

INTERNATIONAL COURT OF JUSTICE

THE JADHAV CASE

**THE REPUBLIC OF INDIA v. THE ISLAMIC REPUBLIC OF
PAKISTAN**

**COUNTER-MEMORIAL OF THE ISLAMIC REPUBLIC OF
PAKISTAN**



13TH DECEMBER 2017

EXHIBIT

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Jadhav Case (India v Pakistan)

Counter-Memorial on behalf of the Islamic Republic of Pakistan

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13th December 2017

Indian High Commissioner Summoned

(2016-03-25) The Indian High Commissioner was summoned by the Foreign Secretary today (25th March 2016) and through a demarche conveyed our protest and deep concern on the illegal entry into Pakistan by a RAW officer and his involvement in subversive activities in Balochistan and Karachi.

Islamabad

25 March 2016



(A)

BRIEFING – P5+1

Given on
25 March 2016



***Apprehension of
Serving RAW Officer
in Balochistan, Pakistan***



- **Our Security Forces apprehended an Agent of Indian Intelligence Agency RAW, from Balochistan, Pakistan in 1st week of March 2016**
- **The Agent has confessed following:**
 - **He is a Serving Commander of Indian Navy, working for RAW since 2013**
 - **He has been operating under a Muslim cover name and as a businessman in Chahbahar**



- He has been directing various terrorist operations in Balochistan and Karachi
- His handler is Mr. Anil Kumar Gupta, Joint Secretary RAW
- He crossed over illegally into Balochistan, Pakistan from Iran in 1st week of March 2016 on the direction of Joint Secretary RAW



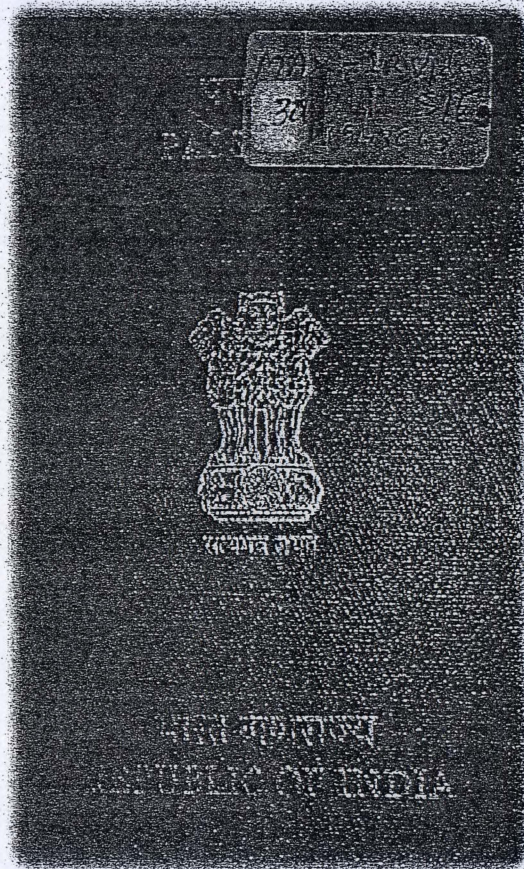
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- He was tasked to meet Baloch Militant Separatist Groups for coordinating provision of financial, moral, training and material (weapons, ammo & IEDs) support from India
- He had earlier worked for Naval Intelligence from 2001 to 2013
- He had visited Karachi in 2003 and 2004 as well under cover for Intelligence Operations



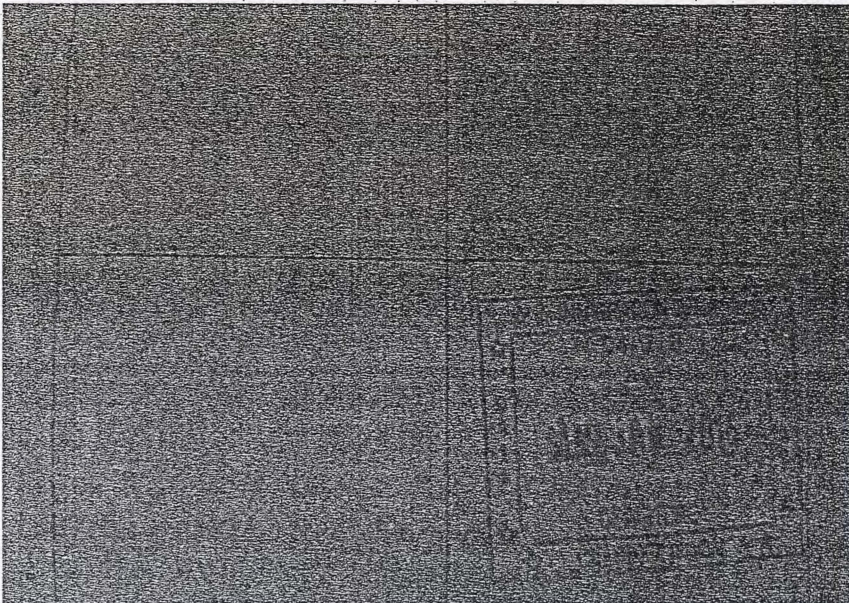
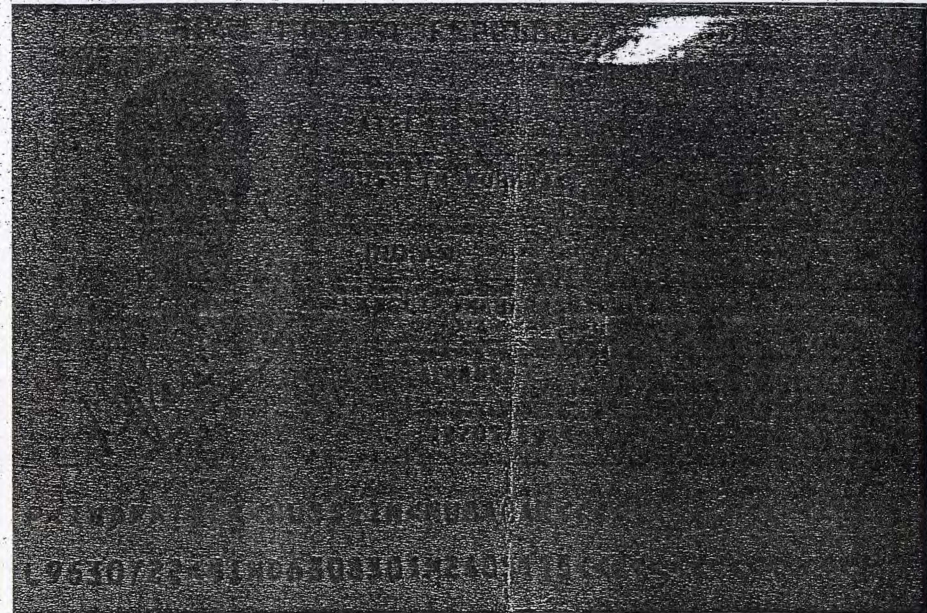
PASSPORT OF RAW OFFICER



सत्यमेव जयते



PASSPORT OF RAW OFFICER





BIO DATA REVEALED



- **No, Rank and Name:** Indian Navy Number 41558Z,
Commander Kulbushan Jadev
Hussein Mubarak Patel- Cover Name
- **Father's Name:** Sudhir Jadhev
- **Date of Birth:** 16 April 1970, Mumbai
- **Home Address:** House No 502-B Silver Oak Puwai,
Hiranandani Garden, Mumbai
- **Family:** Wife and two Children who are living
with his parents in Mumbai

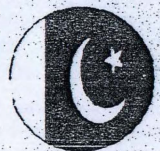


BIO DATA REVEALED



➤ **Naval and Intelligence Service Details**

- **Joined Indian National Defence Academy, Pune in 1987**
- **Commissioned on 1st January 1991 in Engineering Branch**
- **Joined Indian Naval Intelligence in 2001**
- **Placed in Chahbahar, Iran in 2003 to work against PAKISTAN**
- **Working with RAW since 2013**
- **Due to retire in 2022**



OPERATIONS CONDUCTED



➤ Operations conducted by Commander

Kulbhushan @ Hussein Mubarak Patel include:-

- ✓ Grenade / bomb blasts in Gwader
- ✓ Targeting of Pakistani Fishing Boat in Arabian Sea
- ✓ Planning Attacks on Pakistani Consulates
- ✓ Planning Attacks on Pakistan Frontier Corps / Army Posts in Balochistan
- ✓ Fueling Sectarian Divide
- ✓ Supporting Baloch Insurgents



CONCLUSION



- **Apprehension of a serving officer of the Indian Intelligence Agency RAW substantiates:**
 - **Our belief and complaint of Indian State Sponsored Terrorism in Pakistan**
 - **Indian design of destabilizing, disturbing and breaking up of Pakistan**
 - **Her efforts for repeating the 1971 episode in Balochistan**
 - **Sponsoring and assisting militant, sub-nationalist and separatist groups in Pakistan by India as a State Policy**
 - **Similar operations by India on our Western Border**



भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No. ISL/103/1/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Pakistan and has the honour to refer to the purported arrest of an Indian in Baluchistan. The matter was raised today by Pakistan's Foreign Secretary with the Indian High Commissioner in Islamabad.

In this context, this High Commission requests the Ministry of Foreign Affairs to kindly provide Consular Access to the said individual, at the earliest.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Pakistan the assurances of its highest consideration.

Islamabad, 25 March 2016

Ministry of Foreign Affairs
[Kind attention: Mr. Hafiz Afaq Ahmad, Director (India)]
Government of the Islamic Republic of Pakistan
Islamabad





विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for the Islamic Republic of Pakistan, New Delhi, and has the honour to refer to previous demarches by this Ministry as well as formal notes from the High Commission of India in Islamabad regarding the purported arrest of Indian national, Mr. Kulbhushan Jadhav, in particular the request to provide immediate consular access to Mr. Jadhav.

It is with deep concern that the Ministry notes the continued denial of consular access to Mr. Jadhav despite the fact that his Indian nationality has been affirmed on several occasions by the Government of Pakistan. Meanwhile, questions about his treatment in Pakistan's custody continue to mount, given especially his coerced purported confession, and the circumstances of his presence in Pakistan remain unexplained.

In light of the above, the Government requests once again, immediate consular access to Mr. Jadhav.

The Ministry of External Affairs of India avails itself of this opportunity to renew to the High Commission for the Islamic Republic of Pakistan the assurances of its highest consideration.



03 February 2017
New Delhi

High Commission for the Islamic Republic of Pakistan,
New Delhi.



ANNEX 13.11

भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to the High Commission's earlier *Notes Verbale* dated March 25, March 30, May 06, June 10, July 11, and December 19 in 2016 and on February 02, 2017 as well as a demarche issued by the Ministry of External Affairs to Pakistan High Commission in New Delhi on February 03, 2017 regarding purported arrest of an Indian national, Mr. Kulbhushan Jadhav, in Baluchistan, has the honour to reiterate its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest.

2. The High Commission also requests that safety, security and well-being of Mr. Kulbhushan Jadhav and other Indian prisoners in Pakistani jails may kindly be ensured.

3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, March 03, 2016 ?



Ministry of Foreign Affairs

[Kind attention: Director General (SA & SAARC)]

Government of the Islamic Republic of Pakistan

Islamabad



भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and with reference to the Ministry's *Note Verbale* No. Ind [III]-2/13/2016 dated March 21, 2017 has the honour to note the willingness of the Pakistan side to provide consular access to the Indian national, Kulbhushan Jadhav.

2. Consular access to Mr. Jadhav would be an essential pre-requisite in order to verify the facts and understand the circumstances of his presence in Pakistan. It is, therefore, requested that immediate consular access may be provided to Mr. Jadhav.

3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, March 31, 2016

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad





सत्यमेव जयते

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ANNEX 13.13

विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

No. J/411/8/2016

The Ministry of External Affairs presents its compliments to the High Commission of the Islamic Republic of Pakistan in New Delhi and has the honour to convey that the Government of India is surprised at the Note Verbale No. Ind(I)-5/20/2017 dated April 10, 2017 issued by the Ministry of Foreign Affairs of the Islamic Republic of Pakistan and received at the High Commission of India, Islamabad at 5:00 p.m. today regarding consular access to the Indian national Kulbhushan Jadhav on certain conditions, which was well after the death sentence has been awarded and confirmed to Mr. Kulbhushan Jadhav. This underlines the farcical nature of the proceedings and so-called trial by a Pakistan military court martial.

The Ministry of External Affairs regrets that despite repeated requests, Pakistan has not permitted consular access and prevented us from establishing the basic facts and circumstances surrounding his presence in Pakistan.

The Ministry of External Affairs has the honour to reiterate that if the sentence against an Indian citizen, awarded without observing basic norms of law and justice is carried out, the Government and the people of India will regard it as a case of premeditated murder.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of the Islamic Republic of Pakistan in New Delhi the assurances of its highest consideration.



High Commission of the Islamic Republic of Pakistan
New Delhi



भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and has the honour to refer to the High Commission's thirteen Notes Verbale (including the last Note Verbale of even number dated March 31, 2017), and to refer to the Press Release 193/2017 dated April 10, 2017, issued by Inter Services Public Relations (ISPR), stating that Indian national Mr. Kulbhushan Sudhir Jadhav was tried under Section 59 of Pakistan Army Act (PAA) 1952 and Section 3 of Official Secret Act of 1923 through Field General Court Marshal (FGCM) and was awarded death sentence.

2. In view of this, the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan is requested to provide the following:

- (a) Certified copies of the charge sheet and the judgment of FGCM.
- (b) Consular access to Mr. Kulbhushan Sudhir Jadhav.

3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan the assurances of its highest consideration.



Islamabad, 14 April 2017

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad



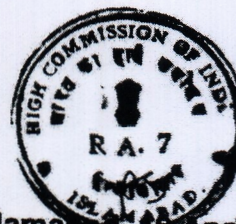
भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and has the honour to refer to the High Commission's previous Notes Verbale, including the latest Note Verbale No.ISL/103/14/2016 of April 14, 2017 regarding Indian national Mr. Kulbhushan Jadhav and to request the esteemed Ministry of Foreign Affairs to:

- i. Provide certified copies of the charge sheet, proceedings of the Court of Inquiry, the Summary of Evidence and the judgement in the case concerning Mr. Jadhav;
- ii. Share the procedure for Appeal in the relevant court;
- iii. Facilitate the appointment of a defence lawyer for Mr. Jadhav and facilitate contact with the High Commission of India to Pakistan;
- iv. Provide a certified copy of medical report of Mr. Jadhav;
- v. Issue appropriate visas to the family members of Mr. Jadhav who intend to travel to Pakistan in connection with the on-going legal matter;
- vi. Provide immediate consular access to the Indian national Mr. Jadhav in keeping with the provisions of Vienna Convention on Consular Relations, 1963.

2. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan the assurances of its highest consideration.



Islamabad, 10 April 2017

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad

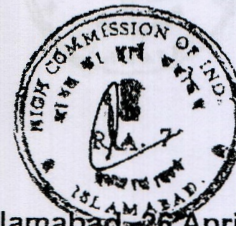


भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and while referring to the Inter-Services Public Relations (ISPR) Press Release No.193/2017 dated 10 April 2017 and the Press Statement by the Adviser to Prime Minister on Foreign Affairs on 14 April 2014 regarding death sentence awarded to the Indian national, Mr. Kulbhushan Sudhir Jadhav, as well as the absence of consular access to Mr. Jadhav, has the honour to state that the mother of Mr. Jadhav, Mrs. Avanti Sudhir Jadhav has requested the Government of India to submit and get the following documents filed with the concerned authorities of the Islamic Republic of Pakistan:

- i. Petition under Section 131 of Pakistan Army Act;
 - ii. Appeal in the Court of Appeals under Section 133(B) of Pakistan Army Act.
2. The esteemed Ministry of Foreign Affairs is requested to forward the above documents (Petition and Appeal) to the concerned authorities and get these documents filed and admitted.
 3. The esteemed Ministry is once again requested to provide consular access to Mr. Jadhav in keeping with the provisions of the Vienna Convention on Consular Relations, 1963.
 4. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan the assurances of its highest consideration.



Islamabad, 26 April 2017

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad

Enclosure: As mentioned above – (i) & (ii)



ANNEX 13.17

भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High commission of India to Pakistan presents its compliment to the Ministry of Foreign Affairs of the Islamic Republic of Pakistan and with reference to the High Commission's previous *Notes Verbale* regarding an Indian national Mr. Kulbhushan Jadhav has the honour to again request the esteemed Ministry to provide early and full consular access to the Indian national Mr. Kulbhushan Jadhav in keeping with the provisions of Vienna Convention on Consular Relations, 1963.

The High Commission of India to Pakistan in Islamabad avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, July 24, 2017

Ministry of Foreign Affairs
[Kind Attn: Director (India)]
Government of the Islamic Republic of Pakistan
Islamabad.





ANNEX 13.18

Request No.26

**भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD**

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to the High Commission's previous *Notes Verbale* regarding the Indian national Mr. Kulbhushan Jadhav, has the honour to reiterate our request for an early and full consular access to Mr. Jadhav in keeping with the provisions of the Vienna Convention on Consular Relations, 1963.

2. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, September 20, 2017



Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad



ANNEX 13.19

भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

Request No. 27

No. ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to the High Commission's previous *Notes Verbale* regarding the Indian national Mr. Kulbhushan Jadhav, has the honour to reiterate our request for early and full consular access to Mr. Jadhav in keeping with the provisions of the Vienna Convention on Consular Relations, 1963.

2. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.



Islamabad, 02 October, 2017

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad.



ANNEX 13.2

भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to its *note verbale* No. ISL/103/1/2016 dated March 25, 2016 regarding the purported arrest of an Indian national in Baluchistan, has the honour to reiterate our request to the esteemed Ministry to provide consular access to the said individual at the earliest.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, March 30, 2016



Ministry of Foreign Affairs
[Kind attention: Director General (South Asia)]
Government of the Islamic Republic of Pakistan
Islamabad



ANNEX 13.3

**भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD**

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its complements to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and has the honor to refer to its Note Verbales No. ISL/103/1/2016 dated March 25, 2016 and No. ISL/103/14/2016 dated March 30, 2016 regarding the purported arrest of an Indian national in Baluchistan.

This Mission reiterates its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan the assurances of its highest consideration.

Islamabad, May 06, 2016

**Ministry of Foreign Affairs
[Kind attention: Mr. Hafiz Afaq Ahmad, Director (India)]
Government of the Islamic Republic of Pakistan
Islamabad**





भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, and has the honour to refer to its earlier Notes Verbale No.ISL/103/1/2016 dated March 25, 2016, No. ISL/103/14/2016 dated March 30, 2016 and May 06, 2016 regarding purported arrest of an Indian national viz. Kulbhushan Jadhav in Baluchistan.

The Mission reiterates its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest. It is reiterated that safety, security and well being of all Indian and believed-to-be Indian prisoners, may please also be ensured till they are in Pakistani jails.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.



Islamabad
June 10, 2016

Ministry of Foreign Affairs,
{Kind Attention: Director (India)},
Government of the Islamic Republic of Pakistan,
Islamabad.



ANNEX 13.5


भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, and has the honour to refer to its earlier Notes Verbale No.ISL/103/1/2016 dated March 25, 2016, No. ISL/103/14/2016 dated March 30, 2016, May 06, 2016 and June 10, 2016 regarding purported arrest of an Indian national viz. Kulbhushan Jadhav in Baluchistan.

The Mission reiterates its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest. It is reiterated that safety, security and well being of all Indian and believed-to-be Indian prisoners, may please also be ensured till they are in Pakistani jails.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.


Islamabad
July 11, 2016

**Ministry of Foreign Affairs,
{Kind Attention: Director (India)},
Government of the Islamic Republic of Pakistan
Islamabad.**



भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No. ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to its *notes verbale* even number dated March 25, March 30 & May 06, 2016 regarding the purported arrest of an Indian national, Kulbhushan Jadav, in Baluchistan.

2. The Mission reiterates its request to the esteemed Ministry to provide consular access to the said individual at the earliest.

3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan the assurances of its highest considerations.

Islamabad, July 26, 2016

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
[Attention: Director General (South Asia)]
Islamabad





भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and further to the High Commission's earlier *notes verbale* of even number dated March 25, March 30, May 06, June 10 and July 11, 2016 regarding purported arrest of an Indian national, Mr. Kulbhushan Jadhav, in Baluchistan, has the honour to reiterate its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest.

2. The High Commission also requests that safety, security and well-being of all Indian and believed-to-be Indian prisoners in Pakistani jails may kindly be ensured.
3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, August 22, 2016

Ministry of Foreign Affairs
[Kind attention: Director General (SA & SAARC)]
Government of the Islamic Republic of Pakistan
Islamabad





**भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD**

No.ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, and has the honour to refer to its earlier Notes Verbale No.ISL/103/1/2016 dated March 25, 2016, No. ISL/103/14/2016 dated March 30, 2016, May 06, 2016, June 10, 2016, July 11, 2016, July 26, 2016 and August 22, 2016 regarding purported arrest of an Indian national viz. Mr. Kulbhushan Jadhav in Baluchistan.

The Mission reiterates its request to the esteemed Ministry to provide Consular Access to the said individual at the earliest. It is reiterated that safety, security and well being of all Indian and believed-to-be Indian prisoners, may please also be ensured till they are in Pakistani jails.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.



Islamabad

November 03, 2016

**Ministry of Foreign Affairs,
{Kind Attention: Director (India)},
Government of the Islamic Republic of Pakistan,
Islamabad.**



भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No. ISL/103/14/2016

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and has the honour to refer to the High Commission's earlier *notes verbale* dated 25.03.2016, 30.03.2016, 06.05.2016, 10.06.2016, 11.07.2016, 26.07.2016, 22.08.2016 and 03.11.2016 regarding purported arrest of an Indian national, Mr. Kulbhushan Jadav, in Baluchistan.

2. The Mission reiterates its request to the esteemed Ministry to provide consular access to the said individual at the earliest. It is also reiterated that safety, security and well being of all Indian prisoners, including that of Mr. Kulbhushan Jadav, in Pakistani jails may also be ensured.

3. The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, the assurances of its highest consideration.

Islamabad, 19 December 2016

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad.





MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No.Ind(III)-2/13/2016

March 21, 2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of the Republic of India in Islamabad and with reference to the High Commission of the Republic of India's Note verbale No. ISI/103/14/2016, dated 3 March 2017, and in continuation of this Ministry's Note verbale of even number dated 23 January 2017, has the honour to convey that the case for the consular access to the Indian national, Kulbushan Jadhev shall be considered, in the light of Indian side's response to Pakistan's request for assistance in investigation process and early dispensation of justice.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.



High Commission of the Republic of India,
Islamabad.

70F



Spokesperson

Ministry of Foreign Affairs
Islamabad, Pakistan

Adviser to the Prime Minister
on Foreign Affairs

2 January 2017

Excellency,

I would like to draw your attention to the continued interference by India in Pakistan's internal affairs as well as its sponsorship, support and financing of terrorism in Pakistan particularly in Balochistan, the Federally Administered Tribal Areas (FATA) and Karachi. You would recall that in October 2015, Pakistan had shared with the United Nations, three dossiers containing evidence on these activities directed by India against Pakistan.

Earlier this year, our law enforcement authorities apprehended an agent of the Indian intelligence agency RAW, Kulbhushan Jadhav, from the Balochistan Province of Pakistan. Jadhav is a serving officer of the Indian Navy, working for RAW. In his confessional statement, Jadhav admitted to his involvement in activities aimed at destabilizing Pakistan. These include providing support to terrorist elements to carry out activities aimed at killing or maiming Pakistani citizens in Balochistan and Karachi. Investigations in the case are ongoing and further concrete details of his activities will be shared with the United Nations.

We have also plenty of evidence that RAW is colluding with the Afghan intelligence agency NDS in perpetrating terrorism in Pakistan. The Indian diplomatic missions in Afghanistan are involved in the execution of these activities. India is supporting terrorist elements from Balochistan, TTP and others, financially and through provision of arms, ammunition and equipment to promote terrorism in Pakistan. We also have clear proof of India's activities to disrupt the China Pakistan Economic Corridor (CPEC), which is the most significant development project in the history of Pakistan. India is also operating terrorist training camps in Afghanistan as well as on its own territory to train terrorists for carrying out terrorist activities in Pakistan.

The Indian intentions of fomenting trouble and interfering in Pakistan have also been borne in recent statements by several members of the Indian Government including the Indian Prime Minister. In his speech on 15 August 2016, Prime Minister Modi made references to Balochistan and Azad Jammu & Kashmir. The Indian Home Minister, in a statement on 12 December 2016, threatened to break up Pakistan.

As the international community is well aware, Pakistan has made a major contribution to the global efforts to counter terrorism. It is mainly because of our efforts that Al-Qaida has a diminished presence in the region today. In recent times, we have achieved major successes domestically in the fight against terrorism. This success has, however, come with huge sacrifices by Pakistan. As you are aware, we have lost thousands of civilians, and military and security forces personnel in this effort. You would appreciate that the Indian activities are undermining our efforts to counter terrorism domestically, besides also impacting our contribution to the global fight against terrorism.

The arrest of Kulbhushan Jadhav and his confessional statement has vindicated Pakistan's longstanding position that India is involved in activities aimed at destabilizing Pakistan. It is using terrorism as an instrument of state policy to achieve these ends. Such activities are in clear contravention of Article 2(4) of the Charter of the United Nations that refrain states from the threat or use of force against the territorial integrity or political independence of any state. India's actions are also in violation of the various Security Council resolutions particularly 1373 and those related to Taliban/Al-Qaeda/ISIL and international conventions on terrorism.

Pakistan desires peace with all its neighbours including India. We want to peacefully resolve all outstanding issues with India. It is with this intention that, despite India's continued hostile behaviour, I travelled to Amritsar on 3rd December to attend the Heart of Asia Conference.

Pakistan nevertheless remains committed to the objective of peace and stability in the region. At the same time, Pakistan stands resolute to defend its territorial integrity and to take all necessary steps to prevent and foil India's designs against us, which continue unabated.

In this context, through this letter, I am also sharing with you another dossier that provides additional information and proof of Indian/RAW interference in Pakistan. We sincerely hope that the United Nations, including your high office, and the relevant UN bodies will accord serious consideration to this matter and play their role in restraining India from these activities, which besides being clearly in violation of international law and relevant Security Council resolutions, are posing a serious threat to peace and security in the region.

Please accept, Excellency, the assurances of my highest consideration.


(Sartaj Aziz)

H.E. Mr. Antonio Guterres,
Secretary-General,
United Nations,
New York, NY

Envoys of Arab & ASEAN Countries briefed on Indian RAW's activities

(2016-04-15) The Envoys of the Arab countries and ASEAN member states based in Islamabad were briefed today at the Ministry of Foreign Affairs on the arrest of Indian Intelligence Agency, RAW's Officer, Kulbushan Yadav and his confession about Indian sponsored subversive activities and terrorist financing to destabilize Pakistan.

It was emphasized in the briefing that in order to achieve regional peace and stability, it was imperative that India immediately stops its interference in Pakistan and resolves all contentious issues, including the Jammu and Kashmir dispute, through the process of sustained dialogue.

Islamabad
15 April, 2016



MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No.Ind(III)-2/13/2016

January 23, 2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of the Republic of India and has the honour to request for assistance in the investigation of case registered vide FIR numbers 06/2016 dated 8 April 2016 and 22/2016 dated 6 September 2016, in Police Station CTD Balochistan against an Indian national, Kulbhushan Sudhair Jadhev (Passport number L9630722) for his involvement in espionage and terrorist activities in Pakistan. The Letter of Assistance, seeking support of the Government of the Republic of India in obtaining evidence, material and record for the criminal investigation, is attached.

The High Commission of the Republic of India is requested to transmit the Letter of Assistance to the concerned authorities in India. The Government of Pakistan would appreciate the assistance of the Indian government in the investigation process and early dispensation of justice.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the esteemed High Commission the assurances of its highest consideration.

High Commission of the Republic of India,
Islamabad



Letter of Assistance for Criminal Investigation against

Indian National Kulbhushan Sudhair Jadhev

In the interest of justice and equity and in furtherance of the commitment to upholding the law and different statutes, including those passed to give effect to international conventions and UN Security Council Resolutions, for combating and countering terrorism in accordance with the Rule of Law, the Government of the Islamic Republic of Pakistan requests the assistance of the Government of the Republic of India in the criminal investigation of case registered vide FIR numbers 06/2016 dated 8 April 2016 and 22/2016 dated 6 September 2016, in Police Station CTD Balochistan (**Annexure I and II**).

2. According to these FIRs, an Indian national, Kulbhushan Sudhair Jadhev (alias Mubarak Hussein Patel) holding Indian Passport number L9630722 (**Annexure III**), a serving officer of the Indian Navy, was apprehended from Mashkel area of Balochistan, Pakistan on 03 March 2016 and is now the subject of a criminal investigation.

3. During the process of investigation and interrogation, the said accused has revealed the names of the following handler organizations/persons/accomplices, facilitators and co-conspirators (**Text of the confessional statement of Jadhev is attached at Annexure IV**). They are residing or domiciled within the territory of the Republic of India. Their statements are required under Section 161 of the Pakistan Code of Criminal Procedure 1898, and accordingly the government of the Islamic Republic of Pakistan requests assistance in obtaining evidence (,) as indicated herein:-

a. Statements of:

- i. Director General, Research and Analysis Wing (RAW) India, and his Officer in Charge of operations in Pakistan;
- ii. Mr. Anil Kumar Gupta, Joint Secretary RAW India;
- iii. Sub-Inspector Rakesh @ Rizwan, RAW India;
- iv. Mr. Alok Joshi, RAW India;
- v. Director, Naval Intelligence India;
- vi. Admiral Mehta, ex CNS;
- vii. Commander Yogesh Bali, Naval Intelligence India;
- viii. Captain Pathak Chutarvedi Naval Intelligence India;
- ix. S. K. Das, Counsel General of India, Zahedan, Iran;

- x. Wife of accused Kulbhushan Sudhair Jadhev (alias Mubarak Hussein Patel);
- xi. Mr. Yaqub Kaara, a resident of Mumbai;
- xii. Mr. Brijesh Tiwari, Indian trader with offices in Dubai, UAE (if in India);
- xiii. Mr. Seri Sahai, an Indian Businessman settled in UAE (if in India);

b. Access to record and materials

- i. Search of the flat/house of accused Kulbhushan Sudhair Jadhev (alias Mubarak Hussein Patel);
- ii. Certified record of the cell phones of the accused Kulbhushan Sudhair Jadhev (alias Mubarak Hussein Patel); for the last ten years;
- iii. Certified record of the bank account held in the name of the accused Kulbhushan Sudhair Jadhev (alias Mubarak Hussein Patel) and his family for the last ten years.

4. This Letter of Assistance is being issued pursuant to the Government of India's earlier assurances of assistance, on a reciprocal basis, in criminal/terrorism matters. The Government of the Islamic Republic of Pakistan anticipates that the Government of India will provide the greatest measure of assistance in this criminal investigation.

5. The Government of the Islamic Republic of Pakistan attaches great importance to its obligations under International Law and United Nations Security Council Resolutions for countering terrorism. In the same spirit, we call upon the Government of India to fulfil its commitment and obligations related to countering terrorism, especially the UN Security Council Resolution 1373 (Annexure V) and uphold the principles of International Law

6. The Government of the Islamic Republic of Pakistan will make arrangements for obtaining the evidence in accordance with the provisions of the Pakistan Code of Criminal Procedure 1898 (Annexure VI), Pakistan Anti-Terrorism Act 1997 (Annexure VII), Qanun-e-Shahadat Order 1984 (Annexure VIII) and other provisions of applicable laws upon receiving assurance from the Government of India of the assistance requested.

LIST OF ANNEXURES

Annexure-I	Copy of FIR No. 06/2016 with transcript of English Portion
Annexure-II	Copy of FIR No. 22/2016 with transcript of English Portion
Annexure-III	Copy of Passport
Annexure-IV	Text of Confessional statement
Annexure-V	UN Security Council Resolution 1373
Annexure-VI	Extract of Pakistan Code of Criminal Procedure 1898
Annexure-VII	Pakistan Anti Terrorism Act 1997
Annexure-VIII	Qanun-e-Shahadat Order 1984

نمبر 2016-کے		قائد سینیٹری بلوچستان		منع کر دیا		تاریخ وقت وقوع		نام ملزم	
1- تاریخ وقت اپر 08 بجے 2016		5 ٹیم		مدبر		7- قلعہ سے روانگی کی تاریخ 09 بجے 2016		8- بمبار	
2- یہ اطلاع دہندہ دستفیش		محمد یاشم ایڈیشنل سیکریٹری I صوبائی حکومت بلوچستان کوئٹہ							
3- مختصر کیفیت مرم (معدومہ) وہاں اگر کوئی لایا گیا ہو		ماکمل ساراوان ایران بابر پاکستان جانف شہزادہ حضرت لعل خان قزلباش 600 کلومیٹر از قلعہ							
4- جائے وقوعہ و فاصلہ قلعہ سے اور سمت		بلوچستان جادیو ولد سردھیر جادیو غری حشیش بیدار کی تحصیل سترکان قلعہ سے 10 کلومیٹر پر							
5- نام و کمیت مرم		بلوچستان جادیو ولد سردھیر جادیو غری حشیش بیدار کی تحصیل سترکان قلعہ سے 10 کلومیٹر پر							
6- کلاسوں کی مختلف تحقیقات اگر اطلاع دینے کے میں		حسب آمد چھٹی مضامین درج حسب ذیل							
کچھ توقف نہ ہو تو اس کی وجہ بیان کی جائے۔									

(ہدایۃ الیٰ اطلاق فی حق صبح آسود)

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(A) Mr. Kullbhushan Jadhav alias, Hassan Subrahak Patel, is serving Commander of Indian Navy and working with the Indian Intelligence Agency / RAW, was approached by Pakistani Intelligence / Security Agencies on 3 March 2015 after he illegally crossed over to Pakistan from Arabian Sea border. The said Commander Kullbhushan Jadhav was found in possession of an Indian passport number LB30722 issued by Government of India on 12 May 2015 and valid until 11 May 2024 duly approved with an Arabian Resident Visa valid until 31 July 2016 (copy attached), maps of Balochistan worth US dollars, Indian Rupee and Pakistani currency. (B) It was revealed by him that he is a serving officer of the Indian Navy and joined the National Defence Academy of India in 1987 and subsequently was inducted in the Indian Army as a Commissioned Officer in the year 1991. Further that after the attack on Indian Parliament in 2001, he started rendering services to RAW / Indian Intelligence Agency. He further revealed that he is resident of Mumbai India, still serving in Navy and his retirement is due in 2021. (C) During the interrogation/debriefing before the Military Authorities of Pakistan, he declared that on the instructions of RAW, he commenced intelligence operations against Pakistan involving himself in criminal conspiracy against the State and people of Pakistan. He further confessed that he planned and executed terrorist attacks and waged war against the State of Pakistan with a view to disintegrate by fomenting separatists movement in Balochistan, Pakistan. For the said purpose he established a small scale business in the city of Chabahar, Iran during 2003-2004. Thereafter he made illegal visits to Pakistan. It was further revealed by him that he has been organizing, planning, conspiring and abetting waging of war in Pakistan through Baluch insurgents / Baluch Liberation Organization / Baluch Students Organization and more through sponsoring and financing numerous acts of terrorism throughout Balochistan and Karachi culminating into loss of hundreds of innocent citizens. He openly candidly admitted during interrogation and debriefing that he has been sponsoring and supervising carrying out of these unlawful activities of terrorism and waging war under the direct instructions, command and authorization from one Mr. Anand Kumar Gupta, the Joint Secretary at RAW, in the areas of Jawami, Quader, Pishi, Karachi and other areas. (D) He also admitted that during the performance of his intelligence duties, he collected No. E037/10-A/73/Watarn dt. 04.2008 obtained sensitive information about the Pakistani Armed Forces and their installations with a view to target them.

The said information

of intelligence value regarding Armed Forces/Defence was also common to other officials. He also planted several local residents, collaborators, co-conspirators, non-state actors and individuals from the proscribed organizations, including those taking the name of religion or sect, to carry out acts of terrorism, kidnapping for ransom in order to create unrest, insurgency, target killings, suicide bombing and targeted operations to achieve his objectives. (e) Further that he has been involved in destroying civilian properties, carrying out attacks on law-enforcement agencies in Karachi and Balochistan particularly which he would provide financial support to his collaborators to carry out the above referred subversive activities against Pakistan. Moreover, he has also been providing training to the non-state actors in use of firearms, explosives, improvised explosive devices in the said territories of Balochistan. (f) He further revealed that his above said unlawful activities were to destabilize Pakistan and obstruct the military and other law enforcement agencies of Pakistan from restoring peace in Balochistan and Karachi through military operations against non-state actors and terrorists. (g) It was also aimed to scuttle the PK- China Economic Corridor in the said territory. (h) The above said acts constitute cognizable offences and the said Kulbhushan Jadhav is liable to be proceeded against, in accordance with law. (i) The accused being subject to Pakistan Army Act 1952, under the Provision of PAA Section 2 (1) (d) because of his involvement in espionage activities punishable under PAA Section 59 read with Section 3 of the Official Secret Act 1923, is in custody of Pakistan Army. The accused, being presently dealt under Pakistan Army Act 2. The accused is under interrogation and also subjected to other offences not falling under Pakistan Army Act. Therefore, it is requested to please register the case at CTD under relevant provisions of law for the offences not falling under Pakistan Army Act, 1952 in the best national interest.

8/16
 قائد پولیس کھانہ۔ رپورٹ بالائی بندہ خانہ 2 ہے 4 صفحات پر مشتمل ہے۔ اس کی کاپی آف پولیس برچسب
 کوٹہ پانچویں نمبر پر آگے کر دی گئی ہے۔ اس کی کاپی آف پولیس برچسب کوٹہ پانچویں نمبر پر آگے کر دی گئی ہے۔
 6, 7, 9, 11F, 11J, 11N, 11V, 21C, 21J, 21Q, ATA, 121, 122, 123, 419, 365A, 302, 109
 34 PPC 3-8/14 FOREIGNER ACT, 3/5 OFFICIAL SECRET ACT 1923, 13
 PREVENTION OF NATIONAL ACTIVITIES ACT 1974 کا آرکائیو کیا گیا ہے۔
 مندرجہ مذکور سیکشنز آرٹیکل 1952 اور آفیشل سیکریٹ ایکٹ 1923
 کے تحت مقدمہ چلایا گیا ہے اور اس میں نو عینیت کا پورے کی وجہ سے ملزم مذکور کی کاپی پولیس تک پیش قدمہ ذرا
 سروسٹ زیر التوا رکھی جاتی ہے۔ نقل کاپی ماسٹر ملزم اور قریبی درخواست کو حسب مندرجہ ریکارڈ
 کا حصہ بنایا گیا ہے۔ اس کے ساتھ ساتھ اس کی کاپی پر جاری کیا گیا ہے۔ وقت کے ساتھ ساتھ اس کی کاپی پر
 سیکرٹ لکھ کر اس کی کاپی پر جاری کیا گیا ہے۔ اس کی کاپی پر جاری کیا گیا ہے۔ اس کی کاپی پر جاری کیا گیا ہے۔
 2016

Transcript of English Portion of First Information Report registered against
Commander Kulbhushan Jadhev by Government of Balochistan
dated 8 April 2016

- (a) Mr. Kulbhushan Jadhev, alias, Hussain Mubarak Patel, is serving Commander of Indian Navy, and working with Indian Intelligence Agency / RAW, was apprehended by Pakistani Intelligence / Security Agencies on 3 March 2015 after he illegally crossed over to Pakistan from Iranian 'Saravan' border. The said Commander Kulbhushan Jadhev was found in possession of an Indian passport number L9630722 issued by Government of India on 12 May 2015 and valid until 11 May 2024 duly affixed with an Iranian Resident Visa valid until 14 July 2016 (copy attached), maps of Balochistan and 113 dollars, Irani Riyal and Pakistani currency.
- (b) It was revealed by him that he is a serving officer of the Indian Navy and joined the National Defence Academy of India in 1987 and subsequently was inducted in the Indian Navy as a Commissioned Officer in the year 1991. After the attacks on Indian Parliament in 2001, he started rendering services to RAW / Indian Intelligence Agency. He further revealed that he is a resident of Mumbai, India still serving in Navy and his retirement is due in 2022.
- (c) During the interrogation / de-briefing before the Military Authorities of Pakistan, he declared that on instructions of RAW, he commenced intelligence operations against Pakistan involving himself in criminal conspiracy against the state and people of Pakistan. He further confessed that he planned and executed terrorist attacks and waged war against the State of Pakistan with a view to disintegrate by fomenting separatists movements in Balochistan, Pakistan. For the said purpose he established a small scale business in the city of Chahbahar, Iran during 2003-2004. Thereafter he made illegal visits to Pakistan. It was further revealed by him that he has been organizing, planning, conspiring and abetting waging of war in Pakistan through Baloch Insurgents / Baloch Liberation Organization / Baloch Students Organization and MQM through sponsoring and financing heinous acts of terrorism throughout Balochistan and Karachi culminating into loss of hundreds of innocent citizens. He

very candidly admitted during interrogation and de-briefing that he has been sponsoring, supervising and carrying out these unlawful activities of terrorism and waging war under the direct instructions, command and authorization from one Anil Kumar Gupta, the Joint Secretary of RAW in the areas of Jawani, Gwadar, Pasni, Karachi and other areas.

- (d) He also admitted the during the performance of his intelligence duties, he collected / obtained sensitive information about the Pakistani Armed Forces and their installations with a view to target the same. The said information of intelligence value regarding Armed Forces / Defence was also communicated to other RAW officials. He also planted several local residents, collaborators, co-conspirators, non-state actors and individuals from the proscribed organizations, including those taking the name of religion or sect, to carry out acts of terrorism and kidnapping for ransom in order to create unrest, insurgency, target killings, suicide bombings and targeted operations to achieve his objectives.
- (e) Further, that he has been involved in destroying civilian properties, carrying out attacks on law-enforcement agencies particularly in Karachi and Balochistan. He would provide financial support to his collaborators to carry out the above referred subversive activities against Pakistan. Moreover, he has also been providing training to the non-state actors in use of firearms, explosives, improvised explosive devices in Balochistan.
- (f) He further revealed that his above said unlawful activities were to destabilize Pakistan and obstruct the Military and other law-enforcement agencies of Pakistan from restoring peace in Balochistan and Karachi through military operations against Non-State Actors and terrorists. It was also aimed to scuttle the Pak-China Economic Corridor Project. He also pointed out that one of his co-accused/accomplice facilitated his illegal entry into Pakistan.
- (g) The above said acts constitute cognizable offences and Kulbhushan Jadhev is liable to be proceeded against in accordance with law.

(h) The accused being subject to Pakistan Army Act 1952, under the Provision of PAA section 2 (1) (d) because of his involvement in espionage activities punishable under PAA section 59, read with section 3 of the Official Secrets Act 1923, is in custody of Pakistan Army. The accused being presently dealt under Pakistan Army Act.

2. The accused is under interrogation. He is also subjected to other offences not falling under Pakistan Army Act. Therefore, it is requested to please register the case of CTD under relevant provisions of law, for the offences not falling under Pakistan Army Act 1952 in the best national interests.

فصل ریٹ ہوائیہ میں 22 روز تاخیر $\frac{9}{20}$ بولیں شاہ CTD ہوتیستان کو

ردیف	نام اطلاع دهنده	توضیحات
۱	مأموریت	<p>607A.11F.11J.11N.11V.21C.21J.21S/ATA (بیر) 8/24/2016 121.122.123.619.365A.3U2.10Y.34.PPC. J-8/14 FOREIGNER ACT, 3/5 OFFICIAL SECRET ACT PREVENTION OF NATIONAL ACTIVITIES ACT 1974 تفتیش مذکورہ دفاتر کو قف پاکستان آرمی مل میں درج ہے۔ FAR نیز اس جیل سے امروز مورخہ 8/24/2016 پوشش دیا گیا تاکہ مالیہ سنٹرل پولیس آفس مشین میرا بن کی میٹریں 18-19/LEGAL مورخہ 8/24/2016 اور حکومت بلوچستان (مریم زیدار گھٹ) کی چیٹ پر 2018/1-251A (ML.1) PS/HK مورخہ 8/24/2016 قانون CTD بلوچستان کو شدہ مول ہوئے رپورٹ کہہ لے لی گئی۔ TADHEV کے ساتھ رہائش کرنے والے نیکل مڈنمان کے خدمت شہادت ادا کیا گیا ہے تاہم ہر ٹور بورڈ، حکومت بلوچستان کے ممبرانہ کا شن زمل ہے۔ To, The Inspector General of Police, Baluchistan, Quetta. Subject: REGISTRATION OF CRIMINAL CASE AGAINST HANDLER ORGANIZATION PERSONS/ACCOMPLICES AND FACILITATORS OF KULBUSHAN SUDHIR TADHEV. This is with reference to this office letter No.A3-I-HD/74 dated 8 April 2016. I am directed to inform that during joint interrogation and</p>

To, The Inspector General of Police, Baluchistan, Quetta. Subject: REGISTRATION OF CRIMINAL CASE
SUDHIR JADHEV. This is with reference to His office letter No. AS-I-HD/74 dated 8 April 2016.
I am directed to inform that during joint interrogation and recording of Confessional Statement under Section 164 Cr.P.C, the
suspect i.e. Kulbushan Sudhir Jadhav, has revealed as his handlers/organization/persons/accomplices and facilitators: ① Mr. A. J. Kumar
Doval, National Security Advisor, India ② Research and Analysis wing (RAW), India ③ Mr. Anil Kumar Gupta, Joint Secretary, RAW
India ④ Sub Inspector Rakesh R. Riaz, RAW, India ⑤ Mr. Alok Joshi, RAW, India ⑥ Indian Naval Intelligence (INI) ⑦ Admiral
Mehta, ex-CNS, Indian Navy ⑧ Commander Yogesh Sali, INI ⑨ Captain Phatak Chaturvedi, INI ⑩ S. K. Das, Council General
India at Zahidan, Iran ⑪ Mr. Brijesh Tewari, an Indian trader with office in Dubai, UAE ⑫ Mr. Seri Sahai, Indian businessman
settled in UAE ⑬ Mr. Ali Mollazai, Chahbahar, Iran ⑭ Mr. Yaqub Karna, Mumbai, India ⑮ Yaqub Menon and two unknown
Persons connected to smuggling syndicates, Karachi. It is, therefore, requested to please direct the CTD to proceed further according
to provisions of law. The matter may please be treated most urgent and important.

CTD, Belochistan
Orissa

نفس بدی بنی و صلیمین

Transcript of English Portion of Supplementary First Information Report registered against Handler Organizations/Persons/Accomplices and Facilitators of Commander Kulbhushan Jadhev by Government of Balochistan dated 6 September 2016

To: The Inspector General of Police,
Balochistan, Quetta.

Subject: REGISTRATION OF CRIMINAL CASE AGAINST HANDLER ORGANIZATION / PERSONS / ACCOMPLICES AND FACILITATORS OF KULBHUSHAN SUDHIR JADHEV.

This is with reference to this office's letter No.AS-I-HD/74 dated 8 April 2016.

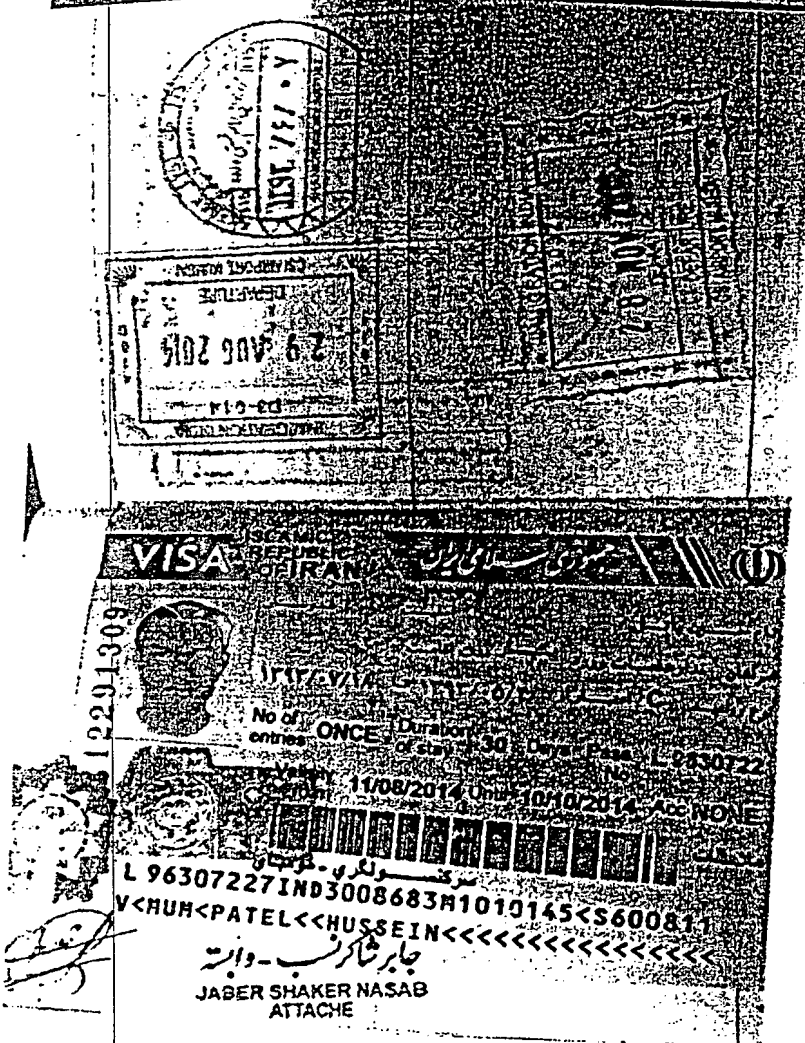
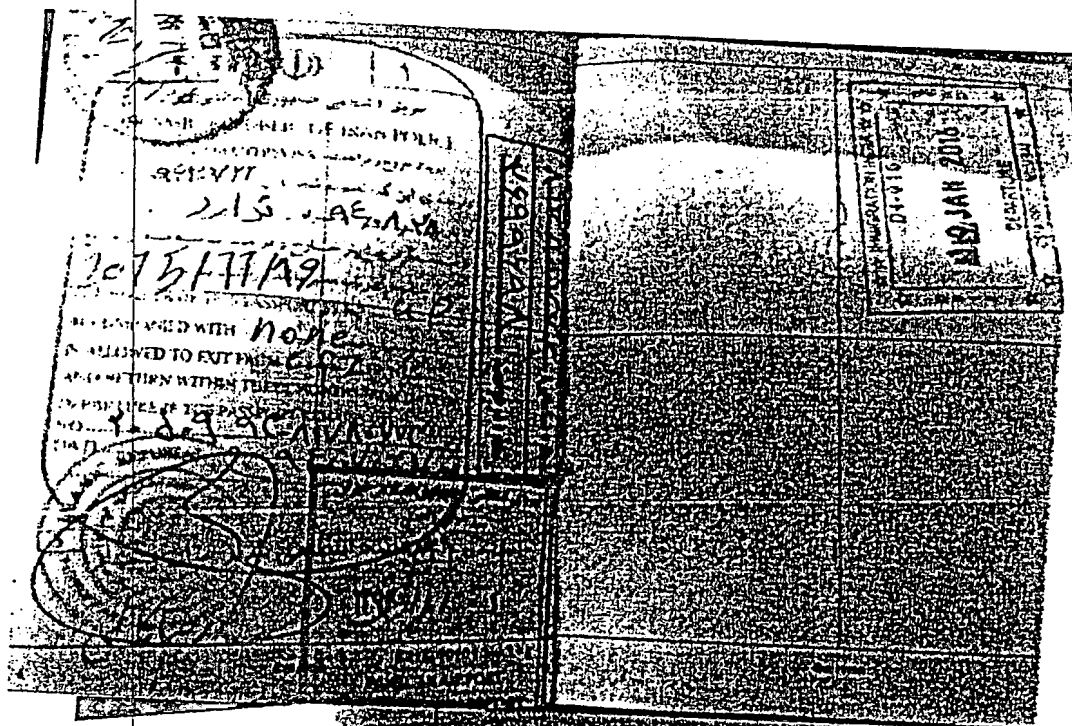
I am directed to inform that during joint interrogation and recording of confessional statement under section 164 Cr.P.C, the subject i.e. Kulbhushan Sudhir Jadhev, has revealed the following as his handlers' organization/persons/accomplices and facilitators.

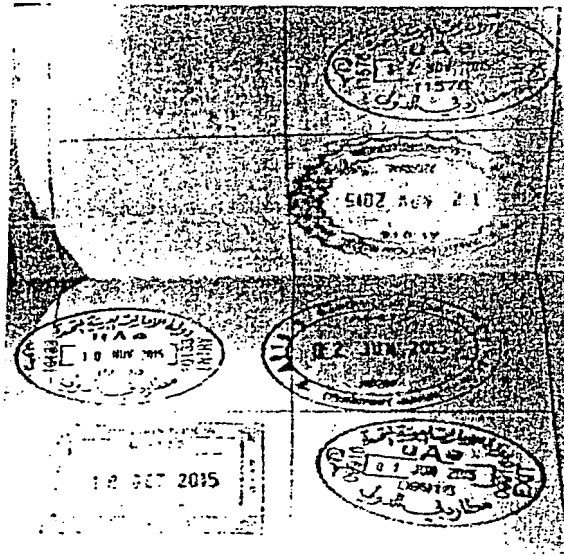
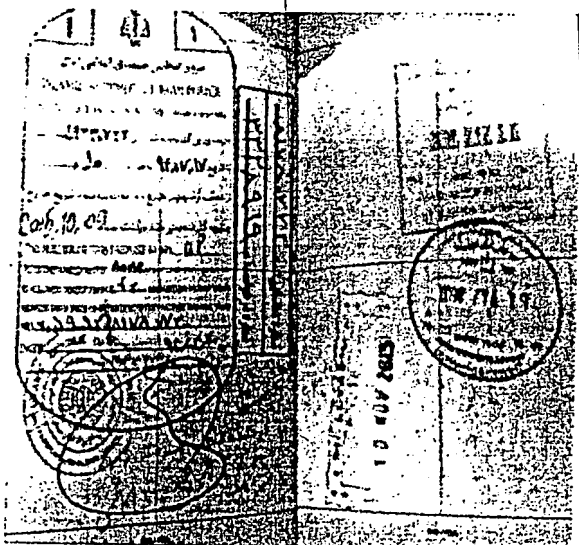
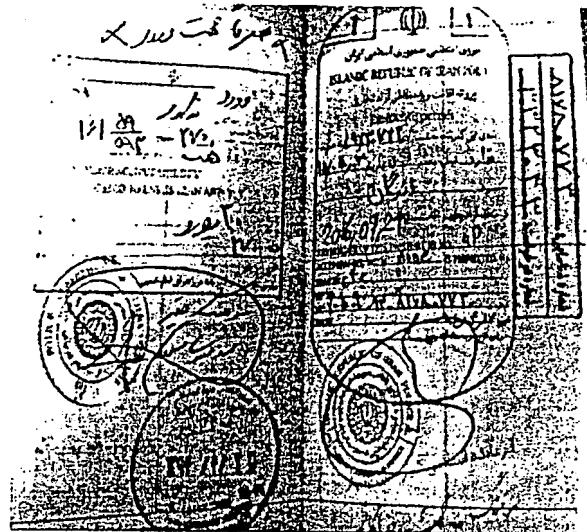
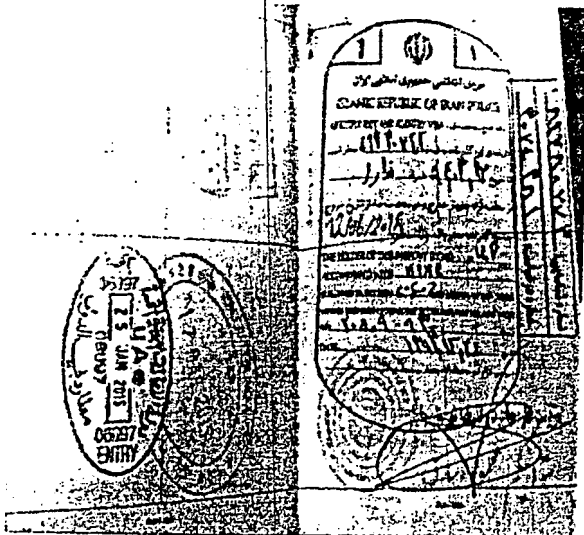
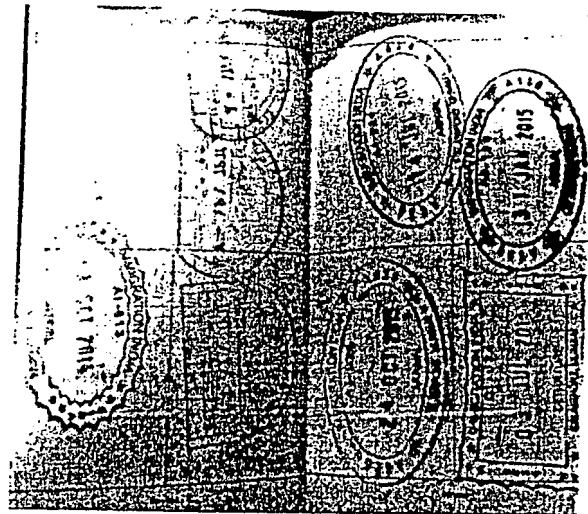
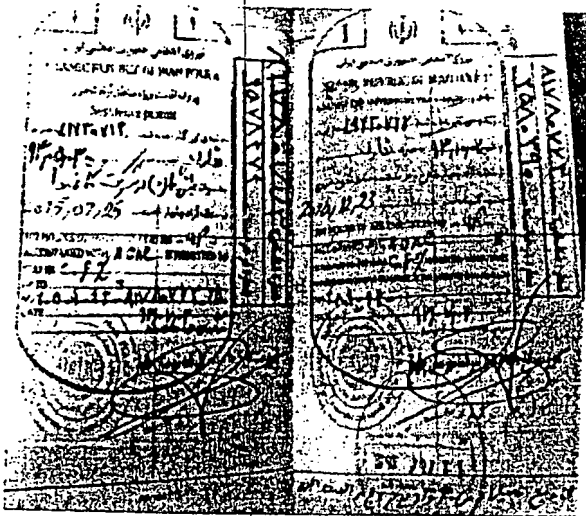
1. Mr. Ajit Kumar Doval, National Security Advisor, India
2. Research and Analysis Wing (RAW), India
3. Mr. Anil Kumar Gupta, Joint Secretary, RAW, India
4. Sub Inspector Rakesh @ Rizwan, RAW, India
5. Mr. Alok Joshi, RAW, India
6. Indian Naval Intelligence (INI)
7. Admiral Mehta, ex CNS, Indian Navy
8. Commander Yogesh Bali, INI
9. Captain Phattak Chutaryedi, INI
10. S.K. Das, Counsel General India at Zahidan, Iran
11. Mr. Brijesh Tiwari, an Indian trader with office in Dubai, UAE
12. Mr. Seri Sahai, Indian businessman settled in UAE
13. Mr. Ali Mallazai, Chahbahar, Iran
14. Mr. Yaqub Kaara, Mumbai, India
15. Yaqub Memon and two unknown persons connected to smuggling syndicates, Karachi

It is therefore requested to please direct the CTD to proceed further according to the provisions of law. The matter may please be treated most urgent and important.

The image displays the front cover and open pages of an Indian passport. The left side shows the front cover with the Ashoka Lion Capital emblem and the text "भारत गणराज्य" and "REPUBLIC OF INDIA". The right side shows the open passport, including the title page with "भारत गणराज्य" and "PASSPORT", the visa page with a circular stamp and a signature, and the back cover with the Ashoka Lion Capital emblem and "भारत गणराज्य" and "REPUBLIC OF INDIA".

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TRANSCRIPT IN ENGLISH

CONFESSIONAL STATEMENT OF COMMANDER KULBHUSHAN JADHEV

1. I am Commander Kulbhushan Jadhev number 41558Z. I am a serving officer of the Indian Navy. I am from the cadre of engineering department in the Indian Navy and my cover name was Hussain Mubarak Patel, which I had adopted for carrying out intelligence gathering for the Indian agencies.
2. I joined National Defence Academy in 1987 and subsequently joined the Indian Navy in 1991 and was commissioned in the Indian Navy. I served in the Indian Navy till around December 2001 when Indian Parliament attacks occurred. That was when I started contributing my services towards the gathering of information and intelligence within India. I lived in the city of Mumbai in India.
3. I am still a serving officer in the Indian Navy and will be due for retirement by 2022 as a commissioned officer in the Indian Navy. After having completed 14 years of service by 2002, I commenced intelligence operations in 2003 and established a small business in Chabhar in Iran. As I was able to achieve undetected existence and visited Karachi in 2003 and 2004 and having done some basic assignments within India for RAW, I was picked up by RAW in end of 2013. Ever since, I have been directing various activities in Baluchistan and Karachi at the behest of RAW. I was basically the man of Mr. Anil Kumar Gupta who is the Joint Secretary RAW and his contacts in Pakistan especially in the Baloch student organization.
4. My purpose was to hold meetings with Baloch insurgents and carry out activities with their collaboration. These activities have been of criminal nature. These also include anti-national and terrorist activities leading to the killing or maiming of the Pakistani citizens. I realized during this process that RAW is involved in activities related to the Baloch Liberation Movement within Pakistan and the region around it. Finances are fed into the Baloch movement through various contacts and ways and means into the Baloch liberation. The activities of these Baloch liberation and RAW handlers are criminal and anti-Pakistan. Mostly these activities are centred around Ports of Gawadar, Pasni, Jeevani and various other installations which are around the coast aims to damage the various installations which are in Balochistan. The activities are revolving around trying to create a criminal mindset within the Baloch people and lead to instability within Pakistan.
5. In my pursuit towards achieving the set targets by my handler in RAW, I was trying to cross over into Pakistan from the Saravan border in Iran on 3rd March 2016 and was apprehended by the Pakistani authorities on the Pakistani side. The main aim of this crossing over into Pakistan was to hold meetings with the BSN personnel in Balochistan for carrying out various activities, which they were supposed to undertake. I also planned to carry their messages to the Indian agencies. The main issues regarding this were that

they were planning to conduct some operations within the immediate future. So that was to be discussed mainly and that was the main aim of coming to Pakistan.

6. So the moment I realized that my intelligence operations have been compromised on my being detained in Pakistan, I revealed that I am an Indian Naval officer and it is on mentioning that I am Indian Naval officer the total perception of the establishment of Pakistan changed and they treated me very honourably and with utmost respect and due regards, and have handled me subsequently on a more professional and courteous way. They have handled me in a way that befits that of an officer. Once I realized that I have been compromised in my process of intelligence operations I decided to just end the mess I have landed myself in and wanted to subsequently move on and cooperate with the authorities in removing the complications which I have landed myself and my family members into. Whatever I am stating now is the truth and is not under any duress or pressure. I am doing it totally out of my own desire to come clean out of this entire process which I have gone through for the last 14 years.

TRANSCRIPT IN URDU
CONFESSIONAL STATEMENT OF COMMANDER KULBUSHAN JADHRV

حاضر سروس RAW آفیسر کمانڈر کلبوشھان کا ویڈیو بیان

میرا نام کمانڈر کلبھوشن یادو ہے نمبر 41558 زولو ہے۔ میں انڈین نیوی کا حاضر سروس آفیسر ہوں اور میرا تعلق انڈین نیوی کے میکنیکل ڈیپارٹمنٹ سے ہے اور میرا کوڈ نام حسین مبارک پٹیل تھا جو کہ میں نے بھارتی ایجنسیوں کے لیے کام کرنے کی وجہ سے اپنایا۔ میں نے نیشنل ڈیفنس اکیڈمی 1987 میں جوائن کی اور اس کے بعد انڈین نیوی میں میری شمولیت جنوری 1991 میں ہوئی۔ یہ میری شمولیت بطور کمیشنڈ آفیسر تھی اور دسمبر 2001 تک خدمات سرانجام دیتا رہا۔ اس کے بعد بھارتی پارلیمنٹ پر حملہ ہوا۔ یہ وہ وقت تھا جب میں نے بھارتی خفیہ ایجنسیوں کے لیے جاسوسی کے فرائض سرانجام دینا شروع کیے۔ میں انڈیا کے شہر ممبئی میں رہتا تھا۔ میں اس وقت بھی انڈین نیوی کا حاضر سروس آفیسر ہوں اور میری ریٹائرمنٹ بطور کمیشنڈ آفیسر 2022 میں ہونی ہے۔ میں نے 2002 میں اپنی چودہ سالہ نیوی سروس کے بعد 2003 میں، میں نے انٹیلی جنس آپریشن شروع کیے اور ایران چاہ بہار میں اپنا ایک چھوٹا سا کاروبار سیٹ کیا۔ میں نے 2003 اور 2004 میں اپنے کوڈ نام کے ساتھ کراچی کے کئی وزٹ کیے جن کا مقصد انڈین RAW کے لیے کچھ بنیادی ٹاسک پورے کرنا تھے۔ مجھے 2013 کے آخر میں RAW میں شامل کر لیا گیا تھا۔ تب سے میں بطور RAW آفیسر بلوچستان اور کراچی میں کاروائیاں کرواتا رہا ہوں اور کراچی کی لائیو آرڈر کی صورتحال بھی خراب کرواتا رہا ہوں۔ بنیادی طور پر میں RAW کے جوائنٹ سیکرٹری انٹیل کمار گپتا کے ماتحت ہوں اور انٹیل کمار گپتا کے پاکستان میں موجود

رابطوں، خاص طور پر بلوچ اسٹوڈنٹ تحریک کو ہینڈل کرنا میرا کام تھا۔ میرا مقصد بلوچ باغیوں کے ساتھ مسلسل رابطہ رکھنا اور ان کے اشتراک سے کاروائیاں کروانا تھا۔ یہ کاروائیاں مجرمانہ تھیں اور قومی سلامیت کے خلاف تھیں۔ ان کاروائیوں کو دہشت گردانہ کاروائیاں کہہ سکتے ہیں جن کا مقصد پاکستانی رابطوں، خاص طور پر بلوچ اسٹوڈنٹ تحریک کو ہینڈل کرنا میرا کام تھا۔ میرا مقصد بلوچ باغیوں کے ساتھ مسلسل رابطہ رکھنا اور ان کے اشتراک سے کاروائیاں کروانا تھا۔ یہ کاروائیاں مجرمانہ تھیں اور قومی سلامیت کے خلاف تھیں۔ ان کاروائیوں کو دہشت گردانہ کاروائیاں کہہ سکتے ہیں جن کا مقصد پاکستانی شہریوں کو ہلاک کرنا یا نقصان پہنچانا تھا۔ اس سارے کام میں مجھے یہ پتہ چلا کہ RAW بلوچ لبریشن کی کاروائیوں کے ساتھ پوری طرح مجبوری ہوئی ہے جس کی زد میں پاکستان اور گرد گرد کا خطہ شامل ہے۔ بلوچ باغیوں کو بہت سارے رابطوں اور طریقوں سے فنڈنگ کی جاتی ہے۔ بلوچ باغیوں اور ان کے RAW میں موجود سرپرستوں کی کاروائیاں مجرمانہ اور قومی سلامتی کے خلاف ہیں جن کا مقصد پاکستانی شہریوں کو قتل کرنا اور نقصان پہنچانا ہوتا تھا۔ ان سرگرمیوں کا زیادہ تر دائرہ کار میری معلومات پر مبنی ہوتا جو کہ گوادری، پسنی، جیونی اور پورٹ کے گرد بہت ساری دوسری تنصیبات پر مشتمل ہوتی ہیں جن کا واحد مقصد بلوچستان میں موجود تنصیبات کو نقصان پہنچانا ہوتا تھا۔ ان ساری کاروائیوں کا مقصد بلوچ لبریشن میں مجرمانہ سرگرمیوں کی ذہنیت کو مضبوط کرنا ہوتا تھا تا کہ پاکستان کو عدم استحکام کی طرف دھکیلا جائے۔ میرے RAW کے افسران کی طرف سے مجھے دیے گئے مختلف مارگٹ کے حصول کے لیے میں ایران کے ساراوان بارڈر سے پاکستان کی سرحد عبور کر رہا تھا جب 3 مارچ 2016 کو پاکستانی حکام کے

ہاتھوں پاکستانی علاقے میں گرفتار ہو گیا۔ پاکستان میں داخل ہونے کا بنیادی مقصد بلوچ علیحدگی پسندوں کے ساتھ بلوچستان میں کارروائیاں کرنے کے لیے میٹنگ کرنا تھا۔ اور جو وہ پیغامات پیچھے دینا چاہیں ان کو لیا جائے۔ پیچھے بھارتی ایجنسیوں کو اس میٹنگ کا بنیادی کام ہی تھا کہ RAW مستقبل قریب میں بلوچستان میں کچھ بڑی کارروائیاں پلان کرنا چاہتی تھی۔ ان کارروائیوں کے متعلق بلوچ علیحدگی پسندوں سے بات چیت کرنا تھی۔ میرا اس بار پاکستان میں داخل ہونے کا بنیادی مقصد یہی تھا۔ جیسے ہی مجھے پتہ چلا میرے انٹیلی جنس آپریشن ناکام ہو چکے ہیں اور میں پاکستانی حکام کی حراست میں آ چکا ہوں میں نے اپنی شناخت ظاہر کر دی کہ میں انڈین نیوی کا افسر ہوں۔ جیسے ہی یہ بتایا پاکستانی حکام کا رویہ بدل گیا اور انہوں نے مجھے بہت اچھے طریقے سے ڈیل کیا اور اچھے پیشہ وارانہ انداز میں میرے ساتھ برتاؤ کیا گیا۔ انہوں نے مجھے ایسے ہینڈل کیا جو کہ کسی بھی پکڑے جانے والے افسر کو کیا جاتا ہے۔ مجھے جب ایک دفعہ یہ احساس ہو گیا کہ میرے انٹیلی جنس آپریشن مفلوج ہو چکے ہیں میں نے فیصلہ کیا کہ مجھے اب اس سارے مسئلے سے نکلنے کے لیے حکام کے ساتھ مکمل تعاون کرنا چاہیے۔ اور وہ تمام پیچیدگیاں ختم ہوں جن میں خود کو پھنسا چکا ہوں۔ میں نے اب تک جو کچھ کہا ہے وہ سب سچ ہے اور یہ سچ میں اپنی مرضی سے کسی دباؤ کے بغیر دے رہا ہوں تاکہ پچھلے چودہ سال سے جو کام کرتا رہا ہوں اس سے باہر نکل سکوں۔

United Nations Security Council Resolution 1373 (2001)



Security Council

Distr.: General

28 September 2001

Resolution 1373 (2001)

Adopted by the Security Council at its 4385th meeting, on
28 September 2001

The Security Council.

Reaffirming its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

→ *Calling* on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

→ *Recognizing* the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

→ *Reaffirming* the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations,

01-55743 (E)



1. *Decides* that all States shall:
 - (a) Prevent and suppress the financing of terrorist acts;
 - (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
 - (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
 - (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;
2. *Decides also* that all States shall:
 - (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
 - (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
 - (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
 - (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
 - (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
 - (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
 - (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls upon all States to:*

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;*

5. *Declares that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;*

6. *Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and calls upon all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;*

7. *Directs the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;*

S/RES/1373 (2001)

8. *Expresses its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;*

9. *Decides to remain seized of this matter.*

Annexure - VI

The Code of Criminal Procedure 1898

160. Police-officer's power to require attendance of witnesses. Any police-officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

161. Examination of witnesses by police. (1) Any police-officer making an investigation under this Chapter or any police-officer not below such rank as the Provincial Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) The police-officer may reduce into writing any statement made to him in the course of an examination, under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records.

162. Statements to police not to be signed: Use of statements in evidence. (1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police-diary or otherwise or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made.

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Evidence Act, 1872. When any part of such statement is so

The Anti Terrorism Act 1997

THE ANTI-TERRORISM ACT, 2013

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may-

- (i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing ¹*** a terrorist act or a scheduled offence, ²[it shall be lawful for any such officer, or any senior officer ³[after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence] to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof [:];

³[Provided that an order to open fire in such circumstances shall be given by a police officer not below the rank of BS-17 and equivalent rank, in the case of a member of Armed Forces or civil Armed forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the terrorist act or scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous injury shall be reviewed by an internal inquiry committee constituted by the head of the law enforcement agency concerned.]

- (ii) arrest without warrant, any person who has committed an act of terrorism or a scheduled offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, any such act or offence; and
- (iii) enter and search, without warrant, any premises to make any arrest or to take possession of any property, firearm, weapon or article used, or likely to be used, in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the provision of section 132 of the Code shall apply to any person acting under this section.

15. Terrorism.- (1) In this Act, "terrorism" means the use or threat of action where:-

- (a) the action falls within the meaning of sub-section (2); and
- (b) the use or threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect ²[or a foreign government or population or an international organization] or create a sense of fear or insecurity in society; or

¹Certain words omitted by the Anti-terrorism (Second Amdt.) Ordinance, 1999 (13 of 1999), s. 4.

²Subs. by the Anti-terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 4, for certain words, which was previously amended by Ord. 29 of 2000 s. 2.

³Subs. and added by Act VI of 2014, s. 2.

⁴Subs. by the Anti-terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 5, for section 6, which was previously amended by various enactments.

⁵Ins. by the Anti-terrorism (Amdt.) Act, 2013 (XIII of 2013), s. 3.

- (c) the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause ¹[or intimidating and terrorizing the public, social sectors, media persons, business community or attacking the civilians, including damaging property by ransacking, looting, arson or by any other means, government officials, installations, security forces or law enforcement agencies:]
- ²[Provided that nothing herein contained shall apply to a democratic and religious rally or a peaceful demonstration in accordance with law.]
- (2) An "action" shall fall within the meaning of sub-section (1), if it-
- (a) involves the doing of any thing that causes death;
 - (b) involves grievous violence against a person or grievous bodily injury or harm to a person;
 - (c) involves grievous damage to property ²[including government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any other means:]
 - (d) involves the doing of any thing that is likely to cause death or endangers person's life;
 - (e) involves kidnapping for ransom, hostage-taking or hijacking;
 - ¹[(ee) involves use of explosive by any device including bomb blast ²[or having any explosive substance without any lawful justification or having been unlawfully concerned with such explosive]];
 - (f) incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance;
 - ²[(g) involves taking the law in own hand, award of any punishment by an organization, individual or group whatsoever, not recognized by the law, with a view to coerce, intimidate or terrorize public, individuals, groups, communities, government officials and institutions, including law enforcement agencies beyond the purview of the law of the land:]
 - (h) involves firing on religious congregation, mosques, imambargahs, churches, temples and all other places of worship, or random firing to spread panic, or involves any forcible takeover of mosques or other places of worship;
 - (i) creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civic life;
 - (j) involves the burning of vehicles or any other serious form of arson;

¹Added by the Anti-terrorism (Second Amdt.) Act, 2013 (XX of 2013), s. 2.

²Ins. by the Act No. 11 of 2005, s. 2.

- (k) involves extortion of money ("bhatta") or property;
- (l) is designed to seriously interfere with or seriously disrupt a communication system or public utility service;
- (m) involves serious coercion or intimidation of a public servant in order to force him to discharge or to refrain from discharging his lawful duties;
- (n) involves serious violence against a member of the police force, armed forces, civil armed forces, or a public servant;
- ¹[(o) involves in acts as part of armed resistance by groups or individuals against law enforcement agencies; or
- (p) involves in dissemination, preaching ideas, teachings and beliefs as per own interpretation on FM stations or through any other means of communication without explicit approval of the government or its concerned departments.]
- (3) The use or threat of use of any action falling within sub-section (2) which involves the use of firearms, explosive or any other weapon is terrorism, whether or not sub-section (1) (c) is satisfied.
- ²[(3A) Notwithstanding anything contained in sub-section (1), an action in violation of a convention specified in the Fifth Schedule shall be an act of terrorism under this Act.]
- (4) In this section "action" includes an act or a series of acts.
- (5) In this Act, terrorism includes any act done for the benefit of a proscribed organization.
- (6) A person who commits an offence under this section or any other provision of this Act, shall be guilty of an act of terrorism.
- (7) In this Act, a "terrorist" means:-
- (a) ¹[an individual] who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation, ¹[facilitation, funding] or instigation of acts of terrorism;
- (b) ¹[an individual] who is or has been, whether before or after the coming into force of this Act, concerned in the commission, preparation, ¹[facilitation, funding] or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.]
- ³7. Punishment for acts of terrorism:- ⁴[(1)] Whoever commits an act of terrorism under section 6, whereby-
- (a) death of any person is caused, shall be punishable, on conviction, with death or with imprisonment for life, and with fine; or
- (b) he does anything likely to cause death or endangers life, but death or hurt is not caused, shall be punishable, on conviction, with imprisonment of either description for a term which shall be not less than ⁵[ten years] but may extend to ⁵[imprisonments for life] and with fine; or
- (c) grievous bodily harm or injury is caused to any person, shall be punishable, on conviction, with imprisonment of either description for a term which shall not be less than ⁵[ten years] but may extend to imprisonment for life and shall also be liable to a fine; or

¹ Omitted and added, by the Anti-terrorism (Second Amdt.) Act, 2013 (XX of 2013), s. 2.

² Subs. & ins. by the Anti-terrorism (Amdt.) Act, 2013 (XIII of 2013), s. 3.

³ Subs. by the Anti-terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 6.

⁴ Renumbered by the Anti-terrorism (Second Amdt.) Act, 2013 (XX of 2013), s. 3.

⁵ Subs. & ins. by the Anti-terrorism (Second Amdt.) Act, 2005 (II of 2005), s. 3.

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- (d) grievous damage to property is caused, shall be punishable on conviction, with imprisonment, of either description for a term not less than ten year and not exceeding ¹[but may extend to imprisonment for life] and shall also be liable to a fine; or
- (e) the offence of kidnapping for ransom or hostage-taking has been committed, shall be punishable, on conviction, with death or imprisonment for life ²* * * ; or
- (f) the offence of hijacking, has been committed, shall be punishable, on conviction, with death or imprisonment for life ²* * * and fine;
- ¹[(ff) the act of terrorism committed falls under section 6 (2) (cc), shall be punishable with imprisonment which shall not be less than fourteen years but may extend to imprisonment for life;]
- (g) the act of terrorism committed falls under section 6 (2) (f) and (g), shall be punishable, on conviction, with imprisonment of not less than ¹[two years] and not more than ¹[five years] and with fine; or
- (h) the act of terrorism committed falls under clauses (h) to (n) of subsection (2) of section 6, shall be punishable on conviction, to imprisonment of not less than ¹[five years] but may ¹[extend to imprisonment for life] and with fine;
- (i) any other act of terrorism not falling under clauses (a) to (h) above or under any other provision of this Act, shall be punishable, on conviction, to imprisonment of not less than ¹[five years] and not more than ¹[ten years] or with fine or with both.

²[(2) An accused, convicted of an offence under this Act shall be punishable with imprisonment of ten years or more, including the offences of kidnapping for ransom and hijacking shall also be liable to forfeiture of property.]

* * * * *

8. Prohibition of acts intended or likely to stir up sectarian hatred. A person who-

- (a) uses threatening, abusive or insulting words or behaviors; or
- (b) displays, publishes or distributes any written material which is threatening, abusive or insulting; or
- (c) distributes or shows or plays a recording of visual images or sounds which are threatening, abusive or insulting; or
- (d) has in his possession written material or a recording or visual images or sounds which are threatening, abusive or insulting with a view to their being displayed or published by himself or another, shall be guilty of an offence if-
- (i) he intends thereby to stir up sectarian hatred; or

¹Subs. & ins. by the Act, II of 2005, s. 3.

²Omitted & added by Anti-terrorism (Second Amtd.) Act, 2013 (XX of 2013), s.3.

³Sections 7A and 7B omitted by the Anti-terrorism (Amtd.) Ordinance, 2000 (29 of 2000), s. 5 which was previously ins. by Ord. 13 of 1999, s. 7.

(ii) having regard to all the circumstances, sectarian hatred is likely to be stirred up thereby.

9. Punishment for offence under section 8. Whoever contravenes any provision of section 8 shall be punished with ¹* imprisonment for a term which may extend to ²[five] years ³[and with fine].

10. Power to enter or search. If any officers of the police, armed forces or civil armed forces is satisfied that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 8 he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same ⁴[:]

⁵[Provided that the concerned officer shall first record in writing his reasons for such belief and serve a copy thereof either on the person or on the premises.]

11. Power to order forfeiture. - (1) ⁶[An Anti-terrorism Court] by which a person is convicted of an offence under section 9 shall order to be forfeited any material or recording referred to therein.

(2) Where the person who collected the material or recording cannot be found or identified the ⁶[Anti-terrorism Court] on the application of the officer seizing the material or recording, shall forfeit the material or recording to the State to be disposed of as directed by it.

⁵[11A Organizations concerned in terrorism. - ⁷“(1) For the purposes of this Act, an organization is concerned in terrorism if :-

- (a) commits ⁸[, facilitates] or participates in acts of terrorism;
- (b) prepares for terrorism;
- (c) promotes or encourages terrorism;
- (d) supports and assists any organization concerned with terrorism;
- (e) patronizes and assists in the incitement of hatred and contempt on religious, sectarian or ethnic lines that stir up disorder;
- (f) fails to expel from its ranks or ostracize those who commit acts of terrorism and presents them as heroic persons; or
- (g) is otherwise concerned in terrorism.

⁶“(2) An organization shall fall within the meaning of sub-section (1) if it-

- (a) is owned or controlled, directly or indirectly, by a terrorist or an organization referred in sub-section (1); or
- (b) acts on behalf of, or at the direction of, a terrorist or an organization referred in sub-section (1).]

¹The word “rigorous” omitted by the Anti-terrorism (Second Amdt.) Ordinance, (13 of 1999), s. 8.

²Subs. by the Anti-terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 7 for Seven.

³Subs. and added by the Ordinance, 13 of 1999, s. 9.

⁴Subs. ibid.

⁵New section 11 A to 11 X ins. by the Anti-terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 8.

⁶Renumbered, ins & added by the Anti-terrorism (Amdt.) Act, 2013 (XIII of 2013), s. 4.

Provided that the detainee shall be kept in a detention centre so notified by the Government and the presiding officer of the court or the Magistrate, as the case may be referred in sub-section (3) shall have the authority to inspect the detention centers to ensure that the custody is in accordance with the law for the time being in force.

²[15] Any person detained under this section shall be provided facility of medical checkup as may be prescribed by rules.]

11E. Prohibition on disposal of property.- (1) If during the course of inquiry or investigation, the police officer not below the rank of Superintendent of Police or the Joint Investigation Team, as the case may be, has sufficient evidence to believe that any property which is subject matter of the inquiry or investigation is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such officer or the team may, by order in writing, direct the owner or any person who is, for the time being, in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the Previous Permission of such officer or the team, as the case may be, and such order shall be subject to any order made by the Court having jurisdiction in the matter.

(2) Any contravention of an order made under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine, or with both.]

11F. Membership, support and meetings relating to a Proscribed Organization.-

(1) A person is guilty of an offence if he belongs or professes to belong to a proscribed organization.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to a term not exceeding six months imprisonment and a fine.

(3) A person commits an offence if he:-

(a) solicits or invites support for support for a proscribed organization, and the support is not, or is not restricted to, the provisions of money or other property; or

(b) arranges, manages or assists in managing, or addressing a meeting which he knows is:-

(i) to support a Proscribed organization;

(ii) to further the activities of a proscribed organization; or

(iii) to be addressed by a person who belongs or professes to belong to a proscribed organization.

(4) A person commits an offence if he addresses a meeting, or delivers a sermon to a religious gathering, by any means whether verbal, written, electronic, digital or otherwise, and the purpose of his address or sermon, is to encourage support for a proscribed organization or to further its activities.

(5) A person commits an offence if he solicits, collects or raises ¹[money or other property] for a proscribed organization.

(6) A person guilty of an offence under sub-sections (3), (4), and (5) shall be liable on conviction to a term of imprisonment, not less than one year and not more than five years and a fine.

11G. Uniform.- (1) A person commits an offence if he: —

(a) wears, carries or displays any article, symbol, or any flag or banner connected with or associated with any proscribed organization; or

¹Subs. by Act XIII at 2013, s.6.

²Ins. by Act 2014 (VI of 2014), s.3.

- (b) carries, wears or displays any uniform, item of clothing or dress in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organization.

¹(2) A person who commits an offence under sub-section (1) shall be liable to imprisonment for a term which may extend to five years, or with fine, or with both.]

11H. Fund Raising.- (1) A person commits an offence if he:-

- (a) invites another to provide money or other property; and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism ²[or by a terrorist or organization concerned in terrorism].

(2) A person commits an offence if:-

- (a) he receives money or other property; and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism ¹[or by a terrorist or organization concerned in terrorism].

(3) A person commits an offence if he:-

- (a) provides money or other property; and
- (b) knows or has reasonable cause to suspect that it will or may be used for the purpose of terrorism ¹[or by a terrorist or organization concerned in terrorism].

(4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

11I. Use and possession. A person commits an offence if-

- (1) he uses money or other property for the purposes of terrorism; or
- (2) he:-
 - (a) possesses money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

11J. Funding Arrangements ³[(1) A person commits an offence if he-

- (a) enters into or becomes concerned in an arrangements as a result of which money or other property is made available or is to made available to another; and
- (b) has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

¹(2) Any person in Pakistan or a Pakistani national outside Pakistan shall commit an offence under this Act, if he knowingly or willfully makes money or other property or services available, directly or indirectly, wholly or jointly, for the benefit of a proscribed organization or proscribed person.]

11K. Money laundering.- (1) A person commits an offence if he enters into or becomes concerned in any arrangement which facilitates the retention or control, by or on behalf of another person, of terrorist property:-

- (a) by concealment;
- (b) by removal from the jurisdiction;
- (c) by transfer to nominees; or
- (d) in any other way.

¹Subs. by Act II of 2005, s.4.

²Ins. by Act XIII of 2013, s.7.

³Re-numbered and added by Act VII of 2014, s.9.

- (a) he intended to make a disclosure; and
- (b) there is reasonable excuse for his failure to do so.

¹11J. Punishment, under Sections 11H to 11K. Any person who commits an offence under sections 11H to 11K, shall be punishable on conviction with imprisonment for a term not less than ¹[five years] and not exceeding ¹[ten years] and with fine.

²[11O. Seizure, freeze and detention-(1) On proscription made under section 11B or, as the case may be, section 11EE.—

- (a) the money or other property owned or controlled, wholly or partly, directly or indirectly, by a proscribed organization or proscribed person shall be frozen or seized, as the case may be;
- (b) the money or other property derived or generated from any property referred in clause (a) shall be frozen or seized, as the case may be;
- (c) no person shall use, transfer, convert, dispose of or remove such money or other property with effect from proscription; and
- (d) within forty-eight hours of any freeze or seizure, the person carrying out the freeze or seizure shall submit a report containing details of the property and the persons affected by the freeze or seizure to such office of the Federal Government as may be notified in the official Gazette.

(2) Any person who violates any provision of sub-section (1) shall be liable to penalty of fine not exceeding ten million rupees.

(3) If a legal person violates any provision of sub-section (1), such person shall be liable to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof.

(4) On an application made by any affected person, the Federal Government shall inquire into the ownership and control of any money or other property that has been frozen or seized and, if it is satisfied that the money or other property has inadvertently been frozen or seized, the same shall be ordered to be released immediately.

(5) No prosecution, suit or other proceedings shall lie against the government or any other person complying or purporting to comply with sub-section (1) for anything done in good faith to effect freeze seizure.]

²[11OO. Access to services, money or other property.—(1) The Federal Government may permit a person to make available to a proscribed organization or proscribed person such services, money or other property as may be prescribed, including such money as may be required for meeting necessary medical and educational expenses and for subsistence allowance, and such person shall not be liable for an offence under this Act on account of provision of the prescribed services, money or other property.

(2) on an application made by a proscribed organization of proscribed person, the Federal Government may authorize such organization or person to access such money or other property or avail such services as may be prescribed.

¹Subs. by Act II of 2005, s.5.

²Subs. and Ins. by Act VII of 2014, ss.10-11.

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11V. Directing terrorist activities. - (1) A person commits an offence if he:-

- (a) directs, at any level whilst resident in Pakistan or abroad, activities of an organization concerned with the preparation, instigation or commission of acts of terrorism; or
- (b) directs, from within the country or abroad, activities connected with the commission, preparation or instigation of an act of terrorism.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to ¹[imprisonment for life] and to forfeiture or confiscation of his assets within or outside Pakistan.

11W. Printing, publishing, or disseminating any material to incite hatred or giving projection to any person convicted for a terrorist act or any proscribed organization or an organization placed under observation or anyone concerned in terrorism. - (1) A person commits an offence if he prints, publishes or disseminates any material, whether by audio or video-cassettes ²[or any form of data, storage device, FM radio station or by any visible sign] or by written photographic, electronic, digital, wall chalking or any other method ²[or means of communication] which ²[glorifies terrorists or terrorist activities or] incites religious, sectarian or ethnic hatred or gives projection to any person convicted for a terrorist act, or any person or organization concerned in terrorism or proscribed organization or an organization placed under observation:

Provided that a factual news report, made in good faith, shall not be construed to mean "projection" for the purposes of this section.

¹[(2) Any person guilty of an offence under sub-section (1) shall be punishable on conviction with imprisonment which may extend to five years and with fine.]

11X. Responsibility for creating civil commotion. - (1) A person commits an offence if he makes any call for action or shut-down, imposed through the use of threats or force resulting in damage or destruction of property or injury to person, to intimidate citizens and prevent them from carrying out their lawful trade or business activity.

(2) A person guilty of an offence under sub-section (1) shall on conviction be punishable with imprisonment for a term not less than ¹[five years] and not more than ¹[ten years] and shall pay compensation as may be determined by the court, from the

¹Subs. by Act No. II of 2005, ss. 6, 7 and 8.

²Subs. by the Anti-terrorism (Second Amdt) Act, 2013 (XX of 2013), s. 9.

21B. Terrorist Investigation.- (1) A policeman in uniform ¹[or a member of a Joint Investigation Team] may:-

- (a) order a person in a cordoned area to leave immediately;
- (b) order a person immediately to leave the premises which are wholly or partly in or adjacent to a cordoned area;
- (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
- (d) arrange for the removal of a vehicle from the cordoned area;
- (e) arrange for the movement of a vehicle within a cordoned area;
- (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles;
- (g) enter and search any premises in a cordoned area if he suspects anyone concerned with terrorism is hiding there;
- (h) search and arrest any person he reasonably suspects to be a person concerned in terrorism:

Provided that any search of a person shall be done by a Police person of the same sex; or

- (i) take possession of any property in a cordoned area he reasonably suspects is likely to be used for the purposes of terrorism.

21C. Training -- (1) *Weapons Training*: A person commits an offence if he provides, without valid authorization from the competent authority, any instruction or training in the making or use of-

- (a) firearms;
- (b) explosives; or
- (c) chemical, biological, and other weapons.

(2) A person commits an offence if he provides without valid authorization from the competent authority, any instruction or training to any child under sub-section (1) and, on conviction, shall be liable to a term of imprisonment of not less than ten years and fine.

(3) A person commits an offence if he receives instruction or training from anyone, without valid authorization from the competent authority, to give such instruction or training or invites another, specifically or generally, to receive such unauthorized instruction or training in the making or use of-

- (a) firearms;
- (b) explosives; or
- (c) chemical, biological and other weapons.

¹ Ins. by Ordinance, 6 of 2002, s. 10.

(4) A child commits an offence if he provides, without valid authorization from the competent authority, any instruction or training, or if he receives such unauthorized instruction or training or invites another, specifically or generally, to receive such authorized instruction or training in the making or use of —

(a) firearms;

(b) explosives; or

(c) chemical, biological and other weapons.

(5) A child guilty of an offence under sub-section (4) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding five years.

(6) A person guilty of an offence under sub-sections (1) and (3) shall be liable on conviction to imprisonment for a term not exceeding ten years, or fine or with both.

(7) Training in Terrorism:-

(a) A person commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism.

(b) A person commits an offence if he receives any instruction or training in acts of terrorism or invites another, specifically or generally, to receive such instruction or training.

(c) A person guilty of an offence under sub-sections (a) and (b) shall, on conviction, be liable to imprisonment of either description for a term of not less than one year and not more than ten years and fine.

(d) A person is guilty of an offence if he provides, any instruction or training in acts of terrorism to a child, and on conviction, shall be liable on conviction to imprisonment of either description for a term not less than one year and not more than ten years and fine.

(e) A child commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism, and on conviction, shall be liable to imprisonment for a term not less than six months and not more than five years.

(f) A child commits an offence if he receives, generally or specifically, instructions or training in acts of terrorism, and on conviction, shall be liable to imprisonment for a term not less than six months and not more than five years.

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(8) A Court by which a person is convicted of an offence under this section may order the forfeiture of any thing or property which it considers to have been in the person's possession for purposes connected with the offence, after giving any person, other than the convicted person, who claims to be the owner or is otherwise interested, an opportunity of being heard.

21D. Bail. — (1) Notwithstanding the provisions of sections 439, 491, 496, 497, 498, 498A and 561 of the Code, no Court, other than an Anti-terrorism Court, a High Court or the Supreme Court of Pakistan, shall have the power or jurisdiction to grant bail to or otherwise release an accused person in a case triable by an Anti-terrorism Court.

(2) All offences under this Act punishable with death or imprisonment exceeding three years shall be non-bailable:

Provided that if there appear reasonable grounds for believing that any person accused of non-bailable offence has been guilty of an offence punishable with death or imprisonment for life or imprisonment for not less than ten years, such person shall not be released on bail.

(3) Subject to sub-section (2), the Court may admit a person to bail, unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would:

- (a) fail to surrender to custody;
- (b) commit an offence while on bail;
- (c) interfere with a witness; otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person; or
- (d) fails to comply with the condition of release (if any).

(4) In exercising its powers in relation to a person seeking bail under this Act the Court shall have regard to such of the following considerations (as well as to any other which it considers relevant)-

- (a) the nature and seriousness of the offence with which the person is charged;
- (b) the character, antecedents, associations and community ties of the person;
- (c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail; and
- (d) the strength of the evidence of his having committed the offence.

(5) Without prejudice to any other power to impose conditions on admission to bail, the Court admitting a person to bail under this section may impose such conditions as it considers:

¹ Omitted and shall be deemed always to have been so by Ord. No. VI of 2002, s. 11.

21G. Trial of Offences. All offences under this Act shall be tried by the Anti-terrorism Court established under this Act ¹[:]

[Provided that the Courts of Zila Qazi or Azafi Zila Qazi established under the Shariah Nizami-e-Adl Regulation, 2009 shall be deemed to be the court and shall try all cases so assigned to them by the administrative judge designated under sub-section (2) or sub-section (4) of section 13, as the case may be.]

21H. Conditional admissibility of confession. Notwithstanding anything contained in the Qanoon-e-Shadat, 1984 (President's Order No. 10 of 1984) or any other law for the time being in force, where in any court proceedings held under this Act the evidence (which includes circumstantial and other evidence) produced raises the presumption that there is a reasonable probability that the accused has committed the offence, any confession made by the accused during investigation without being compelled, before a police officer not below the rank of a Distt. Superintendent of Police, may be admissible in evidence against him, if the Court so deems fit:

Provided that the Distt. Superintendent of Police before recording any such confession, had explained to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and that no Distt. Superintendent of Police has recorded such confession unless, upon questioning the person making it, the Distt. Superintendent of Police had reason to believe that it was made voluntarily; and that when he recorded the confession, he made a memorandum at the foot of such record to the following effect:

I have explained to (....name....), that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that confession was voluntarily made. It was taken in my presence, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him".

(Signed)

"Distt. Superintendent of Police."

21I. Misfeasance. Whoever aids or abets any offence, under this Act shall be punishable with the maximum term of same imprisonment provided for the offence or the fine provided for such offence or with both.

21J. Harboursing. — (1) A person commits an offence if he harbours any person who has committed an offence under this Act.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to punishment as provided in sections 216 and 216A of the Pakistan Penal Code.

¹Subs. & added by the Anti-terrorism (Second Amdt.) Act, 2013 (XX of 2013), s.18.



THE QANUN-E-SHAHIDAT ORDER 1984 (LAW OF EVIDENCE)

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QANUN-E-SHAHADAT ORDER
(PRESIDENT'S ORDER N No. X OF 1984)

[28th October. 1984]

Whereas it is expedient to revise, amend and consolidate the law of evidence so as to bring it in conformity with the injunctions of Islam as laid down in the Holy Qur'an and Sunnah ;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977. and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order—

PART -I
RELEVANCY OF FACTS
CHAPTER I

1. Short title, extent and commencement:(1) This order may be called the Qanun-e- Shahadat. 1984.

(2) It extends to the whole of Pakistan and applies to all judicial proceedings in or before any Court, including a Court Martial, a Tribunal or other authority exercising judicial or quasi judicial powers or Jurisdiction, but does not apply to proceedings before an arbitrator

(3) It shall come into force at once.

2. Interpretation: (1) In this Order, unless there is anything repugnant in the subject or context—

(a) "Court" includes ail Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence;

(b) "Document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose recording that matter;

Illustrations

A writing is a document;

Words printed, lithographed or photographed are documents ;

A map or plan is a document;

An inscription on a metal plate or stone is a document ;

A caricature is a document.

(c) "Evidence" includes;

(i) all statements which the Court permits or requires be made before it by witnesses, in relation to matters of fact under inquiry ; such statements are called oral evidence ; and

(ii) all documents produced for the inspection of the Court; such documents are called documentary evidence ;

(d) "fact" includes—

(i) anything, state of things, or relation of things capable of being perceived by the senses and

(ii) any mental condition of which any person is conscious.

¹“(c) the expression, “automated”, “electronic”, “information”, information system”. Electronic document”, “electronic signature”, “advanced electronic signature” and “security procedure”, shall bear the meanings given in the Electronic Transactions Ordinance, 2002;

(f) the expression “ certificate”, where the context so admits, includes the meaning given to it in the Electronic Transactions Ordinance, 2002.”

Illustrations

(a) That there are certain objects arranged in a certain order in a certain place, is a fact.

(b) That a man heard or saw something, is a fact.

(c) That a man said certain words, is a fact.

¹ Added by Ord. LI of 2002, see Schedule (w.e.f 11-9-2002)

(d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense or is or was at a specified time conscious of a particular sensation, is a fact.

(e) That a man has a certain reputation, is a fact.

(2) One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of the Order relating to the relevancy of facts.

(3) The expression "facts in issue" includes any fact from which, either by itself or in connection with other facts the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation: -Whenever, under the provisions of the law for the time being in force relating to civil procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

Illustrations

A is accused of the murder of B.

At his trial the following facts may be in issue:—

that A caused B's death ;

that A had intended to cause B's death ;

that A had received grave sudden provocation from B ;

that A, at the time of doing the act which caused B's death, was by reason of unsoundness of mind, incapable of knowing its nature.

(4) A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

(5) A fact is said to be disproved when after considering the matters before it, the Court either believes that it does not exist, or considers its existence so improbable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

(6) A fact is said not to be proved when it is neither proved nor disproved.

(7) Whenever it is provided by this Order that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

(8) Whenever it is directed by this Order that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

(9) When one fact is declared by the Order to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II OF WITNESSES

3. Who may testify: AH persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind or any other cause of the same kind:

Provided that a person shall not be competent to testify if he has been convicted by a Court for perjury or giving false evidence:

Provided further that the provisions of the first proviso shall not apply to a person about whom the Court is satisfied that he has repented thereafter and mended his ways:

Provided further that the Court shall determine the competence of a witness in accordance with the qualifications prescribed by the injunctions of Islam as laid down in the Holy Qur'an and Sunnah for a witness, and where such witness is not forthcoming the Court may take the evidence of a witness who may be available.

Explanation: A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

4. Judges and Magistrates: No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as Judge or Magistrate; or as to anything which come to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations

- (a) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.
- (b) A is accused before the Court of Session of having given, false evidence before B, a Magistrate. B cannot be asked what A said. Except upon the special order of the superior Court
- (c) A is accused before the Court of Session of attempting to murder a police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

5. Communications during marriage: No person who is or has been married shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclosed any such communication, unless the person who made its, or his representative-in-interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other

6. Evidence as to affairs of State: No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Explanation: In this Article, "official records relating to the affairs of State" includes documents concerning industrial or commercial activities carried on directly or indirectly, by the Federal Government or a Provincial Government or any statutory body or corporation or company set up or controlled by such Government.

7. Official communications: No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Explanations In this Article, a communications includes communications concerning industrial or commercial activities carried on, directly or indirectly, by the Federal Government or a Provincial Government or any statutory body or corporation or company set up or controlled by such Government.

8. Information as to commission of offences: No Magistrate or Police officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

Explanation: In this Article, "Revenue-officer" means any officer employed in or about the business of any branch of the public revenue.

9. Professional communications: No advocate shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such advocate, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this Article shall protect from disclosure—

(1) any such communication made in furtherance of any illegal purpose ; or

(2) any fact observed by any advocate, in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment, whether the attention of such advocate was or was not directed to such fact by or on behalf of his client.

Explanation: The obligation stated in this Article continues after the employment has ceased.

Illustrations

(a) A, a client, says to B. an advocate "I wish to obtain possession of property by the use of a forged deed on which I request you to sue"

The communication, being made in furtherance of a criminal purpose is not protected from disclosure.

(b) A, being charged with embezzlement, retains B, an advocate, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

10. Article 9 to apply to interpreters, etc.: The provisions of Article 9 shall apply to interpreters, and the clerks or servants of advocates.

11. Privilege not waived by volunteering evidence: If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented there by to such disclosure as is mentioned in Article 9, and, if any party to a suit or proceeding calls any such advocate as a witness, he shall be deemed to have consented to such disclosure only in so far as he questions such advocate on matters which, but for such question, he would not be at liberty to disclose.

12. Confidential communications with legal advisers: No one shall be compelled to disclose to the Court, Tribunal or other authority exercising judicial or quasi-judicial powers or Jurisdiction any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

13. Production of title deed of witness, not a party: No witness who is not a party to a suit shall be compelled to produce his title deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee or any document the production of which might tend to criminate him unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

14. Production of documents, which another person, having possession, could refuse to produce: No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

15. Witness not excused from answering on ground that answer will criminate: A witness shall not be excused from answering any Question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceedings, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer

16. Accomplice; An accomplice shall be a competent witness against an accused person, except in the case of an offence punishable with hadd and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

17. Competence and number of witnesses: (1) The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance With the injunctions of Islam as laid down in the Holy Qur'an and Sunnah:"

(2) Unless otherwise provided in any law relating to the enforcement of Hudood or any other special law: —

- (a) in matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly ; and
- (b) in all other matters, the Court may accept, or act on the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

CHAPTER III

OF THE RELEVANCY OF FACTS

18. Evidence may be given of facts in issue and relevant facts: Evidence may be given in any suit or proceeding of the existence or non-existence

of every fact in issue and of such other facts as are hereinafter declared to be relevant and of ho others.

Explanation: This Article shall not enable any person to give evidence of a fact, which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustrations

- (a) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue: —

A's beating B with the club;

A's causing B's death by such beating;

A's Intention to cause B's death.

- (b) A suitor does not bring with him and have in readiness for production at the first hearing of the case a bond on which he relies. This Article does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the law for the time being in force relating to Civil Procedure.

19. Relevancy of facts forming part of some transaction: Facts, which though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant whether they occurred at the same time and place or at different times and places.

Illustrations

- (a) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-slanders at the beating, or, so shortly before or after it as to form part of the transaction, is a relevant fact.
- (b) A is accused of waging war against Pakistan by taking part in an armed insurrection in which property is destroyed/ troops are attacked, and goals are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.
- (c) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.
- (d) The question is, whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

20. Facts which are the occasion, cause or effect of facts in issue: Facts which are the occasion, cause or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations

- (a) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it or mentioned the fact that he had it, to third person, are relevant.

- (6) The question is whether A murdered B.

Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

- (c) The question is whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B. known to A, which afforded an opportunity for the administration of poison, are relevant facts.

21. Motive, preparation and, previous or subsequent conduct: (1) Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

(2) The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1: The word "conduct" in this clause does not include statements, unless those statements accompany and explain acts other than statements but this explanation is not to affect the relevancy of statements under any other Article of this Order.

Explanation 2: When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations

(a) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(b) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose is relevant.

(c) A is tried for the murder of B by poison the fact that, before the death of B. A procured poison similar to that, which was administered to B, is relevant.

(d) The question is whether a certain document is the will of A.

The facts that not long before the date of the alleged will A made inquiry into matters to which the provisions of the alleged will relate, that he consulted advocates in reference to making the will, and that he caused drafts of other wills to be prepared of which he did not approve, are relevant.

(e) A is accused of a crime.

The facts that either before or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

- (f) The question is whether A robbed B.

The facts that, after B was robbed. C said in A's presence:

"the Police are coming to look for the man who robbed B", and that immediately afterwards A ran away, are relevant.

- (g) The question is whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing: "I advise you not to trust A, for he owes B 10,000 rupees", and that A went away without making any answer are relevant facts.

- (h) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter are relevant.

- (i) A is accused of a crime.

The fact that, after the commission of the alleged crime he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

- (j) The question is whether A was ravished.

The facts that shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and the terms in which, the complaint was made are relevant.

The fact that, without making a complaint, she said, that she had been ravished is not relevant as conduct under this Article though it may be relevant as a dying declaration under Article 49, paragraph (1), or as corroborative evidence under Article 153.

(k) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant, as conduct under this Article, though it may be relevant, as a dying declaration under Article 46, paragraph (1). or as corroborative evidence under Article 153.

22. Facts necessary to explain or introduce relevant facts: Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue, or relevant fact happened, or Which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations

(a) The question is, whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b) A sues B for a libel imputing disgraceful conduct to A, B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c) A is accused of a crime.

The fact that soon after the commission of the crime, A absconded from his house. Is relevant under Article 21, as conduct subsequent to and affected by facts in issue.

The fact that at the time when he left home he had sudden and urgent business at the place to which he went is relevant, as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

- (d) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A "I am leaving you because B has made me a better offer." This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.
- (e) A, accused of theft, is seen to give the stolen property to A, who is seen to give it to A's wife. B says, as he delivers it: "A says you are to hide this." B's statement is relevant as explanatory of a fact which is part of the transaction.
- (f) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

23. Things said or done by conspirator in reference to common design: Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy, as for the purpose of showing that any such person was a party to it.

Illustrations

Reasonable ground exists for believing that A has joined in a conspiracy to wage war against Pakistan.

The facts that C procured arms in Europe for the purpose of the conspiracy, C collected money in Peshawar for a like object. D persuaded persons to join the conspiracy in Karachi. E published writings advocating the object in view at Multan and F transmitted from Lahore to G at Kabul the money which C had collected at Peshawar and contents of a letter written by H giving an account of the conspiracy are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him and although they may have been taken place before he joined the conspiracy or after he left it.

24. When facts not otherwise relevant become relevant: Facts not otherwise relevant are relevant—

- (1) if they are inconsistent with any fact in issue or relevant fact;
- (2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations

- (a) The question is, whether A committed a crime at Peshawar on a certain day

The fact that, on that day, A was at Lahore is relevant

The fact that, near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it is relevant

- (b) The question is, whether A committed a crime,

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

25. In suits for damages facts tending to enable Court to determine amount are relevant: In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded, is relevant.

26. Facts relevant when right or custom is in question: Where the question is as to the existence of any right or custom, the following facts are relevant: —

- (a) any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence ;
- (b) particular instances in which the right or custom, was claimed, recognized or exercised, or in which its exercise was disputed, asserted or departed from.

Illustrations

The question is whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours are relevant facts.

27. Facts showing existence of state of mind, or of body, or bodily feeling: Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling is in issue or relevant.

Explanation 1: A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

Explanation 2: But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this Article, the previous conviction of such person shall also be a relevant fact.

Illustrations

- (a) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that, at the same time, he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

- (b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.

- (c) A sues B for damage done by a dog of B's which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B are relevant.

- (d) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant as showing that A knew that the payee was a fictitious person.

- (e) A is accused of defaming B by publishing an imputation intend to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

- (f) A is sued by B for fraudulently representing to B that C, was solvent whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persona dealing with him, is relevant, as showing that A made the representation in good faith.

- (g) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C. a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good, faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

- (h) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he behaved in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C. who had heard of the loss of the property and wished to set up a false claim to it. Is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i) A is charged with shooting at B with intent to kill him. In order to show A's intent the fact of A's having previously shot at B may be proved.

(j) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(k) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty are relevant facts.

(l) The question is whether A's death was caused by poison. Statements made by A during his illness as to his symptoms are relevant facts.

(m) The question is, what was the state of A's health at the time an assurance on his life was affected.

Statements made by A as to the state of his health at or near the time in question are relevant facts.

(n) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use. Whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage Is relevant.

The fact that B was habitually negligent about the carriages, which he let to hire, is irrelevant.

(o) A is tried for the murder of B by intentionally shooting him dead.

The fact that A on other occasions shot at B is relevant as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with Intent to murder them is irrelevant.

(p) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class is irrelevant.

28. Facts bearing on question whether act was accidental or intentional: When there is a question whether an act was accidental or intentional, or done with a particular knowledge or intention, the fact that such act formed part of a series or similar occurrence; in each of which the person doing the act was concerned, is relevant

Illustrations

(a) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from different insurance officers, are relevant, as tending to show that the fires were not accidental.

(b) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(c) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant as showing that the delivery to B was not accidental.

29. Existence of course of business when relevant: When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations

(a) The question is whether a particular letter was despatched.

The fact that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that particular letter was put in that place are relevant.

(b) The question is, whether a particular letter reached A.

The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant,

ADMISSIONS

30. Admission defined: An admission is a statement, oral or documentary which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons and under the circumstances, hereinafter mentioned.[:]

¹[Explanation.- Statements generated by automated information system may be attributed to the person exercising power or control over the said information system.]

31: Admission by party to proceeding or his agent, etc: Statements made to a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

(2) Statements made by parties to suits suing or sued in a representative character, are not admissions, unless they were made while the party making them held that character.

¹ Substitute - Ins by the Ord. LI of 2002, see schedule (w.e.f 11-09-2002)

(3) Statements made by-

- (a) persons who have any proprietary or pecuniary interest in the subject matter of the proceeding, and who make the statement in their character of persons so interested-
- (b) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

32. Admission by persons whose position must be proved as against party to suit: Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions, if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustrations

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is relevant fact as against A, if A denies that C did owe rent to B.

33. Admission by persons expressly referred to by party to suit: Statements made by persons to whom a party to the suit has expressly referred for information in reference to matter in dispute are admissions.

Illustrations

The question is, whether a horse sold by A to B is sound.

A says to B: "Go and ask C, C knows all about it." C's statement is an admission.

34. Proof of admissions against persons making them and by or on this behalf
Admissions are relevant and may be proved as against the person who makes them or his representative-in-interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in-interest, except in the following cases: —

(1) An admission may be proved by or on behalf of the person making it, when it is of such a nature that if the person making it were dead, it would be relevant as between third persons under Article 46.

(2) An admission may be proved by or on behalf of the person making it, when it consist of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3) An admission may be proved by or on behalf of the person making it, if it is relevant otherwise than as an admission.

Illustrations

(a) The question between A and B is, whether a certain deed or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement of B that the deed is genuine, and B may prove a statement by A that the deed is forged ; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b) A, the captain of a ship, is tried for casting her away

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day and indicating that the ship was not taken out of her proper her proper course. A may prove these statements, because they would be admissible between third parties, if he were dead under Article 46 paragraph (2)

(c) A is accused of a crime committed by him at Peshawar

He produces a letter written by him and dated at Lahore on that day, and bearing the Lahore post-marks of that day

The statement in the date of the letter is admissible, because if a were dead, i would be admissible under Article 46, paragraph (2).

(d) A is accused of receiving stolen goods known them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove this statement, though they are admissible because they are explanatory of conduct influenced by facts in issue.

(e) A is accused of fraudulently having in his possession counterfeit coin which he knows to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin as he doubted whether it was counterfeit or not and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding Illustration.

35. When oral admissions as to contents of documents are relevant: Oral admissions as to the contents of a document are not relevant unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the miles hereinafter contained, or unless the genuineness of a document produced is in question.

36. Admissions in civil cases, when relevant: In civil cases no admission is relevant if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation: Nothing in this Article shall be taken to exempt any advocate from giving evidence of any matter which he may be compelled to give evidence under Article 9.

37. Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding: A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

38. Confession to police officer not to be proved: No confession made to a police officer shall be proved as against a person accused of any offence.

39. Confession by accused while in custody of police not to be proved against him:

Subject to Article 10, no confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against person.

Explanation: In this Article, "Magistrate" does not include the head of a village discharging magisterial function unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1898 (Act V of 1898).

40. How much of information received from accused may be proved: When any fact is proved to as discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

41. Confession made after removal of impression caused by inducement, threat or promise, relevant: such a confession as is referred to in Article 37 is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

42. Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.: If such confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to Questions when he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him : .

Provided that the provisions of this Article shall not apply to the trial of cases under the laws relating to the enforcement of Hudood.

43. Consideration of proved confession affecting person making it and others jointly under trial for same offence: When more persons than one are being tried jointly for the same offence and a confession made by one of such persons is proved,-

(a) such confession shall be proof against the person , making it and;

(b) the Court may take into consideration such confession as circumstantial evidence against such other person.

Explanation: "Offence" as used in this Article, includes the abetment of or attempt to commit the offence.

44. Accused persons to be liable to cross-examination: All accused persons, including an accomplice, shall be liable to cross-examination.

45. Admission not conclusive proof but may estop : Admissions are not conclusive proof of the matters admitted but they may operate as estoppels under the provisions hereinafter contained.

46. Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant: Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot, be found, or, who has become incapable of giving evidence, or whose attendance can not be procured without an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable, are themselves relevant facts in the following cases:

(1) **When it relates to cause of death:** When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question. Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which cause of his death comes into question.

(2) **Or is made in course of business:** When the statement is made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business.. or in the discharge of professional duty; or of an acknowledgment Written or signed by him of the receipt of money, goods, securities or property of any kind ; or of a document used in commerce written or signed by him ; or of the date of a letter or other document usually dated, written or signed by him.

(3) **Or against interest of maker:** When the statement is against the pecuniary or proprietary interest of the person making it, or when. if true, it would expose or would have exposed him to a criminal prosecution or to a suit for damages,

(4) **Or gives opinion as to public right or customs or matters of general interest :** When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence, of which it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter has arisen.

(5) **Or relates to existence of relationship:** When the statement relates to the existence of any relationship by blood, marriage or adoption between persons as to whose relationship by blood marriage or adoption the person making the statement had special means of knowledge, and when the statement was made before question in dispute was raised.

(6) Or is made in will or deed relating to family affairs: When the statement relates to the existence of any relationship by blood, marriage or adoption between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged or in any family pedigree, or upon any tombstone, family portrait or other things on which such statements are usually made and when such statement was made before the question in dispute was raised.

(7) Or In document relating to transaction mentioned in Article 26, paragraph (a): When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in Article 26, paragraph (a).

(8) Or is made by several persons and expresses feelings relevant to matter in question: When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question;

Illustrations

(a) The question is, whether A was murdered by B, or A dies of Injuries

received in a transaction in the course of which she was ravished. The question is, whether she was ravished by B, or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape and the actionable wrong under consideration are relevant facts,

(b) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon regularly kept in the course of business stating that on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(c) The question is, whether A was in Peshawar on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that on a given day the solicitor attended A at a place mentioned, in Peshawar, for the purpose, of conferring with him upon specified business, is a relevant fact.

(d) The question is whether a ship sailed from Karachi harbour on a given day

A letter written by a deceased member of a merchant's firm by which she was chartered to their correspondents in London, to whom the cargo was consigned, stating that the ship sailed on a given day from Karachi harbour is a relevant fact.

(e) The question is whether rent was paid to A for certain land.

A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's order, is a relevant fact.

- (f) The question is, whether A and B were legally married,

The statement of a deceased clergyman that he married them under such circumstances, that the celebration would be a crime is relevant.

- (g) The question is whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day is relevant.

- (h) The question is, what was the cause of the wreck of a ship.

A protest made by the Captain, whose attendance cannot be procured is a relevant fact.

- (i) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

- (j) The question is, what was the price of grain on a certain day in a particular market. A statement of the price, made by a deceased, banya in the ordinary course of his business, is a relevant fact.

- (k) The question is whether A, who is dead, was the father of B. A statement by A that B was his son is a relevant fact.

- (l) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

- (m) The question is, whether and when, A and B were married.

An entry in a memorandum-book by C, the deceased father of B, of his daughter's marriage with A on a given date, is a relevant fact.

- (n) A sues B for a libel expressed in a painted caricature expose in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks on a crowd of spectators on these points may be proved.

1[46-A. Relevance of information generated, received or recorded by automated information system.- Statements in the form of electronic documents generated, received or recorded by an automated information system while it is in working order, are relevant facts.]

¹ Ins. by the Ord. LI of 2002, schedule (w.e.f 11-9-2002).

47. Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated: Evidence given by a witness in a judicial proceeding or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable

Provided that—

the proceeding was between the same parties or their representatives-in-interest;

the adverse party in the first proceeding had the right and opportunity to cross-examine ;

the questions in issue were substantially the same in the first as in the second proceeding.

Explanation: A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this Article.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES

48. Entries in books of account when relevant: Entries in books of accounts regularly kept in the course of business are relevant whenever they refer to a matter into which the Court has to enquire, but such statements shall not alone be sufficient evidence, to charge any person with liability.

Illustrations

A sues B for Rs. 1,000, and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence, to prove the debt.

49. Relevancy of entry in public record made in performance of, duty: An entry in any public or other official book, register or record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register or record is kept, is itself a relevant fact.

50. Relevancy of statements in maps, charts and plans: Statements of facts in issue or relevant facts made in published maps or charts generally offered for public sale or in maps or plans made under the authority of The Federal Government or any Provincial Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

51. Relevancy of statements as to fact of public nature, contained in certain Acts or notifications: When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of the Central Legislature or of any other legislative authority in Pakistan or in a Government notification appearing in the official Gazette is a relevant fact.

52. Relevancy of statements as to any law contained in law-books: When the Court has to form an opinion as to a law of any country any statement of such law contained in a book purporting to be printed or published under the authority, of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED

53. What evidence to be given when statement forms part of a conversation, document, book or series of letters or papers: When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT

54. Previous Judgments relevant to bar a second suit or trial: The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit or to hold such trial.

55. Relevancy of certain judgments in probate etc., jurisdiction: A final judgment, order or decree of a competent Court in the exercise of probate matrimonial admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such Legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof—

that any legal character which it confers accrued, at the time when such judgment, order or decree came into operation ;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such Judgment, order or decree declares it to have accrued to that person;

that any legal character which It takes away from any such person ceased at the time from which such judgment, order or decree declared that it had ceased or should cease;

and that anything to which it declares any person to be so entitled was the property of that person at the time from which such judgment, order or decree declares that it had been or should be his property.

56. Relevancy and effect of judgments, orders or decrees, other than those mentioned in Article 55: Judgments, orders, or decrees other than those mentioned in Article 55 are relevant if they relate to matters of a public nature relevant to the enquiry ; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustrations

A sues B for trespass on his land, B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

57. Judgments, etc., other than those mentioned in Articles 54 to 56, when relevant: Judgments, orders or decrees, other than those mentioned in Articles 54, 55 and 56 are irrelevant, unless the existence of such judgment order or decree is a fact in issue or is relevant under some other provision of this Order.

Illustrations

- (a) A and B separately sue C for a libel which reflects upon each of them, C in each case says that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification, the fact is irrelevant as between B and C.

- (b) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was A's wife.

The judgment against B is irrelevant as against C,

- (c) A prosecutes B for stealing a cow from him, B is convicted. A afterwards sues C for the cow which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

- (d) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

- (e) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

- (f) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced, is relevant and under Article 21 as showing the motive for the fact in issue.

58. Fraud or collusion in obtaining judgment, or incompetence of court may be proved: Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under Articles 54, 55 or 56, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINION OF THIRD PERSONS WHEN RELEVANT

59. Opinions of experts: When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of hand-writing or finger impressions, ¹[or as to authenticity and integrity of electronic documents made by or through an information system shall be inserted; and] the opinions upon that point of persons specially skilled in such foreign law science or art, or in questions as to identity of hand-writing or finger impressions-are ¹[or, as to the function specification, programming and operation of information system are relevant facts.]

Such persons are called experts.

Illustrations

- (a) The question is, whether the death of A was caused by poison. The opinion of experts as to the symptoms produced by the poison which A is supposed to have died, are relevant.

(6) The question is, whether A, at the time of doing a certain act, was by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law are relevant.

¹Subs. by the ord. LI of 2002, see schedule (w.e.f II-09-2002)

- (c) The question is whether a certain document was written by A, Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons are relevant.

60. Facts bearing upon opinions of experts: Facts not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinion are relevant.

Illustrations

- (a) The question is, whether A was poisoned by a certain poison The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms that poison, is relevant.
- (b) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea-walls, began to be obstructed at about the same time, is relevant.

61. Opinion as to hand-writing when relevant: When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the hand-writing of the person by whom it is supposed to be written or signed that it was or it was not written or signed by that person, is relevant fact.

Explanation: A person is said to be acquainted with the hand-writing of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him. -.

Illustrations

The question is whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Peshawar, who has written letters addressed to A and received letters purporting to be written by him, C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising him thereon. '

The opinion of B, C and D on the question whether the letter is in the handwriting of A are relevant though neither B, C or D ever saw A write.

62. Opinion as to existent of right or custom, when relevant: When the Court has to form an opinion as to the existence of any general custom or right, the opinion, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation: the expression "general custom or right" includes customs or rights common to any considerable class of persons.

Illustrations

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this Article.

63. Opinion as to usages, tenets, etc., when relevant: When the Court has to form an opinion as to—

- the usages and tenets of any body of man or family,
- the constitution and government of any religious or charitable foundation, or
- the meaning of words or terms used in particular districts or by particular classes of people,
- the opinions of persons having special means of knowledge thereon, are relevant facts.

64. Opinion on relationship when relevant: When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact:

Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Divorce Act 1869 (IV of 1869), or in prosecutions under Section 494 or 495 of the Pakistan Penal Code (Act XIV of 1860).

Illustrations

- (a) The question is whether A and B were married.
The fact they were usually received and treated by their friends as husband and wife, is relevant.
- (b) The question is, whether A was the legitimate son of B. The fact that A was always treated as such by members of the family is relevant.

65. Grounds of opinion when relevant: Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustrations

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT

66. In civil cases character to prove conduct imputed irrelevant: In civil cases the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him is irrelevant, except in so far as such character appears from facts otherwise relevant.

67. In criminal cases previous good character relevant: In criminal proceedings the fact that the person accused is of a good character is relevant.

68. Previous bad character not relevant, except in reply: In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it become relevant.

Explanation 1: This Article does not apply to cases in which the bad character of any person is itself a fact in issue.

Explanation 2: A previous conviction is relevant as evidence of bad character.

69. Character as affecting damages: In civil cases the fact that the character of any person is such as to affect the amount of damages, which he ought to receive, is relevant.

Explanation: In Articles 66, 67, 68 and 69, the word "character" includes both reputation and disposition; but except as provided in Article 68, evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

CHAPTER IV OF ORAL EVIDENCE

70. Proof of facts by oral evidence: All facts, except the contents of documents, may be proved by oral evidence.

71. Oral evidence must be direct: Oral evidence must, in all cases whatever be direct, that is to say—

If it refers to a fact, which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact, which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact, which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale and the grounds on which such opinions are held, maybe proved by the production of such treatise if the author is dead, or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable:

Provided further that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection:

Provided further that, if a witness is dead, or can not be found or has become incapable of giving evidence, or his attendance cannot be procured without an amount of delay or expense which under the circumstances of the case the Court regards as unreasonable, a party shall have the right to produce, "shahada ala al-shahadah" by which a witness can appoint two witnesses to depose on his behalf, except in the case of Hudood.

CHAPTER V

OF DOCUMENTARY EVIDENCE

72. Proof of contents of documents: The contents of documents may be proved either by primary or by secondary evidence.

73. Primary evidence: "Primary evidence" means the document itself produced for the inspection of the Court.

Explanation 1: Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, counterpart is primary evidence as against the parties executing it.

Explanation 2: Where a number of documents are all made by one uniform process, as in the case of printing, Lithography or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original they are not primary evidence of the contents of the original.

¹[**Explanation 3.-** A printout or other form of output of an automated information system shall not be denied the status of primary evidence solely for the reason that its was generated, sent, received or stored in electronic form if the

automated information system was in working order at all material times and, for the purposes hereof, in the absence of evidence to the contrary, it shall be presumed that the automated information system was in working order at all material times.

Explanation 4.- A printout or other form of reproduction of an electronic documents, other than a document mentioned in Explanation 3 above, first generated, sent received or stored in electronic form, shall be treated as primary evidence where a security procedure was applied thereto at the time it was generated, sent, received or stored.]

Illustrations

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

74. Secondary evidence: "Secondary evidence means and includes— (1) certified copies given under the provisions hereinafter contained ;

(2) copies made from the original by mechanical process which is themselves insure the accuracy of the copy, and copies compared with such copies ;

(3) copies made from or compared with the original.

(4) counterparts of documents as against the parties who did not execute them ;

(5) oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations

- (a) A photograph of an original is secondary evidence of its contents though the two have not been compared if it is proved that the thing photographed was the original.
- (b) A copy, compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.
- (c) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.
- (d) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

75. Proof of documents by primary evidence: Documents must be proved by primary evidence except in the cases hereinafter mentioned.

76. Cases in which secondary evidence relating to documents may be given: Secondary evidence may be given of the existence, condition or contents of a document in the following cases:

- (a) when the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of any person out of reach of, or not subject to, the process of the Court, or of any person legally bound to produce it, and when after the notice mentioned in Article 77 such person does not produce it;
- (b) when the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative-in-interest;
- (c) when the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time ;
- (d) when, due to the volume or bulk of the original, copies thereof have been made by means of microfilming or other modern devices ;
- (e) when the original is of such a nature as not to be easily movable ;
- (f) when the original is public document within the meaning of Article 85 ;
- (g) when the original is a document of which a certified copy is permitted by this Order, or by any other law in force in Pakistan, to be given in evidence ;

(h) when the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection ;

(i) when an original document forming part of a judicial record is not available and only a certified copy thereof is available, certified copy of that certified copy shall also be admissible as a secondary evidence.

In cases (a), (c), (d) and (e), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In case (f) or (g), certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (h), evidence may be given as to the general result of the documents by any person who has examined them and who is skilled in the examination of such document.

77. Rules as to notice to produce: Secondary evidence of the contents of the documents referred to in Article 76, paragraph (a), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, or to his advocate, such notice to produce it as is prescribed by Law and, if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it: —

- (1) when the document to be proved is itself a notice ;
- (2) when, from the nature of the case, the adverse party must know that he will be required to produce it;
- (3) when it appears or is proved that the adverse party has obtained possession of the original by fraud or force ;

- (4) when the adverse party or his agent has the original in Court ;
- (5) when the adverse party or his agent has admitted the loss of the document ;
- (6) when the person in possession of the document is out of reach of, or not subject to, the process of the Court.

78. Proof of signature and handwriting of person alleged to have signed or written document produced: If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

79. Proof of execution of document required by law to be attested: If a document is required by law to be attested, it shall not be used as evidence until two attesting witnesses or at least have been called for the purpose of proving its execution, if there be two attesting witnesses alive, and subject to the process of the Court and capable of giving Evidence.

Provided that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Registration Act, 1908 (XVI of 1908), unless its execution by the person by whom it purports to have been executed is specifically denied.

80. Proof where no attesting witness found: If no such attesting witness can be found, it must be proved that the witnesses have either died or cannot be found and that the document was executed by the person who purports to have done so.

81. Admission of execution by party to attested document: The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

82. Proof when attesting witness denies the execution: If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

83. Proof of document not required by law to be attested: An attested document not required by law to be attested may be proved as if it was unattested.

84. Comparison of signature, writing or seal with others admitted or proved: (1) In order to ascertain whether a signature, writing or seal is that of the person by whom it purports to have been written or made any signature writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing or seal has not been produced or proved for any other purpose.

(2) The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

(3) This Article applies also, with any necessary modifications, to fingerimpressions.

85. Public documents: The following documents are public documents: —

(1) documents forming the acts or records of the acts :

(i) of the sovereign authority ;

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, Judicial and executive of any part of Pakistan or of a foreign country.

(2) public records kept in Pakistan of private documents.

(3) documents forming part of the records of judicial proceedings ;

(4) documents required to be maintained by a public servant under any law ; and

(5) registered documents the execution whereof is not disputed.

86. Private documents: All other documents are private.

87. Certified copies of public documents: Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefore, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation: Any officer, who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this Article.

88. Proof of documents by production of certified Copies: Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

89. Proof of other public documents: The following public documents may be proved as follows: —

- (1) Acts orders or notifications of the Federal Government in any of its departments, or of any Provincial Government or any department of any Provincial Government—by the records of the departments, certified by the heads of those departments respectively, or by any document purporting to be printed by order of any such Government;
- (2) the proceedings of the Legislatures,—by the Journal of those bodies respectively, or by published Acts or abstracts, by copies purporting to be printed by order of the Government concerned ;
- (3) the Acts of the Executive or the proceedings of the Legislature of a foreign country,— by journals published by their authority, or commonly received in that country as such or by a copy certified under the seal of the country or sovereign or by a recognition thereof in some Federal Act;
- (4) the proceedings of a municipal body in Pakistan,—by a copy of such proceedings, certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body ;
- (5) public documents of any other class in a foreign country,—by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public, or of a Pakistan Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of foreign country.

PRESUMPTION AS TO DOCUMENTS

90. Presumption as to genuineness of certified copies: (1) The Court shall presume every document purporting to be a certificate, certified copy or other document, which is by law declared to be admissible as evidence of any particular fact and which purports to be duly certified by any officer of the Federal Government or a Provincial Government to be genuine:

Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

(2) The Court shall also presume that any officer by whom any such document purports to be signed or certified, held when he signed it, the official character which he claims in such document.

91. Presumption as to documents produced as record of evidence: Whenever any document is produced before any Court, purporting to be a record or memorandum of the evidence, or of any part of the evidence, given by a witness in a judicial proceeding Or before any officer authorized by law to take such evidence or to be a statement or confession by any prisoner or accused person, taken in accordance with law, and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken, purporting to be made by the person signing it are true and that such evidence statement or confession was duly taken.

92. Presumption as to genuineness of documents kept under any law: The Court shall presume the genuineness of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

93. Presumption as to maps or plans made by authority of Government: The Court shall presume that map or plans purporting to be made by the authority of the Federal Government or any Provincial Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

94. Presumption as to collections of laws and reports of decision: The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the law of that country, and of every book purporting to contain reports of decisions of the Courts of such country.

95. Presumption as to powers-of-attorney: The Court shall presume that every document purporting to be a power-of-attorney, and to have been executed before, and authenticated by, a notary public, or any Court, Judge, Magistrate, Pakistan Consul or Vice-Consul, or representative of the Federal Government, was so executed and authenticated.

96. Presumption as to certified copies of foreign judicial records: (1) The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Pakistan is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of the Federal Government in or for such country to be the manner commonly in use in that country for the certification of copies of Judicial records.

(2) An officer who with respect to any territory or place not forming part of Pakistan, is a political Agent therefore, as defined in Section 3, clause (40), of the General Clauses Act, 1897(X of 1897) shall for the purposes of clause (1), be deemed to be a representative of the Federal Government in or for the country comprising that territory or place.

97. Presumption as to books, maps and charts: The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

98. Presumption as to telegraphic messages: The Court may presume that message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

99. Presumption as to due execution, etc., of document not produced: The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

100. Presumption as to documents thirty years old: Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document, which purports to be in the handwriting of any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation: For the purposes of this Article and Article 92, documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be, but no custody is improper if it is proved to have had, a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

Illustrations

- (a) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land, showing his titles to it. The custody is proper
- (b) A produce deeds relating to landed property of which he is the mortgage. The mortgagor is in possession. The custody is proper
- (c) A, a connection of B, produces deeds relating to lands in B's possession which were deposited with him by B for safe custody. The custody is proper.

101. Certified copies of documents thirty years old: The provisions of Article 100 shall apply to such copy of a document referred to in that Article as is certified in the manner provided in Article 87 and is not less than thirty years old, and such certified copy may be produced in proof of the contents of the document or part of the document of which purports to be a copy.

CHAPTER VI

OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE

102. Evidence of terms of contracts, grants and other disposition of property reduced to form of document: When the terms of a contract, or of a grant, or of any

other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.— When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.— Wills admitted to probate in Pakistan may be proved by the probate.

Explanation 1.—This Article applies equally to cases in which the contracts, grants or dispositions of property referred to are contained in one document and to cases in which they are contained in more documents than one.

Explanation 2.— Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement, in any document whatever, of a fact other than the facts referred to in this Article, shall not preclude the admission of oral evidence as to the same fact.

Illustration

(a) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(b) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(c) If a bill of exchange is drawn in a set of three, one only need be proved.

(d) A contracts, in writing with B, for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(e) A gives B a receipt for money paid by B. Oral evidence is offered of the payment. The evidence is admissible.

103. Exclusion of evidence of oral agreement: When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last Article, no evidence of any oral agreement or statement shall be admitted, as between the parties to any such instrument or their representatives-in-interest, for the purpose of contradicting, varying, adding to or subtracting from, its terms :

Proviso (1) .—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2) .— The existence of any separate oral agreement as to any matter on which a document is silent, and which is not inconsistent with its terms may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3) .— The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property may be proved.

Proviso (4) .— The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant, or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5) .— Any usage or custom by which incidents not expressly mentioned in any contract are usually annexed to contracts of that description, may be proved:

Provided that the annexing of such incident would not be repugnant to, or inconsistent with the express terms of the contract.

Proviso (6) .— Any fact may be proved which shows in what manner the language of a document is relied to existing facts.

Illustrations

- (a) A policy of insurance is effected on goods "in ships from Karachi to London". The goods are shipped in a particular ship, which is lost. The fact that that particular ship was orally excepted from the policy cannot be proved.
- (b) A agrees absolutely in writing to pay B, Rs. 1,000 on the first March, 1984. The fact that at the same time, an oral agreement was made that the money should not be paid till the thirty-first March cannot be proved.
- (c) An estate called "the Khanpur Estate" is sold by a deed, which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed cannot be proved.
- (d) A enters into a written contract with B to work certain mines the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as their value. This fact may be proved.
- (e) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.
- (f) A orders goods of B by a letter in which nothing is said as to the time of payment, and excepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.
- (g) A sells B a horse and verbally warrants him sound. A gives B a paper in these words "Bought of a horse for Rs. 500". B may prove the verbal warranty.

- (h) A hires lodging of B, and gives a card on which is written "Rooms, Rs. 200 a month." A may prove a verbal agreement that these terms were to include partial board.

A hires lodging of B for a year, and regularly stamped agreement, drawn up by an advocate, is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

- (i) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount A may prove this.

- (j) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

104. Exclusion of evidence against application of document to existing facts.— When language used in a document is plain in itself, and when it applied accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustrations

A sells to B by deed, "my estate at Rangpur, containing 100 bighas". A has an estate at Rangpur containing 100 bighas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

105. Evidence as to document unmeaning in reference to existing facts.— When language used in a document is plain in itself, but is unmeaning in reference to existing facts evidence may be given to show that it was used in a peculiar sense.

Illustrations

A sells to B by deed, "my house in Karachi".

A had no house in Karachi, but it appears that he had a house at Keamari of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Keamari.

106. Evidence as to application of language which can apply to one only of several persons.— When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations

- (a) A agrees to sell to B, for Rs. 1,000, "my white horse". A has two white horses. Evidence may be given of facts which shows which of them was meant.

- (b) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Dekkhan or Hyderabad Sind was meant.

107. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.— When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either evidence may be given to show to which of the two it was meant to apply.

Illustrations

A agrees to sell to B "my land at X in the occupation of Y". A has land at X, but not in the occupation of Y, and he had land in the occupation of Y, but it is not at X. Evidence may be given of facts; which he meant to sell.

108. Evidence as to meaning of illegible character etc.— Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete technical, local and provincial expressions, of abbreviation and of words used in a peculiar sense.

Illustrations

A, a sculptor, agrees to sell to B, "All my mods."

A has both models and modelling tools. Evidence may be given to show which he meant to sell.

109. Who may give evidence of agreement varying terms of document.—Persons who are not parties to a document, or their representatives-in-interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustrations

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months credit shall be given to A. This could not be shown as between A and B, but it might be shown by C, if it affected his interest.

110. Saving of provisions of Succession Act relating to wills.— Nothing in this Chapter contained shall be taken to affect any of the provisions of the Succession Act, 1925 (XXXIX of 1925) as to the construction of wills.

PART II

ON PROOF CHAPTER VII

FACTS WHICH NEED NOT BE PROVED

111. Fact Judicially noticeable need not be proved: No fact of which the Court will take judicial notice need be proved.

112. Facts of which Court must take judicial notice: (1) The Court shall take judicial notice of the following facts: —

(a) All Pakistan laws;

- (b) Articles of War for the Armed Forces;
- (c) The course of proceeding of the Central Legislature and any Legislature established under any law for the time being in force in Pakistan;
- (d) The seals of all the Courts in Pakistan and of all Courts out of Pakistan established by the authority of the Federal Government or the Government representative, the seals of Court of Admiralty and Maritime Jurisdiction and of Notaries Public and all seals which any person is authorised to use by any Act or Regulation having the force of law in Pakistan ;
- (e) The accession to office, names, titles, functions and signatures of the persons filling for the time being any public office in Pakistan, if the fact of their appointment to such office is notified in the official Gazette;
- (f) The existence, title and national flag of every State of Sovereign recognised by the Federal Government;
- (g) The divisions of time, the geographical divisions of the world, and public festivals, facts and holidays notified in the official Gazette;
- (h) The territories under the dominion of Pakistan;
- (i) The commencement, continuance and termination of hostilities between Pakistan and any other State or body of persons;
- (j) The names of the members and officers of the Court and of their deputies and Subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates and other persons authorized by law to appear or act before it;
- (k) The rule of the road on land or at sea.

(2) In all cases referred to in clause (1), and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

(3) If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

113. Facts admitted need not be proved.—No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule or pleading in force at the time they are deemed to have admitted by their pleadings:

Provided that the Court may in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER VIII

ESTOPPEL

114. Estoppel.— When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

Illustrations

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

115. Estoppel of tenant and of licensee of person in possession.—No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the license of the person in possession thereof shall be permitted to deny that such person had a title to such possession at the time when such license was given.

116. Estoppel of acceptor of bill of exchange bailee or licensee: No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it; nor shall any bailee or licensee be permitted to deny that his bailor or licensor had at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation 1.—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation 2.—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

PART III

PRODUCTION AND EFFECT OF EVIDENCE CHAPTER IX OF THE BURDEN OF PROOF

117. Burden of proof.— (1) Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

(2) When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations

- (a) A desired a Court to give Judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

- (b) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts, which he asserts, and which B denies to be true.

A must prove the existence of those facts.

118. On whom burden of proof lies.—The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations

- (a) A sues B for land of which B is in possession, and which, as A asserts was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

- (b) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed as the bond is not disputed and the fraud is not proved.

Therefore the burden, of proof is on B.

119. Burden of proof as to particular fact.— The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustrations

- (a) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft, to C. A must prove the admission.

- (b) B wishes the Court to believe that at the time in question, he was elsewhere. He must prove it.

120. Burden of proving fact to be proved to make evidence admissible.—The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations

- (a) A wishes to prove a dying declaration by B, A must prove B's death.
(b) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

121. Burden of proving that case of accused comes within exceptions: When a person is accused of any offence the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Pakistan Penal Code (Act XLV of 1860), or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

- (a) "A" accused of murder, alleges that by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

- (b) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.

The burden of proof is on A.

- (c) Section 325 of the Pakistan Penal Code (Act XLV of 1860) provides that whoever, except in the case provided for by Section 335 voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under Section 325.

The burden of proving the circumstances bringing the case under Section 336 lies on A.

122. Burden of proving fact especially within knowledge: When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations

(a) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

123. Burden of proving death of person known to have been alive within thirty years: Subject to Article 124, when the question is whether a man is alive or dead and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

124. Burden of proving that person is alive who has not been heard of for seven years: When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

125. Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent: When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively is on the person who affirms it.

126. Burden of proof as to ownership: When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

127. Proof of good faith in transactions where one party is in relation of active confidence: When there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence. The burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations

(a) The good faith of a sale by a client to an advocate is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the advocate.

(b) The good faith of a sale by a son Just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

128. Birth during marriage conclusive proof of legitimacy.—(1) The fact that any person was born during the continuance of a valid marriage between his mother and any man and not earlier than the expiration of six lunar months from the date of the marriage, or within two years after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate child of that man, unless—

(a) the husband had refused, or refuses, to own the child ; or

(b) the child was born after the expiration of six lunar months from the date on which the woman had accepted that the period of iddat had come to an end.

(2) Nothing contained in clause (1) shall apply to a non-Muslim if it is inconsistent with his faith.

129. Court may presume existence of certain facts: The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations

The Court may presume—

- (a) that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession ;
- (b) that an accomplice is unworthy of credit, unless he is corroborated in material particulars ;
- (c) that a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration ;
- (d) that a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence ;
- (e) that judicial and official acts have been regularly performed ;
- (f) that the common course of business has been followed in particular cases;
- (g) that evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it ;
- (h) that, if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him
- (i) that when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before it;

as to illustration (a).—a shopkeeper has in his till marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business ;

as to illustration (a).—A. person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery, B, a person of equally good character, who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself ;

as to illustration (b).—A crime is committed by several persons. A, B and C. three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D and the accounts corroborate each other in such a manner as to render previous concert highly improbable;

as to illustration (c).—A. the drawer of a bill of exchange, was a man of business. B; the acceptor, was a young and ignorant person, completely under A's influence;

as to illustration (d).— It is proved that a river ran in a certain course five years ago. But it is known that there have been floods since that time which might change its course ;

as to illustration (e).—a judicial act, the regularity of which is in question, was performed under exceptional circumstances ;

as to illustration (f) .—the question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances;

as to illustration (g) .—a man refuses to produce a document which would bear on a contract of small importance on which he is sued. but which might also injure the feelings and reputation of his family;

as to illustration (h) .—a man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked ;

as to illustration (i).— a bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it,

CHAPTER X

OF THE EXAMINATION OF WITNESS

130. Order of production and examination of witnesses: The order in which witnesses are produced and examined shall be regulated by the law and practice, for the time being relating to civil and criminal procedure respectively, and, in the absence of any such law, by the discretion of the Court.

131. Judge to decide as to admissibility of evidence: (1) When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant and not otherwise.

(2) If the fact proposed, to be proved is one of which evidence is admissible only upon proof of some other fact, such last mentioned fact must be proved before evidence is given of the fact first mentioned unless the party undertakes to give proof of such fact, and the Court is satisfied with such undertaking.

(3) if the relevancy of one alleged fact depends upon an other alleged fact being first proved, the Judge may in his discretion, either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations

- (a) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under Article 46.

The fact that the person is dead must be proved by the person proposing to prove the statement, before evidence is given of the statement.

- (b) It is proposed to prove, by a copy, the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

- (c) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion, either require the property to be identified before the denial of the possession is proved or permit the denial of possession to be proved before the property is identified.

- (d) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact-in-issue. There are several intermediate facts (B, C and D), which must be shown to exist before the fact (A) can be regarded as the cause or effect of the fact-in-issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

132. Examination-in-chief, etc.— (1) The examination of a witness by the party who calls him shall be called his examination-in-chief.

(2) The examination of a witness by the adverse party shall be called his cross-examination.

(3) The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

133. Order of examinations.— (1) Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

(2) The examination and cross-examination must relate to relevant facts but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

(3) The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine that matter.

134. Cross-examination of person called to produce a document.— A person summoned to produce a document does not become a witness by the mere fact that he produces it and cannot be cross-examined unless and until he is called as a witness.

135. Witnesses to character.— Witnesses to character may be cross-examined and re-examined.

136. Leading questions: Any question suggesting the answer which the person putting in wishes or expects to receive is called a leading question.

137. When leading questions must not be asked.— (1) Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

(2) The Court shall permit leading questions as to matters which are introductory or undisputed, or which have in its opinion, been already sufficiently proved.

138. When leading questions may be asked: Leading questions may be asked in cross-examination.

139. Evidence as to matters in writing.— Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation: A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration

The question is, whether A assaulted B.

C deposes that he heard A say to D—"B wrote a letter accusing me of theft, and I will be revenged on him". This statement is relevant, as showing A's motive for the assault, and evidence may be given of it though no other evidence is given about the letter.

140. Cross-examination as to previous statements in writing: A witness may be cross-examined as to previous statements made by him in writing or reduce into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

141. Questions lawful in cross-examination: When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend—

(1) to test his veracity,

(2) to discover who he is and what is his position in life or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

142. When witness to be compelled to answer.—if any such question relates to a matter relevant to the suit or proceeding, the provisions of Article 15 shall apply thereto.

143. Court to decide when question shall be asked and when witness compelled to answer: If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:

(1) such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously effect the opinion of the Court as to the credibility of the witness on the matter to which he testifies ;

(2) such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies;

(3) such questions are improper if there is a great disproportion between the importance of the importation made against the witness's character and the importance of his evidence;

(4) the Court may, if it sees fit, draw from the witness's refusal to answer, the inference that the answer if given would be unfavourable.

144. Question not to be asked without reasonable grounds: No such question as is referred to in Article 143 ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation, which it conveys, is well founded.

Illustrations

(a) An advocate is instructed by an attorney that an important witness is a dakait. This is a reasonable ground for asking the witness whether he is a dakait.

(b) An advocate is informed by a person in Court that an important Witness is a dakait. The informant, on being questioned by the advocate, given satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dakait.

(c) A witness, of whom nothing whatever is known, is asked at random whether he is a dakait. There are here no reasonable grounds for the question.

(d) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dakait.

145. Procedure of Court in case of question being asked without reasonable grounds: If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any advocate, report the circumstances of the case to the High Court or other authority to which such advocate is subject in the exercise of his profession.

146. Indecent and scandalous question: The Court may forbid any question or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court unless they relate to facts-in-issue, or to matters necessary to be known in order to determine whether or not the facts-in- issue existed.

147. Procedure of Court in cases of defamation libel and slander: When a person is prosecuted or used for making or publishing an imputation of a defamatory, libellous or slanderous nature, the Court shall not, before it has recorded its findings on the issues whether such person did make or publish such imputation and whether such imputation is true, permit any question to be put to any witness for the purpose of injuring the character of the person in respect of whom such imputation has or is alleged to have been made or any other person, whether dead or alive, in whom he is interested, except in so far as any such question may be necessary for the purpose of determining the truth of the imputations alleged to have been made or published.

148. Questions intended to insult or annoy: The Court shall forbid any question which appears to it to be intended to insult or annoy, or which though proper in itself, appears to the Court needlessly offensive in form.

149. Exclusion of evidence to contradict answer to questions testing veracity: When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1: If a witness is asked whether he has been previously convicted of any crime denies it, evidence may be given of his previous conviction.

Exception 2: If a witness is asked any question tending to impeach his impartiality and answers it by denying the suggested, he may be contradicted.

Illustrations

(a) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty. The evidence is not admissible.

(c) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Faisalabad. He denies it. Evidence is offered to show that A was on that day at Faisalabad.

The evidence is admissible, not as contradicting A on a fact, which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

- (d) A is asked whether his family has not had a blood feud with the family of D against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

150. Question by party to his own witness: The Court may, in its discretion, permit the person who calls a witness to put any questions to him, which might be put in cross-examination by the adverse party.

151. Impeaching credit of witness: The credit of a witness may be impeached in the following ways by the adverse party or with the consent of the Court, by the party who calls him:

- (1) by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be un-worthy of credit;
- (2) by proof that the witness has been bribed, or has accepted the offer of a bribe, or has received any other corrupt inducement to give his evidence ;
- (3) by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted ;
- (4) when a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation: A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reason for his belief, but he may be asked his reasons in cross examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations

- (a) A sues B for the price of goods sold and delivered to B. C says that A delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

- (b) "A" is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died. Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence. The evidence is admissible.

152. Questions lending to corroborate evidence of relevant fact admissible: When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustrations

A, an accomplice, gives an account of robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

153. Former statements of witness may be proved to corroborate later testimony as to same fact: In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact at or about the time when the fact took place, or before any authority legally competent to investigate the facts; may be proved.

154. What matters may be proved in connection with proved statement relevant under Article 46 or 47: Whenever any statement, relevant under Article 46 or 47, is proved, all matters may be proved either in order to contradict or corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

155. Refreshing memory: (1) A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

(2) The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

(3) Whenever a witness may refresh his memory by reference to any document, he may with the permission of the Court, refer to a copy of such document:

Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

(4) An expert may refresh his memory by reference to professional treatises.

156. Testimony to facts stated in document mentioned in Article 155: A witness may also testify to facts mentioned in any such document as is mentioned in Article 155, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustrations

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

157. Right of adverse party as to writing used to refresh memory: Any writing referred to under the provisions of the two last preceding Articles must be produced and shown to the adverse party if he requires it, such party may, if he pleases, cross-examine the witness thereupon.

158. Production of documents: (1) A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any objection shall be decided on by the Court.

(2) The Court, if it sees fit may inspect the document unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

(3) If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the translator disobeys such direction, he shall be held to have committed an offence under Section 166 of the Pakistan Penal Code (Act XLV of 1860).

159. Giving, as evidence, of document called for and produced on notice: When a party calls for a document which he has given the other party notice to produce and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

160. Using, as evidence, of document production of which was refused on notice: When a party refuses to produce a document which he has had notice to produce; he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustrations

A sues C on an agreement and gives B, notice to produce it. At the trial A calls for the document and B refuses to produce it. A gives secondary evidence of its contents, B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

161. Judge's power to put questions or order production: The Judge may in order to discover or to obtain proper proof of relevant facts, ask any question he places, in any form, at any time, of any witness, or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing; and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the Judgment must be based upon facts declared by this Order to be relevant, and duly proved:

Provided also that this Article shall not authorise any Judge to compel any witness to answer any question or to produce any document which such witness would be entitled to refuse to answer or produce under Articles 4 to 14, both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the judge ask any question which it would be improper for any other person to ask under Article 143 or 144; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

CHAPTER XI

OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE

162. No new trial for improper admission or rejection of evidence: The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised that, independent of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

CHAPTER XII

DECISION OF CASE ON THE BASIS OF OATH

163. Acceptance or denial of claim on oath: (1) When the plaintiff takes oath in support of his claim, the Court shall, on the application of the plaintiff, call upon the defendant to deny the claim on oath.

(2) The Court may pass such orders as to costs and other matters as it may deem fit.

(3) Nothing in this Article applies to laws relating to the enforcement of Hudood or other criminal cases.

CHAPTER XIII

MISCELLANEOUS

164. Production of evidence that has become available because of modern devices, etc.: In such cases as the Court may consider appropriate, the Court may allow to be produced any evidence that may have become available because of modern devices or techniques.

165. Order to override other laws: The provisions of this Order shall have effect notwithstanding anything contained in any other law for the time being in force.

166. Repeal: The Evidence Act, 1872 (I of 1872), is hereby repealed.

What is an FIR?

First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report.

It is generally a complaint lodged with the police by the victim of a cognizable offence or by someone on his/her behalf.

Anyone can report the commission of a cognizable offence either orally

Cognizable Offence

A cognizable offence is one in which the police may arrest a person without warrant. They are authorised to start investigation into a cognizable case on their own and do not require any orders from the court to do so.

Non-cognizable Offence

A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant. The police cannot investigate such an offence without the court's permission.

or in writing to the police. Even a telephonic message can be treated as an FIR.

Why is FIR important?

An FIR is a very important document as it sets the process of criminal justice in motion. It is only after the FIR is registered in the police station that the police takes up investigation of the case.

Who can lodge an FIR?

Anyone who knows about the commission of a cognizable offence can file an FIR. It is not necessary that only the victim of the crime should file an FIR. A police officer who comes to know about a cognizable offence can file an FIR himself/herself.

You can file an FIR if:

- * You are the person against whom the offence has been committed;
- * You know yourself about an offence which has been committed;
- * You have seen the offence being committed.



The police may not investigate a complaint even if you file a FIR, when:

- (i) The case is not serious in nature;
- (ii) The police feel that there is not enough ground to investigate.

However, the police must record the reasons for not conducting an investigation and in the latter case must also inform you.

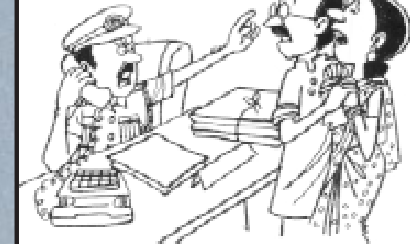
—[Section 157, Criminal Procedure Code, 1973]

What is the procedure of filing an FIR?

The procedure of filing an FIR is prescribed in Section 154 of the Criminal Procedure Code, 1973.

- * When information about the commission of a cognizable offence is given orally, the police must write it down.
- * It is your right as a person giving information or making a complaint to demand that the information recorded by the police is read over to you.
- * Once the information has been recorded by the police, it must be signed by the person giving the information.

Refusal to register an F.I.R. is against the Law



- * You should sign the report only after verifying that the information recorded by the police is as per the details given by you.
- * People who cannot read or write must put their left thumb impression on the document after being satisfied that it is a correct record.
- * Always ask for a copy of the FIR, if the police do not give it to you. It is your right to get it free of cost.

What should you mention in the FIR?

- * Your name and address;
- * Date, time and location of the incident you are reporting;
- * The true facts of the incident as they occurred;
- * Names and descriptions of the persons involved in the incident;

- * Witnesses, if any.



Things you should NOT do:

- * Never file a false complaint or give wrong information to the police. You can be prosecuted under law for giving wrong information or for misleading the police.

—[Section 203, Indian Penal Code 1860]

- * Never exaggerate or distort facts.
- * Never make vague or unclear statements.

What can you do if your FIR is not registered?

- * You can meet the Superintendent of Police or other higher officers like Deputy Inspector General of



Police & Inspector General of Police and bring your complaint to their notice.

- * You can send your complaint in writing and by post to the Superintendent of



Police concerned. If the Superintendent of Police is satisfied with your complaint, he shall either investigate the case himself or order an investigation to be made.

- * You can file a private complaint before the court having jurisdiction.

- * You can also make a complaint to the State Human Rights Commission or the National Human Rights Commission if the police does nothing to enforce the law or does it in a biased and corrupt manner.



About CHRI

The **Commonwealth Human Rights Initiative** (CHRI) is an international, independent non-profit organisation headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards.

Presently it is working in the following areas:

- J Police Reforms
- J Prison Reforms
- J Human Rights Commissions
- J Right to Information
- J Human Rights Advocacy
- J Constitutionalism
- J Biennial Report to the Commonwealth heads of Government meeting on Human Rights Issues.



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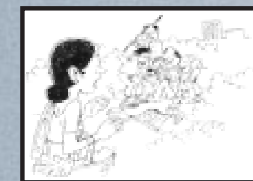
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Police and You

Know Your Rights



First
Information
Report (F.I.R)
&
You



MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

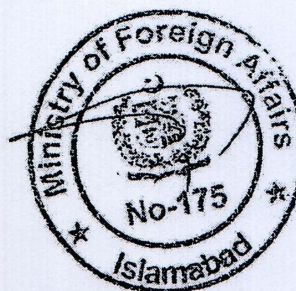
No. Ind(I)-5/20/2017

April 10, 2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of the Republic of India in Islamabad and has the honour to refer to the High Commission of the Republic of India's Note Verbale No. ISL/103/14/2016 dated 31 March, 2017 and this Ministry's earlier Note Verbale of even number dated 21 March, 2017. The Ministry of Foreign Affairs of the Islamic Republic of Pakistan has the further honour to reiterate that the case for consular access to the Indian national Kulbushan Jhadev shall be considered, in the light of India's response to Pakistan's request for assistance in the investigation process and early dispensation of justice which is still pending with the Indian side.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission of India, the assurances of its highest consideration.

High Commission of the Republic of India,
Islamabad.



Inter Services Public Relations Pakistan

Press Release



No PR-194/2017-ISPR

Dated: April 10, 2017

Rawalpindi - April 10, 2017: Chief of Army Staff General Qamar Javed Bajwa visited Army Census Support Centre (Army CSC) established at Headquarters Army Air Defence Command at Rwp today.

COAS was given detailed briefing on support being extended to PBS and progress of Census so far.

COAS appreciated efforts of Army CSC and all involved for the good job being done. He said that Army considers it a national commitment to positively contribute towards its successful accomplishment and Census Will be completed at all cost. COAS paid rich tributes to the martyred soldiers and civil enumerators who laid their lives while performing this duty. He said that smooth conduct is collective success of Army and govt.

Earlier on his arrival at Army COAS was received by Lieutenant General Zahid Latif Mirza, Chairman Army CSC (Commander Army Air Defence Command).

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Inter Services Public Relations Pakistan

Press Release



No PR-193/2017-ISPR

Dated: April 10, 2017

Rawalpindi - April 10, 2017: Indian RAW Agent / Naval officer 41558Z Commander Kulbushan Sudhir Jadhav alias Hussein Mubarak Patel was arrested on March 3, 2016 through a Counter Intelligence Operation from Mashkel, Balochistan, for his involvement in espionage and sabotage activities against Pakistan. The spy has been tried through Field General Court Martial (FGCM) under Pakistan Army Act (PAA) and awarded death sentence. Today COAS, Gen Qamar Javed Bajwa has confirmed his death sentence awarded by FGCM.

RAW agent Commander Kulbushan Sudhir Jadhav was tried by FGCM under section 59 of Pakistan Army Act (PAA) 1952 and Section 3 of official Secret Act of 1923. FGCM found Kulbushan Sudhir Jadhav guilty of all the charges. He confessed before a Magistrate and the Court that he was tasked by RAW to plan, coordinate and organize espionage / sabotage activities aiming to destabilize and wage war against Pakistan by impeding the efforts of Law Enforcement Agencies for restoring peace in Balochistan and Karachi.

The accused was provided with defending officer as per legal provisions.

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Ministry of External Affairs

Government of India

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External Affairs Minister's Statement in Rajya Sabha on case of Shri Kulbhushan Jadhav, Indian Citizen, awarded death sentence by a Pakistani military court (April 11, 2017)

April 11, 2017

Hon'ble Deputy Chairman Sir,

1. I rise to share my concern with the House regarding the report that an Indian citizen, Shri Kulbhushan Jadhav, has been awarded a death sentence by a Pakistani military court martial on concocted charges, I repeat on concocted charges.
2. I would like to inform the House that Shri Jadhav was doing business in Iran and was kidnapped and taken to Pakistan. The exact circumstances are unclear and can only be ascertained if we have consular access to him. Accordingly, from the time his abduction was known, our High Commission in Islamabad has continuously pressed Pakistani authorities for such access. Although this is provided for by international law and is deemed a norm in international relations, the Government of Pakistan did not permit it. That itself should tell us much about the strength of the case against Shri Jadhav. Hon'ble Members would also recall that a senior Pakistani leader has himself expressed doubts about the adequacy of evidence in this case.
3. Deputy Chairman Sir, earlier this year, the Pakistan Government sought our assistance to obtain evidence and other materials for the investigation process. In doing so, they levelled ridiculous charges against senior Indian officials who had no connection to this issue. Thereafter, they linked providing consular access to our acceptance of their position. Nevertheless, in the hope that some forward movement could be made, our response was constructive. We pointed out that consular access to Shri Jadhav would be an essential pre-requisite in order to verify the facts and understand the circumstances of his presence in Pakistan.
4. Given this exchange, it is extraordinary that yesterday, a decision is suddenly announced awarding a death sentence in this case when previous exchanges with India itself underlines the insufficiency of evidence. To make matters even more absurd, three hours after the death sentence was announced, the Indian High Commission received an official communication from the Foreign Ministry of Pakistan reiterating the Pakistani proposal for conditional consular access. That tells us a lot about the farcical nature of the alleged proceedings which have led to an indefensible verdict against an innocent kidnapped Indian.
5. Our position on this matter is clear. There is no evidence of wrongdoing by Shri Jadhav. If anything, he is the victim of a plan that seeks to cast aspersions on India to deflect international

attention from Pakistan's well-known record of sponsoring and supporting terrorism. Under these circumstances, we have no choice but to regard the sentence, if carried out, as an act of pre-meditated murder.

6. Deputy Chairman Sir, yesterday, Foreign Secretary conveyed our position to the High Commissioner of Pakistan. Let me state clearly that the Government and people of India would view very seriously the possibility that an innocent Indian citizen is facing death sentence in Pakistan without due process and in violation of basic norms of law, justice and international relations. I would caution the Pakistan Government to consider the consequences for our bilateral relationship if they proceed on this matter.
7. Deputy Chairman Sir, I would also like to tell the House that I have been in touch with the parents of Shri Jadhav and we are extending our fullest support to them in this difficult situation. A strong sense of solidarity expressed by the House will give them more courage at this time.



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Working hours at Headquarters 9:00 A.M. To 5:30 P.M.

Annex 22



Ministry of External Affairs

Government of India

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Transcript of Weekly Media Briefing by Official Spokesperson (April 13, 2017)

April 13, 2017

Official Spokesperson, Shri Gopal Baglay: Namashkaar. Good afternoon to everyone. Before I start greetings for the Baisakhi festival. I have no announcements for today so I am open for questions from the floor.

I have two suggestions as I understand there would many questions that pertain to the issue of Kulbhushan Jadhav so what I will do I will take all the questions on this and answer them. Secondly what I say in English, I would also render my responses in Hindi for the benefit of Hindi Language journalists and colleagues.

Question: On Kulbhushan Jadhav. Minutes ago Nafees Zakaria had a press conference in Islamabad where he again blamed India for espionage and had said that there will be no concessions that will be granted to Kulbhushan Jadhav. How is India looking at it diplomatically? How are we going to exert pressure on Islamabad as we have seen that over the previous year no consular access was granted even when 13 attempts were made, so how is India looking at it? Do you hope of some kind of consensus or agreement that consular access will be granted?

Question: What are the diplomatic and legal options that Government of India has to pursue his case? **Question:** Are we looking at political level exchanges between the External Affairs Ministers or may be the NSAs talking on it for the release of Kulbhushan Jadhav?

Question: Kal jis tarah se Nawaz Sharif aur wahaan ke Army Chief ki mulakaat ke baad khabarein aai ki unhone spasht kar diya hai ki Kulbhushan Jadhav ke rukh parivartan nahi hogaa to uske baad Bharat kaa kyaa rukh hogaa is maamle mein?

Question: Pakistani media reports say that India has also captured one of their army officers. Would you clarify on this issue?

Question: In the Rajya Sabha, EAM Sushma Swaraj said that conditional consular access to Kulbhushan Jadhav is being allowed but they had labelled some ridiculous charges against officials. What was the nature of those charges and what was the level of the officials against whom these charges were being levelled?

Question: There have been reports that a retired army officer of Pakistan has been captured

somewhere near the Indo-Nepal border. Has MEA got any inputs from Home Ministry on this, is it true, what can you share on this? And the question that arises from this, are you looking for a swap of these kind of prisoners or those who have been apprehended?

Question: So far the manner in which Pakistan has handled the Kulbhushan Jadhav case keeping us completely in the dark, are you raising this point or has this been raised so far with the United States, is there a plan to raise it at the UNHRC when it meets in June?

Question: Has there been any contact whatsoever with Kulbhushan since Monday's death sentence either directly or indirectly? Do we know about his wellbeing at all? Contact of any Indian or representative of government, indirectly directly any which way?

Question: In the interview to India Today, Abdul Basit has said that he was tried in a military court because he was a military officer and the second thing he has said that Pakistan has sufficient evidence against him and it was also shared with India. And thirdly he said that he was travelling on an Indian passport but on a fake name on fake identity?

Question: Sushama Ji ne sansad mein ye kahaa thaa ki Kulbhushan Jadhav ko Iran se kidnap kar ke Pakistan laayaa gaya, aap logon ki bhi lagaataar yahi reaction hai ki Kulbhushan ko kidnap kiya gaya. Ek senior German Diplomat ne bhi usko aagey badhaate hue kahaa ki Taliban ne Kulbhushan ko kidnap kar ke fir ISI ko diya thaa. To kidnaaping to ko lekar kya hamaare pass koi proof hai jisko hum duniyaa ko saamne rakh sakein ki who kidnap kiye gaye the?

Question: According to Pakistan authorities Kulbhushan Jadhav was travelling on an Indian passport issued in the name of Hussain Mubarak Patel. Has your ministry been able to assess if this is accurate and if so why was he issued a passport on a name other than his own?

Question: India maintains that he was picked up from Iran. Any outreach or conversation or engagement with the Iranian government for an on the record statement that we was in Iran and was picked up from there?

Question: Does India know where exactly Kulbhushan is, which town and which jail? And after the 13 consular access requests, have there been any more because the Indian High Commissions has just gone back to Islamabad?

Question: The Iranian Ambassador has said that the Iran government is conducting an enquiry and they will soon share a report. It's been almost a year now when he said this. Did Iran share any report on this?

Question: Kyaa hamane US ya Saudi se is baare mein koi baat ki hai, koi pressure dalwaane ki koshish ki hai?

Question: Kya America ke Raashtriya Suraksha Salahkaar Bharat aane waale hain? Agar woh aate hain to Kulbhushan maamle mein unse kisi madad ki ummeed hai?

Official Spokesperson, Shri Gopal Baglay: I think I have around 20 or so questions on the issue of Kulbhushan Jadhav. I will try and answer them in a comprehensive way and also to the specific points

that some of you have raised.

Let us first get the facts right. Kulbhushan Jadhav is a kidnapped innocent Indian who is a retired officer of the Indian Navy. And these two facts that he is an Indian and he is retired officer of Indian Navy was communicated to Pakistan more than a year ago when the case of his illegal custody came to our knowledge.

Sach to yah hai ki Kulbhushan Jadhav ek avkaash prapt nau-sena ke adhikaari hain, Bharatiya naagrik hain aur ye baat humane Pakistan Sarkar ko pichhale saal March 2016 mein hi bataa di thi, jab hamaari jaankaari mein ye baat aai thi ki Kulbhushan Jadhav Pakistan mein maujood hain.

Woh Pakistan mein kaise maujood hain, saari sambhavanaayein hain aur jo hamane pahle bhi kaha tha aur jiska ab hamein yakeen hai ki kisi prakaar se unko agwa kar ke Pakistan le jaya gaya aur tab se, lagbhag ek saal se upar se woh Pakistan ki hiraasat mein hain.

Ek sawal thaa ki woh Pakistan mein kahan hain, hamein is baare mein nahi pataa ki Pakistan mein woh kahaan hain. Jaisa ki aap logon ko pata hai 10 April tak 13 requests ki gai thi unke consular access ke liye. We had made 13 requests for consular access but so far Pakistan has denied the consular access. The Pakistan government has also not shared with us his location or any specific details as to how and where he is being held and what is his condition.

Consular bhent nahi ho sakne ke kaaran unki avasthaa kya hai, vo kahan par sthit hain is baare mein koi bhi jaankaari hamaare paas nahi hain aur naa hi Pakistan Sarkar ne aaj tak is baare mein koi bhi jaankaari hamein di hai ki woh kahaan par hain yaa kis haalat mein hain.

Is sandarbh mein Videsh Mantri Ji ka jo statement hain sansad mein woh aap logon ne dekhaa hoga lekin us statement ke kuch mukhya aur mahatvapoon pahalu hain unko dohrana sandarbh hai.

It is relevant to repeat some of the points that External Affairs Minister made in her statement in the Parliament in the context of this whole episode. But even before the External Affairs Minister made the statement on the 11th of April, as soon as this information of death sentence allegedly passed on Kulbhushan Jadhav by a purported military court in Pakistan came to our knowledge, the Pakistan High Commissioner was summoned, he was demarched by Foreign Secretary on 10th of April itself. It was made clear to the government of Pakistan that given the circumstances of this case namely kidnapping of Mr. Jadhav, absence of any credible evidence to substantiate the concocted charges against him, and the farcical nature of the proceedings against him, the absence of consular access to him despite 13 demarches, the government and people of India will regard it as a pre-meditated murder if the indefensible sentence awarded to him were carried out.

Pakistan ke High Commissioner ko ye baat saaf taur par bataa di gai thi hamaare Videsh Sachiv ke dwara ki, kyonki unko kidnap kar ke le jaayaa gaya hai, unke khilaaf koi bhi saboot nahi hai, unke khilaaf jo bhi man-gadhant aarop lagaaye gaye hain woh be-buniyaad hain aur aise aaropon ko satya saabit karne ke liye kisi bhi prakaar ka saboot nahi prastut kiya gaya hai aur ek tathaakathit kanooni prakriyaa chalaai gai Pakistan mein usmein bilkul bhi paardarshitaa nahi hai, kisi bhi prakaar ki uski credibility nahi hai. To is prakaar ki sthit mein aur consular bhent ki 13 mango ke baavjood bhi anumati naa diye jaane par, to is tathaakathit military court dwaraa pass kiye gaye aadesh ka yadi kriyanvan kiya jaata hai to Bharat ki Sarkar aur naagrik is baat ko ek soche-samjhe tareeke se kiye

gai hatyaa hi maanenge.

Uske baad Videsh Mantri ne jab Parliament mein vaktavya diya to unhone aur bhi vistaar se is case ki prishthbhoomi par jaankaari di.

She also stressed the fact that there was no evidence and also the fact that denial of consular access spoke of strength or rather the lack of it of the baseless charges levelled against Mr. Jadhav.

Jab Videsh Mantri Ji ne bayaan diya sansad mein to unhone ye bhi kahaa ki kyonki aaj tak is par koi bhi saboot nahi pesh kiya gaya hai aur na hi unko consular bhent karne di gai hai. Consular Bhent na karane dena apne aap mein unke khilaaf jo bhi aarop lagaye gaye hain unki kya sachhai hai iske baare mein bahut kuch apne aap bolta hai. She also informed the parliament that the government of Pakistan has approached us this year to assist in investigation and this further underlines the insufficiency of evidence.

Kyonki Pakistan ki Sarkar ne khud hamse is saal ye kahaa ki aap hamaari madad kariye is investigation mein to ye is baat ka saboot hai ki unke pass Kulbhushan Jadhav ke khilaaf jo bhi unhone aarop lagaaye hain uske koi saboot nahi hain. Aur ye khud unke ek bahut senior dignitary ni December 2016 mein Pakistan ki sansad mein bataayaa tha ki jo soochnaayein hain unhein saboot nahi kahaa jaa saktaa.

In the light of all this we have said it very clearly that the proceedings against Kulbhushan Jadhav, where he has been denied proper defence, are farcical, the verdict is indefensible and no due process has been followed. And what has happened is in complete violation of norms of law, justice and international relations. Kulbhushan Jadhav ke maamle mein jo kuch bhi hua hai abhi tak woh kanoon aur nyaay ki moolbhoot avadharanaaon aur maanyataon ke kilaaf hai aur antar-rashtreeya sambandhon ki moolbhoot maanyataaon ke khilaaf hai.

Videsh Mantri Ji ne ye bhi kaha tha ki agar is sentence ko kriyanvit kiya gaya to Pakistan government ko ye sochanaa chahiye ki iska dono deshon ke sambandhon par kyaa prabhaav pad saktaa hai. She had also said that we are in touch with the family and we will extend fullest support to them. Unhone ye bhi kaha ki hum unke parivaar se sampark mein hain aur hum unko poori sahaayta denge. I have summed it up because some of the questions that you have raised their answers are contained here. The whole background and how we regard this whole episode where an innocent Indian has been kidnapped and has been kept illegally in Pakistan custody, denied the consular access, no evidence forthcoming to substantiate the baseless allegations against him.

Now some of the specific questions that you have asked and I will not go necessarily in the order in which you have asked.

On the question of capture of Pakistani army officer, I must say I have no information on this and so I cannot speculate.

Regarding the question of raising this issue with US and UN, let me mention specifically that there is a national sentiment on this issue, there is a national concern in India.

Kulbhushan ji ka naam Kul Bhushan hai lekin woh khaali apne parivaar ke hi nahi balki poore bharat ki

bhaavnayein unke saath judi hui hain.

Kul means family. His name is Kulbhushan but it's not merely he or his family but it's the entire India and the entire country which is concerned about him and the sentiment of the entire country are associated with this unfortunate episode and people are behind him, in full support of him. Parliament of India has spoken very clearly in one voice on this matter. Senior Ministers of the government has told the Parliament that the government will do everything possible, all that it can to ensure justice for Mr. Jadhav.

Varishth mantriyaon ne sansad ko bataayaa hai ki Sarkar jo bhi kuchh kar sakegi, jo bhi ban padegaa woh karegi jis se ki Kulbhushan Jadhav ji ko nyaay mil sake. Hamaari koshish hai aur is prayaas mein lage hue hain ki ye jo lakshya hamane apne saamne rakhaa hai desh ki bhaavnaaon jo is vishay se judi hain aur is liye jo lakshya hamane rakhaa hai hamaari koshish uske liye jaari hai.

At the moment I can tell you that we are engaged in achieving this objective. I would not like to speculate on the step specific to the future at this stage.

Abhi mere liye yah kahna uchit nahi hogaa ki is baare mein aagey kis se baat karenge aur kis se baat nahi karengey. Iraan sarkaar ka jahan tak sawaal hai, pichhale varsh dono deshon ki is sandarbh mein charchaa hui thi aur humane apne vichaaron se Iran ki sarkaar ko avagat karaayaa tha. Mere pass is sandarbh mein abhi koi jaankaari nahin hai ki Iran mein jo investigation ho rahi hai usmein kya hua. Humane kyun avagat karaayaa tha Iran Sarkar ko kyonki Kulbhushan Jadhav Chabahar ke kshetra mein kanooni dhang se ek vyavsaay kar rahe they. Wahaan par unki company registered thi us isliye wahaan par jo hua to humane sochaa ki humein Iran ki Sarkar ko jaroor is baat se avagat karaanaa chahiye.

We have informed the government of Iran last year about this matter. As to the progress of investigation, if they are conducting and where it is, I don't have any information at this stage. As to the question of his so-called fake identity or original Indian passport, we can only ascertain all this once we have consular access. We have not seen the passport but it certainly begs a question if the allegation is that he is serving officer of Indian Navy and a spy, it begs the question what type of a serving officer and spy will carry his original passport with him especially if he is going to a country on "spying mission."

Ye maan naa badaa ajeeb hai, is baat par saahaj hi vishwas nahi kiya ja sakta ki koi bhi is prakaar ka tathaakathit jasoos aur jo tathaakathit taur par ek varishth adhikaari hai woh apni jeb mein apna passport rakh kar jaasoosi ke mission par jaayegaa. Mujhe nahi lagta ki is prakaar ke aaropon ke peeche koi tathya parak baatein hain. Jab tak hamein consular access nahi milati tab tak is prakaran se jude tathyon par hum kuchh bhi nahin kah sakte aur yah ek durbhaagyaapooran baat hai.

I don't have any information on the visit of the NSA of USA so I am not in a position to comment what matters will be raised with him.

As far as conditional consular access is concerned, the international norm is consular access. When one country's national falls into the custody of other country's authorities for whatever actions or deeds, the international norm and practice is consular access. Both India and Pakistan also have an agreement on consular access bilaterally. So we are not merely speaking about an international

practice, we are speaking here of a bilateral agreement. This consular access has to be expeditiously granted. More than one year has passed, we have made this demand 13 times but the consular access has not been forthcoming.

To put a condition on granting consular access I think is to put the cart before the horse. Because what we have been saying is that we first have to verify that how this gentleman allegedly walked into Pakistan keeping the original passport in his pocket. In other words we do not know what are the circumstances of his presence in Pakistan were.

For ascertaining the circumstances of his presence in Pakistan we need to meet to him. In any case this is the international norm that the government of the holding country where the citizen is found has the obligation to extend this opportunity to the government of the country to which this individual belongs to meet this person. This has not happened. So we need to first meet him in order to understand how he came to Pakistan and as I said to put conditions for consular access is, as I said, to put cart before the horse. I don't have the details of the nature of allegations at the moment and what they have put out in the public domain is the so called confessional statement of Kulbhushan Jadhav. So I would repeat that to put any condition to consular access is basically to deny the consular access.

Question: Just a clarification, after Monday afternoon when the High Commissioner was summoned to the MEA has there been any official or unofficial contact with anybody at any level in Pakistan Government? That is one and two, another clarification, you said that we are engaged in achieving our objective, my follow up question to that would be, are we trying to achieve our objective of talking to everyone but Pakistan, and if we are not talking then who is talking or speaking on our behalf?

Official Spokesperson, Shri Gopal Baglay: We have a diplomatic mission in Pakistan and Pakistan has a diplomatic representation in India so the two governments are in touch on various matters through the diplomatic channels and on this matter also which I said is of immense importance and also there is national sense of support as well as concern on this matter. We are obviously in touch with Pakistan through our High Commission and we are pursuing this matter through our High Commission right now.

Question: Just wanted to know if the civilian government in Pakistan is even in the know of this. What do you think, is the military acting on its own or everyone is together on this?

Official Spokesperson, Shri Gopal Baglay: It would not be fair for me sitting here to comment on the internal dynamics in Pakistan. However, I would only say that the events of the past month that the External Affairs Minister has pointed out in her statement that their dignitary admitted in their parliament about insufficiency of evidence. The Pakistani authorities asked us to assist them in completing the investigation this year and very recently, literally days before this so-called verdict has been passed. And suddenly this verdict has been passed and moreover on the same day this request for conditional access is repeated to us, so I will leave you to draw your own conclusions from this.

Question: What steps Government will take in future on this issue?

Official Spokesperson, Shri Gopal Baglay: I think I answered this question by saying that this is a matter on which the sentiment of whole nation has come to focus on it, national concern has become focused on this and the leadership is seized off this matter, we all are seized off this matter in the

government at our own levels. The Government has said in the parliament at a high level that we will do all that is possible. Let me not go into speculation of what we will do in future but for the time being as I said, we are engaged, we are pursuing this matter. We are pursuing various options what could be the possibilities after this so called verdict has come out. Question: In Syria, Russia has used the veto power on the use of chemical weapons that were used. So India being a friend to Russia, Syria and the US, what is your reaction on the use of chemical weapons and also the use of veto power?

Official Spokesperson, Shri Gopal Baglay: On the question of Syria and the use of chemical weapons, you know that India is signatory to the Chemical Weapons Convention. It has been our consistent position that the use of chemical weapons by anyone, anywhere, under any circumstances should not happen and any perpetrator of such an act should be held accountable. So that is our position on the use of chemical weapons as such. Now on this particular matter, the general question that you asked about Syria, I would like to point out that we have seen the statements made by the Foreign Minister of Russia and the Secretary of the State of the United States after their meeting yesterday in Moscow and also after the meeting of the Secretary of State of United States with the President of the Russian Federation. So those statements do contain and if I could quote the words of the Secretary of State of the United States that "we both (Russia and US) believe in a unified and stable Syria and we agree we want to deny a safe haven to terrorists."

We think that it is important to defeat terrorism, which in that particular theater is represented among others by IS, and the cooperation of all countries is vital to achieving this objective.

Question: My question relates to the visit of Sheikh Haseena in India which is over now, we have seen the joint statement. On the last day Prime Minister Sheikh Haseena referred to West Bengal Chief Minister's statement on an alternate proposal of not Teesta but through Tosha and she also made that in Dhaka in a press conference. What is Government of India's position where we are considering any alternate position or we are going by the 2011 discussions that took place?

Official Spokesperson, Shri Gopal Baglay: Government's latest position on this matter is contained the joint statement issued on this matter.

Question: After the chemical attack on 4th, on 7th there was US air strike. What is Government of India's position? Do you think these air strikes are justified?

Official Spokesperson, Shri Gopal Baglay: I think I have answered that question in a way because I have referred to the meeting between the US and Russian Foreign Ministers and the meeting of the US Secretary of State and the President of the Russian Federation and what it said about the desirability of the stability and unity of Syria and defeating terrorism there.

Question: I realize that you cannot comment in detail on the US National Security Advisor's expected visit but he is going to be swinging through Afghanistan and Pakistan as we understand before he comes here. Could you just may be describe the areas of current interest in the US-India relationship and you would like to raise the possibility of Prime Minister's proposed visit to United States. Thank you.

Official Spokesperson, Shri Gopal Baglay: Thank you for this question. I mentioned to my friend here that I don't have information on the date of the National Security Advisor of United States but I would

say that if and when it takes place, I am sure his discussions with the National Security Advisor and other meetings in India will cover prominently the situation in the region, most importantly in Afghanistan and also the threat of terrorism that emanates within from a specific country and affects the entire neighborhood. This will obviously on priority but I can't decide what the two dignitaries will discuss. Generally speaking the sense is that the regional security situation and of course the cooperation between the United States and India which has been growing in all spheres. In this meeting we hope will further help both the countries to consolidate this partnership that we are very proud of developing with United States.

Thank you all very much.

(Concludes)



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Visitors: 113391833 , Page last updated on: 13/4/2017

Working hours at Headquarters 9:00 A.M. To 5:30 P.M.

Press Statement by Mr. Sartaj Aziz, Adviser to the Prime Minister on Foreign Affairs on 14 April 2017

(2017-04-14) As you are aware, the death sentence of Kulbushan Jhadav and the subsequent statements from India have generated considerable discussion in the media. A number of questions have been raised regarding trial of Kulbushan Jhadav. I would like to comment on the background and the developments of this case.

Kulbushan Jhadav, who is responsible for espionage, sabotage and terrorism in Pakistan, has been tried according to the law of the land, in a fully transparent manner while preserving his rights, as per the Constitution of Pakistan. Due process has been followed while proceeding against Mr. Jhadav. All further action in this regard shall also be taken in accordance with our laws.

As is widely known, Kulbushan Jhadav alias, Hussain Mubarak Patel, a serving Commander of Indian Navy, and working with the Indian Intelligence Agency/RAW was apprehended on March 3, 2016 after he illegally crossed over into Pakistan from the Saravan border in Iran. Kulbushan Jhadav was found in possession of an Indian passport issued by Government of India on May 12, 2015 and valid until May 11, 2024. He confessed that he is a resident of Mumbai, India, still serving in the Indian Navy and his retirement is due in 2022.

He was tried by Field General Court Martial (FGCM) under section 59 of Pakistan Army Act (PAA) 1952 and Section 3 of Official Secret Act of 1923. Mr. Jhadav was provided with a legal counsel in accordance with provisions of our law. Mr. Jhadav confessed before a Magistrate and the Court that he was tasked by the Indian Intelligence Agency, RAW, to plan, coordinate and organize espionage and sabotage activities aimed at destabilizing and waging war against Pakistan. Kulbushan was involved in both espionage and terrorist/sabotage activities resulting in the loss of many lives and damage to property.

I will like to share details of some terrorist activities in which Kulbushan Jhadav was directly involved.

- He sponsored and directed IEDs and Grenade Attacks in Gawadar and Turbat.
- Directed attacks on the Radar station and civilian boats in the sea, opposite Jiwhani Port.
- Funded subversive secessionist and terrorist elements through Hawala/Hundi for subverting the Pakistani youth against the country, especially in Balochistan.
- Sponsored explosions of gas pipelines and electric pylons in Sibi and Sui areas in Balochistan.
- Sponsored IED explosions in Quetta in 2015, causing massive damage to life and property.
- Sponsored attack on Hazaras in Quetta and Shia Zaireen enroute to and back from Iran.

- Abetted attacks through anti-state elements against LEAs/FC and FWO in areas of Turbat, Punjgur, Gawadar, Pasni and Jiwani during 2014-15, killing and injuring many civilians and soldiers.

The Court found Mr. Jhadav guilty. The espionage case against Kulbushan was tried by the FGCM and concluded under Pakistan Army Act Section 2 and Official Secret Act 1923. His sentence for espionage was endorsed on 10 April 2017.

The proceedings of this case went through different stages in accordance with legal requirements over a period of one year. Following is the timeline:

1. Confessional Video statement of Kulbushan Jhadav, the active RAW operative - 25 March 2016
2. Initial FIR in CTD Quetta - 8 April 2016
3. Initial interrogation - 2 May 2016
4. Detailed interrogation - 22 May 2016
5. Joint Investigation Team constituted on 12 July 2016
6. Confessional statement under Section 164 CrPC - 22 July 2016
7. Recording of summary of evidence - 24 September 2016
8. 1st proceeding - 21 September 2016
9. 2nd proceeding - 19 October 2016
10. 3rd proceeding - 29 November 2016
11. 4th proceeding - 12 February 2017
12. Death sentence endorsed on 10 April 2017

From the outset, transparency was ensured in the proceedings of the trial of Commander Kulbushan Jhadav. Following steps were specifically taken to ensure transparency under the Pakistani Laws and Pakistan Army Act.

- 1) His confessional statement was recorded before a Magistrate under Section 164 CrPC.
- 2) The proceedings were conducted under the Law of Evidence (Qanun-e-Shahadat 1984) in the competent court
- 3) A law qualified field officer was provided to defend him throughout the Court proceedings
- 4) All statements of witnesses were recorded under oath, in the presence of the accused, in the court.
- 5) Commander Kulbushan was allowed to ask questions from witnesses.
- 6) During the trial, a fully qualified, law officer of Judge Advocate General (JAG) Branch remained a part of the Court.
- 7) Punishment after the trial was awarded by the highest forum.

As per law, Kulbushan Jhadav has following available options

1. He has the right to appeal within 40 days to an Appellate Court.

2. He may lodge a mercy petition to the COAS within 60 days of the decision by the appellate court.

3. He may lodge a mercy petition to the President of Pakistan within 90 days after the decision of COAS on the mercy petition.

It should be clear from these details that Kulbushan Jhadav was tried under the law of the land in a fully transparent manner. His sentence is based on credible, specific evidence proving his involvement in espionage and terrorist activities in Pakistan.

Letter of Assistance requesting specific information and access to certain key witnesses was shared with the Government of India on 23 January, 2017. There has been no response from the Indian side so far.

I would like to ask India why Kulbushan Jhadav was using a fake identity impersonating as a Muslim? Why would an innocent man possess two passports, one with a Hindu name and another with a Muslim name? Since India has no credible explanation about why their serving Naval Commander was in Balochistan, it has unleashed a flimsy propaganda campaign. Inflammatory statements and rhetoric about "pre-meditated murder" and "unrest in Balochistan", will only result in escalation, serving no useful purpose.

We condemn the baseless allegations from India, especially in the light of the fact that it was non-cooperation and lack of Indian response to Pakistan's request for legal assistance, due to which consular access has not been provided to Mr. Jhadav. May I mention in this context that India has not allowed consular access to many Pakistani prisoners for many years despite repeated requests.

We expect India to behave responsibly and refrain from issuing statements that will further aggravate people to people hostility. More active diplomacy is therefore needed to arrest the growing crises in India-Pakistan relations before it becomes even more serious.

In conclusion of this statement, let me re-emphasize two points:

First, all political parties are unanimous that the award of death penalty after due process and overwhelming evidence to a foreign spy, who was not only carrying out subversive activities in Pakistan but actually promoting terrorism, is the correct decision.

Second, the whole nation is solidly united against any threat to Pakistan's security.

<http://www.mofa.gov.pk/pr-details.php?mm=NDkyMA,,>

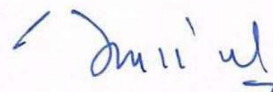


Translation of Relevant Excerpts

Jehan Pakistan (Newspaper) (April 18, 2017): **Director General, Inter-Services Public Relations (ISPR) Major General Asif Ghafoor**, during a media briefing in response to a question on Kulbhushan Jadhav stated that “**Kulbhushan Jadhav was sentenced to death by a Field General Court Martial after fulfilling all legal requirements. Kulbhushan Jadhav was apprehended on the basis of fake name, fake identity and fake passport. No compromise has been made and would not be made. Jadhav is a spy and consular access can't be given to a spy. The court has such evidences against Kulbhushan, which can not be rejected.**

Certificate

It is hereby certified that the above translation of relevant excerpts of a news report that appeared in 'Jehan Pakistan', newspaper in Urdu language on April 18, 2017 is accurate.



Dr. Deepak Mittal
Agent of the Republic of India



Press Release



No PR-208/2017-ISPR

Dated: April 17, 2017

DG ISPR Press Brief

Rawalpindi - April 17, 2017:

Operation Radd-ul-Fasaad Strategy

- **End State** A stable, peaceful & normalized Pakistan with Terrorists freedom of action significantly curtailed through a comprehensive approach of consolidating gains in the Western Zone, cleansing Terrorist support base, illegal weapons and explosives control in the country, thereby restoring public confidence.
- **Cardinals**
 - **Stable Peaceful and a Normalized Pakistan**
 - Only states has authority to use force
 - Stabilization of Western Zone - Denial of freedom of action to terrorist
 - Dismantling Terrorist Support base in heartland - Dilution of residual potential of terrorists
 - Support implementation of National Action Plan as whole-of- nation approach
 - Support policy initiatives included national counter narrative
 - **Army fight terrorists; terrorism and extremism are fought by the Law Enforcement Agencies (whole-of-nation approach).**
- **Manifestation**
 - Broad Spectrum Security / Counter Terrorism (CT) operations by Rangers in Punjab, continuation of ongoing operations across the country.
 - Focus on more effective Pakistan-Afghanistan border security management.
 - Country wide de- weaponization and, explosive control long term reforms.
- **Progress Radd-ul-Fasaad**

Area	Maj Ops	IBOs	#Jt CP	Appr	*UnregAfgAppr	Wpns	Ammo	Surr	Ts Killed
Punjab	2	2692	625	3139	345	1088	121,090	-	17
Sind	1	335	21	157	620	165	8,324	52	8
Bln	4	261	13	283	692	1231	10,402	487	10
FATA / KPK	8	1247	64	931	202	1599	482,375	19	73
Total	15	4535	723	4510	1859	4083	622,191	558	108

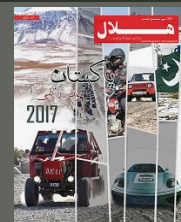
*Unregistered Afghanistan Apprehension - #Joint Check Posts

- **Current Major Operations**
 - **Punjab**
 - **Lahore.** On 14 Apr, a major terrorist attack planned for Easter successfully foiled by Intelligence Agencies. A special IBOs was conducted in Punjab Housing Society Lhr. 1 Terrorist Killed and 1 Female Suicide Bomber arrested along with prepared suicide jackets. 4 Soldiers including 2 Officers were injured.
 - **DG Khan.** On 14 Apr Pakistan Rangers (Punjab) along with CTD and Intelligence Agencies conducted a joint operation in Basti Dadwani (30 چوٹیزیریں) kms from Dera Ghazi Khan. 10 terrorists ex banned TTP killed. In intense exchange of fire 4 Rangers soldiers

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embraced shahadat while 2 got injured. Those killed include Muhammad Asghar son of Ibrahim, Yaqoob son of Ibrahim, Majeed son of GhulamQadir, Naeem son of Nazir, Sohail son of Farid, Fareed son of Nabi Bakhsh, Mirza son of QadirBakhsh, Imran son of Siddique, Fahad son of Ismail. As per intelligence reports, AsgharDadwani and Naeem both residents of BastiDadwani, DistDera Ghazi Khan were affiliates of LeJ. Later both joined TTP and got proper terrorists training from Afghanistan and became hard core Terrorists. Both remained involved in terrorist activities in the area and continue terrorizing locals. On 13 Apr 17, on pointation of ISI, joint IBO was planned. Operation started early morning. Cordon was established at 0430 hrs, whereas search commenced at 0515 hrs. On seeing Rangers very close, Ashgar tried to escape but he was effectively engaged and killed. There after, exchange of fire started with remaining terrorist which lasted for almost 2 hrs. Remaining terrorist engaged Ranger troops from well dug / hiding positions. During intense exchange of fire remaining terrorists were also killed.

◦ **Balochistan.**

- **Chaman.** On 9th Apr Security forces foiled major terrorist activity planned for Quetta. FC conducted an IBO in general area Chaman along Pak-Afghan border and recovered 120 kgs explosive laden prepared vehicle on crossing border planned to be used for terrorist activity in Quetta. Two terrorists also arrested. Initial interrogation reveals that vehicle was prepared as IED at Kandahar. The IBO was conducted on intelligence information that a prepared vehicle is coming to Pakistan from Afghanistan for terrorist activity.
- **Loralai.** On 15 Apr, FC Balochistan conduct an IBO in Loralai. 22 IEDs dumped for terrorist activities were recovered.

◦ **KPK**

- **Aurakzai Agency.** On 16 Apr, Security forces recover huge cache of arms and ammunition including rockets, prepared IEDs, explosive, grenades, mortar bombs, different types of weapons and communication equipment from Kalaya, Aurakzai. The operation was launched on credible intelligence. TTP Markaz established in under ground tunnels in Kalaya, Aurakzai Agency destroyed during Operation.
- **Kurram Agency.** On 16 Apr, in a separate IBO in Parachinar, Kurram Agency, FC and intelligence Agencies recovered a huge cache of arms and ammunition including rockets, IEDs, grenade, mines, mortar ammo, explosives different types of weapons and communication equipment. The recovery of such huge cache indicative of planning for major terrorist attack which has been averted.

- **Sind.** A major terrorist activity was foiled by Sind Ranjers in Kemari Mowath Goch area. 5 terrorist affiliated with AQIS having link with RAW / NDS namely Tahir Zaman, Muhammad Nawaz, Bilal Ahmed, Muhammad Farhan Saddique, Dur Muhammad who were planning a major terrorist activity in Karachi were apprehended.

• **Military Courts**

Total Cases	274
Death Sentence	161 (143 petition to COAS, all rejected. 143 petition process by Mol. 63 petition rejected by President)
Executions	24
Before RuF	13
After RuF	11 (55 days)
Being executed shortly	14
Letter awaited from Jail authorities	17
Subjudice	6

• **Border Management**

◦ **Fencing**

- Total Border FATA / KPK - 1172 Km (Total Border with Afg 2611 Km)
- Fence able area - 744 Km
- Non Fence able area (Dir / Chitral) - 428 Km
- Pri 1 (Bajur, Mohamand, Khyber) - 100 Km

◦ **Border Posts / Forts**

- Completed - 43
- Under construction - 63
- Pipeline - 338 (2019)

- **Census.** 6 Population and Housing Census commenced on 15 Mar 2017. Census process is divided in to two phases spread over 72 days with a 10 days gaps in between the phases. There are total **168,274**

blocks, **20645** circles, **3312** charge and **458** census disttin the country. First phase of census which commenced on Mar 15 successfully completed despite few odd attempts to disrupt the process. 7 soldiers laid their lives including 5 victims of Lhr Suicide Bomber (SB) attack while 15 (9 SB attack, 6 Rd accidents) were injured. Phase 2 is commencing from Apr 25 to May 25. Army considers this a national undertaking and will do all necessary for accomplishment of the process.

- **Development works (Country wide include FATA)**

- Infrastructure - 86 Projs
- **Rds**
- Constructed - 14820 Kms
- Ongoing - 1363 Kms

Total - 16183 Kms

- Bridges - 833 Nos
- Build operate transfer projects - 9 Nos
- Thermal Projs - 26 Nos
- Air Fds - 62 Nos
- Rly Projs - 376 Kms
- Laying Optics Fiber - 6910 Kms
- Tunnels - 15 Nos
- Canals - 533 Kms

- **Schools / Colleges FATA Specific**

- **New** - 67 Nos
 - Cadet Colleges - 4 Nos
 - Others - 63 Nos
- **Reconstructed** - 147 Nos

- **Health Related Projs**

- **Water Supply System (WSS)**
 - 11 x MajProjs (InclProjs like GomalZam Dam, Khanpur Dam, KurramTangi Dam)
 - 343 x WSS all over FATA / Bln

- **Pers**

- **Children studying in APS&C across Pakistan**
 - FATA - 1195 Nos
 - **Bln**
 - Studying in APS - 545 Nos
 - Chamlang Students - 4375 Nos

- **Cease Fire Violations (CFVs)**

2014	315
2015	248
2016	382
2017	222

- **Civilian Casualties**

2016			2017		
Loc	Shaheed	Injured	Loc	Shaheed	Injured
LoC	39	98	LoC	4	24
WB	8	53	WB	0	0
Total	47	151	Total	4	24

- **COAS**

- Pak Army is a state institution working for security and stability as force of peace and order. Acknowledge support of the nation which is hall mark of our commitment and motivation.
- Radd-ul-Fasaad is an operation in which every Pakistan is a soldier. We have to clear Pakistan of Fasaad and Fassadies together while staying united.
- Social media has become a menace through its misuse. Educate ourselves especially youth for its purposeful use rather than falling prey to hostile agenda/design.

Thanks all stake holders for supporting Army and participating in Radd-ul-Fasaad.

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Lahore IBO



DG Khan Operation



Chaman IBO



Loralai IBO



Aurakzai IBO



Kurram IBO



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Govt, Oppn come together in Jadhav's support; confusion over whether Tharoor helped Swaraj on Parliament resolution

Former Indian Navy personnel Kulbhushan Jadhav was handed a death sentence by a Pakistan military court for 'spying'

INDIA ([HTTP://WWW.HINDUSTANTIMES.COM/INDIA-NEWS/](http://www.hindustantimes.com/india-news/))

Updated: Apr 18, 2017 19:19 IST



Saubhadra Chatterji (<http://www.hindustantimes.com/columns/saubhadra-chatterji>)
Hindustan Times, New Delhi



Both Houses of Parliament adopted on Tuesday the resolution that Congress' Thiruvananthapuram MP helped draft for the BJP-led Central government.(HT)

The government and the Opposition came together in a rare show of solidarity for Kulbhushan Jadhav on Tuesday but there was confusion over whether the two were working together on a resolution condemning Pakistan for sentencing the Indian national to death for alleged spying.

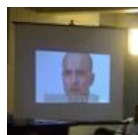
A report by NDTV said external affairs minister Sushma Swaraj sought Congress leader Shashi Tharoor's help to draft a Parliament resolution condemning the verdict. Both Houses of Parliament are expected to adopt the resolution on Wednesday.

Swaraj said in the Lok Sabha that Jadhav, who was arrested by Pakistani officials in March 2016 on suspicion of espionage, could not be a spy because he had a valid Indian visa.

Read more



Kulbhushan Jadhav death sentence: As India talks tough, Sharif says Pakistan can't be oblivious to threats (<http://www.hindustantimes.com/india-news/kulbhushan-jadhav-death-sentence-as-india-talks-tough-pm-sharif-says-pak-can-t-be-oblivious-to-threats/story-SdKNOrAneJkttcIO6NH9L.html>)



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She then walked up to Tharoor, a successful career diplomat who was junior foreign minister in the previous UPA government. Swaraj asked Tharoor if he could help write the resolution, according to the report.

The report said the Congress MP took permission from the party's floor leader Mallikarjun Kharge, a vocal critic of the BJP and who had earlier questioned Prime Minister Narendra Modi's Pakistan visit.

Tharoor was later seen talking to Kharge. "Yes. We spoke certain things regarding the resolution, as the Congress has been demanding such a step. But I can't say what transpired between Tharoor and Swaraj," Kharge told HT.

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'Right thing to do': How Pakistan media reacted to 'spy' Kulbhushan Jadhav's death sentence (<http://www.hindustantimes.com/india-news/brace-for-retaliation-from-india-pakistan-media-on-jadhav-s-death-sentence/story-AMlcBjGtp7Kw3wPwebsiEJ.html>)



'Not another Sarabjit': 10 reactions after Pak sentences Jadhav to death (<http://www.hindustantimes.com/india-news/pakistan-justifies-india-says-premeditated-murder-10-reactions-to-kulbhushan-jadhav-s-death-sentence/story-0YjpRw66AFjoFtlzXvlguj.html>)

In the evening, Swaraj played down the issue, tweeting: "There is no dearth of talent in my ministry. I have the assistance of very able secretaries." She also posted a news report to which she was reacting.

Tharoor has helped the Modi government in the past. The Prime Minister picked Tharoor as a brand ambassador for the government's signature Swachh Bharat scheme, although the Congress mocked at the countrywide cleanliness drive as a photo-op.

On another occasion last year, the Modi government approached Tharoor to help draft a statement to condemn Pakistan for setting free terrorist Zakiur Rehman Lakhvi, the Lashkar-e-Taiba commander who masterminded the 2008 Mumbai attacks that killed 166 people.

An earlier version of this story said external affairs minister Sushma Swaraj sought Congress leader Shashi Tharoor's help to draft a Parliament resolution condemning Kulbhushan Jadhav's death sentence. The story has been revised to incorporate Swaraj's response over the issue.

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Latest Press Releases/Speeches

Record of the Press Briefing by Spokesperson on 20 April 2017

(2017-04-20) [This is a rush transcript. This copy may not be in its final form and may be updated.]

Opening Remarks

Bismillah IrRehman NirRahim Assalaam Alaikum

I offer my profound condolences to Mr. Zafar Hashmi, Chief Reporter Dunya News on the sad demise of his beloved father yesterday. May Allah rest the departed soul in eternal peace and grant fortitude to the bereaved family to bear the irreparable loss, Ameen!

Will of Kashmiris in Indian occupied Jammu & Kashmir was clearly visible in their outright rejection of sham elections there. Our Prime Minister, while calling upon Int'l Community to stop Indian atrocities in IOK, rightly said that 'use of brute force against innocent Kashmiris, who refused to participate in the sham elections, cannot suppress their human urge of freedom.' Harrowing stories from Indian occupied Kashmir continue to raise concerns in Pakistan.

Last week, Indian Home Minister claimed that Indian government will control the situation within a year and showed his determination to do with whatever it takes.

The important developments that have followed this warning are:

Operation against Educational Institutions: Indian occupation forces have launched an all out war on Kashmiri students. They have attacked women education institutions as well. A dozen colleges have been attacked, injuring thousands of students - both boys and girls. It is pertinent to mention that almost all the Kashmiris, who have been slain by the occupation authorities in IOK, were students - a large number of them with Masters degrees in science or social sciences.

Open violation of human rights: Displaying complete disregard for the UN Charter and International Covenant and Conventions and challenging the International Community. Recently, 'leaked' several videos, openly showing use of human shield, beating, abusing and humiliating Kashmiris in the IOK by the occupation forces, is a manifestation.

Social Media is being banned to ensure that 'reports of crimes against humanity committed by Indian occupation forces do not go out of IOK.

Indian brutalities, murder and blinding could not deter Kashmiri pro-freedom struggle and spirit. We remain committed to extending our unflinching moral, political and diplomatic support to the Kashmiris.

Visits of dignitaries and high-level delegations from various countries and International forums continued. We have kept you updated on the outcome through press releases.

Now the Floor is open for Questions

Question

I want to ask you this question that Indian spy and terrorist, who was arrested from Pakistan - Commander Kulbhushan Jhadev, his case has been thoroughly followed by the Indian Government and media to the extent that they have summoned our diplomats. I want to ask that we had huge tragedy that was of Samjhauta Express terrorist attack in 2007. It was a big terrorist activity. Did our diplomatic mission approach or Foreign Office summoned any Indian diplomat in this regard? So, that they share with us details of the investigations and punishments to RSS terrorists, Swami Aseemanand and Col. Purohit. When will they be sentenced and what is the status of their case or has it been set aside? (Sheeba Mahar - Daily SAMAA)

Supplementary Question

Indian Ministry of External Affairs has summoned Pakistani Deputy High Commissioner and they have protested on the death sentence of Kulbhushan Jhadev. They have also requested for the Consular access. What is your take on this? (Tariq Sial - Daily Times)

Answer

I think I have been briefing you people on the efforts that we are putting in to get the information about the Samjhauta Express terrorist attack. You have rightly pointed out that. We have taken up this issue but I need to check back. I cannot give you response off-the-cuff whether we have summoned anyone from the Indian High Commission and if we did so, when? I need to note this question and we can get back to you with a reply. Your question was specific to the summoning aspect and as to what we have done, so far. We did take up the issue of Samjhauta Express terrorist attack on numerous occasions with Indian leadership as well as through diplomatic channels seeking information of proceedings of the investigations into that terrorist attack. Swami Assemanand, who was the Mastermind, made a confession in 2010, if I recall correctly. He also identified Col Purohit, who was then serving Indian army officer, who was also the head of a terrorist organization, Abhinath Bharat. He was an accomplice in the Samjhauta Express terrorist attack. Samjhauta terrorist attack was not the only terrorist attack but there were many other which were identified by SM Mushrif who was IG of Maharashtra and he wrote a book entitled: 'Who Killed Karkare.' The book reflects as to how RSS, in connivance with IB and other government institutions and organizations have remained involved in a number of terrorist attacks, which they carried out themselves or staged in India and blamed on others including Pakistan.

I will check what the answer on your question and get back to you. Mr. Tariq you have mentioned about summoning of our Deputy High Commissioner on the issue related to Commander Kulbhushan. As he was summoned definitely to convey their reaction but this is not something new they did, it was a reaction after award of the death sentence to the Commander Kulbhushan, who is a spy and he made confessions that he was involved in terror financing, subversive and terrorist activities in Pakistan besides being a spy and indulging in espionage. Then regarding consular access we have said this earlier also that we have bilateral agreement on consular access and according to Art IV, in all such cases as the one of Commander Kulbhushan the request of this nature would be decided on the basis of merits.

Question

India has decided to put all bilateral interactions on hold over the death sentence to Commander Kulbhushan Jhadev. The meeting between Pakistan Maritime Security Agency and Indian Coast Guard which were postponed and even release of Pakistani prisoners who have completed sentences has been withheld. How do you see the Indian reaction to save a terrorist who has confessed to all his committed crimes? (Amjad Ali = PTV)

Supplementary Question

My question is regarding the sentence awarded to Kulbhushan Jhadev that the Indian media is saying that it is violation of Vienna Convention Art. 36 that he is not being given Consular Access. What is your take on this? My second question is that as summer season starts in Pakistan, foreign tourists will start coming to Pakistan for hiking and mountaineering. Has there been a special desk established in our missions for promoting tourism in Pakistan? (Fida Hussain - Radio News Network)

Answer

First the second question regarding tourism. There is a comprehensive policy for promoting tourism. In this regard guidelines are provided from time to time to the Pakistan missions abroad. There are different types of tourism such as 'Sightseeing', students of history come and see the historical places or heritage of Pakistan. There are set guidelines for issuing visas for trekking and mountaineering. For that activity there are authorized tour operators and those who facilitate trekkers and mountaineers. The contacts and website details of authorized people, who can arrange these expeditions, are available online and also our Missions Abroad. Those who are seeking to come to Pakistan for tourism may get the information from those sources.

As to your second question about Commander Jhadev, who is responsible for espionage, sabotage and terrorism in Pakistan, was tried according to the law of the land, in a fully transparent manner while preserving his rights, as per the Constitution of Pakistan. His sentence is based on credible, specific evidence proving his involvement in espionage and terrorist activities in Pakistan, resulting in the loss of scores of precious lives of Pakistanis.

The reaction from India, especially withholding the release of Pakistani prisoners, who have completed their sentences, for a spy and terrorist working against Pakistan's national interests, is disappointing. Inflammatory statements emanating from India are against international norms and will only result in escalation, serving no constructive purpose. Indian reaction should be seen in the backdrop of exposure of its state involvement in perpetrating subversive and terrorist activities in Pakistan.

I would once again underscore the point that Indian reaction must be seen in the backdrop of its exposure of involvement in terrorism and terror-financing in Pakistan.

Question

Prime Minister of Azad Jammu & Kashmir has asked the government of Pakistan to convince the Organization of Islamic Cooperation to carry out economic blockade of India because of rising atrocities in IoK. Will Pakistan take any initiative in this regard? (Khawaja Nayaar Iqbal - Kashmir Post)

Answer

OIC has always extended its unequivocal support to the Kashmiris for their right to self-determination in accordance with UN Security Council resolutions. There is also an OIC Contact Group on Kashmir.

Recently, a high ranking delegation of Independent Permanent Human Rights Commission (IPHRC) of OIC visited Pakistan and AJK from 27 to 29 March 2017. Regrettably, they were denied access by India in Indian occupied Kashmir. Their visit enabled them to get a clearer understanding of what was happening in Kashmir. Pakistan openly welcomed the delegation, and during their 3-day stay they met family members of victims of Indian atrocities. Moreover, OIC Secretary General also visited Pakistan recently and expressed deep concern over Indian brutalities and gross human rights violations in IoK.

The Government of Pakistan will continue to approach the international community including OIC and UN to bring to their notice the grave situation prevailing in IoK. We remain committed to extending moral, political and diplomatic support to oppressed Kashmiris in IoK, who must be given their legitimate right to self-determination, in accordance with the relevant UN Security Council Resolutions.

We remind the international community that much revered values of humanity, justice, freedom and international human rights must not be compromised for the political or economic expediencies.

Question

Fresh videos of Indian atrocities in IoK have come to fore which exposed the horrible practices of Indian occupation forces in Indian occupied Kashmir against the defenceless Kashmiris. Voices within India, including its media, have raised voice against these ghastly instances. Your comments please! Has Pakistan taken up this issue internationally also? (Shahid Maitla - ARY News)

Answer

The Indian brutalities have intensified, especially since 8 July 2016. The popular and indigenous demand for their right to self-determination has further intensified in the wake of brutalities unleashed by the Indian occupation forces. Hundreds of thousands of Kashmiris have thronged to the streets in IoK, peacefully demanding their inalienable right to self-determination. The Indian occupation forces have been using live ammunition and pellet guns against the protesters, as a result of which more than 200 civilians have been killed so far, and around 20,000 injured. The Indian occupation forces have mass blinded the Kashmiri youth, including women and children, by deliberately targeting their eyes with pellet gun shots. This is the first incident of mass blinding in human history as rightly pointed out in a British daily, The Guardian's 12-page article published on 8 Nov. 2016, which said: 'There is no recorded instance of a modern democracy systematically and willfully shooting at people to blind them.'

We strongly condemn the Indian barbarities in IoK and call upon the international community including the UN to take immediate notice of the gross human rights violations.

Question

Afghan Ambassador Zakhilwal hinted that a joint operation against TTP leader Mullah Fazlullah could be possible in near future. Has the Afghan side officially contacted Pakistan in this regard? Have they shared information about the whereabouts of TTP leadership? Has Afghanistan also extended such cooperation to hunt top leadership of JuA, especially after surrender of former TTP Spokesman Ehsan Ullah Ehsan?

Secondly, what is your reaction on North Korea's recent missile tests? (Essa Naqvi - Dunya News)

Answer

As to your first question, Pakistan has been stating that there are hideouts of JuA and TTP in Afghanistan from where they continue to launch attacks in Pakistan. We have urged the Afghan Government to take action against these terrorists.

On your second question, Pakistan regrets that DPRK continues to undertake actions in violation of its international obligations under the relevant UNSC resolutions. Pakistan expresses grave concern at the recent missile launches carried out by DRPK.

Question

First there are 50 Pakistanis detained in Libya, holding legal passports and Visas. According to information, six persons are in Massada, seven are in Karak and so on. Our embassy is helpless in their release. There is deplorable condition of our embassy there is no officer there, it is run by grade 15 officer.

Secondly, in Afghanistan mother of all bombs was dropped, was there a Pakistani or Taliban terrorist killed, has info been shared with us? (Abbas Yawar - Urdu Express)

Supplementary Question

In Afghanistan mother of all bombs was dropped, was there any environmental impact on Pakistan? (Anwar Abbas Waqt News)

Answer

As to Mr. Abbas Yawar's first question, I don't have information on this particular case of 50 detainees as of now. I have noted your specific query but let me reflect on the issue of Pakistanis' welfare abroad as a matter of policy. Pakistani living or working in a foreign country are required to follow the local laws. They are usually arrested when found in violation of the local laws. If there is an Embassy, it is our responsibility, which we fulfill, whenever we receive a report about detention of any Pakistani in any crime, we approach and request the host government to get the crime for which he or she is detained. And accordingly we take up the case with that government. The procedure also involves ascertaining of the person's antecedents whether he or she is a Pakistani or not.

Question

After the "do more" rhetoric of Obama Administration and the mounting pressure on Pakistan, do you think that the Trump Administration's policies towards Pakistan are any different from his predecessor? (Ayaz Gul - VOA)

Supplementary Question

Since the American Administration is increasingly concerned about terrorist activities, and its debilitating effect in the region, did Pakistan raise up the issue of Kulbhushan Yadav with the visiting US NSA, since his case is a testimony to India's active involvement in state terrorism and terror financing in Pakistan? (Tariq Mahmood - SAMAA TV)

Answer

This was the first high level visit from Trump Administration to Pakistan. It reflected the high importance the new administration attaches to its relations with Pakistan. We had issued the press release on the outcome of the visit. The larger context of the meeting was to reflect on the regional situation, with particular reference to situation in Afghanistan, and how Pakistan and the US could address the situation in Afghanistan together, and bring lasting peace to the region. The question of Kashmir in the context of Pakistan-India relations was also discussed, as the situation has raised concerns across the world. Pakistan wishes to build its relations with the new administration and on the basis of existing solid foundation, we want to take it the next levels.

As far as recognition of Pakistan's efforts towards fight against terrorism is concerned, the US and the entire world at various levels of political leadership have time and again recognized Pakistan's contributions, sacrifices and economic losses in the fight against terrorism. We draw no distinction, and have taken action against all types of terrorists, the manifestation of which is the improved security and economic situation in the country.

The US Commanders and Senior army personnel, who visited Pakistan recently and visited those areas in Pakistan that were previously considered terrorist infested areas, lauded Pakistan's gains made in its fight against terrorism. Not only did they leave satisfied, but they also made their views public.

Question

Indian media reported that US National Security Adviser H.R McMaster after talks with Afghan leaders in Kabul, has called on regional countries, including Russia and Pakistan, not to support the Afghan Taliban. Did he raise the issue and what was Pakistan's response? (Saima Shabbir - Bol News)

Answer

The purpose of McMaster's visit to Afghanistan and Pakistan was to gain perspective on peace and stability in Afghanistan as the Trump Administration is presently undertaking its review of the Afghan policy. In this regard, the two sides had a constructive exchange of views. Afghanistan, Pakistan and the US have a shared interest in promoting peace in Afghanistan.

Question

Reportedly, Prime Ministers of Pakistan and India may meet on the sidelines of SCO Summit despite the hostile environment between the two countries. Do you foresee any likelihood of such a meeting, as it is being said that the US leadership is pushing for such a meeting? (Asghar Ali Mubarak - Daily Mail Islamabad)

Answer

There is nothing on the table yet as SCO Summit is almost two months away. Nevertheless, we have consistently maintained that meaningful, result oriented dialogue, sustainable and constructive engagement to address all outstanding issues, particularly Kashmir dispute, is the only way forward. Hostility and escalation benefits none.

Question

During US NSA McMaster's talks in the Foreign Office, the subject of Daesh was raised, as we have seen several arrests in the past few days to this effect. My question is that we have previously said that Daesh has no footprint in Pakistan. However, there are these arrests especially on the Pak-Afghan border what steps are Pakistan taking to tackle this issue? (Naveed Akbar - Daily Dunya)

Answer

I have said this previously also that there is no organized presence of Daesh in Pakistan. What you are referring to are sporadic instances of a few volunteers who either do it for money or profiling. As far as the presence of Daesh in Afghanistan is concerned, it has been confirmed by the UN and US Commander John Nicholson in their recent reports. This is a matter of growing concern for many countries in the region, and has been a central issue at the recent meeting on Afghanistan in Moscow. There is a common concern that Daesh and other terrorist outfits are coming together and gaining foothold in Afghanistan and endangering regional peace and stability. Regional countries are mindful and considering ways to tackle the issue.

Question

In the case of kidnapped Colonel Habib Zahir we have heard reports about Indian involvement in the matter. Has Pakistan formally taken up the matter with India? (Saad Umar - Roze News)

Answer

As regards your question, you are aware that Lt. Colonel Retired Mohammad Habib Zahir has been missing since 6 April 2017 from Lumbini, Nepal where he went for a job interview. In view of the revelations about the fake emails and website he was contacted from, we cannot rule out foul play by hostile agencies in his disappearance. The government of Pakistan has taken up the matter of his disappearance with the Nepal Government with the request to trace him. An FIR each has also been lodged both in

Islamabad and in Nepal.

We have also shared additional information with the Nepal government on 18 April 2017 about the individuals who reportedly received him at Lumbini, made his hotel reservations and booked his tickets which we believe may be helpful in locating him. His family is very distressed and we hope that he is located at the earliest.

Question

What is the outcome of the Moscow talks? Is the Afghan Taliban also the part of it?

Secondly, Wall Street Journal has reported that Pakistan has deployed five thousand troops on Saudi-Yemen border and it will also fight against the rebels in Yemen. Has Pakistan changed its policy Yemen? (Ali Husnain - Business Recorder)

Answer

As to your second question, this is a media report and does not warrant any response.

Regarding the Moscow talks, it was about the situation in Afghanistan, and 11 countries participated in the talks including Afghanistan. There was a consensus that all participating countries were concerned about the deteriorating security situation in Afghanistan, particularly the growing presence of terrorist outfits, including Daesh in Afghanistan, and its implications on regional peace and stability. This also figured in Moscow talks. Participating countries discussed that there is urgent need to deal with the security situation in Afghanistan. The outcome was a common concern and understanding as to how the situation in Afghanistan should be dealt with.

Question

Whether a Pakistani Parliamentary delegation plans a visit to Afghanistan? (Rabia - Radio Mashaal)

Answer

I need to check the details.



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The mysterious Mr Jadhav

The case of the Indian sentenced in Pakistan offers more questions than answers

Written by **Karan Thapar** | Published: April 21, 2017 12:46 am



Kulbhushan Jadhav

TOP NEWS



Mahira Khan on her leaked photos with Ranbir Kapoor: I am human, I make

mistakes



IndiGo assault case: Civil Aviation minister summons airline staff,

I'm not sure who [Kulbhushan Jadhav](#) is, or how he came to be in Pakistan, but my curiosity has been aroused and I've tried to read as widely as I can to find the answers. Alas, all I've ended up with is questions. The more I learn, the more they multiply.

First, why does Jadhav have two passports, one in his own name and another in the name of Hussein Mubarak Patel? According

victim after scuffle at
Delhi's IGI



Demonetisation
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thanks people for
supporting note ban, helping eradicate
black money

to The Indian Express, the second passport was originally issued in 2003 and renewed in 2014. The passport numbers are E6934766 and L9630722. When asked, the Ministry of External Affairs (MEA) spokesperson would only say that India needs access to Jadhav before he could answer. But why not check the records attached to the passport numbers? Surely they would tell a story?

Additionally, The Times of India claims that since 2007, Jadhav has rented a Bombay flat owned by his mother, Avanti, in the name of Hussein Mubarak Patel. Why would he use an alias to rent his own mother's flat?

Perhaps Jadhav changed his name after converting to Islam? But then, why did he deliberately retain a valid passport in his old name? Indeed, why did the government let him, unless he deceived them?

Second, the government claims Jadhav was kidnapped from Iran and forcibly brought to Balochistan. A former German ambassador to Pakistan, Gunter Mulack, at least initially suggested this was true — but has the government pursued the matter with Mulack?

If it has, that hasn't been reported, nor has what he revealed.

However, we did pursue the matter with Iran, but, as the MEA spokesperson admitted, they don't seem to have responded or, perhaps, even conducted an investigation yet. We seem to have accepted that.

Odd, wouldn't you say?

If Pakistan did abduct Jadhav, don't we need to ask why? Doesn't that raise the question of what was so special about him that made them do this? After all, there are 4,000 Indians in Iran — and no one else has been abducted.

Third, both The Indian Express and Asian Age suggest that Jadhav has links with the Pakistani drug baron Uzair Baloch. Did he play dirty with him and get caught in a revenge trap set by the drug mafia? Given that Jadhav was arrested a month after Baloch, this could be part of the explanation.

Finally, The Indian Express has reported that between 2010 and 2012, Jadhav made three separate attempts to join the Research and Analysis Wing (R&AW). The paper suggests he also tried to join the Technical Services Division. What more do we know about this? Even if the media doesn't, surely the government does? A. S. Dulat, a distinguished former chief of R&AW, has unhesitatingly said Jadhav could be a spy. As he put it, if he was the government, he would hardly admit it.

Just a few days before Jadhav's sudden conviction and death sentence, the Pakistani media claimed a retired Pakistani army officer, Lt. Col. Muhammad Habib Zahir, had gone missing in Lumbini, close to the Indian border. The Pakistani media is convinced he's been trapped by R&AW. Was Jadhav convicted and sentenced to preempt India from claiming it had caught a Pakistani spy? And now, is an exchange of 'spies' possible?

I'm not sure who will answer these questions, and perhaps it would not be proper for the government to do so, but whilst they hang in the air, the mystery surrounding Jadhav will only grow.

The writer is President of Infotainment Television and a TV anchor

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Karan Thapar

Karan Thapar is an Indian journalist and a television commentator and interviewer.^[1] He was associated with CNN-IBN and hosted *The Devil's Advocate* and *The Last Word*. He is currently associated with India Today and hosts the shows *To the Point* and *Nothing But The Truth*.

Contents

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Early life and education

Karan Thapar is the youngest child of former Chief of the Army Staff General Pran Nath Thapar and Bimla Thapar. Historian Romila Thapar is his cousin.^[2]

He is an alumnus of The Doon School and the Stowe School. While at Doon, Thapar was the Editor-in-chief of The Doon School Weekly.^[3] He graduated with a degree in Economics and Political Philosophy from Pembroke College, Cambridge in 1977. In the same year, he was also President of the Cambridge Union. He subsequently obtained a doctorate in International Relations from St Antony's College, Oxford.

Career

He began his career in journalism with *The Times* in Lagos, Nigeria and later worked as their Lead Writer on the Indian subcontinent till 1981. In 1982 he joined *London Weekend Television* where he worked for the next 11 years. He then moved to India where he worked with *The Hindustan Times Television Group*, *Home TV* and *United Television* before setting up his own production house in August 2001, Infotainment Television, which makes programmes for amongst others BBC, Doordarshan and Channel News Asia.^[4]

Currently the President of Infotainment Television, Thapar is noted for his aggressive interviews with leading politicians and celebrities.

Karan Thapar	
Born	5 November 1955 <div>Srinagar, Jammu & Kashmir, India</div>
Education	The Doon School <div>Pembroke College, Cambridge</div> <div>St Antony's College, Oxford</div>
Occupation	Journalist, News Anchor
Years active	1985 – present
Notable credit(s)	<i>Devil's Advocate</i> <div><i>India Tonight</i></div> <div><i>The Last Word</i></div> <div>Face to Face (BBC)</div> <div>Hardtalk India (BBC)</div> <div>To the Point</div>



Karan Thapar chairing a debate in The Doon School, his alma mater, during its Platinum Jubilee celebrations.

A few of his shows which have been much watched are *Eyewitness*, *Tonight at 10*, *In Focus with Karan*, *Line of Fire* and *War of Words*. The shows with which he has been making headlines lately are, *Devil's Advocate* and *The Last Word* on CNN-IBN and *India Tonight* on CNBC TV 18.^[4]

In April 2014, Thapar quit CNN-IBN to join India Today. He hosts the new show of the Channel titled *To the Point* whose pilot episode ran on April 1, 2014.^[5]

He also writes for *The Indian Express* a leading Indian daily as a columnist. On 21 April 2017 he had written an article named "The mysterious of Mr Jadhav" (<http://indianexpress.com/article/opinion/columns/the-mysterious-kulbhushan-jadhav-death-sentence-by-pakistan-double-passport-hussein-mubarak-patel-spy-4621558/>) in regard to death sentence given to Mr *Kulbhushan Yadav* an alleged Pakistan spy. This article caused great hue and cry in Indian including article's comment section asking why Mr Thapar is showing such an anti-national stand against his own country fellow persons on sensitive issues which can embarrass its own country in International level.^[6]

Awards and accolades

- In 1995 Thapar won the Onida Pinnacle Award for Best Current Affairs Presenter for the programme, *The Chat Show*.^[4]
- In December 2003, Thapar became the first person to win both awards in the current affairs category of the *Asian Television Awards*.
- The Best Current Affairs Program* for interview with Pakistan's Foreign Minister, *Khurshid Kasuri* tilted *Court Martial*
- Second award for 'The Best Current Affairs Presenter' for his popular long-running BBC series *Face to Face*.
- 'Best Current Affairs Presenter' award for his interview with *Ram Jethmalani* on *Devil's Advocate*
- In 2008 his show *Devil's Advocate* was conferred 'Best News/Current Affairs Show' by News Television Awards & Karan Thapar was presented the award for 'News Interviewer of the Year' at Indian News Broadcasting Awards.
- In April 2009, Thapar was conferred with the Ramnath Goenka Excellence in Journalism Award and was chosen the 'Journalist of the Year(Broadcast)'.
- In August 2009 he was adjudged the "News Show Host of the Year" by Indian News Broadcasting Awards.
- In March 2010 *Devil's Advocate* was accorded an award for being the "Best News Talk Show" by News Television Awards.
- In December 2010 he was adjudged the 'Best Current Affairs Presenter' by *Asian Television Awards*.
- In March 2011 *Devil's Advocate* was adjudged the "Best Current Affairs Programme" and Karan Thapar was declared the "TV News Anchor of the Year-English" by National Television Awards. In October 2013, Karan Thapar won journalism award.
- In December 2013, Karan Thapar received the International Press Institute-India Award for excellence in the field of journalism.^[7]

Books

- Face To Face India - Conversations With Karan Thapar*, Penguin, ISBN 0-14-303344-1
- Sunday Sentiments*, Wisdom Tree, ISBN 81-8328-023-4
- More Salt Than Pepper - Dropping Anchor With Karan Thapar*, Harper Collins, ISBN 978-81-7223-776-9

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- "When the Devil's Advocate has the Last Word, he is anti hindu" (<http://www.thehindu.com/news/cities/Delhi/when-the-devils-advocate-has-the-last-word/article4799504.ece>). Retrieved 25 January 2016.
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7. "Karan Thapar wins journalism award" (<http://www.thehindu.com/news/national/karan-thapar-wins-journalism-award/article5210668.ece>). *The Hindu*. 7 October 2013. Retrieved 25 April 2014.

External links

- [Karan Thapar's Profile on Infotainment Television](http://www.itv.in/index.php?option=com_content&view=article&id=1&Itemid=10) (http://www.itv.in/index.php?option=com_content&view=article&id=1&Itemid=10)
- [To the Point with Karan Thapar](https://web.archive.org/web/20140426201815/http://headlinestoday.intoday.in/programmelist/to-the-point-with-karan-thapar/1/849.html) (<https://web.archive.org/web/20140426201815/http://headlinestoday.intoday.in/programmelist/to-the-point-with-karan-thapar/1/849.html>)
- [Karan Thapar wins Two Asian Television Awards](http://www.hindu.com/thehindu/2003/12/08/stories/2003120805051201.htm) (<http://www.hindu.com/thehindu/2003/12/08/stories/2003120805051201.htm>) in *The Hindu*
- [Karan Thapar talks to Outlook India](https://web.archive.org/web/20030606004652/http://outlookindia.com/full.asp?fodname=20021216&fname=Afterthoughts&sid=1) (<https://web.archive.org/web/20030606004652/http://outlookindia.com/full.asp?fodname=20021216&fname=Afterthoughts&sid=1>)
- [Karan Thapar: Latest News Stories](http://ibnlive.in.com/byline/Karan+Thapar.html) (<http://ibnlive.in.com/byline/Karan+Thapar.html>)

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STAFF DETAILS

Mr A S Dulat is a former special director of the Intelligence Bureau and former chief of the Research and Analysis Wing (RAW). He served as the head of the Research and Analysis Wing from 1999 to 2000. After retirement, he was appointed as advisor on Kashmir in the Prime Minister's Office and served there from January 2001 to May 2004. His book, Kashmir: The Vajpayee Years, was published in 2015.



A S Dulat

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PUBLICATIONS

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Through close interaction with leading strategic thinkers, former members of the Indian Administrative Service, the Foreign Service and the three wings of the Armed Forces - the Indian Army, Indian Navy, and Indian Air Force, - the academic community as well as the media, the IPCS has contributed considerably to the strategic discourse in India.

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Minister of External Affairs
India

सुषमा स्वराज
Sushma Swaraj

April 27, 2017

Dear Sartaj Sahib,

I read with keen interest your press statement of April 14, 2017. You had mentioned that Mr. Kulbhushan Jadhav has the right to appeal within 40 days in an Appellate Court.

For filing that appeal, we have requested for certified copies of the charge-sheet, proceedings of the Court of Inquiry, the summary of evidence in the case, the judgement, appointment of a defence lawyer and his contact details and certified copy of medical report of Mr. Jadhav. However, the same have not been provided to us so far.

Encouraged by your statement about the possibility of appeal and despite absence of any other documentation that normally exists in most jurisdictions, the mother of Mr. Jadhav approached us for assistance in pursuing all remedies available and also for travelling to Pakistan.

Our High Commissioner handed over an appeal and a petition from the mother of Mr Jadhav to the Foreign Secretary of Pakistan on April 26, 2017. The parents of Mr Jadhav have also applied for visa to travel to your country and seek justice for their son.

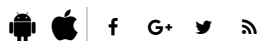
I request Your Excellency's personal intervention in the matter so that justice is meted out to Mr Jadhav.

With assurances of my highest consideration.

Yours sincerely,

Sushma Swaraj
Sushma Swaraj

H.E. Mr Sartaj Aziz
Advisor to the Prime Minister of Pakistan on Foreign Affairs
Islamabad



C

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Denial of consular access indicates Jadhav already executed: Defence experts

By ANI | Published: 27th April 2017 08:46 AM |
Last Updated: 27th April 2017 08:46 AM | **A+ A A-** |



YouTube screen grab of Kulbhushan Jadhav

NEW DELHI: Following Pakistan's denial of consular access to Kulbhushan Jadhav, defence experts have expressed strong feeling towards the possibility of the execution of the former Indian naval officer, adding that Pakistan does not honour its commitments towards international obligations.

Defence experts P.K Sehgal and Qamar Agha, both opined that the denial hints towards that Kulbhushan has already been tortured to an extent that either he is already dead or no longer in a condition that he can be presented in front of the Indian consulate.

"It was the 16th time that India formally requested for consular access and visas to Kulbhushan's parents. It is quite clear that Pakistan does not believe in friendly relations, international norms. Pakistan is trying to hide these atrocities committed on him through this denial. It ought to be condemned across the world," Sehgal told ANI.

Agha said Pakistan would hang Jadhav as soon as possible so that all the things are buried with him.

"They have been denying right from the beginning. They must have tortured him to an extent that they don't want to show anybody his condition. This behaviour by the Pakistan Government is not civilized. Pakistan is one country that doesn't honour its commitments towards international obligations. We should build up more pressure on Pakistan to see that at least consular access is provided to us," he told ANI.

The Defence experts' sharp comments came after Pakistan denied India consular access to Jadhav yesterday.

Jadhav has been awarded a death sentence by Islamabad military court for alleged espionage activities.

This is the 16th time that India has demanded consular access.

Pakistan Foreign Secretary Tehmina Janjua categorically expressed her views to Indian High Commissioner Gautam Bambawale, during a meeting in Islamabad, reports Radio Pakistan.

During the meeting, Bambawale also handed over a petition by the Jadhav's mother to the Pakistan Government for his release and expressed a desire to meet him.

"Pakistan was also requested to facilitate visas for Jadhav's mother and father. They wish to travel to Pakistan to meet him and also to personally file the petition and appeal. They have applied for necessary visas with the Pakistan High Commission in New Delhi," India's External Affairs Ministry release stated.

This comes two days after India's Foreign Secretary S. Jaishankar met Pakistani High Commissioner to India Abdul Basit and made similar demands.

The Pakistan Army had earlier ruled out consular access to Jadhav, saying he is not eligible for it as per the laws.

"Kulbhushan is not eligible for consular access nor will be granted consular access," said Pakistan Armed Forces spokesperson Major General Asif Ghafoor. He alleged that Jadhav, caught on anti-state activities, was trialed under court martial.

"This was purely an act by the Army to which the Army as an institution said we will not compromise on his sentence," he said.

Major General Ghafoor said Jadhav's death sentence process will move ahead as per the law, adding it will go in the appellate court and the army shall wait for the verdict.

Jadhav was arrested in March last year in the restive Balochistan province and accused of being a Research and Analysis Wing (RAW) agent.

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No. J-411/8/2016

The Ministry of External Affairs presents its compliments to the High Commission of the Islamic Republic of Pakistan in New Delhi and has the honour to refer to Note Verbale No. Ind (III)-2/13/2016 dated January 23, 2017 and Note Verbale No. Ind (I)-5/20/2017 dated May 31, 2017 issued by the Ministry of Foreign Affairs of the Islamic Republic of Pakistan regarding request for assistance in investigations in the case of Indian national, Mr. Kulbhushan Sudhir Jadhav.

In this context, the Ministry has the honour to state the following:

- (i) Mr. Kulbhushan Sudhir Jadhav is a retired officer of the Indian Navy who was engaged in a business in Iran. The circumstances of his current presence in Pakistan can only be established if the Government of India has consular access to him, as provided for under the Vienna Convention on Consular Relations, 1963.
- (ii) No credible evidence has been provided by the Pakistani side that Mr. Jadhav has any involvement in any act of terrorism. His purported confession clearly appears to be coerced and no details of his so-called trial have been made available. Under these circumstances, the question of considering this case in the context of allegations of terrorism does not even arise.
- (iii) Pakistani has stated that the passport purported to have been recovered from Mr. Jadhav is a false one. The question of authenticating a declared false document does not arise. Any question pertaining to Mr. Jadhav can only be answered after the Government of India has had consular access to him.

In view of the above, it is neither appropriate nor feasible for the Government of India to act on a request pertaining to an Indian national who was engaged legitimately in business in Iran and whose presence in Pakistan has not been explained credibly by Pakistani authorities. Consular access to Mr. Jadhav is an essential pre-requisite in order to verify the facts and understand the circumstances of his presence in Pakistan.

The Government of India would also remind the Government of Pakistan that it has not ratified the SAARC Convention on Legal Assistance in Criminal Matters, 2008. Nor did it respond to initiatives in the past to conclude a bilateral Mutual Legal Assistance Treaty in criminal matters.

In these circumstances, the original letter of January 23, 2017 along with all the annexures and documents is returned herewith.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of the Islamic Republic of Pakistan the assurances of its highest consideration.



**High Commission of the Islamic Republic of Pakistan
New Delhi.**

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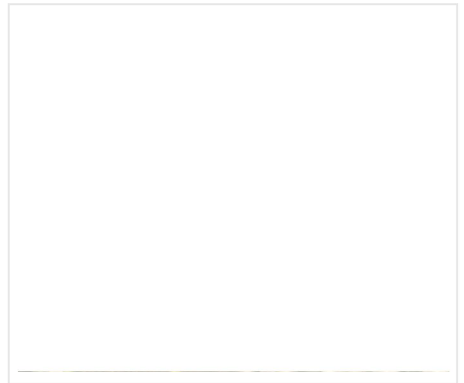
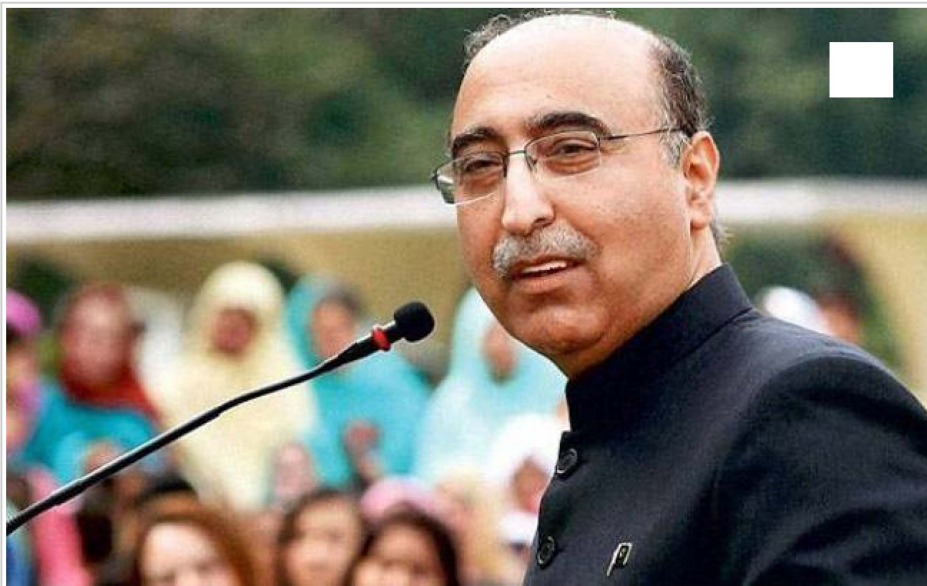
There is room for a rethink: Pakistan High Commissioner Abdul Basit on Kulbhushan Jadhav death sentence

India had approached the International Court of Justice (ICJ) on May 8 soon after a military court in Pakistan awarded death sentence to Jadhav, a former Navyman, on espionage charges.



IndiaToday.in | Edited by Shashank Shantanu
New Delhi, June 21, 2017 | UPDATED 12:08 IST

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by Taboola

HIGHLIGHTS

- 1 Abdul Basit says there is room for a rethink in Kulbhushan Jadhav case.
- 2 Jadhav awarded death sentence by a Pakistani military court.
- 3 India has approached the ICJ challenging Jadhav's death sentence.

Pakistan's outgoing High Commissioner to India Abdul Basit has said that his country is committed not to carry out the execution of death sentence awarded to Indian national **Kulbhushan Jadhav** by a military court till the hearing in the International Court of Justice (ICJ) gives its verdict in the case.

In an [interview with The Hindu](#), Basit, who was appointed Islamabad's envoy to New Delhi in 2014 just days before PM **Narendra Modi** assumed charge, said that there is still hope left for Jadhav.

"There is a process that is ongoing, and if Jadhav's appeal were rejected (by the court), that would be the time for the

LAUNCH GALLERY (9 IMAGES)

There is room for a rethink: Pakistan High Commissioner Abdul Basit on Kulbhushan Jadhav death sentence : India, News - India Today

Army chief or the President to reconsider the sentence against him. He has been tried, he has been convicted, and he has the right to appeal. If that is rejected, then he has the right to submit an application for clemency to the Army chief, and if he denies it, then to the President. So there is room for a rethink there," Basit said.

India had approached the International Court of Justice (ICJ) on May 8 soon after a military court in Pakistan awarded death sentence to Jadhav, a former Navyman, on espionage charges.

India said that Pakistan had violated the Vienna Convention and conducting a 'farfetched trial' for convicting Jadhav without a 'shred of evidence'.

Pakistan claims that Jadhav was arrested from Balochistan in March last year. However, India maintains that he was kidnapped from Iran and taken to Pakistan by the Inter-Services Intelligence (ISI).

ON KASHMIR

Responding to a question over the contentious Kashmir issue, Basit said any resolution to



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ON HAFIZ SAEED

Basit stopped short of admitting Mumbai terror attack mastermind Hafiz Saeed's involvement in terror activities but said that his country has taken the action required against him.

"No individual in Pakistan is above the law. It is not the first time he has been put under house arrest, the law will move against him. At the end of the day it is for the courts to decide," Basit said.

ALSO READ:

Kulbhushan Jadhav death sentence: Pakistan may overrule International Court of Justice's order

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Press Release



No PR-323/2017-ISPR

Dated: June 22, 2017

Rawalpindi - June 22, 2017: Chief of Army Staff General Qamar Javed Bajwa called on Prime Minister of Turkey, Mr Binali Yildirim. COAS thanked the Prime Minister on Turkish support to Pakistan in various international fora. The two discussed matters related to regional security and commonality of challenges facing the two brotherly countries. Turkish Prime Minister appreciated the positive role Pakistan plays in the region as well as in the larger Muslim world. He reiterated Turkish support for Pakistan's stance on Kashmir. COAS thanked him, saying Pakistan and Turkey share same stance on many issues and Pakistan supports Turkey's position on Cyprus as well as its efforts against terrorism of all hue and colour.

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Press Release



No PR-322/2017-ISPR

Dated: June 22, 2017

Rawalpindi - June 22, 2017: Commander Kulbushan Sudhir Jadhav, the serving Indian Naval Officer who has been sentenced to death on charges of espionage, sabotage and terrorism has made a mercy petition to the Chief of Army Staff.

In his plea, Commander Jadhav has admitted his involvement in espionage, terrorist and subversive activities in Pakistan and expressed remorse at the resultant loss of many precious innocent lives and extensive damage to property due to his actions. Seeking forgiveness for his actions he has requested the Chief of Army Staff to spare his life on compassionate grounds.

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ARMED FORCES' SUPPORT CPEC

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Commander Jhadev had earlier appealed to the Military Appellate Court which was rejected. Under the law he is eligible to appeal for clemency to the COAS (which he has done) and if rejected, subsequently to the President of Pakistan.

His second confessional video, in which he can be seen accepting his acts of terrorism and espionage is also released so that the world should know what India has done and continues to do against Pakistan.

TRANSCRIPT OF 2ND CONFESSIONAL STATEMENT OF COMMANDER KULBHUSHAN SUDHIR JADHAV

I am Commander Kulbhushan Sudhir Jadhav. Number 41558 Zulu of the Indian Navy

I am a commissioned officer in the Indian Navy. And my alias name was Hussain Mubarak Patel. And I was basically; I'd visited Karachi on 2 occasions in 2005 and 2006 for basic intelligence gathering on Naval installations and subsequent detail. Basically gathering information on the landing sites around Karachi and various naval vessels or whatever I could gather about the navy.

The RAW officials had started sniffing that the Modi government will be in power by 2014. So I was inducted and my services were handed over to Research and Analysis Wing (RAW). And the aim was to see that all the activities around the Mekran Coast and Karachi and Balochistan Interior. Turbat and Quetta were to be organized and nicely coordinated.

Subsequently, me along with Anil Kumar had a meeting with Alok Joshi. Where in the plans and the finalization of the activities along the Mekran Coast and Karachi were finalized. I was stationed in Chahbahar, The Iranian Port City under a fictitious name "Hussein Mubarak Patel" and I was running a business there "Kaminda Trading company". It was a discreet non embassy based operation exclusively meant to conduct meetings with Baloch insurgents and terrorists. The aim of these meetings was always to see that the Aims and the Targets of RAW to conduct the various terrorist activities within Balochistan are conveyed properly to the insurgents and any kinds of requirements of them are conveyed back to the RAW officials.

My purpose of this time visit to Pakistan was to establish and meet the basic leadership of Baloch sub nationals, the BLA or the BRA and establish and Infiltrate around 30 to 40 RAW operatives along the Mekran Coast for Operations along with Baloch sub nationals and miscreants or Terrorists.

The aim was to have RAW operatives on field so that they could facilitate and help the Baloch sub nationals in carrying out precision targets to be carried out. Precision, I would say sort of a military sort of a connection to the entire Operation.

Balochistan doesn't have a movement on the sea, so the aim was to raise within the Baloch sub nationals a sea front, so that the activities could be properly coordinated from the sea side and subsequently taken on further inwards, may be Quetta or Turbat or maybe interiors of various places.

The subsequent activities which were then handed over by RAW when I subsequently started working for Research and analysis wing, the main aim was focused to Balochistan and the Karachi region. The idea was to see to it that the sub nationals with in this region were facilitated and supported financially and with arms and Ammunition, weapons and some kind of maybe man and material movement also across the coast.

So me being a naval officer I was given the task of seeing that how they could be landed across the Mekran coast, between Gwadar, Jewani or whichever suitable points were there across this belt. And the main ideology beyond this was that the economic and the various activities which go along the CPEC region between Gwadar and China had to be distorted and disrupted and some destabilized so that the aim was to just basically raise the level of insurgency within Balochistan and the Karachi region.

Research and Analysis Wing through Mr Anil Kumar has been abetting and financing and sponsoring a lot of activities within Balochistan and Sindh. The entire Hundi and Hawala operations are undertaken from Delhi and

Mumbai via Dubai into Pakistan and during one such important transaction was the 40,000 dollars which was transferred to Baloch sub Nationals via Dubai. Also the finances which are coming into Balochistan and Sindh for various anti National activities are coming through consulates in Jalalabad and Kandhar and the Consulate in Zahidan. These are very important consulates which are used by Research and Analysis Wing to transfer dollars into the Balochistan movement.

And one such instance was where I was directly involved and I was observing the transaction was when 40,000 Dollars were recently transferred from India via Dubai to one such Baloch National operative within Pakistan.

Research and Analysis Wing and Mr Anil Kumar on behalf of RAW had been sponsoring regularly the various terrorist activities within Pakistan. Especially Hazara Muslims, Shia Muslims who move around on pilgrimage between Iran, Afghanistan and Pakistan were basically to be targeted and killed. They were already being done, it was being done but the level had to be raised to the very high level so that the movement completely stops.

Then the targets on various workers of FWO who were conducting construction of various roads within Balochistan and the third major activity was the IED attacks which were being carried out by the Baloch sub nationals within Quetta, Turbat or various other cities of Balochistan. They were being directly sponsored by RAW.

Mr Anil Kumar has been sponsoring sectarian violence across Sindh and Balochistan and also sponsoring various assassinations across this same region so that instability or some kind of fear is set into the mindsets of the people of Pakistan, and in one such process SSP Chaudhary was assassinated. This was a direct mention by Mr Anil Kumar to me.

The various financing which subsequently happened for the TTP and various other Afghan anti Pakistani terrorist groups led to the attack by TTP on one of the Mehran Naval Bases in which a lot of damage was cost to the Pakistani Navy. Other sort of radar installation attack, the Sui pipeline gas attack, then attacks on civilian bus Stations where some I suppose Pakistani Nationals were being targeted by Sub Nationals and murdered and massacred so that a sort of disruption in the CPEC is done that was being funded and directly supported by Mr Anil Kumar. He wanted it to be raised to the next level so that complete disruption and complete stoppage of the Economic corridor between Gwadar and China is achieved.

One of the operations which was being planned by RAW officials along with Baloch insurgents was a military style attack on Zahidan Pakistani consulate. The aim was to either attack it with a grenade or some kind of RPG or IED attack or then try to harm the consulate General or some kind of vicious attack on the Pakistani consulate in Zahidan. It was being militarily planned, the RAW officials were involved in Iran and the Baloch Sub Nationals who were supposed to carry out the attack or facilitate the entire process were being involved and I was well aware of the plan which was being conducted and how it was being planned.

RAW was sponsoring the setting up of the modern website, a new website which was being already run through Nepal which the Balochistan movement was carrying on, on the Cyber world and the creation of the website, the previous maintenance of the already existing website was being handled by the Research and Analysis wing from Nepal, Kathmandu which was luring people from within Pakistan for various activities to be carried out in the future.

This time while crossing over into Pakistan I travelled all the way from Chahbahar in a private Taxi along with Rakesh to the Iranian Pakistan border near Sarawan. From wherein I crossed into Pakistan along with Baloch Sub Nationals and after about an hour or so I was apprehended by the Pakistani authorities in Pakistan.

Basically the movement into Pakistan for me was, I was on a visa and official visa in Iran and I was moving with my passports so I carried my passports with till the border almost so that if Iranian authorities or Iranian people who are about to check me or I am stopped or checked I should have a legitimate reason for movement with in Iran and my subsequent movement into Pakistan and then backwards. While I was not intending to having being caught so on my movement backwards again I would have had a legitimate reason to go about, With that passport with the legitimate visa of Iran.

During my judicial proceedings which were held under the field General court martial, I was accorded a defense council by the officials here which were conducting the entire proceedings.

Today I genuinely after the time having spent in Pakistan I feel very ashamed and I genuinely seek pardon of the acts and sins and crimes I have committed here against the Nation and the people of Pakistan.

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Press Release



No PR-321/2017-ISPR

Dated: June 22, 2017

Rawalpindi - June 22, 2017: Pakistan Rangers Punjab alongwith CTD, Police and Intelligence Agencies carried out joint search operation in riverine areas of Mandi Bahauddin today. During operation, 5 suspects of facilitation of terrorist activities were apprehended. Illegal automatic weapons and ammunition recovered.

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Press Release



No PR-320/2017-ISPR

Dated: June 22, 2017

Operation Radd-ul-Fasaad

Rawalpindi - June 22, 2017: FC KP recovered large quantity of weapons and ammunition last night from Akka Khel, Guli Khel & Ghaibi Nokia areas of khyber agency during an IBO. The recoveries include Sub Machine Guns, prepared IEDs and fuses.

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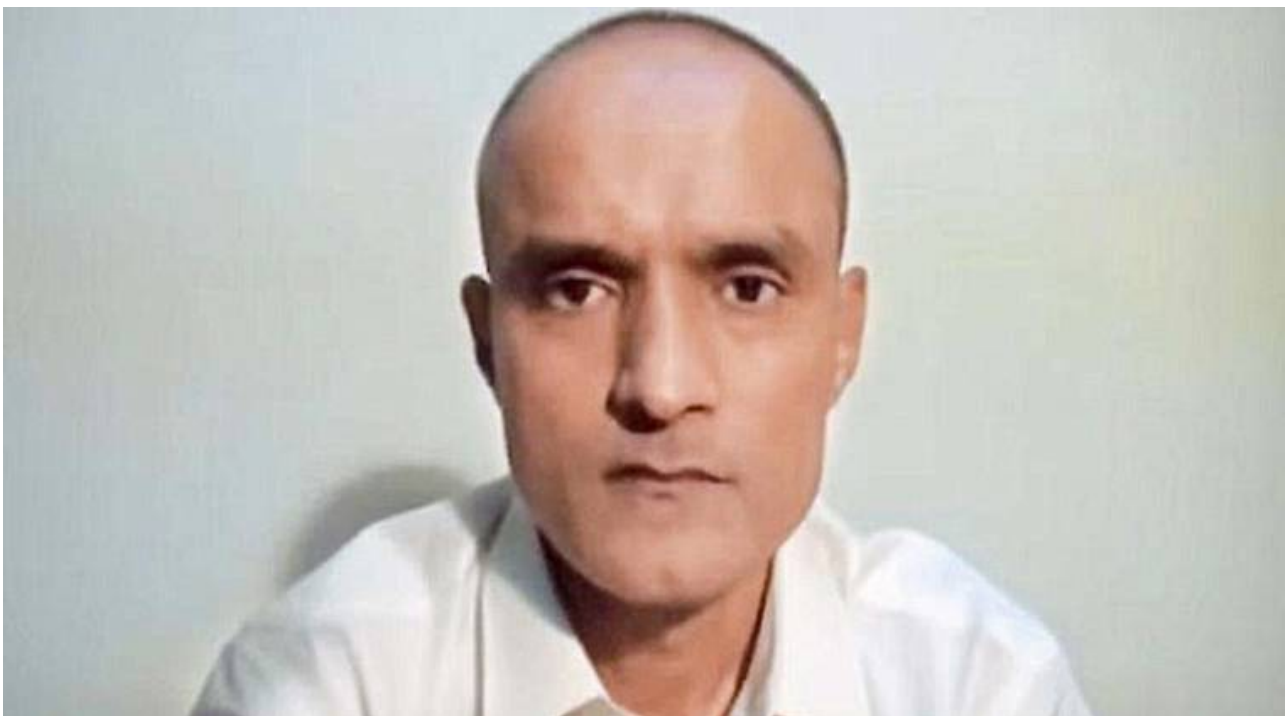


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Pakistan trying to solve Kulbhushan Jadhav case on its own: Defence Experts

A Pakistani daily has voiced support in favour of Jadhav's mother, saying she should be granted visa to visit Pakistan on humanitarian grounds as this provides opportunity for India and Pakistan to back away from an increasingly confrontational stance.

By: **ANI** | New Delhi | Published: July 17, 2017 10:05 am



Kulbhushan Jadhav. (Source: Express photo video grab)

The Defence Experts on Monday said that Pakistan was trying to solve the [Kulbhushan Jadhav](#) case on its own due to lack of evidences against former Indian Naval officer. Jadhav has been awarded death sentence by a Pakistani military court on the charges of espionage. In a major blow to Pakistan, the International

Court of Justice (ICJ) in May stayed the death sentence of Jadhav. However, Pakistan Military Court has rejected mercy petition of Kulbhushan Jadhav. Talking to ANI, defence expert P.K. Sehgal said, “Pakistan is very much aware that it was a sham case; sham military trial; they do not have any evidence that is why they are trying to finish this case on their own level. Pakistan is trying to hoodwink the International Court of Justice to the extent that is possible.”

He added that if Pakistan continued to do so it would face mega condemnation, which it would find difficult to digest.

Another defence expert Praful Bakshi said that the ICJ is a world body and Pakistan cannot take it lightly.

“It’s a serious matter that the Pakistan military court has rejected Jadhav’s mercy petition and declared him as criminal. But, Kulbhushan Jadhav has more options. The ICJ has already instructed to Pakistan that they can prepare their new team and put the case once again in a proper manner. Now, it depends on the ICJ that what steps it will take. The ICJ is a world body and Pakistan cannot take it lightly,” Bakshi said.

Pakistan Chief of Army Staff (COAS) General Qamar Bajwa is now considering the appeal of Kulbhushan Jadhav.

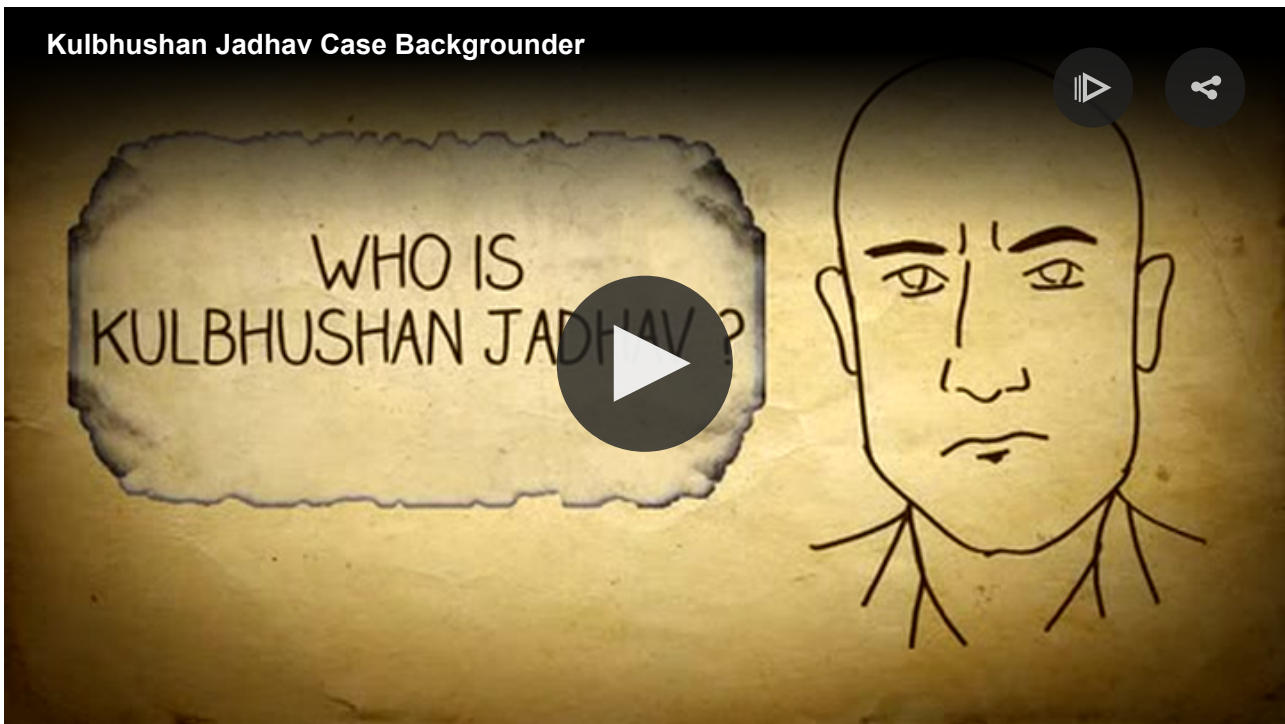
“The petition of Indian national is now with COAS who’ll decide soon. The Army Chief is looking at each aspect of Jadhav’s appeal; analysing the evidence and will decide on merits,” Inter Services Public Relations (ISPR) Director General Maj Gen Asif Ghafoor said.

Yesterday, Jadhav’s clemency appeal has been rejected by the Military Appellate Court. If Jadhav’s appeal for clemency is rejected by General Bajwa, he can then file another mercy petition with President Mamnoon Hussain within 90 days of the Army Chief deciding on his appeal.

Pakistan’s Foreign Office spokesperson Nafees Zakaria said that the authorities are considering the Indian External Affairs Ministry’s request of Jadhav’s mother to grant her a visa so that she could visit her son in prison.

Indian External Affairs Minister Sushma Swaraj, last week, took on Pakistani Prime Minister Nawaz Sharif’s advisor on Foreign Affairs Sartaj Aziz for not entertaining

the request for visa to the mother of Jadhav, who has been sentenced to death for alleged espionage.



A leading Pakistani daily has voiced its support in favour of the alleged Indian spy's mother, saying that she should be granted visa to visit Pakistan on `humanitarian grounds as this provides the latest opportunity for India and Pakistan to back away from an increasingly confrontational stance against each other.

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TAGS: [KULBHUSHAN JADHAV](#) [Pakistan](#)

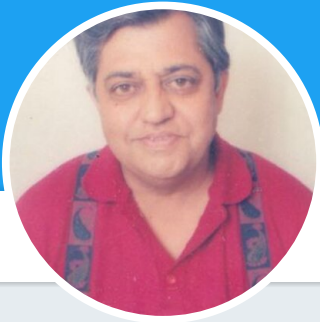
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@Praful_Bakshi

EX-Wg Cdr Fighter pilot, Ex-chief spokesman Min of Def, Defence and Security analyst, TV Commentator for Republic Day, Indep day, Aircraft accident investigator

New Delhi

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Praful Bakshi @Praful_Bakshi · 1 Jun 2015

Lack of clarity on one rank one pension confuses ex-servicemen [dnai.in/clBj](#) via [@dna](#) [@ananddeevakar](#)

1



Praful Bakshi @Praful_Bakshi · 4 Jan 2015

coast guard actions were as per the rules of engagement with correct sop till last.Opposition must keep this in mind [#timesnow](#)

1



Praful Bakshi @Praful_Bakshi · 3 Jan 2015

It is a nightmare for a mil cmdr to have para mil force on the border not totally under his control like in J&K. MoD & MHA to note[#timesnow](#)

1



Praful Bakshi @Praful_Bakshi · 3 Jan 2015

india is on reactionary mode in dealing with border issues with Pak.It must switch to proactive stand & start pre-emptive action[#timesnow](#)

1

Praful Bakshi Retweeted



Anastasia Isyuk @AIsyukICRC · 19 Apr 2014

Ex Wing Commander Praful Bakshi speaks about importance of [#IHL](#) & [#HR](#) for naval officers in [#India](#) and [#Bangladesh](#)



ICRC conducts IHL training for Bangladesh naval o...

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2 3



Praful Bakshi @Praful_Bakshi · 24 Apr 2014

political interference in the affairs of armed forces is most harmful in democracy.effects the security of the country & morale of the force

1



Praful Bakshi @Praful_Bakshi · 24 Aug 2013

for the wisdom settles like the fragrant spring upon the moist deadwood the winter brings@YeatsDaily

1



Praful Bakshi @Praful_Bakshi · 23 Aug 2013

Pak army must suffer at the border to realise the value of peace and democracy. Pak Govt will thank india to allow indian forces to do so.

1



MINISTRY OF FOREIGN AFFAIRS
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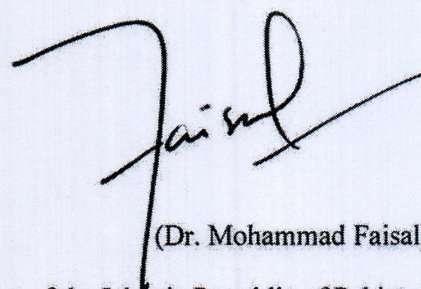
October 11 2017

Dear Registrar,

1. On behalf of the Islamic Republic of Pakistan ("Pakistan"), with reference to the Jadhav Case (India v. Pakistan), I have the honour to refer to Article 31 of the Statute of the Court and Article 35 of the Rules of Court (1978) and to draw to your attention the following.
2. Article 31, paragraph 2, of the Statute of the Court provides as follows:
2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.
3. Article 31, paragraph 6, of the Statute of the Court provides as follows:
6. Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfill the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.
4. Article 35, paragraph 1, of the Rules of Court (1978) provides as follows:
1. If a party proposes to exercise the power conferred by Article 31 of the Statute to choose a judge ad hoc in a case, it shall notify the Court of its intention as soon as possible. If the name and nationality of the judge selected are not indicated at the same time, the party shall, not later than two months before the time-limit fixed for the filing of the Counter-Memorial, inform the Court of the name and nationality of the person chosen and supply brief biographical details. The judge ad hoc may be of a nationality other than that of the party which chooses him.

5. In accordance with the provisions of Article 31, paragraph 2, of the Statute of the Court and Article 35, paragraph 1, of the Rules of Court (1978), the Government of Pakistan hereby states its designation of Justice Tassaduq Hussain Jillani as judge *ad hoc* to sit in the Jadhav Case.
6. A Curriculum Vitae (CV) for Justice Jillani is provided as Annex 1 to this communication. As can be seen from that CV, Justice Jillani served as a Judge of the Supreme Court of Pakistan from 31st July 2004 to 11th December 2013 and subsequently served as the 21st Chief Justice of Pakistan from 11th December 2013 until 5th July 2014. As such, Justice Jillani possesses the qualifications required in Pakistan for appointment to the highest judicial offices, as stipulated by Article 2 together with Article 31, paragraph 6, of the Statute of the Court.
7. Furthermore, Justice Jillani has not previously taken part as agent, counsel, or advocate for any of the parties in the Jadhav Case. Taking note of Article 17, paragraph 2, of the Statute of the Court and of the Court's Practice Direction VII, the Government of Pakistan states that Justice Jillani has not acted as agent, counsel, or advocate in any other case before the Court, nor has he acted in such capacity in the three years preceding the date of this nomination.
8. In accordance with the provisions of Article 35, paragraph 3, of the Rules of Court (1978), the Government of Pakistan respectfully invites you to communicate to the Government of the Republic of India the fact of Pakistan's nomination of Justice Jillani as judge *ad hoc* to sit in the Jadhav Case.

Accept, Sirs, the assurances of my highest consideration.



(Dr. Mohammad Faisal)

Co-Agent of the Islamic Republic of Pakistan

ANNEXURES

Annex 1 – Curriculum Vitae (CV) for Justice Tassaduq Hussain Jillani

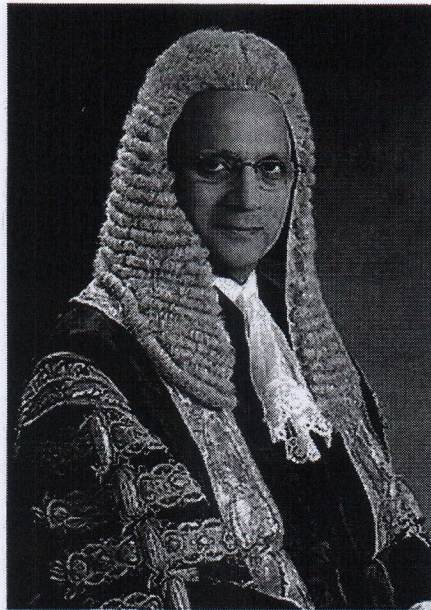
Annex 1

Mr. Justice Tassaduq Hussain Jillani

Hon'ble Chief Justice of Pakistan

(Retired on 6 July 2014)

ی لانجی جنی تصادق



Justice Tassaduq Hussain Jillani was born in Multan, Pakistan on 6 July 1949.

He received his school and college education in Pakistan. He obtained his LLB degree from the University of Punjab in Lahore and his Masters Degree in Political Science from the Forman Christians College in Lahore.

He started his professional career as a lawyer from the Districts Courts of Multan in 1974 and, in a short span of less than ten years, was enrolled as an Advocate of the High Court and an Advocate of the Supreme Court. During his practice in law, he held various elected offices, including Secretary General of the District Bar Association Multan and Member of the Punjab Bar Council.

In 1979 he was appointed as Assistant Advocate-General of Punjab and thereafter he became Additional Advocate-General of Punjab and then became the Advocate-General of Punjab in 1993.

On 7 August 1994, he was elevated as a Judge of the Lahore High Court. Having served in that role for ten years, he was elevated to the Supreme Court of Pakistan in July 2004. On 12 December 2013, Justice Jillani was sworn in as the 21st Chief Justice of Pakistan.

Justice Jillani has participated in several international conferences and colloquiums where he spoke on issues which included "*Domestic Application of International Human Rights*", "*Gender Justice*", "*Alternative Dispute Resolution*", "*Forced Marriages*", "*Transnational Child Abduction*" and "*Religious Tolerance*". Some of the honours and awards received are as below:

- In July 2008, he was invited by the American Bar Association to receive the '2008 Rule of Law Award' on behalf of those Judges of Pakistan who demonstrated courage in upholding the 'Rule of Law' in the country.
- He has been appointed as a member of the International Hague Network of Judges
- He participates as one of the Honorary Chairs of the American Bar's "World Justice Project" – an initiative to promote the rule of law the world over. Some of the other Honorary Chairs are Hon'ble Justice Sandra Day O'Connor, Hon'ble Justice Anthony M. Kennedy, Hon'ble Justice Ruth Bader Ginsburg, Hon'ble Justice Stephen G. Breyer, President Jimmy Carter, Hon'ble Madeleine Albright, Hon'ble James A. Baker III and William H. Gates, Senior.



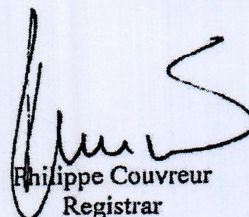
149399

6 November 2017

Sir,

- / With reference to the Jadhav Case (India v. Pakistan), I have the honour to transmit to you herewith a copy of a letter from Dr. Deepak Mittal, Agent of the Republic of India, dated 6 November 2017 and received in the Registry on the same day, whereby he informed the Court that his Government has no objection to the choice by the Islamic Republic of Pakistan of Mr. Tassaduq Hussain Jilani to sit as judge ad hoc in the case. The Agent's letter was received under cover of a communication of the same date from Ms Kajal Bhat, Co-Agent of the Republic of India, a copy of which is also enclosed.

Accept, Sir, the assurances of my highest consideration.


Philippe Couvreur
Registrar

H.E. Mr. Ashtar Ausaf
Agent of the Islamic Republic of Pakistan
before the International Court of Justice
Embassy of Pakistan
The Hague

cc: Dr. Mohammad Faisal
Co-Agent of the Islamic Republic of Pakistan
before the International Court of Justice
Embassy of Pakistan
The Hague



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

Dr. Deepak Mittal
Agent of the Republic of India
Before the International Court of Justice

06 November 2017

Jadhav Case (India v. Pakistan)

Sir,

Reference your letter number 149348 dated 11 October 2017.

I hereby convey that the Republic of India has **no-objection** to the choice of Mr. Tussaduq Hussain Jillani by Pakistan to sit as the judge ad hoc in Jadhav Case (India v. Pakistan).

Please accept, Sir, the assurances of my highest consideration.

(Deepak Mittal)

Agent of the Republic of India

To,

Mr. Philippe Cuvreur
The Registrar
International Court of Justice
The Hague, Netherlands



MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No. Ind(I)-5/20/2017

November 10, 2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of the Republic of India in Islamabad and has the honour to state that the Government of Pakistan has decided to arrange a meeting of Commander Kulbhushan Jhadev with his wife, on humanitarian grounds.

The esteemed High Commission may provide two sets of dates for the meeting, during the period 14-28 November 2017.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission of the Republic of India, the assurances of its highest consideration.

High Commission of the Republic of India,
Islamabad.





भारत का उच्चायोग, इस्लामाबाद
HIGH COMMISSION OF INDIA
ISLAMABAD

No.ISL/103/14/2017

The High Commission of India to Pakistan presents its compliments to the Ministry of Foreign Affairs of the Government of the Islamic Republic of Pakistan and with reference to the latter's Note Verbale No. Ind(I)-5/20/2017 dated 10 November 2017 regarding its offer to arrange meeting of Indian national Mr. Kulbhushan Sudhir Jadhav with his wife, has the honour to inform that the wife of Mr. Jadhav is heartened that she may be allowed to meet her husband, but has requested that she be allowed to travel with her mother-in-law (Jadhav's mother) as she would not be able to travel alone. The request to allow the mother to visit her son, on humanitarian grounds, may be considered in the light also of the request that is pending with the Government of Pakistan since April 2017.

The High Commission has the honour to further request the Government of the Islamic Republic of Pakistan to kindly provide sovereign guarantee and assurance that it shall ensure free movement, safety, security and well being of the wife and mother of Mr. Jadhav during their visit and meeting in Pakistan and that they shall not be questioned, interrogated or harassed during their stay in Pakistan. Further, the wife and the mother of Mr. Jadhav shall be allowed to be accompanied by a diplomat of the High Commission of India in Pakistan at all times, including during the meeting. This is particularly essential as there are serious concerns about safety and security of the wife and mother of Mr. Jadhav, including due to circumstances surrounding the matter and the fact that the wife of Mr. Jadhav was named by Pakistan authorities in the so called "letter of assistance" in investigations in the past.

The High Commission notes that the Government of Pakistan has offered this measure on humanitarian grounds. This does not absolve in the slightest the Government of Pakistan of egregious violation of convention rights of consular access under the Vienna Convention on Consular Relations 1963 and concomitant egregious violation of human rights and due process in relation to the treatment of Mr. Jadhav and this is without prejudice to the proceedings initiated by India and pending at the International Court of Justice.

The Ministry of Foreign Affairs is requested to expeditiously convey its concurrence for the above modalities and provide assurances and guarantees requested by the wife of Mr. Jadhav and the Government of India so as to arrange the visit.

The High Commission also submits that its repeated requests for consular access to the Indian national Mr. Kulbhushan Sudhir Jadhav have not been addressed and avails itself of this opportunity to reiterate them.

The High Commission of India to Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of the Islamic Republic of Pakistan the assurances of its highest consideration.

Islamabad, 13 November 2017

Ministry of Foreign Affairs
Government of the Islamic Republic of Pakistan
Islamabad





MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No. Ind(I)-5/20/2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of Republic of India in Islamabad and has the honour to refer to its request for Mutual Legal Assistance dated 23 January, 2017 under United Nations Security Council Resolution 1373 (2001) in the case of Commander Kulbhushan Sudhir Jadhav.

In this context we wish to make the following points:

- a) On 3rd March 2016, Commander Kulbhushan Sudhir Jadhav, a serving officer of the Indian Navy, was apprehended and arrested by the Pakistani authorities in Balochistan in Pakistan.
- b) Subsequently, Commander Jadhav voluntarily confessed in detail to having been despatched by India's Research & Analysis Wing to Pakistan for the purposes of committing acts of espionage, terrorism and sabotage aimed at the destabilising the territorial integrity of Pakistan and the killing and maiming of Pakistani civilians and the destruction of its infrastructure. Extracts of the confession of Commander Jadhav were shown during a public statement made by the Pakistani authorities on 25th March 2016.
- c) When Commander Jadhav was apprehended, he was in the possession of an Indian passport which bore a different name – 'Hussein Mubarak Patel' – a Muslim name, and one that was patently false. We have provided the Government of India with a copy of the passport and the confession of Commander Jadhav on 23rd January 2017 in the context of the terrorism investigation request for Mutual Legal Assistance ("MLA Request").
- d) We regret to note that the Government of India has failed to engage the MLA Request, which is a violation of the fundamental obligations enshrined in the UN Charter and numerous UN Security Council Resolutions including UNSC 1373 (2001).

- e) On 14th April 2017, in a public statement, the Adviser to the Prime Minister of Pakistan on Foreign Affairs, *inter alia*, noted that India had provided no explanation as to how and in what circumstances Commander Jadhav came to be in possession of this passport bearing a false name – and called upon India to do so.
- f) However, to date, India has made no response in this regard and has made no effort to provide any kind of explanation at all.
- g) The investigation of terrorism on Pakistani territory, and the identification of the perpetrators of the same, is a matter of fundamental importance to Pakistan.
- h) It is a matter of great concern that India appears unwilling or unable to assist in the investigation of the most serious acts of terrorism conducted by its nationals. Indeed, the intelligence and evidential material still being provided by Commander Jadhav points to State sponsored acts of killing and destruction, which will engage international responsibility in due course, through the appropriate legal channels.
- i) Pakistan requests and requires India's cooperation and assistance in this regard.
- j) Pakistan also reserves the right to amplify or supplement the Request in the light of information being received from its sources, including Commander Jadhav.
- k) Without prejudice to the foregoing, Pakistan reserves all rights to take such necessary measures as are available through appropriate channels in the absence of assistance from India.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself to renew to the High Commission the assurances of highest consideration.



The High Commission for Republic of India
Islamabad.



MINISTRY OF FOREIGN AFFAIRS ISLAMABAD

No. Ind(I)-5/20/2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of Republic of India in Islamabad and has the honor to refer to its request for Mutual Legal Assistance dated 23rd January 2017 (the "Request") pursuant, inter alia to United Nations Security Council Resolution 1373 (2001) in the case of Commander Kulbhushan Jadhav.

2. The Ministry of Foreign Affairs has the further honour to refer to its Note Verbale dated 31st May 2017 to which the Ministry of External of India purported to reply on 19th June 2017. By way of the aforesaid Note Verbale, India purported to return the Request for no cogent or plausible reason. In this context, we wish, inter alia, to make the following observations:

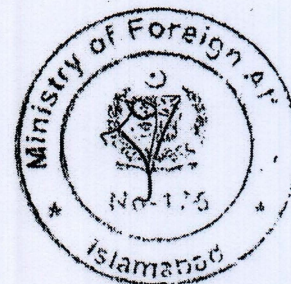
- a) The United Nations Security Council Resolution 1373 (2001) imposes overriding obligation upon UN Members states (of which the Republic of India is one), including, but not limited to, the obligation in Paragraph 2 (f) that States shall afford one another the greatest measures of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts including assistance in obtaining evidence in their possession necessary for proceedings,
- b) The Republic of India continues to fail to engage with those obligations,
- c) The attempt to return the Request amounts to a serious violation of International Law.

3. The regrettable stance adopted by the Republic of India in the Commander Jadhav Case before the International Court of Justice, regarding the legal process against Commander Jadhav in Pakistan, ignored the repeated attempts made by the Government of Pakistan to provide an opportunity for the Government of India to give evidence, either exculpatory or inculpatory of Commander Jadhav.

4. Indeed, the request took the form that is internationally recognized, namely (1) some of the evidence underpinning the allegation, (2) the criminal law provision engaged; and (3) the investigation and proceeding. India's evasion of its international responsibilities is, we observe, telling.

5. By way of example, the Government of India was provided with a clear copy of passport No. L9630722 in the name of 'Hussein Mubarak Patel'.

6. It is incumbent upon the Government of India to explain:
- Whether Commander Jadhav is indeed Commander Jadhav or 'Hussein Mubarak Patel'.
 - If he is not 'Hussein Mubarak Patel', does such a person exist?
 - If 'Hussein Mubarak Patel' does exist or does not exist, what attempts has the Government of India made at the very latest since 23rd January 2017 to investigate how Commander Jadhav was able to obtain Passport issued by the competent authorities in India?
 - The travel history of Commander Jadhav
7. In the alternative, is it the Government of India's position that Commander Jadhav was in possession of a false and inaccurate document such that either:
- His name is not 'Hussein Mubarak Patel': or
 - It is not a passport from the competent Indian authorities?
8. If that is the case, does the Government of India consider that Commander Jadhav has committed a crime or crimes under Indian Law? If so, what is /are the crimes?
9. The Islamic Republic of Pakistan does not consider that the purported return of the request in any way excuse the failure on the part of the Republic of India to comply with its international obligations as aforesaid. To facilitate the Republic of India's compliance the request is provided again.
10. The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission of India the assurances of its highest consideration.



30 August, 2017

The High Commission for Republic of India
Islamabad



MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No.IND(I)-5/20/2017

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of the Republic of India in Islamabad and has the honour to refer to its request for Mutual Legal Assistance dated 23rd January 2017 ("the Request") pursuant, *inter alia*, to United Nations Security Council Resolution 1373 (2001) in the case of Commander Kulbhushan Sudhir Jadhav ("Commander Jadhav").

Reference is made to our letter dated 31st May 2017 to which the Ministry of External Affairs of the Republic of India purported to reply on 9th June 2017. By way of the aforesaid letter, the Republic of India purported to return the Request. Reference is also made to our 2-page letter dated 30th August 2017. We regret to note that India has yet to engage with any of the questions that have been raised.

In this context, we wish, *inter alia*, to reiterate the following observations:

- (1) United Nations Security Council Resolution 1373 (2001) imposes overriding obligations upon UN Member States (of which the Republic of India is one), including, but not limited to, the obligation in Paragraph 2(f) that States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
- (2) The Republic of India continues to fail to engage with those obligations;
- (3) The attempt to return the Request amounts to a serious violation of international law.

Furthermore, the regrettable stance adopted by the Republic of India in the Commander Jadhav Case before the International Court of Justice, regarding the legal processes against Commander Jadhav in Pakistan, ignored the repeated attempts made by the Government of Pakistan to provide an opportunity for the

Government of India to give evidence, either exculpatory or inculpatory, of Commander Jadhav.

Indeed, the Request took the form that is internationally recognised, namely: (1) some of the evidence underpinning the allegations; (2) the criminal law provisions engaged; and (3) the evidence sought which was necessary and relevant for the purposes of the criminal investigations and proceedings. India's evasion of its international responsibilities is, we observe, telling.

By way of example, the Government of India was provided with a clear copy of Passport No.L9630722 in the name of 'Hussein Mubarak Patel'.

It is incumbent upon the Government of India to explain whether:

- (1) Commander Jadhav is indeed Commander Jadhav or 'Hussein Mubarak Patel' .
- (2) If he is not 'Hussein Mubarak Patel', does such a person exist?
- (3) If 'Hussein Mubarak Patel' does exist or does not exist, what attempts has the Government of India made at the very latest since 23rd January 2017 to investigate how Commander Jadhav was able to obtain what appears to be an authentic Indian passport issued by the competent authorities in India?
- (4) In the alternative, is it the Government of India's position that Commander Jadhav was in possession of a false and inaccurate document either:
 - a. because his name is not 'Hussein Mubarak Patel'; or
 - b. because it is not a passport from the competent Indian authorities?
- (5) If that is the case, does the Government of India consider that Commander Jadhav has committed a crime or crimes under Indian law? If so, what is/are the crimes?
- (6) What is the actual authentic passport for Commander Kulbhushan Sudhir Jadhav (assuming he was issued with a passport)? Please provide full particulars of the date of issue, date of expiry, passport number, place of issue, name and photograph in the actual (presently valid) passport issued

to Commander Jadhav if such a document exists. Without prejudice to the foregoing, the Islamic Republic of Pakistan has already put the Republic of India on notice that it has failed to establish the Indian nationality of Commander Jadhav.

Without prejudice to the proceedings so far, the Government of Pakistan is prepared to consider any request for extradition that the Government of India may make in the event that Commander Jadhav is considered to be a criminal under the law of India.

The Islamic Republic of Pakistan does not consider that the purported return of the Request in any way excuses the failure on the part of the Republic of India to comply with its international obligations as aforesaid. To facilitate the Republic of India's compliance (even at this juncture) the Request is provided again.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission of India the assurances of its highest consideration.

26th October 2017

The High Commission of Republic of India,
Islamabad.

