

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MUHAMMAD NAWAZ ABBASI

HUMAN RIGHTS CASE NO. 4850 OF 2006
(Action through press clipping)

Complainant: Mst. Nadira with three daughters

On Court Call: Mr. Anwar Mamoor Khan, AG. Sindh

Date of Hearing: 12.10.2006

ORDER

Learned AG Sindh stated that he needs 2/ 3 days time to make a probe into the allegations, published in daily Nation, Islamabad, dated 9.10.2006. Mst. Nadira along with her three daughters appeared and having explained her story has stated that the contents of news item are correct. She states that she and her daughters are not safe at the hands of Memon Jam, Taluka Nazim, Kundri, Mirpurkhas. She states that presently she alongwith her daughters is living in a hotel and has prayed for alternate arrangement for her shelter as, it is not possible for her to stay in hotel for indefinite period due to weak financial position and insecurity. In these circumstances, it would be appropriate to call Jam Memon, Nazim, Tehsil Kundri to explain his position. Notice shall be issued to him by fax through Sessions Judge, Umer Kot. Notice shall also be sent to him through IG Sindh Police for his service. In the meanwhile, Mst. Nahida Mahboob Illahi, DAG shall make arrangements for the stay of the family at a suitable place. The DAG may also seek assistance of Senior SP Islamabad if need be for protection of the complainant and her daughters. Adjourned to 17.10.06.

Islamabad
12.10.2006
Iftikhar

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MUHAMMAD NAWAZ ABBASI

HUMAN RIGHTS CASE NO. 4850 OF 2006
(Action through press clipping)

Complainant: Mst. Nadira with three daughters

On Court Call: Mr. Anwar Mansoor Khan, AG. Sindh
Mr. Lal Muhammad Abro, DPO, Umar Kot
Muhammad Jam Memon, Nazim Taluka, Kundri with
Raja Bashir, ASC and
Mr. Mehr Khan Malik, AOR

Date of Hearing: 17.10.2006

ORDER

In response to notice, Muhammad Jam Memon, Taluka Nazim, Kundri has appeared along with his counsel and filed a written statement. Similarly, DPO, Umar Kot has also filed written statement and both have denied the allegations contained in the complaint of Mst. Nadra Parveen. Taluka Nazim, in his reply, has attributed the following allegations against the complainant Mst. Nadira :-

"One Iqbal Khaskheli had illicit relations with Mst. Nadra Parveen W/o wife of Ghulam Murtaza. So much so that he used to in the house of Nadra day and night. In fact Nadra the applicant is a corrupt and quarrelsome lady with whom whole village is fed up by the attitude of Nadra and they in fact keep away from her. Because of Iqbal Khaskheli's visits, the son of Nadra Parveen, Shahab had friendly relation with village Mahpary criminal people."

2. The complainant has leveled the allegation of rape against Muhammad Jam Memon, Taluka Nazim through the press clipping whereas Muhammad Jam Memon in his reply to the complaint of Mst. Nadra Parveen, submitted before this Court has leveled similar allegation as stated above. The allegations and counter allegations are serious in nature which may, subject to proof in accordance with law, constitute an offence of qazf as defined in Section 3 of Qazf Ordinance, 1979. In view thereof, the matter requires through probe on two counts (i) Whether the allegations against Taluka Nazim, which have been published in the news paper on the basis of which instant proceedings have been initiated are correct or not? (ii) Whether Muhammad Jam Memon, Taluka Nazim possessed the evidence in support of alleged illicit relations between the complainant and Iqbal Khaskheli, as he has stated in his written reply reproduced hereinabove. We intend to entrust this inquiry to District & Sessions Judge, Umar Kot but the complainant has shown apprehension of danger to her life and also stated that her opponents are very influential, therefore, the inquiry may be interested to a Judicial Officer out of the District Umar Kot. On query, learned Advocate General, Sindh suggested that matter be sent for inquiry to Mr. Zafar Sherwani, District & Sessions Judge, Karachi (East). Order accordingly.

3. The copies of all the documents which have been filed in this case including the reply of DPO, Umar Kot and Taluka Nazim along with the copy of application (Marked "A") which has been produced by Mst. Nadia today in Court are sent to the learned District & Sessions Judge, Karachi (East) with direction to probe into the matter thoroughly and submit report within four week. Adjourned to 27.10.2006.

Islamabad
17.10.2006
Ifikhar

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, HCJ
MR. JUSTICE TASSADUQ HUSSAIN JILLANI
MR. JUSTICE SYED JAMSHED ALI

H.R. Case No.4850 of 2006

(Action through news clipping)

Complainant: = **Mst. Nadra in person.**

On Court's notice: **Mr. Anwar Mansoor, Advocate General, Sindh.**
Ch. M. Rafiq, Addl. A.G.
Mr. Lal Muhammad Khan, DPO Umerkot.
Mr. Muhammad Ibrahim Satti, ASC.
Jam Memon, Nazim Koniri, Umerkot.

Date of hearing = **02.02.2007**

ORDER

Learned Advocate General Sindh stated that District & Sessions Judge, Maleer, who is presently posted at Hyderabad, has submitted a report in pursuance of order of this Court. Copy of the same is not available. Office is directed to trace the same and place it on record before the next date of hearing.

2. Adjourned to 15th of February, 2007 at Islamabad. In the meanwhile office is also directed to put up H.R. Case No.39-L of ²⁰⁰⁶ (2007) along with this petition.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Mian Shakirullah Jan

Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.4850 of 2006

(Action through news clippings)

Attendance:

Complainant:

Mst. Nadra

On Court Notice:

Mr. Anwar Mansoor Khan, A.G. Sindh

Mr. Lal Muhammad Abro, DPO Umar Kot

Mr. Muhammad Jam Memon, Nazim Taluka, Kundri

with Raja Bashir ASC and Mr. Mehr Khan

Malik, AOR

Date of hearing:

10.1.2007

ORDER

Learned A.G. Sindh stated that this case may be adjourned enabling him to procure report from Mr. Zafar Sherwani, District & Sessions Judge presently posted at Hyderabad.

Adjourned to 2nd February, 2007.

Islamabad, the

10th January, 2007

Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION).

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PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE SAIYED SAEED ASHHAD

HUMAN RIGHT CASE NO. 4850 OF 2006

(Action through press clipping).

ATTENDANCE:

Complainant: Mst. Nadra Parveen (in person)

On Court Notice: Ch. Muhammad Rafique Rajoorvi, Addl. A.G.
Mr. Lal Muhammad Khan, DPO Umer Kot
Raja Muhammad Ibrahim Satti, ASC
With Jam Memon, Nazim Kunri, Umer Kot.

Date of hearing: 15.02.2007.

ORDER.

This petition is based on the complaint of Mst. Nadra Parveen. In view of the allegations, District & Sessions Judge, Karachi East, now posted at Hyderabad, was directed to conduct inquiry vide order dated 17.10.2006. He has submitted report, conclusion whereof is reproduced hereinbelow:-

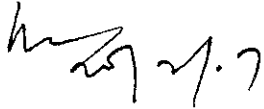
“The upshot of the above discussion is that the applicant Mst. Nadra has proved only the allegation that the respondent Jam Memon alongwith his accomplices had tried to abduct her on 19.07.2006 at about 8:30 p.m.. Whereas, the respondent could not prove the illicit relations between the applicant and Iqbal Khaskheli.”

Since the matter has been thoroughly examined in the inquiry conducted by the learned District & Sessions Judge, who has opined that the allegations of abduction ^{of Complainant} against respondent Jam Memon alongwith his accomplices stands ~~the complainant~~ proved but the allegation of illicit relations with the complainant have not been proved. Thus, under these circumstances, no further action is called for except

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sending this report to I.G/PPO Sindh to proceed with the matter in accordance with the conclusion but without being prejudiced in any manner from any findings recorded therein. As now the case shall be handled and proceeded with according to law, therefore, this complaint stands disposed of.

Islamabad, the
15.02.2007
MAZ



9-10-2006

Rape victim seeks justice

ASSAD HAMEED

ISLAMABAD - Everyone talks of respect for freedom of expression and choice as a strong democratic value but Nadira Perveen, a resident of remote village in Mirpur Khas district of Sindh is among those few who are paying a high price for taking the liberty.

Nadira has a story to tell the Chief Justice of Pakistan and everyone else who bothers for rule of law and civil liberties in Pakistan.

Along with her three daughters, the poor lady is homelessly running here and there in the capital seeking justice and the protection from her rivals who have allegedly raped her twice, looted her valuables and managed to push her son and husband behind bars.

The horrific agony for Nadira Perveen started when she opposed Memon Jam, the present Taluka Nazim Kinri, Mirpur Khas in the Local Government Elections last year.

Sharing her ordeal with *The Nation*, Nadira Perveen said she never knew the consequence of supporting the opponent candidate of Memon Jam would bring so much of misery in the life of her family.

Three terrorised daughters of complainant, Warda 16, Saman 13 and Toheed, 8 were also sitting alongside her during the talk.

"I just thought it was my right when I supported the candidate of my own choice and opted to sit in my constituency as his polling agent on the polling day", Nadira recalled her participation in the election process.

Offended by our support to his rival candidate, Memon Jam made life hell for us after being elected as Taluka Nazim, Kinri, she alleged.

Nadira said she was initially implicated in a false case of kidnapping shortly after the elections but later another case on charges of extorting money was lodged against her and her husband.

The wrath of Memon Jam did not stop here as yet another case of charges of stealing telephone cable was filed against Nadira and her son Shahab was arrested by police on same charges.

"On February 1 this year at about midnight, policemen along with armed men of Taluka Nazim forcibly entered into our house, made my husband and sons stand in compound and har-

assed my daughters on gun point without any justification", Nadira alleged.

The tress passers also broke into our lockers and made away with 150-thousand cash, gold and silver ornaments and a motor cycle from the house before fleeing from the spot besides taking away the family men and intimidating the ladies, Nadira told between tears when she recalled the incident.

"As my husband and son were locked in Mirpur Khas Jail, the nephew of Taluka Nazim and his accomplices forcibly entered into my house and raped me on two accounts", she grumbled.

Nadira said the outlaws threatened to treat her daughters in the same way she complained about the gang rape top anyone.

"As I took to media for seeking justice against the brutality after release of my husband from jail, Taluka Nazim Memon Jam became more infuriated and tried to kidnap me when I was going to village on July 19", she further said.

"As the Taluka Nazim along with his accomplices Khalid, Iqbal Memon and others were about to forcibly throw me in their car, some other villagers incidentally came there and became an angel of mercy for us", Nadira said.

The victim said she has written to everyone including the President, Prime Minister and Chief Minister Sindh but no action was taken against the Taluka Nazim and other offenders for unknown reasons.

Now Nadira is eyeing Chief Justice of Pakistan Iftikhar Mohammed Chaudhry as the last ray of hope.

"I beg the Chief Justice to take note of my ordeal and provide security to my daughters at the first step besides strict legal action against the culprits", Nadira prayed.

Nadira Perveen has moved to Islamabad fearing for her life and that of his three daughters but has no place to live amid very little means for supporting her family.

"The culprits are following us even after leaving our home and I am very afraid not for my own self but for the safety of my daughters and my family", the poor lady said.

Nadira has left behind her husband Ghulkam Murtaza and three sons in village Taluka Goth Chaudhry Din Mohammed Dhor, Kinri, Mitpur Khas.