

CMA 2058/14

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[Ex 76/A] 53

REPORT OF INQUIRY CONDUCTED IN COMPLAINE WITH
THE ORDER DATED: 03.02.2014 PASSED BY THE HON'BLE
SUPREME COURT OF PAKISTAN IN CONSTITUTION PETITION
NO.50 OF 2013 RE HUMAN RIGHTS COMMISSION OF PAKISTAN
AND OTHERS VERSUS PROVINCE OF SINDH AND OTHERS

Executive Summary

1. The Orangi Pilot Project (In short OPP) was established in the year, 1980 by Mr. Akhtar Hameed Khan, renowned social scientist, he designed models to resolve the problems of inhabitants of Katchi Abadi, started in Karachi and extend to entire Pakistan. The OPP initially focused on involving the local residents of Orangi Town for solving their sanitation problems. Over the period of time, innovative methods were used to provide adequate low cost sanitation, health facilities, housing and micro finance facilities to low income households.
2. Ms Parveen Rehman (now dead) was the Director of Orangi Pilot Project Research and Training Institute (In shot OPPRTI). She was an Architect, got post graduate diploma in Housing, Building and Urban Planning. She was a social worker and had devoted her life for the development of impoverished neighborhood in the City of Karachi, more particularly, in Katchi Abadi. She was very much popular amongst the people of each community due to render of her social services. The main object of OPPRTI is documentation of Katchi Abadi, develop living standard of inhabitants of the said Abadi and help them for regularization of their residence under Goth Abad Scheme. On basis of documentation prepared by Ms Parveen Rehman more than 1000 Goth/Katchi Abadi were regularized by Government of Sindh, whereas some schemes of regularization were under process. Ms Parveen Rehman also worked at water supply in Karachi. Through Google search, she gets information in respect of illegal water hydrants and supply of water from the said hydrant through water tankers. Time and again, she visited the said illegal hydrants.

took snaps of the said hydrants as well as water tankers, made the said research as part of her report on Water Supply in Karachi.

3. On 13.03.2012 at 19:30 hours, two persons riding a motorcycle made fires upon Ms Parveen Rehman near Pakhtoon market, main Manghopir road, Karachi, while she was on her way from office to home in a car driven by first informant Walidad. She was seriously wounded and was rushed to Abbasi Shaeed Hospital where the doctors declared her dead. She was murdered in target attack.

4. The FIR, bearing No.104/2013, was registered at Police Station Peerabad on the same day at 22:00 hours and at 22:40 hours the Investigation Officer, SIP Raja Ulfat Hussain, secured two 9 mm empties from the place of incident.

5. On 14.03.2013, at 11:45 hours, SIP Ashfaq Hussain Baloch, S.H.O Police Station Manghopir, accompanied by his sub-ordinate staff, claimed to have killed one Qari Muhammad Bilal in an encounter on main Sultanabad road and secured a 9 mm pistol from his possession. The FIRs bearing Nos.86 & 87 of 2013 regarding the encounter and recovery of the unlicensed pistol were registered at Police Station Manghopir on the same day.

6. On 15.03.2013, the empties secured from the place of incident and the pistol recovered from Qari Bilal were sent to the Forensic Laboratory and according to the report of the laboratory, the two empties recovered from the place of incident matched with the pistol recovered from Qari Bilal. On the basis of such report, it was concluded that Ms Parveen Rehman was murdered by Qari Bilal and the investigation was closed.

7. The grime incident of murder of Miss Parveen Rehman, shocked the human rights activists and NGOs, so also traumatized office bearers of OPP, who have serious threats to their lives and liberty. Colleagues, friends and relatives of Ms. Parveen Rehman, were not satisfied with the manner of investigation conducted by police and in C.P bearing No. 50/2013 filed by The Human Rights Commission of Pakistan and others, the Hon'ble

Supreme Court of Pakistan, by order dated 03.02.2014, directed the undersigned to inquire into the matter.

8. Mode of Inquiry

(a). Procedure adopted

Although lots of judicial inquiries have been conducted, yet no procedural rules have ever been framed in any statutes. The code of Criminal Procedure has defined under section 4(k), to quote:-

(k) "Inquiry: includes any inquiry other than trial conducted under this code by Magistrate or by Court."

It is obvious that an inquiry is not a trial and even in code of criminal procedure, no pre-defined rule or procedure is highlighted regarding inquiry and it is left on the wisdom of judicial officer to adopt any mythology to reach to the truth. Thus, on the basis of the past precedents, following procedure was adopted.

- i) The commencement of the inquiry was publicized through Press Release in newspapers Daily Dawn, Kawish and Jang on its issues dated 12.2.2014 and 13.2.2014 respectively, whereby attention of general public, who have some acquaintance with the subject incident, was called to come forward and bring true facts on the screen. The subject announcement was also made through Radio Channel FM 98.2 Karachi, but none from general public or area people volunteered to come forward and record the statement.
- ii) Looking to the subject circumstances, Mr. Salahuddin Panhwar advocate, associate of Mr. Faisal Siddiqui advocate for the petitioners was directed to produce the petitioners as well as office bearers of OPP to record their statements. Similar, directions were given to the Mr. Asghar Usman S.P Investigation West and I.O SIP Raja Ulfat.
- iii) The crime scene of murder of Miss Parveen Rehman, murderous assault upon Mr. Saleem Aleemuddin and office of OPP were visited by the undersigned for getting firsthand knowledge about the entire scenario.

9. I have examined 20 witnesses, namely, 1, Arif Hassan, 2, Muhammad Anwar Rashid, 3, Saleem Aleemuddin, 4, Walidad, 5, Karamat Ali, 6, Zohra Yousuf, 7, Uzma Noorani, 8, Kausar Saeed Khan, 9, Muhammad

Haider Khan, 10, Ali Ashraf Khan, 11, Aquila Ismail, 12, Rana Asif, 13, Mairaj Hassan, 14, Muhammad Imran, 15, SIP Gulzar Ahmed, 16, SIP Ashfaq Hussain Baloch, 17, SIP Ameer Gondal, 18, SIP Masab Hussain, 19, SIP Roohul Amin and 20, SIP Raja Ulfat Hussain.

10. Of these twenty witnesses eight at serial Nos. 1 to 4, 9, 10, 12 & 13 are colleagues of Ms Parveen Rehman working in the same institution (OPP) for the last many years and knew her very well. Arif Hussain (No.1) is the Chairperson of the project, Muhammad Anwer Rashid (No.2) is the Director, Saleem Aleemuddin (No.3) is the Joint Director and Walidad (No.4) is the driver driving the car of the deceased at the time of incident. Muhammad Haider Khan (No.9), Ali Ashraf Khan (No.10), Rana Asif (No.12) and Mairaj Hasan (No.13) are also working in the project on different positions such as manager, field supervisor etc. They all have praised her for her dedication to the social work, particularly her work for raising the living standard of the poor residing in Kachiabadis.

11. The witness at No. 11 is the elder sister of Ms Parveen Rehman. She is also member of the Board of Directors of OPP and very well knew about the working of her sister.

12. The witnesses at Nos. 5 to 8 are friends of Ms. Parveen Rehman. Out of them, two at Nos. 6 & 7 are human right activists. Ms. Zohra Yousaf (No.6) is the Chairperson of Human Rights Commission of Pakistan. The remaining two at Nos. 5 & 8 are also social workers. All these witnesses, besides praising Ms Parveen Rehman, have stated that Ms. Parveen Rahman had raised voice against and documented her research work on some social evils including land & water tanker mafias and according to them the investigation was required to be made on such lines also. They all have expressed their dis-satisfaction about the investigation done by the police.

→ Muhammad Imran
13. The witness at No. 14 is a resident of the locality where Ms. Parveen Rehman worked and is also son of a political leader of a political party. To some extent he has tried to obviate the possibility of involvement of his father or any other member of his party by stating that they had not shown resentment or launched protest against refusal of permission by Ms Parveen Rehman to his father, to start Karate classes in a hall of the project.

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Similarly, this witness endeavored to bring on record that since last two years sectarian organizations including Thareek-e-Taliban Pakistan are active in the area and took control of all affairs, the instant crime might be committed by the said organization.

14. The witnesses at Nos. 15 to 20 are the police officers involved in the investigation of the case of the murder of Ms Parveen Rehman and other related cases.

15. It may be pointed out that just after two months of the murder of Ms Parveen Rehman another social worker, namely, Abdul Waheed, working in Orangi Charitable Trust (a part of Orangi Pilot Project) was murdered on 13-05-2013 and such FIR bearing No. 192/2013 was registered at Police Station Peerabad.

16. On 29-01-2014, attempt was made to murder another social worker, namely, Saleem Aleemuddin, successor of Ms Parveen Rehman, by throwing a cracker in his car. Such FIR bearing No. 22/2014 was registered at P.S Orangi Town on the same day.

17. On 14-03-2013, SIP Ashfaq Hussain Baloch, the SHO P.S Manghopir (No. 16) claimed to have killed one Qari Bilal belonging to Tahreek-e-Talban Pakistan Wazeeristan group, in an encounter and recovered one 9mm Pistol without number from him. His three companions managed to escape after setting on fire the car they were travelling in.

18. On 15-03-2013, the empties recovered from the place of incident and the pistol recovered from Qari Bilal were sent to the Forensic Laboratory, Karachi, and on 19-03-2013 ballistic expert gave opinion that the empties matched with the pistol. On the basis of such report the Investigating Officer closed the investigation concluding that Ms Parveen Rehman was murdered by Qari Bilal.

19. In a high profile case, like the murder of Ms Parveen Rehman, police comes under tremendous pressure of detecting the crime. In order to lessen the pressure, police do not hesitate to manipulate the things. In the present case also, the police, in order to minimize the pressure, seems to have made manipulations. The story of the mysterious encounter and recovery of the pistol does not inspire confidence, as the police officers, namely, SIP

Ashfaq Hussain Baloch, SHO P.S Manghopir, who claims to have killed Qari Bilal in an encounter and recovered pistol from him, has stated that Qari Bilal had sustained multiple firearm injuries but he did not know on what parts of the body he had sustained the injuries. None was injured from the side of police. The other thing to be noted is that before making their escape good the three companions of Qari Bilal are shown to have set on fire the car they were travelling in. After encountering a huge police party in which their companion was killed, they could not afford to waste time in setting the car on fire. They could not afford to destroy the car at the cost of risking their lives. Such a conduct on their part is quite unnatural. The artificiality of the story is apparent.

20. The evidence regarding the matching of empties recovered from the place of incident with the pistol allegedly recovered from Qari Bilal is also not free from manipulation. Police had no clue about the involvement of Qari Bilal in the murder of Ms Parveen Rehman and there was no occasion for sending the empties and the pistol to the ballistic expert for matching. In order to minimize the chances of manipulation, crime empties are required to be sealed and sent immediately to the Forensic Laboratory without waiting for the recovery of weapon. This was not done in the present case for the reasons best known to the police. The empties were recovered on 13th March, 2013. 14th March, 2013 was working day but the empties were sent to the Forensic Laboratory on 15th March, 2013 after the alleged recovery of pistol. There is no explanation for the delay, except that police wanted to manipulate the things.

21. Ms. Parveen Rehman had raised voice against anti- social elements including land and water tanker mafias and had investigated and documented their activities. These mafias, by their illegal activities, minted money and according to Ms Aquila Ismail (No.11) sister of Ms Parveen Rehman the water mafia earned Rs. 500 million per annum. They cannot afford to tolerate such a voice being raised against them. The police should have investigated such aspects also. However, the police has not done this and has conducted the investigation in a causal and indifferent manner. Today's age is one of science & technology and the world has made a lot of progress in every walk of life. But the investigating officer of our country by & large are using orthodox manner and maintaining set formula for

investigating the cases. They should be dynamic and progressive in their approach and the manner of investigation should not remain old fashioned out dated and static. The contention of the Human Rights Commission of Pakistan and the above mentioned other social workers that the manner of conducting investigation was unsatisfactory, is not without justification.

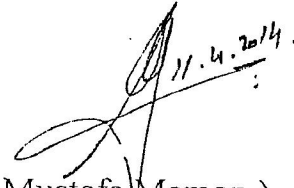
22. The cases of two other social workers i.e murder of Abdul Waheed (FIR No. 104/2013 PS. Peerabad) and attempt to murder Saleem Aleemuddin (FIR No. 22/2014 PS. Manghopir) have also been disposed of as untraced without serious effort to bring the culprits to justice. The case of encounter has also been closed as untraced. Imp

23. The apathetic, indifferent and casual attitude of police in dealing with important cases of heinous offences particularly of murder of renowned social workers like Ms Parveen Rehman will have the effect of creating sense of insecurity in the common man which in the long run is likely to result into chaos and anarchy.

24. In the facts and circumstances, following measures are suggested to be taken immediately:

- A. In view of the repeated attacks on social workers of the Orangi Pilot Project, police must provide proper protection to them.
- B. The cases of murder and attempt to murder the social workers of the project bearing FIR No.104/2013 & FIR No.192/2013 P.S. Peerabad and FIR No.22/2014 PS Orangi Town, should be reinvestigated by some efficient, independent and honest police officer.
- C. The cases of the encounter and the recovery of pistol bearing FIR No.86/2013 and 87/2013 P.S Manghopir in which Qari Bilal is shown to have been killed should also be reinvestigated by some efficient, independent and honest police officer.

Report of inquiry in respect of murder of Ms Parveen Rehman submitted accordingly.


(Ghulam Mustafa Memon)
District & Sessions Judge, Karachi West
And
Inquiry Officer

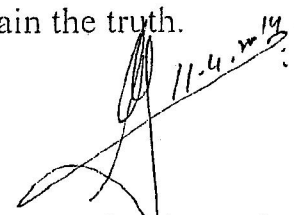
Acknowledgement

The inquiry about the murder of Ms Parveen Rehman was a difficult task. The completion of the said assignment would have been impossible without the active assistance & support of various persons. In that regard, I would like to thank the staff of my office establishment specially M/s. Muhammad Asif Ali, Zafar Iqbal (Stenographers), Nadeem Ahmed Ansari (Bench Clerk), Syed Akbar Ali Shah (COC), Muzahir Hussain (Incharge CMO), who facilitated me to conduct the inquiry smoothly after Court hours.

I would like to express my appreciation to Mr. Salahuddin Panhwar, associate of Mr. Faisal Siddiqui advocate for the petitioners, Barrister Sarfaraz A. Metlo. M/s. Syed Anwar Shah, Rashid Sheikh and Muhammad Yousuf Bhatti, District Public Prosecutor, Deputy District Public Prosecutor and Assistant District Public Prosecutor respectively, who provided me assistance by putting vital suggestions to all the material witnesses for which they were specially permitted by me.

I would like to express my appreciation to Mr. Asghar Usman SP Investigation West and other police officials, who had accompanied me to visit the crime scenes and office of OPP.

I must record my appreciation for all the witnesses, who appeared and recorded their statements to ascertain the truth.


(Ghulam Mustafa Memon)
District & Sessions Judge, Karachi West
And
Inquiry Officer