

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ.
MR. JUSTICE MIAN SHAKIRULLAH JAN.
MR. JUSTICE M. JAVED BUTTAR.

HUMAN RIGHTS CASE NO. 1841/2006.

Shafique Shah.

Complainant.

Applicant:

Mst. Shazia, In-person.

On Court Call:

Mrs. Afshan Ghazanfar, AAG.
Liaqat Ali, DSP, Chohang.
Munawar Hussain, Inspector.

Date of Hearing:

30-03-2006.

ORDER

Learned Additional Advocate General, stated that some time be given to her to effect the recovery of Mst. Nazia.

2. Adjourned to 7th April, 2006. The Inspector General is required to do the needful before the next date of hearing without fail.

ISLAMABAD.

30-03-2006.

MA

A handwritten signature in black ink, possibly reading 'CJ', is written over the date '30-03-2006'. The signature is slanted and appears to be written with a pen.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Mian Shakirullah Jan

Mr. Justice Syed Jamshed Ali

HUMAN RIGHTS CASE No.1841 OF 2006

(Complaint from Mst. Shazia)

Attendance:

Applicant: In person

For the State: Ms. Afshan Ghazanfar, AAG(Pb),
Mr. Amjad Karim, SP Investigation, Lahore
Mr. Muhammad Munir Chishti, DPO Multan
Mr. Liaqat Ali, DSP Choang
Mr. Rabnawaz, DSP Investigation, Multan

Date of hearing: 7.4.2006

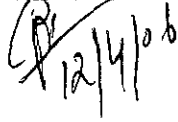
ORDER

Mr. Amjad Karim, SP Investigation appeared and stated that efforts are being made to recover the abductee. Petitioner stated that she is a poor lady and it is not possible for her to appear in the Court at Islamabad, therefore, her case may be transferred to Lahore. Request is allowed.

2. Adjourned, to be fixed on 18th April 2006 at Lahore with direction to Mr. Amjad Karim, SP, present in Court, to effect recovery of abductee, Mst. Nazia, aged about 12/13 years and produce her in the Court.

Islamabad, the
7th April 2006

Nisar/*


12/4/06

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE KHALIL-UR-REHMAN RAMDAY
MR. JUSTICE RAJA FAYYAZ AHMED

HUMAN RIGHTS CASE NO.1841 OF 2006

(Complaint from Mst. Shazia)

For the applicant:

...
In person.

For the State:

Mr. M. Akbar Tarar, Addl.A.G. with
Mr. Akhtar Ali Qureshi, AAG.,
Amjad Karim, S.P. (Investigation) Lahore,
M. Munir Chisti, DPO Multan,
Liaqat Ali, DSP Choang,
Rab Nawaz, DSP Investigation, Multan, and
Munawar Hussain Inspector/Incharge, PS.
Satto Katala.

Date of hearing:

18.4.2006.

...
ORDER

KHALIL-UR-REHMAN RAMDAY, J.- The performance of the concerned police officers in the matter is more than un-satisfactory. The S.P. present in Court prays^{for} still more time to do the needful as a period of almost one year which had elapsed since the kidnapping of the alleged kidnapee was not enough.

2. However, in the interest of justice one more month, as has been prayed for, is granted to the S.P. (Investigation) who is incharge of the investigation of the area. He shall be relieved of all ^{other} duties from today so that he could devote all his time, attention and energies to the recovery of the alleged kidnapee of the present case.

3. The learned Additional Advocate General present in Court shall convey this order to the I.G. Police for information and compliance.

4. Re-list on 22.5.2006.

Lahore, the
18th April, 2006.
M. Faridun

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE KHALIL-UR-REHMAN RAMDAY
MR. JUSTICE TASSADUQ HUSSAIN JILLANI
MR. JUSTICE RAJA FAYYAZ AHMED

HUMAN RIGHTS CASE NO.1841 OF 2006
(Complaint from Mst. Shazia)

For the applicant:

...

In person.

For the State:

Mr. M. Akbar Tarar, Addl. A. G. with
Liaqat Ali, DSP, Choang, Lahore.

Date of hearing:

26.4.2006.

...

ORDER

The Superintendent of Police deputed for the purpose is reported to be busy before this Court at Islamabad. Liaqat Ali, D.S.P., however, submits that substantial progress had been made in the matter and expects results soon.

2. Re-list on 3.5.2006.

Lahore, the
26th April, 2006.
M. Faridun

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

Human Right Petition No.1841/2006

(Complaint from Mst. Shazia)

Complainant In person.

On Court notice. Mr. Khadim Hussain Qureshi, Addl. A.G.
Dr. Inaam Waheed, S.P. (Investigation) Saddar,
Lahore.
Mr. Amjad Karim Butt, Ex. S.P. (Investigation),
Lahore.
Mr. Farid Ahmad, ASP. P.S. Satto Katala,
Faisalabad.
Mr. Ahmad Nawaz, ASP. Choang, Lahore
Mr. Liaqat Ali, Ex. DSP, Choang, Lahore.
Mr. Rabnawaz, Ex. DSP, Shujaabad, Multan.
Mr. Akhtar Farooq DSP Shujaabad. Multan.

Date of hearing 10-7-06

ORDER

Iftikhar Muhammad Chaudhry, CJ. In

pursuance of order dated 18.4.2006 S.P. Investigation prayed for one month's time to effect the recovery of Mst. Nazia abductee. Time was granted to him but needful has not been done. Mr. Amjad Karim, the then S.P. states that in the mean while he was transferred, therefore, he could not effect the recovery. Dr. Inaam Waheed, S.P. Investigation had taken over the charge in his place on 27.4.2006 but he has also failed to comply with the order. Under these circumstances, we are of the opinion that first of all I.G. Police may not have transferred Mr. Amjad Karim, when he was assigned a task and in this behalf I.G. Police was also informed through Additional

Advocate General. Be that as it may ~~that~~ this aspect will be looked, later on, if need be but in the mean while we direct Mr. Amjad Karim, S.P. as well as incumbent Dr.Inaam Waheed that they should effect the recovery of the abductee as for as possible but not later than next date of hearing i.e. 14.7.2006.

Lahore
10th July, 2006.
Nisar

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

Human Right Case No.1841 of 2006

(Complaint of Shafique Shah)

Complainant: In person a/w her husband

On Court Notice: Mr. Khadim Hussain Qaiser, Addl. A.G
Dr. Inham Waheed, SP Sadar Lahore
Mr. Amjad Karim Butt, SP Crime Branch

Date of hearing: 14.7.06

ORDER

Learned Additional Advocate General appeared alongwith Dr. Inaam Waheed, SP Sadar and stated that efforts are being made to effect the recovery of the abductee and according to him she has been kept somewhere in Multan by the accused who are already absconder in another case, therefore, some time is required to do the needful.

2. Request is allowed. Adjourned to 21st. July, 2006.

Lahore
14th July, 2006.
Nisar

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

H.R.C. No. 1841 of 2006

(Complaint from Shafique Shah)

ATTENDANCE

Complainant in person.

On Court's Notice:

Mr. Khadim Hussain Qaiser, Addl. A.G. Punjab.

Dr. Inaam Waheed, SP (Investigation) Saddar,
Lahore.

Mr. Amjad Karim Butt, Ex.S.P. (Investigation)
Lahore.

Mr. Akhtar Farooq DSP Shujabad, Multan.

Date of hearing.

21.07.2006.

ORDER

Learned Additional Advocate General appeared and stated that no progress has been made. His attention has been drawn to order of this Court dated 10.07.2006 and he is asked to take instructions in this behalf from I.G. and make positive statement on the next date of hearing. Adjourned to 24.07.2006.

Lahore

21.07.2006

Not Approved for Reporting

khuram

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

Human Right Case No.1841 of 2006

(Complaint by Shafique Shah)

Complainant: In person

On Court Notice. Mr. Khadim Hussain Qaiser, Addl. A.G.
Dr. Inam Waheed, SP Sadar, Lahore.
Mr. Amjad Karim Butt, SP Crime Branch.
Mr. Athar Farooq, DSP.

Date of hearing: 24.7.06

ORDER

Learned Additional Advocate General stated that Amjad Karim Butt was transferred inadvertently due to rush of work, therefore, I.G. Police tendered unconditional apology. Question of accepting apology etc shall be considered later on. First of all the question is as to whether assignment of recovery of minor abductee has been accomplished, no progress has been made. Learned Additional Advocate General stated that some more time be given to police to do the needful. In the circumstances request is allowed. I.G. Police is directed to recover the abductee and submit the weekly report to the Registrar of this Court for our perusal. No sooner the abductee is recovered the case shall be fixed in Court ^{at Islamabad.} If it is found that no interest has been taken to comply with the order of this Court, then suitable order will also be passed.

Lahore
24th July, 2006.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.1841 of 2006

(Complaint from Shafique Shah)

Attendance:

Complainant:	In person
On Court Notice:	Mr. Khadim Hussain Qaiser, Addl.A.G Dr. Inaam Waheem, SP. CRO Mr. Arslan Malik, S.P. Sadar With Mst. Nazia abductee

Date of hearing: 28.9.2006

ORDER

In pursuance of earlier order of this Court, Mst. Nazia who was forcibly abducted from the jurisdiction of P.S. Satokatia has been recovered by Multan Police from the house of Zahoor Ahmad, who is also absconder in another case. According to the report she was found in a house probably owned by Zahoor Ahmad situated in District Okara.

2. Both the S.Ps have request^{ed} that this case may be adjourned till tomorrow i.e.29.9.2006 enabling them to proceed against the accused person according to law. Order accordingly. *Prima-facie* it seems to be a case of abduction and forcible Zina with her, therefore, police is directed not to cause arrest of Mst. Nazia who is stated to be hardly 13/14 years old. She is allowed to go alongwith her parents Miskeen Shah and Shazia who are present in Court and they are not required to appear in Court.

3. Police is directed to do the needful and submit report.

Islamabad, the
28th September, 2006
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE SAIYED SAEED ASHHAD.

HUMAN RIGHT CASE NO. 1841 OF 2006.

(Complaint by Shafique Shah)

Complainant: Not present.

On Court Notice: Mr.Khadim Husasain Qaiser, Addl. A. G.
Dr.Inam Waheed Ahmad, SP, Lahore.
Mr.Ahmad Arslan Malik, SP Inv.Lahore.
Mr.Muhammad Iqbal, SI, P.S.Satto Katala.
Mr.Maqbool Ahmad, S.I. P.S."A" Div.Okara.

On Court's call Malik Muhammad Qayyum, ASC.
Dr.Babar Awan, ASC.

Date of hearing: 29.9.2006

ORDER

*In pursuance of the order dated 28.9.2006, it is stated that an FIR has been registered. Mr. Khadim Hussain Qaiser, learned Addl. Advocate General Punjab stated that some time be given to remove certain defects therefrom, therefore, the case may be adjourned. Malik Muhammad Qayyum,, President of Pakistan Bar Association and Dr. Babar Awan, learned ASC are present. They are asked to assist the Court in the matter. Adjourned to **3rd October, 2006.***

Islamabad
29.9.2006

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Muhammad Nawaz Abbasi

Human Right Case No.1841 of 2006

(Complaint from Shafiq Shah)

On Court Notice:

Complainant: Not present
On Court Notice: Mr. Khadim Hussain Qaiser, Addl.A.G. Pb.
Dr. Inaam Waheed, SP, Lahore
Mr. Ahmad Arslan Malik, SP, Inv. Lahore
Mr. Muhammad Iqbal, S.I. PS. Satto Katla
Mr. Maqbool Ahmad, S.I. PS. "A" Div. Okara

On Court Call: Malik Muhammad Qayyum, ASC
Dr. Babar Awan, ASC

Date of hearing: 3.10.2006

ORDER

Learned Additional Advocate General stated that FIR registered on the complaint of Mst. Nazia (13/14 years) at Okara has been corrected and a separate case against the culprits has been registered. However, he himself pointed out that there was no need for registration of separate case because originally the case was registered at PS Satto Katla on 23rd June, 2005 u/s 11 of Offence of Zina (Enforcement of Hudood) Ordinance, 1979. Therefore, after the recovery of the abductee same case should continue. Be that as it may, it is now for the State to make appropriate decision in this behalf according to law. Learned Addl. A.G further stated that physical remand of the accused persons has been taken and they are under investigation.

2. A perusal of the file/papers so made available indicates that the police officers through their incharges had not tackled the case properly, therefore, on taking note of the same the Additional A.G. was directed that Dr. Inaam Waheed and Ali Arslan, Superintendents of Police be sent back to the Federal Government as OSD and I.G.P and Chief Secretary be directed to take proper steps in this behalf. He stated that so far no effective steps have been taken except writing a letter to the Secretary Establishment by the Advocate General. We feel it was not the duty of Advocate General but the Chief Secretary, Government of Punjab was responsible to comply

with the order, However, he is directed to produce the copy of the said letter on the next date of hearing and in the meanwhile Chief Secretary will pursue the case for their transfer to Federal Government as O.S.D. In the meanwhile both the officers shall be disassociated from the investigation of this case and no field duty shall be assigned to them. Let the investigation be completed by a competent officer of Police as early as could be possible.

3. Dr. Babar Awan, learned ASC placed on record some formulations suggesting certain amendments in Hadood Law to save innocent girls who are made victims of the offence of forcible Zina and ultimately they are held responsible for the commission of offence and male is allowed to go escort free for want of evidence. He suggested that these amendments cannot be examined unless the matter is placed before the Shariat Appellate Bench. Similarly Malik Muhammad Qayyum stated that before deciding to put up this matter before the Shariat Court, there would be yet another question for consideration about the jurisdiction of the Shariat Appellate Bench in view of Article 203(g) of Constitution as well as the judgment of this Court in the case of Suo Motu Shariat Review Petition No.1-R of 1989(PLD 1990 SC 865).

4. Be that as it may, let first of all investigation of the case be completed and on the next date of hearing further arguments will be heard.

Notice be also issued to learned Attorney General for Pakistan to assist the Court. Adjourned for 1st November, 2006.

Islamabad, the
3rd October, 2006

Nisar/*


14/10

In the Supreme Court of Pakistan.

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Muhammad Nawaz Abbasi

Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHTS CASE NO.1841 OF 2006

(Complaint from Shafiq Shah)

On Court Notice:

Complainant: Mst. Shazia in person.

On Court notice: Mr. Khadim Hussain Qaisar, Addl. A.G.
Mr. Shafqaat Ahmed, S.S.P. *Mr. Inam Ahmad, Addl. S*
Dr. Inaam Waheed, SP, Lahore *S.S.*
Mr. Ahmad Arslan Malik, SP, Inv. Lahore
Mr. Muhammad Iqbal, S.I. PS. Satto Katla
Mr. Maqbool Ahmad, S.I. PS. "A" Div. Okara

Amicus curiae Dr. Babar Awan, ASC.

Date of hearing: 1.11.2006

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ – Learned Additional Advocate General appeared and stated that Inspector General of Police has constituted a Committee headed by Ch. Shafqaat Ahmed, S.S.P. Investigation and the case has been entrusted to him. Mst. Shazia appeared and stated that on the last date of hearing one Insar Abbas, IP, the then Investigating Officer forcibly produced her minor daughter before a Magistrate for recording her statement under section 164 Cr.P.C. on his own whereafter she was kept in custody in Darul Aman for about twelve days during which she was continuously threatened of dire consequences as if probably he had joined hands with the accused. On this the learned Attorney General and Additional Advocate General and Dr. Babar Awan, ASC stated that as far as the statement of minor under section 164 Cr.P.C. is concerned it otherwise has got no legal value. Reliance is placed on the

case Farrukh Ikram v. State (PLD 1987 S.C. 5). However, now as the case has been entrusted to a responsible officer of Punjab Police, therefore, he after completion of the investigation has submitted the challan and it would be his duty to supervise the trial of the case before the Court of Law. In view of such assurance, no further action is called for as far as this aspect of the case is concerned. However, we observe that the learned trial court may proceed with the matter without being prejudiced in any manner from the present proceedings.

2. Learned Additional Advocate General stated that in pursuance of the earlier order Mr. Ahmad Arslan Malik SP Investigation, Lahore and Dr. Inam Waheed Ahmed S.P. Lahore have been transferred from the Province of Punjab to the Federal Government on account of their inability to conduct investigation properly. Both the police officers are present in person and they have submitted their written statement tendering their unconditional apology stating that they were inexperienced in handling this complicated case, therefore, they may be excused and in future they will be careful. On having considered the request made by both of them, the learned Attorney General as well as Additional Advocate General stated that as they have tendered unconditional apology, therefore, the order of transferring them to Federal Government may be recalled and they be allowed to serve in the Province of Punjab but with the warning that they should remain careful in future towards the courts orders as well as the investigation which has been assigned to them. It is further informed by the Attorney General that they have also been suspended, therefore, the order of their suspension may be ordered to be recalled. Order accordingly. Both the officers, named hereinabove may continue to serve in the Province of Punjab according to Rules and their suspension orders be recalled. They be

given duty according to the Rules in the normal course. The order already passed against them shall have no adverse effect on their service record.

3. Learned Additional Advocate General stated that as far as the issue with regard to the validity or otherwise of the Offence of Zina (Enforcement of Haddood) Ordinance, 1979 is concerned the same may be postponed for the time being because there is another appeal which is pending before this Court in the case of *Begum Rashida Patel v. Federation of Pakistan (PLD 1989 FSC 95)*, therefore, he would be examining all these aspects of the case and will make submissions alongwith Malik Muhammad Qayyum and Dr. Babar Awan who associate as amicus curiae and requests for time. Request is allowed. Adjourned to a date in office.

Islamabad

1st November 2006

Saleem*

NOT APPROVED FOR REPORTING

FEBRUARY 07

IN THE SUPREME COURT OF PAKISTAN

(Appellate jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Mian Shakirullah Jan

Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHTS CASE NO.1841 OF 2006

(Complaint from Shafique Shah)

Complainant: Not present

On Court Notice: Mr. Khadim Hussain Qaiser, Addl.A.G.

Mr. Umar Wirk, SP (Investigation)

Amicus Curia.

Dr. Baber Awan, A.G.

Date of hearing: 12.12.2006

ORDER

Learned Additional Advocate General stated that this case be adjourned enabling the police department to procure DNA test report. Adjourned to a date in office in the month of February, 2007.

Islamabad

12th December 2006

Atif*

115

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. 1841 OF 2006

Complaint from Shafique Shah

Complainant: Not present.

On Court Notice: Ms. Naheeda Mehboob Elahi, Dy. A.G.
Ch. Khadim Hussain Qaisar, Addl. A.G.
Mr. Muhammad Umar Virk, S.P. (investigation)

Amicus Curie: Dr. Babar Awan, ASC


Date of hearing: 12.02.2007.

ORDER.

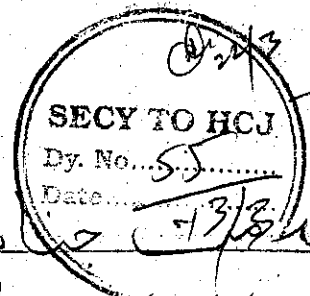
It is informed by Babar Awan, ASC that investigation of the case has been completed. During the course of investigation, DNA test of accused Zahoor Ahmed son of Noor Ahmed and minor the disputed baby was carried out in Center for Applied Molecular Biology, according to which he (the accused) is the Biological father of disputed baby (Copy of which is attached herewith). Mr. Muhammad Umar Virk, S.P. (Investigation) stated that on completion of investigation, challan has been submitted. In such view of the matter, we are of the opinion that as the law has taken its own course, therefore, no further action is called for except observing that the Trial Court shall proceed independently without being prejudiced in any manner from the present proceedings and a note of appreciation to the Police Officers and the learned ASC who appeared as amicus and learned Addl. Advocate General who assisted this Court for the disposal of this case. Disposed of.

Islamabad, the
12.02.2007.

MAZ


17/2/07

Put up to Court of 30-3-2006
J. S. P. H. in direct to Arrge
Proctor of Abetee



حضرت صاحب جہت جسٹس سید گل لودھانہ

1841

Notice to applicant of
A. S. P. H. in direct

پاکستان

ذرا احتیاط عالی

موردیہ گزارش ہے کہ میں ^{S.A.T (H)} میں ^{13/3/06} غریب اور لاچار عورت
ہوں۔ کوئی ذریعہ معاش نہیں۔ چند ماہ قبل 19 جون
کو میری بیٹی نازیہ کو ظہور خان بلوچ نے ذبح کر
کر کے میری بیٹی کو اغوا کر لیا۔ میں نے طقاً نہ سہولت
میں ایف۔ آئی۔ آر درج کرائی۔ تقریباً 10 ماہ مکمل
ہو گئے۔ مگر پولیس میری بیٹی کی عمر 13 سال ہے
اور طقاً نے میں میری کوئی داری نہیں ہوئی۔
جناب میری مرنے والی بیٹی نازیہ کو لبرآمد
نہ کروا کر مجھ سے خلاف قانون کروائی کی جگہ
میں ساری زندگی جناب کو اور جناب کے
بچوں کو دعا گو رہوں گی۔ اس دنیا میں اللہ تعالیٰ
کے سواہ کوئی مودگار نہیں
اللہ تعالیٰ جناب کے عمر دلا کر دیں۔
آمین۔

کٹار بند روڈ گون پیرہ پنڈ ٹھوکر پانڈ
ملتان روڈ لاہور۔

غون ممبر

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