

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 1760 OF 2020

IN THE MATTER OF:

An application under Article 102 of the Constitution
of the People's Republic of Bangladesh.

-And-

IN THE MATTER OF:

S. M. Enamul Haqre Mahatab Uddin and others
...Petitioners

-V E R S U S-

The Secretary, Ministry of Liberation War Affairs,
Bangladesh Secretariat, Dhaka and others
...Respondents

Mr. Nur Muhammad Azami, Advocate with

.....For the petitioners

Mr. Sk. Shaifuzzaman, DAG with

Ms. Rehana Sultana, AAG and

Mr. Md. Salim Azad, AAG and

Mr. Md. Samiul Alam Sarkar, AAG and

Ms. Zulfia Akhter, AAGs

.... For the respondents

Heard and Judgment On : 16.11.2023

Present:

Mr. Justice K.M. Kamrul Kader

And

Mr. Justice Khizir Hayat

K.M. Kamrul Kader , J :

On an application made by the petitioner under article 102 of the
Constitution of the People's Republic of Bangladesh, this Rule Nisi was
issued on 09.03.2020, in following terms:-

*“Let a Rule Nisi be issued calling upon the respondents to
show cause as to why the impugned Memo No.
48.02.0000.03.000.140.19-228 dated 18.04.2019 issued under
the signature of the respondent No.5 re-constituting the
Muktijoddha Scrutinizing Committee Kathalia, Jhalokthi*

(Annexure-C) should not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order of orders as to this Court may seem fit and proper.”

Facts relevant for disposal of the Rule, in short, are that all the petitioners are Freedom Fighters of Bangladesh Liberation War, 1971 and they have fought in our liberation war for the independent of our Motherland and in recognition of their sacrifice, they were awarded as “Freedom Fighters” and the respondent No. 1 had published different list of Freedom Fighters. In order to scrutiny the “Freedom Fighters” status all over the country the Jatio Muktiyuddha Council (JAMUKA) framed a Guideline/Nitimala under the heading of “Muktiyuddha Jachai Bachai Nirdeshika 2016”. Subsequently, the respondent No. 1 formed a Committee for scrutiny of the Freedom Fighters of Bangladesh Libration War vides Memo No. 48.00.0000. 004.49.233.09-92 dated 12.01.2017.

It is stated that previously the respondents sent a report vide Memo No.05.10.4243.010.50.050.16 (Part-1)-26 dated 04.01.2018 amending the earlier list of Freedom Fighters. It is also stated that on 21st March 2019 a Board Meeting was held at the Office of the respondent No. 2, upon discussion, the respondents took a resolution vide agenda Nos. 7 and 13 for reconstruction of Upazila Freedom Fighters Scrutiny Committee, of those Upazila which had recommended for inclusion the names of the Freedom Fighters more than 10% of the existing list and also passed a direction upon the newly constructed committee to prepare a list of the Freedom Fighters after further verification of the ‘Ka’ list. On the basis of the resolution Nos.7 and 13 dated 21st March 2019 taken in the 61st Board Meeting. The Director,

Development Jatiya Muktijoddha Command Council issued Memo No. 48.02.0000.003.000.140.19-228 dated 18th April 2019 giving direction for preparing report upon scrutinizing 'Ka' list of the Freedom Fighters of different Upazila through reconstructed Committee, inasmuch as in the "Ka" list recommendations had been made for inclusion of names of Freedom Fighters for more than 10% of the existing list.

The JAMUKA authorized the scrutinizing committee to find out the Freedom Fighters from the 'Ka' list. After scrutinizing the applications of the Freedom Fighters and other relevant documents and evidence both documentary and oral from its local area and further directions are given to justify in the booklet published by Ministry of Liberation War Affairs. Thereafter, all the members of different Upazila Scrutiny Committee, after considering and scrutinizing the applications with utmost good faith and guidelines of booklet, evidences of proof, prepared a list of real freedom fighter. It is also stated that the Upazilla Nirbahi Officer as Member Secretary of the Committee sent the list to the Jatiyo Muktijoddha Council i.e. the office of the respondent No.2 for its perusal and approval. However, On 21.03.2109, 61st meeting was held at the office of the Jatiyo Muktijoddha Council presided by the respondent No.2 along with other members of the Jatiyo Muktijoddha Council (JAMUKA) and a resolution has been passed that if any scrutiny committee send more than 10% names as Freedom Fighter out of their existing list of Freedom Fighter then these lists are required to be re-scrutinized by reconstructed committee and took further resolution by re-constructing the Muktijoddha Scrutiny Committee for Upazila in all over Bangladesh in following manner:

১.	সংশ্লিষ্ট এলাকার মাননীয় এম.পি (যদি মুক্তিযোদ্ধা না হন)। মুক্তিযোদ্ধা এম.পি না থাকলে জেলা প্রশাসকের সুপারিশে মন্ত্রী কর্তৃক অনুমোদিত (৩০/০৪/২০১৯ তারিখের মধ্যে) সংশ্লিষ্ট এলাকার যুদ্ধকালীন কমান্ডার (ভারতীয় তালিকা/লাল মুক্তিবর্তা ভুক্ত)	সভাপতি
২.	জেলা প্রশাসক কর্তৃক (৩০/০৪/২০১৯ তারিখের মধ্যে) মনোনীত সংশ্লিষ্ট এলাকার একজন বিশিষ্ট মুক্তিযোদ্ধা (ভারতীয় তালিকা/ লাল মুক্তিবর্তাভুক্ত)	সদস্য
৩.	উপজেলা নির্বাহী অফিসার	সদস্য-সচিব

It is also stated that immediately after 61st meeting of Muktiyoddha Council, the Director, Development Jatiya Muktiyoddha Command Council vide Memo No. 48.02.0000.003.000.140.19-228 dated 18.04.2019 re-constructed the Muktiyoddha Scrutiny Committee for different Upazila, of Bangladesh on the ground that those Upazilla Muktiyoddha Scrutiny Committee send more than 10% name out of the applications forwarded before them. It is further stated that Jatiya Muktiyoddha Council is a statutory body and it was established under the Act of Parliament namely "Jatiyo Muktiyoddha Council Act, 2002" with certain vision and mission and the said Act clearly describe the ambit of works and Jatiya Muktiyoddha Council cannot constitute any committee or dissolved any committee, its power only lies upon the Ministry of Liberation Affairs. But in the instant case the Director (Development), Jatiya Muktiyoddha Command Council vide it's Memo No. 48.02.0000.003.000.140.19-228 dated 18.04.2019 having no jurisdiction to reconstitute the Upazila Scrutiny Committee for determination of real and genuine Muktiyoddha. The petitioners are bravest son of the soil, fought for the country along with other Freedom Fighters during the

Liberation War in 1971 and achieved the independence of Bangladesh. They are well known Freedom Fighters of the country. It is stated that the Respondent No. 1 decided to verify the genuineness of the list of freedom fighters and accordingly, Upazilla / Thana Freedom Fighters Verification Committee was formed in different Upazilla in violation of law.

Being aggrieved by and dissatisfied with the direction of the respondents vide Memo No. 48.02.0000.003.000.140.19-228 dated 18.04.2019 the petitioners preferred this instant writ petition before this Court and obtained the instant Rule.

Mr. Nur Muhammad Azami, learned Advocate for the petitioners submits that the petitioners have taken risk to save the Motherland at the time of Libration War of Bangladesh on the call of the Father of the Nation Bangabondhu Sheikh Mujibur Rahman and as such, further verification of the 'Ka' list due to inclusion the names of Freedom Fighters for more than 10% of the existing list of the Upazila is illegal, malafide and is of no legal effect. He also submits that the acts of the State functionaries had not been done fairly and in accordance with law and as such, the Memo No. 48.02.0000.003.000.140.19-228 dated 18.04.2019 issued under the signature of the Director (Development), Jatiya Muktijoddha Council preparing report upon further scrutinizing "Ka" list of the Freedom Fighter through reconstructed Committee for inclusion the names of the Freedom Fighters for more than 10% of the existing list is illegal and without any lawful authority.

Learned Advocate for the petitioners again submits that the section 7 of the জাতীয় মুক্তিযোদ্ধা কাউন্সিল আইন, ২০০২ does not empower the JAMUKA/respondents to restrict enrolling the real Freedom Fighters. Real

Freedom Fighters, who were not listed previously, could be more or less than 10% of the existing Freedom Fighters' enjoying allowances. The only criteria of finding out the real Freedom Fighters left out should be conducted under strict verification and scrutiny and the respondents have already done so through the 'Ka' list that contained the names of real Freedom Fighters, including the petitioners. As such, the impugned restriction is not only an unreasonable one but also has been passed and issued without lawful authority. He further submits that the decision taken by JAMUKA in its 61st Board Meeting and the impugned memo issued pursuant thereto is arbitrary and illegal, inasmuch as, the same has imposed an undue restriction upon enlisting the real freedom fighters without any basis. Such constraint of enlistment of freedom fighter is nothing, but colorable exercise of power of the concerned authority. He also submits that imposing of an indirect limitation by the impugned memo on the power conferred on all Upazilla Verification Committee has compelled the committee to exclude those freedom fighters, who have been found genuine by the "Ka" list. This empowers the committee to Act arbitrarily on a "pick and choose" manner. As such, the impugned memo is liable to be struck down. He submits that the imposition of restriction on the listing of genuine Freedom Fighters are vague and ambiguous inasmuch as the number of freedom fighters, who fought for the independence of the country in 1971, cannot be restricted now by the impugned Memo. Moreover, the impugned memo does not define who would be called as "new freedom fighter". As such, it would create a dilemma on the Upazilla Committee while exercising its power to prepare a list of Freedom Fighters. As such, the same is liable to be struck down. He further argued that

since the “Ka” list was prepared and published on a mammoth scrutiny, the right of the “Ka” listed freedom fighters’ (the writ petitioners) cannot be taken away arbitrarily on a pick and choose manner. As such, the same is liable to be declared illegal and to have been passed without lawful authority and as such, the learned Advocate for the petitioners prays for making the Rules absolute.

Learned Deputy Attorney General appearing for the respondent did not oppose the Rule.

Heard the learned Advocate for the petitioners as well as learned Deputy Attorney General appeared on behalf of the respondents. We have also perused the writ petition, affidavit-in-opposition, supplementary affidavit and all annexures annexed with the writ petition and all other materials on record, wherefrom it transpires that the petitioners’ names were published in the ‘Ka’ list as Freedom Fighter. The respondents are the authority to prepare the list of the Freedom Fighters. Accordingly, they formed a Muktiyaddha Jachai-Bachai Committee for scrutinizing the applications and prepared the Freedom Fighters list. It is apparent from the record that the ‘Ka’ list of the Freedom Fighters by the Muktiyaddha Jachai-Bachai Committee, however, the Ministry, the respondent Nos. 1 and 2 without scrutinizing the ‘Ka’ list, they directed the local Jachai-Bachai Committee for further scrutinizing the applications on the basis of the 61st Board Meeting, which reads as follows:-

আলোচ্য সূচী-০৭ ও ১৩	আলোচ্য সূচী ৭ ও ১৩ এর বিষয়ে একত্রে আলোচনা করা হয় জাতীয়	
উপজেলা/ জেলা/মহানগর	মুক্তিযোদ্ধা কাউন্সিলের ৬৮তম সভার সিদ্ধান্ত মোতাবেক “ক” তালিকা	
যাচাই-বাছাই কমিটির	চূড়ান্তকরণ বিষয়ে সংশ্লিষ্ট বিভাগীয় কমিটির সিদ্ধান্ত/অভিমতের ভিত্তিতে	
প্রতিবেদন “ক” তালিকা	“ক” তালিকাভুক্ত ব্যক্তিদের আবেদনপত্র, মুক্তিযোদ্ধা হিসেবে প্রমাণক	
চূড়ান্তকরণ এবং	(বয়স প্রমাণকসহ), সভার কার্যবিবরণী ও অন্যান্য তথ্য প্রেরণ এবং	
উপজেলা/জেলা/ মহানগর	প্রতিবেদনে কোনরূপ অস্পষ্টতা থাকলে সে বিষয়ে স্পষ্টীকরণের জন্য	

<p>যাচাই-বাছাই কমিটি পুনর্গঠন বিষয়ে আলোচনা।</p>	<p>সংশ্লিষ্ট কমিটির সদস্য-সচিবগণকে পত্র দেয়া হয় এ পর্যন্ত ঢাকা বিভাগের ২৫টি যাচাই-বাছাই কমিটির, রাজশাহী বিভাগের ২৯টি যাচাই-বাছাই কমিটির, রংপুর বিভাগের ১৯টি যাচাই-বাছাই কমিটির, সিলেট বিভাগের ০৫ টি যাচাই-বাছাই কমিটির, খুলনা বিভাগের ২২টি যাচাই-বাছাই কমিটির সদস্য সচিবগণের নিকট থেকে প্রতিবেদন স্পষ্টীকরণ সংক্রান্ত কাগজপত্র পাওয়া গেছে। প্রাপ্ত প্রতিবেদন পর্যালোচনায় দেখা যায় যে, বেশিরভাগ আবেদনকারীর মুক্তিযোদ্ধা যাচাই-বাছাই নির্দেশিকা অনুযায়ী অধিকাংশ প্রতিবেদন ত্রুটিপূর্ণ। এগুলো চূড়ান্তকরণের জন্য প্রতিটি আবেদন পৃথকভাবে পুনঃযাচাই প্রয়োজন।</p> <p>সভাকে আরো অবহিত করা হয় যেঃ</p> <p>উপজেলা যাচাই-বাছাই সংক্রান্ত ৪৭০টি কমিটির মধ্যে ৩৮৬ টি কমিটির প্রতিবেদন পাওয়া গেছে কমিটির সদস্যগণের মধ্যে দ্বন্দ্ব এবং রীট মামলার কারণে অবশিষ্ট ৮৪টি যাচাই-বাছাই কমিটির প্রতিবেদন পাওয়া যায়নি। ইতোমধ্যে যাচাই-বাছাই কমিটির মেয়াদ শেষ হওয়ায় মুক্তিযোদ্ধা যাচাই-বাছাই কমিটি পুনর্গঠন করা প্রয়োজন।</p> <p>আলোচ্যসূচি ৭ ও ১৩ এর বিষয়ে বিস্তারিত আলোচনান্তে নিম্নরূপ সিদ্ধান্ত গৃহীত হয়।</p> <p>সিদ্ধান্তঃ (ক) যে সকল কমিটি থেকে প্রাপ্ত প্রতিবেদনে সংশ্লিষ্ট উপজেলায় বিদ্যমান মুক্তিযোদ্ধার সংখ্যার সর্বোচ্চ ১০% এর বেশি নতুন মুক্তিযোদ্ধার অন্তর্ভুক্তির সুপারিশ করা হয়েছে সে সকল প্রতিবেদন পুনর্গঠিত কমিটির মাধ্যমে পুনঃ যাচাইপূর্বক সুপারিশ প্রেরণের জন্য ফেরৎ দেয়ার সিদ্ধান্ত গৃহীত হয় পরবর্তী সভার পূর্বেই যাচাই-বাছাই কমিটি কর্তৃক পুনঃযাচাই কার্যক্রম শেষ করতে তালিকা পাঠাতে হবে।</p> <p>(খ) যে সকল কমিটি থেকে প্রাপ্ত প্রতিবেদনে সংশ্লিষ্ট উপজেলায় বিদ্যমান মুক্তিযোদ্ধার সংখ্যার সর্বোচ্চ ১০% এর মধ্যে নতুন মুক্তিযোদ্ধার অন্তর্ভুক্তির সুপারিশ করা হয়েছে সে সকল প্রতিবেদন পুনঃ যাচাই পূর্বক সুপারিশ প্রণয়নের জন্য জামুকার সম্মানিত সদস্যের নেতৃত্বে গঠিত সংশ্লিষ্ট বিভাগীয় কমিটির নিকট প্রেরণের সিদ্ধান্ত গৃহীত হয় পরবর্তী সভার পূর্বেই বিভাগীয় মাননীয় সদস্য পুনঃযাচাই কার্যক্রম শেষ করতে তালিকা পাঠাতে হবে।</p> <p>(গ) যে সকল উপজেলা থেকে মামলা বা অন্য কারণে প্রতিবেদন পাওয়া যায়নি এবং যে সকল উপজেলা হতে প্রাপ্ত প্রতিবেদনে সুপারিশকৃতদের সংখ্যা ১০% এর বেশি সেসকল উপজেলার জন্য নিম্নরূপ কমিটি পুনর্গঠন করা হয় (ক ও খ সিদ্ধান্তের ক্ষেত্রে)।</p> <p>উপজেলা কমিটির রূপরেখা নিম্নরূপঃ</p>	<p>ডিজি, জামুকা</p>
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১	সংশ্লিষ্ট এলাকার মাননীয় এম.পি (যদি মুক্তিযোদ্ধা হন)। মুক্তিযোদ্ধা এম.পি না থাকলে জেলা প্রশাসকের সুপারিশে মন্ত্রী কর্তৃক অনুমোদিত (৩০/০৪/২০১৯ তারিখের মধ্যে) সংশ্লিষ্ট এলাকার যুদ্ধকালীন কমান্ডার (ভারতীয় তালিকা/লাল মুক্তিবর্তাভুক্ত)।	সভাপতি
২	জেলা প্রশাসক কর্তৃক (৩০/০৪/২০১৯ তারিখের মধ্যে) মনোনীত সংশ্লিষ্ট এলাকার একজন বিশিষ্ট মুক্তিযোদ্ধা (ভারতীয় তালিকা/লাল মুক্তিবর্তাভুক্ত)	সদস্য
৩	উপজেলা নির্বাহী অফিসার (সংশ্লিষ্ট)	সদস্য সচিব
মহানগর/জেলা (পার্বত্য জেলা) কমিটির রূপরেখাঃ		
১	সংশ্লিষ্ট এলাকার মাননীয় এম.পি (যদি মুক্তিযোদ্ধা হন)। মুক্তিযোদ্ধা এম.পি না থাকলে জেলা প্রশাসকের সুপারিশে মন্ত্রী কর্তৃক অনুমোদিত (৩০/০৪/২০১৯ তারিখের মধ্যে) সংশ্লিষ্ট এলাকার যুদ্ধকালীন কমান্ডার (ভারতীয় তালিকা/লাল মুক্তিবর্তাভুক্ত)।	সভাপতি
২	জেলা প্রশাসক কর্তৃক (৩০/০৪/২০১৯ তারিখের মধ্যে) মনোনীত সংশ্লিষ্ট এলাকার একজন বিশিষ্ট মুক্তিযোদ্ধা (ভারতীয় তালিকা/লাল মুক্তিবর্তাভুক্ত)	সদস্য
৩	অতিরিক্ত জেলা প্রশাসক (জেলা প্রশাসক কর্তৃক মনোনীত)	সদস্য সচিব

The learned Advocate for the petitioners argued that the petitioners are Freedom Fighter as per “Ka” list and section 7 of the জাতীয় মুক্তিযোদ্ধা কাউন্সিল আইন, ২০০২ does not empower the JAMUKA/respondents to restrict enrollment of the real Freedom Fighters.

According to the definition given under the Gazettee notification being Memo No. 48.00.0000.004.49.233.09-1832 dated 10.11.2016 which

clearly stated that,” জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান কর্তৃক স্বাধীনতার ঘোষণায় সাড়া দিয়ে ১৯৭১ সালে ২৬ শে মার্চ হতে ১৬ই ডিসেম্বর পর্যন্ত সময়ের মধ্যে যে সকল ব্যক্তি বাংলাদেশের মহান স্বাধীনতার অর্জনের লক্ষ্যে মুক্তিযুদ্ধে অংশগ্রহণ করেছেন তাঁরাই মুক্তিযোদ্ধা হিসেবে গন্য হবেন।” Real Freedom Fighters, who were not listed previously, could be more or less than 10% of the existing Freedom Fighters’ who are enjoying allowances. The only criteria of finding out the real Freedom Fighters left out should be conducted under strict verification and scrutiny and the respondents have already done so through the “Ka” list that contains the names of real Freedom Fighters, including the petitioners.

The Father of the Nation Bangabondhu Sheikh Mujibur Rahman had declared independence of Bangladesh and after his declaration, the Bangalees in response to the said declaration of independence came out to resist the occupying Pakistani force. In order to participate in the Liberation War and to make free our motherland from the Pakistani occupying force, they took training at different camps and thereafter, they bravely fought against the well equipped Pakistani forces. After 9(nine) months of Liberation War, the occupying forces were forced to surrender and we achieved our freedom and these courageous sons of the soil sacrificed themselves to make free our motherland. After obtaining our freedom, the Father of the Nation returned home on 10th January, 1972, and the newly formed Government took several decisions to build up the country and the then Government also honored our freedom fighters and decision was taken to give allowances to the freedom fighters. However, after our Great Liberation War, we failed to enlist all names of the freedom fighters of our Great Liberation War, due to this reason, on several occasions the Government or authority issued several rules and regulations for enlistment of the freedom fighters. It is also evident in

annexures in this writ petition, the directives of the Hon'ble Prime Minister's office and other notices issued under the Ministry of Liberation War Affairs. However, no circular or *Paripotra* or office letter can supersede the binding effect of the law enacted by our National Parliament.

According to the provision of the জাতীয় মুক্তিযোদ্ধা কাউন্সিল আইন, ২০০২, the জাতীয় মুক্তিযোদ্ধা কাউন্সিল (herein after referred to as JAMUKA) is the sole authority to hold the scrutiny process of the freedom fighters and after scrutinizing the oral/documentary evidences of the Freedom Fighters the respondents has prepared list of the Freedom Fighters. We also noticed that there are some greedy people who tried to illegally grab government benefit as freedom fighters and in doing so, they created forged documents. On the contrary, there are some genuine Freedom Fighters have been deprived and put them at risk of exclusion from freedom fighter's list and they have not been able to enjoy the government benefits and honorariums though they have been identified as genuine Freedom Fighter. In the instant writ petition, we find that after proper scrutiny of the documents of the petitioners, the Respondents prepared the "Ka" list and enlisted the names of the petitioners as Freedom Fighters, which cannot be stopped, without giving any opportunity of being heard or only because the circular was issued subsequently by the Ministry of Liberation War Affairs. The respondents also failed to take necessary step as per Gazette notification of the Freedom Fighters for scrutinizing and enlisting the genuine freedom fighters and also to ensure their all Government benefits and honorarium as per law so that, a single genuine Freedom Fighter should not be excluded from the said list.

The enlistment of the freedom fighters of this country is an ongoing process till today and after considering relevant papers and documents the list of the freedom fighters list were finally published by the concerned Authority. But it appears from the decision of the 61st Board Meeting of the জাতীয় মুক্তিযোদ্ধা কাউন্সিল (JAMUKA) that if any Upazilla Scrutiny Committee send more than 10% names as Freedom Fighters out of their existing list of the Freedom Fighters then those lists need to be re-scrutinized by the reconstituted committees and that decision is not empowered by the section 7 of the জাতীয় মুক্তিযোদ্ধা কাউন্সিল আইন, ২০০২. There is no barometer for scrutinizing the oral/documentary evidence to authenticate a document of a Freedom Fighter on the basis of percentage and the impugned decision of more/less than 10% of the existing Freedom Fighter without giving any logical or legal explanation is illegal. As such, the impugned restriction is not only an unreasonable one but also has been passed and issued without lawful authority.

Having given our anxious consideration to the facts and circumstances of this writ petition and the submission as advanced by learned Advocates for the petitioners bears merit for consideration, as such, we are of the view that the scrutiny should be based on facts and circumstance of the each and every case individually, but not on mathematical terms by imposing restrictions of 10% will create undue, illegal restriction upon enlisting the names of the Freedom Fighters by the Muktiyaddha Jachai-Bachai Committee of the different Upazillas. The applications relating to the Freedom Fighters should be considered individually, not on the basis of percentage. As such, we are of

the view that the impugned decision of the 61st Board Meeting and subsequent act of the respondents are illegal and without any lawful authority.

Accordingly, **the Rule is made Absolute-in-part** and the resolution Nos. 7 and 13 taken in the 61st Board Meeting dated 21.03.2019 by Jatiya Muktijoddha Council on the basis of this board meeting for inclusion of names of the Freedom Fighters for more than 10% of the existing list by the newly formed Muktijaddha Jachai-Bachai Committee of the different Upazillas, including the impugned Memos issued by the Director (Development), Jatiya Muktijoddha Council on different dates and all subsequent acts of the respondents is hereby declared illegal and without lawful authority. The respondents are also directed to scrutiny the applications of the Freedom Fighters individually, if any, by giving opportunity of being heard by the relevant authority and this judgment will not create any bar upon the respondents to take any decision in respect of scrutiny of the freedom fighters list, fairly and properly to find out the real Freedom Fighters.

Communicate at once.

Khizir Hayat, J:

I agree.