

IN THE SUPREME COURT OF PAKISTAN  
(ORIGINAL JURISDICTION)

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE IJAZ UL AHSAN

**CONSTITUTION PETITION NO.61 OF 2013**  
(Under Article 184(3) of the Constitution)

Pakistan Fisherfolk Forum (PFF) and another ...Petitioner(s)

**VERSUS**

Federation of Pakistan & others ...Respondent(s)

For the petitioner(s): Mr. Faisal Siddiqui, ASC

For the respondent(s): Mr. Sajid Ilyas Bhatti, Addl.A.G.P.

Date of hearing: 18.9.2018

**ORDER**

**MIAN SAQIB NISAR, CJ.-** The learned Additional Attorney General has placed on record certain documents whereby steps have been proposed on the issue of Pakistani prisoners confined in Indian Jails. In view of the above, learned counsel for the petitioners feels satisfied if the proposals which have been made by him in C.M.A. No.8090/2018 are considered and necessary action is taken by the Federal Government in this regard. The same are reproduced as below:-

1. The Ministry of Foreign Affairs, Government of Pakistan, will develop a website regarding the prisoners detained or imprisoned in Indian Jails, with the following details i.e. personal details of prisoners, place of detention or imprisonment, status of legal proceedings especially length of sentence, possible time period of repatriation etc. within 3 months of the date of the disposal Order of this Petition. [Please note that collection of prisoner data abroad has already be directed through land mark Order Dated: 2-2-2018, by this Honourable Court in HRC No.20555-E/2016].

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2. The Government of Pakistan will make all efforts to ensure the implementation of the Agreement on Consular Access Dated: 21-5-2008. [See Page 3, CMA No.2016/2014. Page 3 (see page5). CMA No.2022/2014].
3. Appropriate mechanism to be developed as to how to implement the recommendations and rectify the problems identified in the 7<sup>th</sup> meeting of India-Pakistan Joint Judicial Committee on Prisoners dated: 31-10-2013, within 3 months of the date of the disposal Order of this Petition. [See Page 4, CMA No.2016/2014. Letter dated: 6-12-2013. Latest Report of Ministry of Foreign Affairs].
4. Develop a policy by Ministry of Interior, Maritime Security Agency and Ministry of Foreign Affairs, as to how to prevent future arrest and detention of Pakistani Fisherman and their boats, on the Seas, within 3 months of the date of the disposal Order of this Petition. [See Order dated: 13-1-2014, in this case, recording the Statement of the Additional A.G.].
5. Legal assistance including payment of fines, evaluated on a case to case basis, to be provided to the detained or imprisoned Pakistani Fisherman in Indian jails, from the Pakistan Community Welfare and Education Fund (PCW&EF), maintained by the Pakistan Embassies/High Commission's abroad. Report to be submitted before this Honourable Court giving details of the utilization of this PCE&EF fund for the last five years, within 3 months of the date of the disposal Order of this Petition. [See Page 3 (see page 5). CMA No.2022/2014].
6. The Ministry of Foreign Affairs, Ministry of Interior and Maritime Security Agency, will ensure prompt response to any representation made by the Petitioners and other similar NGO's regarding the detention or imprisonment of Pakistani Fisherman in Indian jails. [See Page 3 (see page 7). CMA No.2022/2014].
7. The Government of Pakistan will make all efforts to ensure the release and recovery of all boats of Pakistani Fisherman detained by Indian authorities except those boats which are lost, damaged or

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confiscated by the courts [See Page 3 (see page 3),  
CMA No.2022/2014].

Since these commitments have been made by the Federal Government,  
therefore, the Government is directed to comply with the same in letter  
and spirit. In light of the above, this petition stands disposed of.

Sd/- US  
Sd/- J  
Sd/- J



Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad

22081/18

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