

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Jawwad S. Khawaja
Mr. Justice Khilji Arif Hussain

CMA No.2371 of 2012
in Constitution Petition No.24 of 2012
(Action taken on a news item dated 4.6.2012
published in daily "the News" regarding murders of
five women in Kohistan Division)

On Court Notice: Mr. Irfan Qadir, AGP
Mr. Asad-ullah Chamkani, A.G. KPK
Syed Arshad Hussain Shah, Addl. A.G, KPK
Mr. Navid Akhtar, Addl. A.G. KPK
Mr. Ghulam Dastgir, Chief Secy. KPK
Mr. Muhammad Azam Khan, Secy. Home
Mr. Khalid Khan Umerzai, Commissioner
Dr. Naeem Khan, DIG Hazara
Mr. Majeed Afridi, DPO
Mr. Aqal Badsha, DCO
With Afzal, brother of Bin Yasir

Voluntarily appeared: Ms. Kashmala Tariq, MNA
Dr. Farzana Bari, Ms. Riffat Inam Butt Adv.
Dr. Fauzia Saeed and Ms. Shabina Ayaz.

Date of hearing: 07.6.2012

O R D E R

In pursuance of earlier order, the Federal Government of Pakistan and Provincial Government of KPK made adequate arrangements for visit of a delegation comprising Dr. Farzana Bari, Ms. Riffat Inam Butt, Dr. Fauzia Saeed and Ms. Shabina Ayaz. Although it is the hilly terrain and it was difficult to travel but courtesy the Federal Government, which arranged three helicopters for their travelling.

2. We may note that news has spread by some sections of Media that five women/girls have been killed as a punishment because they were clapping while two boys were dancing. Naturally these news cast sensitization, not only within but also outside Pakistan. All efforts were being made by this Court as well as by both the Governments to find out the truth because KPK Government had denied the happening of incident whereas the boys, one of them, namely, Afzal, present in Court and two others, namely, Bin Yasir and Gul Nazar, now in police custody, were supporting their version about the killing of these ladies.

3. In that situation when such news was communicated, a large number of people started feeling disturbed as everyone by the time realized about the human rights. Therefore, the respected ladies including Ms Kashmala Tariq, MNA shown their keen interest and when the matter was initiated in exercise of jurisdiction under Article 184(3) of the Constitution as the matter involved violation of fundamental rights and apparently it was a matter of public importance, they offered their services to visit the area to meet with those girls.

4. It is to be noted that despite of rough weather in the area the object has been accomplished after exercise of 48 hours and it has been reported by the delegation that they had to undergo lot of difficulties because at some places there were climbing mountains and they had no other means to reach those girls, however, they succeeded in meeting with Amna and Shaheena out of five girls. They have expressed that the news of their killing has been found false. As far as remaining three girls namely Begum Jan, Bazigha and Sareen Jan are concerned, they are stated to be present in the same district and it has been pointed out by the delegation that there was no such report of their killing and the video, which has been supplied to the Media has not been prepared recently but it pertains to another function, which was some family gathering taken place about a year before.

5. Learned Attorney General for Pakistan and learned Advocate General, KPK, under instructions from their respective Governments have stated that if some time is given, arrangements possibly would be made for visiting to remaining three girls in the

same district. On this Ms. Kashmala Tariq has stated that as proceedings have commenced, therefore, it would be appropriate if arrangements are made for a delegation to visit Kohistan to meet with the girls, whose names are noted above, because she is of the opinion that the impression of killing the ladies in the manner as it has been quoted in the media, should be dispelled once for all.

6. Thus, we adjourn this case for 20th June, 2012. In the meanwhile learned Attorney General and Advocate General shall communicate with Federal as well as Provincial Governments and Ms. Kashmala Tariq, MNA for making adequate arrangements for the visit of the delegation to Kohistan. We would appreciate if the delegation is accompanied by some Judicial Officer. The Registrar may communicate with the Registrar of the Peshawar High Court to spare Ms. Munira Abbas, Additional Sessions Judge, who had been attending the course in the Federal Judicial Academy, to accompany the delegation so their presence may also be authenticated judicially.

7. We place our thanks/appreciation to Ms. Kashmala Tariq MNA, Dr. Farzana Bari, Ms. Riffat Inam Butt, Dr. Fauzia Saeed and Ms. Shabina Ayaz as well as to the Learned Attorney General, Advocate General, Administration of the Federal and Provincial Governments for making it convenient to implement the order of this Court as a result whereof the impression which was being carried out about killing of five girls for a petty matter has mostly been dispelled.

Chief Justice

Judge

Judge

Islamabad
7th June, 2012
Nisar/*