

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

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PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

H.R.C. No. 20-L of 2006

(Clipping of Daily Dawn Islamabad dated
08.07.2006).

Attendance:

(on Court Notice)

Mr. Muhammad Saeed Khan, Addl. A.G. NWFP.

Mr. Faiz Muhammad, SP (Investigation) Kohat.

Mr. Muhammad Yaqoob S.I. along with Tanvir Ahmad and Mst.
Rehana Bibi (under police custody).

Date of hearing.

17.07.2006.

ORDER

Learned Additional Advocate General in response to notice produced Mst. Rehana Bibi and Tanvir Ahmad. Allegations against Mst. Rehana Bibi are that she belonged to Christian faith and was earlier married to Azim Masih and then later on she changed her faith as Muslim and contracted marriage ~~to~~^{with} Tanvir Ahmad who previously belonged to Hindu faith (with the name Tanvir Gill) but also converted himself as Muslim. According to learned Additional Advocate General as they had failed to produce Nikahnama, therefore a case was registered against them in 2003 under sections 5/10/11 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 and that they remained absconder and had recently been arrested on 30th of March, 2006 and are in custody.

2. Mst. Rehana and her spouse appeared and stated that they are Muslims and married to each other with their free will and a child Abbu Bakar aged 10 months is also born out of the wedlock who also resides with his mother in jail at Kohat. According to Additional Advocate General, challan of the case

has been submitted and the accused have also filed an application for bail.

3. Keeping in view the exceptional circumstances of the case, both husband and wife are ordered to be released on bail subject to their furnishing personal bonds in the sum of Rs.10,000/-. Learned trial Court is however directed to proceed with the case expeditiously and dispose of the same as early as possible but not later than a period of two months. Learned trial Court is also directed to submit copy of the release order of both of them as well as the judgment which shall be passed by it subsequently in view of the direction made hereinbefore for our perusal in chambers. Tanvir Ahmad and Mst. Rehana Bibi are ordered to be taken to Kohat in safe custody.

The petition stands disposed of.

Lahore
17.07.2006
Not Approved for Reporting
khuram


27/7/06

8-7-2006

Convert couple call for SC's intervention

By Abdul Sami Paracha

KOHAT, July 7: A couple, booked under the Haddoo laws after their conversion to Islam sparked a controversy over their marital status, has appealed to the chief justice of the Supreme Court to take suo motu notice of their illegal imprisonment.

They said that the case registered against them was totally false and charges of adultery were baseless as their nikkah had been performed by a prayer leader in presence of witnesses.

Rehana Bibi, 23, who embraced Islam back in October 2003, was charged under sections 5/10/11 of the Hudood laws on the complaint of her

Christian ex-husband, Azeem Masih, a sweeper in the army.

The jail superintendent had refused to allow an interview with her without "the prior permission of the judge concerned". Later, when the judge concerned referred the application to the sessions judge, he allowed the couple to be interviewed after setting aside the 'sub-judice' clause, which bars reporting of under-trial cases. The couple was interviewed inside the court room.

Narrating her story, Rehana Bibi said: "I was married to Azeem against my wishes by my parents. After two months of my marriage, I accepted Islam and also offered my husband to convert. But he used to beat me up and tortured me and urged me to convert back to Christianity. I refused flatly."

"I informed my parents about my husband's attitude but they also sided with Azeem. Then, as a last resort I decided to marry a Muslim man and left home with Tanveer Masih who lived nearby our house and appeared inclined towards converting to Islam."

"We were provided shelter by one Shahid in the Tappi area where a prayer leader performed our nikkah in January 2004 in the presence of two

witnesses. Earlier, my husband, Tanveer, had also converted to Islam and his name was changed to Tanveer Ahmed."

In the meantime, her family and in-laws kept pressing her to return to her husband and said that they would pardon her. But six months ago, when her baby, Abu Bakr, was born, police arrested her and Tanveer.

She said that they had been arrested because after the birth of her child her own family and in-laws believed that she would not return to her ex-husband. Earlier, they had hoped that she would realise her 'fault' and that her

ex-husband would also accept her.

A burqa-clad Rehana said that she had married Tanveer after completing the 90-day Iddat period, compulsory under the Muslim law for remarriage.

"My ex-husband did not allow me to pray or recite Holy Quran. I had done nothing wrong," she said with confidence and hoped: "God will help us."

When she was asked why she embraced Islam, she wept and said: "I used to see girls offering prayers or reciting Holy Quran when I accompanied my mother to houses of Muslims where she worked as a maid. I pledged that when I turned adult I would

embrace Islam; and I did."

She appealed to the president and the chief justice of Pakistan to help them. The couple's lawyer Nadir Khan said that he had obtained a decree from Muslim scholars who had termed both the accused innocent and their nikkah valid.

He explained that according to the Islamic rules, after her husband's refusal to embrace Islam, she was free to take an independent decision about her life.

"I will approach the Shariat court to provide them justice if they are not freed by the lower court."

*Notice to Azeem
NugFP with
evidence to produce
couple in court
on 17-7-2006
at LAH.*

*10p
/ 11/7*

JA(HR)