information to provide the same to police (operation wing) to enable them to know gravity of the situation and to strike accurately as well as effectively. Doing of such like activities by him is not visible on the record. It has also come in the evidence that the control of the mob was taken by some terrorists who played havoc in the Christian Colony. Not a single line in the reports of Special Branch can be found in which, it would have been indicated that any person of Tehsil Gojra was having contact with the terrorists and was planning to get done terrorist activities. The reports submitted by him are just narration of the occurrences which had happened earlier to

their initiation. Therefore, S.P. Special Branch is held responsible for the following commissions and omissions:-

- He and the Establishment working under him did not perform the duties with due diligence, professionalism and competence.
- After happening of the incident dated 30.7.2009 he failed to comprehend sensitivity and gravity of the situation and did nothing to collect requisite informations in advance.
- He did not arrange for extra personnel to provide requisite information to police (operation wing) for preparation of security plan and its implementation.

8) **ESTABLISHMENTS OF LB. AND ISI.**

The Establishment of IB and ISI also did not perform their functions efficiently and failed in feeding the Government to take proper measures in time. The reports submitted by them are also of general nature. They failed to point out those persons who were working

behind the scene and caused happening of the occurrence dated 1.8.2009.

**ABOUT SECRETARY HOME DEPARTMENT AND
PROVINCIAL POLICE OFFICER PUNJAB.**

As for as Nadeem Hassan Asif Secretary Home Department Government of the Punjab and Mr. Tariq Saleem Dogar IGP/PPO Punjab Lahore are concerned, they were not expected to be at the field. They were to act & react on the informations provided by the field officers. They have categorically stated in their statements that they were continuously informed by the field officers that the situation was under control. Since, they were to depend upon the feed back of the field officers, therefore, they cannot strictly be held responsible for any commission or omission on their part.

Ample evidence about issuance of the requisite instructions by them to the field officers has come on the record. The field officers while appearing before this Tribunal of Inquiry themselves maintained that they assessed & considered the situation under control and kept

on apprising the said two officers of the situation prevailing at the site. The reports submitted by them to Secretary Home Department and to PPO Punjab Lahore are also evident in this regard. However, the slate of the said officers cannot be considered as clinically clean. According to Syed Kamal Shah, Interior Secretary, Government of Pakistan, he kept on advising and issuing the instructions to the said officers to do much more. In the given circumstances the said officers were expected to have exhibited diligence of higher category by taking more effective steps because earlier to happening of the incident dated 01.08.2009 an incident of like nature had already happened on 30.07.2009. But it appears that the tempo of the said officers remained as used to be in ordinary circumstances. Unfortunately extra ordinary efforts put in by them are not seen in the afore-discussed scenario.