

**IN THE SUPREME COURT OF PAKISTAN**  
**(Original Constitutional Jurisdiction)**

**Constitutional Petition No. 50/2013**

1. **Human Rights Commission of Pakistan**  
 Through Zohra Yusuf  
 Having Registered Office at  
 Unit No. 8, 1<sup>st</sup> Floor, State Life Building No. 5  
 Ilaco House, Abdullah Haroon Road, Saddar, Karachi
- ✓ 2. **Zohra Yusuf**  
 Daughter of Syed Mohammed Yusuf (Late)  
 Resident of Flat No. 101, New Kausar Square  
 Frere Town, Sector 5-D, Karachi
- ✓ 3. **Uzma Noorani**  
 Wife of Kamran Noorani  
 Resident of 2A/2B, Khayaban-e-Bahria  
 DHA Phase V, Karachi
- ✓ 4. **Aquila Ismail** X  
 Wife of Muhammad Masood  
 Resident of Apartment No. GF-2, Building No. 77  
 Seaview Township, DHA Phase V (Ext), Karachi
5. **Arif Hasan** ✓  
 Son of Sarwar Hasan  
 Resident of 37-D  
 Muhammad Ali Society, Karachi
- ✓ 6. **Anwar Rashid** ✓  
 Son of Muhammad Qutubuddin  
 Resident of House No. 208, Maymarabad  
 Surjani Town, Sector 5-D, Karachi
7. **Saiban**  
 Through Tasnim Ahmed Siddiqui  
 Having registered office at  
 GRE-319 (2-B), Britto Road  
 Garden East, Karachi



- ✓ 8. **Tasnim Ahmed Siddiqui**  
Son of Zamir Ahmed  
Resident of C-16, Block A,  
KDA Officer Housing Society, Karachi
9. **Kausar Saeed Khan**  
Daughter of Saeed Hasan Khan Rehmani  
Resident of Apartment No. GF-3, Building No. 8  
Seaview Township, DHA, Karachi
10. **Pakistan Institute of Labour Education & Research (PILER)**  
Through Karamat Ali  
Having registered office at  
ST-001, Sector X, Sub Sector- V  
Gulshan-e-Maymar, Karachi
11. **Karamat Ali**  
Son of Amanat Ali  
Resident of A-143, Sector- X/V  
Gulshan-e-Maymar, Karachi
12. **Zubeida Mustafa**  
Wife of Syed Mehdi Masood  
Resident of Apartment No. 405, Marine Heights II  
Clifton Block 2, Karachi

.....PETITIONERS

Versus

1. **Province of Sindh**  
Through Home Department represented by its Additional Chief Secretary,  
Ground Floor, Tukhlaq House, Sindh Secretariat,  
Shahrah-e-Kamal Ata Turk, Karachi
2. **Sindh Police**  
Through the Inspector General of Police (IGP),  
Central Police Office (CPO), Karachi
3. **Federation of Pakistan**  
Through the Ministry of Law, Justice, Human Rights and Parliamentary Affairs  
represented by its Secretary  
Federal Secretariat, Islamabad

.....RESPONDENTS

**PETITION UNDER ARTICLE 184(3) OF THE CONSTITUTION OF  
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**



**Respectfully Sheweth:-**

1. That Petitioner No. 1 is a nonprofit organization set up in 1987 as an independent, non-governmental organization with the objective of promoting human rights in Pakistan. It fulfills this objective through awareness raising programs, fact finding and reporting, lobbying with the government, publishing reports on the status of human rights in Pakistan as well as by invoking the jurisdiction of this Hon'ble Court for the protection of Fundamental Rights of citizens enshrined in the Constitution of the Islamic Republic of Pakistan, 1973.
2. That Petitioner No. 2 is the current Chairperson of the Human Rights Commission of Pakistan [HRCP], who was elected to this position for a three year term in 2011. She has served as a Member of the HRCP since 1988, and voluntarily held the elected positions of Vice Chair [Sindh] and Secretary General of HRCP. She is a founding Member of the Women's Action Forum and has also served as a Member of Shirkat Gah Women's Resource Center since 1979.
3. That Petitioner No. 3 is a human rights activist who has been working in the field of human rights protection for over two decades. She has been a Member of the HRCP since 1998 and has conducted fact finding missions throughout Pakistan in order to assess the state of human rights and to highlight the issues of vulnerable groups who are at risk of being deprived of their rights. She is also the founding Member of the Women's Action Forum.
4. That Petitioner No. 4 is the elder sister of Ms. Parveen Rehman. She is an electrical engineer and academic who retired as an Associate Professor at the Department of Electrical Engineering at the NED University of Engineering and Technology at Karachi.
5. That Petitioner No. 5 is an architect and urban planner based in Karachi. Apart from being a consultant and advisor to several local and foreign community based organizations, national and international NGOs and bilateral and multilateral donor agencies, he has served as the Principal Consultant for the Orangi Pilot Project since 1982. He is currently serving as the Chairman of the Research and Training Institute of the Orangi Pilot Project. He is also one of the founders of the Urban Resource Center in Karachi, serving as its Chairman since its inception in 1989. He has also served as the Chairman of the Task Force on Urbanization established by the Government of Pakistan. During his illustrious career, he has taught at Pakistani and European universities, served on juries of



international architectural and development competitions, authored numerous books on development and urban planning, and served on a number of UN Committees. He will be represented before this Hon'ble Court by his daughter, Ms. Tahera Hasan.

6. That Petitioner No. 6 has been working with the Orangi Pilot Project for the past thirty years and has played an important role in building that institution.
7. That Petitioner No. 7 is a nonprofit organization registered under the Societies Registration Act, 1860, of which Ms. Parveen Rehman was a very active Member. It had started working in 1991 to implement the 'Incremental Housing Development' approach in Pakistan. Working with public and private agencies, it directly provides affordable residential land to the poor and supports the replicators. Its Incremental Housing Development Scheme, popularly called 'Khuda ki Basti', is an internationally acclaimed innovation in low income housing which addresses the failure of public housing for low income urban residents. So far, nearly 36000 low income urban residents have been benefitted and eight new settlements are under development which will benefit a further 25000 low income urban residents.
8. That Petitioner No. 8 is a retired civil servant who has served as Chief Secretary of the Government of Sindh. He has also served as the Director General of Hyderabad Development Authority and the Head of the Sindh Katchi Abadis Authority and is an active Member of Saiban and the Orangi Pilot Project. He is known for evolving and implementing the 'Incremental Housing Development' approach in Pakistan and for initiating the process of regularization and upgradation of squatter settlements in Sindh. For his meritorious services in the field of low income housing, he was awarded the Aga Khan Award for Architecture in 1995, the Ramon Magsaysay Award in 1999 and Sitara-e-Imtiaz in 1999.
9. That Petitioner No. 9 is the Head of the Division of Behaviour and Social Sciences at the Community Health Sciences Department of the Agha Khan University in Karachi, and is a leading figure in the field of community based development in low income areas of Sindh, with particular focus on community based health services and community based medical education. She has been involved in the establishment of community based health centers and sanitation programs in Orangi Town in collaboration with the Orangi Pilot Project.



10. That Petitioner No. 10 is a nonprofit organization established in 1982 with the goal of achieving social justice through a democratic and effective labor movement. It serves as a resource center for research and education on labor law and policy and facilitates the labor movement in building a wider social consensus on core labor rights through advocacy and linkages with local, national, regional and global partners. It is currently registered under Section 42 of the Companies Ordinance, 1984.
11. That Petitioner No. 11 is an eminent Pakistani labor and peace activist who has been part of labor and peace movements in Pakistan for the last four decades and has played a key role in linking up these movements with regional and global counterparts. He is the founding Member of the Pakistan Institute of Labour Education and Research [PILER]. He is also the founding Member of the Pakistan Peace Coalition, Pakistan-India People's Forum for Peace and Democracy and the South Asia Labour Forum.
12. That Petitioner No. 12 is a freelance journalist. She served as an Assistant Editor with Dawn, the most widely circulated and influential English language newspaper in Pakistan, from 1975 to 2008. She has investigated and extensively covered issues pertaining to education, health care, women's empowerment, children's rights and poverty in Pakistan, and has compiled and edited a number of books on Pakistan.

**The Petitioners have been striving hard for the welfare of the citizens of Pakistan and share a firm commitment towards the ideals of rule of law and protection of fundamental rights as embodied in Chapter I of Part II of the Constitution of the Islamic Republic of Pakistan, 1973. In pursuit of the aforementioned objectives, the Petitioners seek intervention of this august Court in the case of target killing of Ms. Parveen Rehman, Director of Orangi Pilot Project and an internationally renowned social worker, in the backdrop of the following facts & circumstances:**

- i) That Ms. Parveen Rehman was a social worker who had devoted her life for the development of impoverished neighborhoods in the city of Karachi. She had obtained a Bachelors degree in Architecture in 1982 from the Dawood College of Engineering and Technology in Karachi, Pakistan, and a postgraduate diploma in housing, building and urban planning in 1986 from the Institute of Housing Studies in Rotterdam, Netherlands. Despite being an accomplished architect, she abandoned her professional career to join the Orangi Pilot Project (OPP) as its Joint Director in 1983. The OPP



was founded in the 1980s in the squatter areas of Orangi Town, Karachi [considered Asia's largest slum, housing more than a million people], by Dr. Akhtar Hameed Khan, the internationally renowned Pakistani development activist and social scientist, who is famous for promoting participatory development in Pakistan and other developing countries through various projects, including the OPP. The OPP initially focused on involving the local residents of Orangi Town for solving their own sanitation problems. Over the period of time, innovative methods were used to provide adequate low cost sanitation, health facilities, housing and microfinance facilities to low income households. The OPP currently includes three NGOs working together, borne out of the OPP in 1989: OPP-RTI (Research and Training Institute), OPP-OCT (Orangi Charitable Trust, involved in microfinance) and OPP-KHASDA (Karachi Health and Social Development Association, involved in providing health facilities to low income households in Karachi). A fourth organisation, OPP-RDT (Rural Development Trust) was merged with OPP-RTI in 2012. The OPP's activities comprise of a number of programs, including a people's financed and managed Low-Cost Sanitation Program; a Housing Program; a Basic Health and Family Planning Program; a Program of Supervised Credit for Small Family Enterprise Units; an Education Program; and a Rural Development Program. Today, the OPP encompasses much more than neighborhood level problems; its research and development programs now cover wider issues related to areas all over Karachi. It is a remarkable example of impoverished people joining hands to help one another when the government does not help. Ms. Parveen Rehman had played an integral role in the development of the OPP, heading the organization as its Director from the time of the death of Dr. Akhtar Hameed Khan in 1999, till she was murdered by unknown assailants in Karachi, in broad daylight, on 13.03.2013. Apart from working with the OPP, she was one of the founding Members of the NGO, Urban Resource Centre, in Karachi, and was also part of the board of Saiban, another NGO dedicated to low-income housing. She was also teaching at the University of Karachi, the NED University of Engineering and Technology, the Indus Valley School of Art and Architecture and Dawood College of Engineering and Technology. In a nutshell, Ms. Parveen Rehman had spent her entire life in the service of humanity, especially the welfare of millions of impoverished residents of Karachi, which had earned her the informal title of the 'mother of Karachi'.



- ii) That on 13.03.2013, while Ms. Rehman was travelling from her office, which is situated at Orangi Town, towards her house, unidentified assailants approached her car on motorbike on Main Manghopir Road near the Banaras Flyover, and opened fire, as a result of which Ms. Parveen Rehman received bullet injuries in her neck. She was rushed to Abbasi Shaheed Hospital by her driver where she succumbed to her injuries and died. The incident was widely reported by national and international media.
- iii) That it is important to mention that Ms. Rehman was an ardent compiler of records of the lands lying on the fringes of the city of Karachi in shape of villages/*goths* which were speedily vanishing into the city's vastness because of the ever-increasing demand by thousands of families who were shifting to the city every year from across the country. According to her estimates, around 1,500 villages/*goths* have been forcibly merged into the city over the past 15 years due to the activities of various land mafias operating in Karachi. The forcibly grabbed lands were subdivided into plots which were sold for billions of rupees. Ms. Rehman had also worked tirelessly to document land in Orangi Town itself, in order to protect the slum, where she had been working for nearly thirty years, from the city's notorious land mafia. According to her colleagues, as a result of her activities, she had been receiving death threats from various members of the land mafia. In one of her interviews, conducted in September 2011, she had stated in detail the nature of land grabbing activities in Karachi and the threats being received by her and her colleagues in the OPP:

"The violence in Karachi is related to its land, that's what we have seen. We've even documented that land everywhere is so expensive, and because there's been a complete breakdown of the government and the government departments - all sorts are involved in all the illegal activities: so they are partners. Because of that there is continuous battle over various segments of land in Karachi, between various groups of people who I would not say are given sanction by the political parties, but who I would say, as a strategy, align themselves with political parties. And the police, and of course, all the government departments and the elected members are all partners in this. The violence that emerges has aggravated more because of this scenario of control over various areas... land and selling of land - of course there's drugs and arms - but land for us is the most prime thing that makes one kill at an instant because they want control over each others' area, because the finances involved are so much



more that overnight you can earn one lakh, two lakh or three lakh – much more than that. So for one group to kill the other, they won't even wait a little while. They just shoot. This has been aggravated because like I said that various groups as a strategy align themselves with political parties. And when the political parties are seen battling, are seen against each other, so it's just great time to shoot each other and put it up that some MQM guy has shot this one, ANP guy has shot this one. So this is like political conflict giving the ground for killing and violence to settle scores.

Somebody asked us – what is the solution? The solution is very simple, because the political parties have to understand this that they're being used. These killings we have seen have not much to do with political parties or with ethnicity, but this have to do with interest groups here linked to land and finances. The way to end this violence is very clear, and why we say we have seen this happen? Because we are sitting in the midst of fire. This is the place – everyday that we would try to come to office we did not know whether we would reach safely or go home safely. I myself would not tell my mother that I'm going to office and this is happening and that is happening.

...

There have also been times when we have been threatened in this office. Let me say when there's political conflict then the *chotus* in the political parties use all this and they become blackmailers and cheaters. So we've had people about three years back – ... people from ANP coming into our office and occupying – for one month they were coming, they were threatening us that you leave this place. First they said we want a hall, your hall is great, we want this to have judo-karate lessons. We said as a policy we don't give it out to anybody. Then they would just come, pressure us from various MNAs, MPAs and they would ring us up. So we said we can't, as a policy we can't. Then they started coming everyday and threatening us, and we said all right you kill us – that's all you can do, we are not afraid. One day they just came, and from the morning they occupied the roundabout in front of our office. They came with gunmen. About 5-6 of them sat there at the roundabout, 5-6 of them went all around, 5-6 of them went into this courtyard trying to threaten us. And they said today we will occupy this place no matter what. So one of our colleagues was negotiating with them, we said, we won't go, you stay if you want, kill us if you want, kill everybody. We were lucky that one of the active members of the



community who's been working with us, his brother is a bigger thug. And he belongs to the PPP. He said that all right, I will come over, how can they do anything like this? So he came and talked to them that if you fire, we'll fire many more rounds. So imagine, in order to save ourselves we went to a bigger thug.

...

Why we are always saved here? Because of our work, of our contacts with the community. It's people all around us that save us. It's people all around. It's the young men from the community who save us, who go and tell the political parties that why are you doing this? I remember after this thing happened, when they wanted to occupy, there was a word sent to the ANP because you see our members who work here also have political affiliations. Some of them go and sit in the ANP office, some of them go and sit in the MQM office. So they themselves sent in the word, and I remember that one of the Secretaries of the ANP lives right across our office in the big tall building. He was told that you are now responsible for this office – if anything happens you will be taken to task. It's the community work that saves all the time, because you see our office is very open, as you can see – everybody keeps on coming and going.

...

...when I say lack of governance, it's very simple... I have a beautiful photo which shows the Nur Jehan police station and right behind it all the plotting is taking place. The two together cannot happen if they don't support each other... the breakdown means that everybody's involved in illegal activity... when a land transaction takes place, a study that we have done on land supply and the *goths* of Karachi, there's a fixed amount that goes to the police. I'll give you one example: on a plot of land of Rs. 250,000 for a 100 square yard plot, Rs. 250,000 is the cost. So in the initial plotting of an acre of plot, the police takes Rs. 250,000 – that's standard. You have to give it to the police station. Second, when the plots are sold as a token to buy some sweets, they are given Rs. 5,000 – 10,000 – that's standard... Then in the Rs. 250,000, Rs. 100,000 goes to the owner and his team members, Rs. 150,000 is subdivided, you give it to the *thana*, between various government officials, revenue departments, local councilors, local nazims, MPA, MNA, everybody – it's divided. Like we said in Rs. 250,000, maybe lesser of Rs. 100,000 remains with the seller and his entire team – including the owner – but the rest is all subdivided. One estimate that we



have made is that these land transactions – with a conservative estimate – have a turnover of Rs. 30 billion annually. This is huge. Unimaginable.

...

...all these years of breakdown, all these years of dictators supporting one political party to prop them up and all has completely finished the institutions in Karachi... There is no government in sight, the government we see is the government which is involved in all these things. When somebody says the mafia – who is the mafia? The mafia includes all the people involved in official agencies, they're all part of the mafia – because they behave like one, they cut money like one.

...

...the day that anybody is going to occupy a land, the police is already given a bribe so the police is not there. So when the police is not there then the first thing you do is that physically you are there, and you start raising up a wall around, and you just see that which is the group that is threatening you. Without the police, if there's a group threatening you, then you take up arms and you kill each other – whoever is alive occupies that land. And once that land is occupied, then they go about, because the selling doesn't take place by advertisements or anything – it just goes by word of mouth... Sometimes they even themselves occupy it, because once one or two families are there, then everybody feels secure buying. Sometimes they themselves start staying there, all their relatives start staying there, that's the biggest ploy. Once one or two families have occupied then everybody thinks that nothing will happen. And then the police is also invited. I've got photographs – you must have also seen – where the police is sitting with the land supplier within the booth where the land transaction is taking place. So that itself indicates security for the others.

...

The land suppliers are of four types: one are the various owners, because now the land supply in Karachi is in and around the *goths*... the *goth* elder has a paper from the government which simply says that you have been given this land for 30 years to use for agricultural purposes and the related housing. He simply uses that paper to show that he has the ownership, and he then, together with his relatives, knowing that the land value is high, does the subdivision... Secondly, there are some *goth* elders who hire the services of experienced land suppliers, who are people who



can be from any ethnic group, who are simply those who have been supplying land since ages and who then strike a deal with the *goth* elders...The third category is a little dangerous because these are not only very experienced land suppliers, but these are land suppliers who buy land from the *goth* elders... the *goth* elders say we have 20 acres of land, and we are putting 5 acres for sale. Again that 5 acre for sale is unofficial – remember, because the paper he has does not give him ownership, it gives him the right to use the land. So then he says all right, 5 acres I'll put up for sale and you give me Rs. 500,000, for example. So that land supplier says look I don't have Rs. 500,000, I'll give you Rs. 100,000, and once I get that land, I'll give you the rest. But he never gives the rest. So he is the coercive land supplier. He has all the armed men. In Karachi we have Ettihad Town and Mohammad Khan Town, examples of nearly 3000 acres of land being subdivided like that. They are armed groups of people, they buy some land and occupy the rest. Then finally, the fourth category is again very dangerous – much more dangerous – than these coercive land suppliers, because they are people who are members of political parties, backed by the political parties in power. They occupy and subdivide land, like in Karachi, in 2006, the main political party, the MQM, I can say that because now it's in the open: they demolished about two *goths*, they wanted to demolish two more, but they could not – and they set up Altaf Nagar there, over 2,500 acres of land... because they were in power they could do it in Musharraf's government.'

It is evident that from the above stated excerpts from Ms. Rehman's interview that she had extensive knowledge of the activities of the land mafia in Karachi and that she had refused to abandon her social work despite continuous threat to her life for many years, as a result of which she had become a symbol of resistance against the growing activities of the land mafia. Her murder has contributed to further expansion of the activities of the land mafia across various slums and *goths* lying on the fringes of Karachi, including Orangi Town, where impoverished households are facing threats of eviction, and has dealt a severe blow to the humanitarian activities being carried out by social workers in the impoverished neighborhoods of the largest city of Pakistan.

- iv) That according to the Progress Report regarding the murder in question, on the day of Ms. Rehman's murder, Wali Dad, her driver, had lodged an FIR dated 13.03.2013 bearing No. 104/2013 under Sections 302/34 of the Pakistan Penal Code, 1860, at 2200 hours at Police Station Peerabad,



nominating two unknown assailants. After lodging of the FIR, the Investigation Officer, SIP Raja Ulfat Hussain, had visited the crime scene and prepared a site inspection memo and map of the crime scene, and circulated letters for information to other units about the incident. Furthermore, statements of witnesses under Section 161 of the Code of Criminal Procedure, 1898 were also recorded and two 9mm empty rounds were recovered and sent to the Forensic Science Laboratory for analysis. On 15.03.2013, the Investigation Officer sent a letter to the concerned authority to get the CDR of cell phone number of Ms. Rehman. On 16.03.2013 the Investigation Officer also conducted raids at different places to arrest suspects; some suspects were interrogated but no clue could be unearthed.

- v) That on 19.03.2013, a report was received by the Investigation Officer from the Forensic Science Laboratory that one Qari Bilal, Son of Zarat Khan, had been killed in a police encounter in the area of Police Station Manghopir on 14.03.2013 and a 9mm Pistol with 03 rounds was recovered from him. The said weapon recovered from the deceased was analyzed by the Forensic Science Laboratory and it reportedly matched with the 9mm empty rounds recovered from the crime scene in Ms. Rehman's case, which, according to the Forensic Science Laboratory, established the use of the said weapon by the accused Qari Bilal in commission of the murder of Ms. Parveen Rehman. The Investigation Officer was directed to conduct further investigation in the light of fresh forensic evidence.
- vi) That despite passage of more than four months since the occurrence of the above stated offence, the investigation is still pending to date and no progress whatsoever has been made. The Investigation Officer and the police department have not made any serious efforts to investigate the offence properly and no challan has been submitted before the competent court of law. The police seem to have abandoned the investigation after receiving the report of the Forensic Science Laboratory implicating Qari Bilal, even though, according to the complainant, the offence had been committed by two unknown assailants. The Investigation Officer has not made any effort whatsoever to arrest the second accused, especially in light of the available forensic evidence indicating the involvement of Qari Bilal, or to further investigate the Qari Bilal's connection with the offence.
- vii) That the instant offence is a classical case of high handedness, negligence and failure of the law enforcement agencies in Karachi, which have not



only failed to protect the life, liberty and property of the citizens, but have also failed to investigate the instant offence involving the murder of an internationally renowned social worker, in a fair, impartial and satisfactory manner, thereby emboldening the criminal elements in the society which are bent upon violating the Fundamental Rights of citizens embodied in the Constitution of the Islamic Republic of Pakistan, 1973, therefore, the Original Constitutional Jurisdiction of this Hon'ble Court is being invoked, *inter alia*, on the following:

### GROUNDS

- A. That under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973, the state is responsible for providing protection and safety to the life and liberty of all citizens, but in the present case the state has not only failed to provide security to the deceased but has also failed to conduct a fair and impartial investigation into the offence, thereby shattering the confidence of citizens, who are facing the onslaught of powerful land mafias, in the writ of the state, and boosting the confidence of land mafias and other criminal elements involved in violation of the Fundamental Rights of citizens enshrined in the Constitution of the Islamic Republic of Pakistan, 1973. The State is duty bound to protect and safeguard all Fundamental Rights including the right to life and liberty as envisaged by Article 9 of the Constitution, which includes protection against atrocities, target killings, homicide etc., as held by this Hon'ble Court in the case of *Watan Party and another versus Federation of Pakistan and others* [PLD 2011 SC 997].
- B. That it is the fundamental duty of the police to provide protection and security to the life and liberty of the citizens of Pakistan in fulfillment of their fundamental rights under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973, as laid down by this Hon'ble Court, *inter alia*, in the case of *President Balochistan High Court Bar Association versus Federation of Pakistan and others* [2012 SCMR 897].
- C. That it is also the fundamental duty of the police to conduct fair, impartial and satisfactory investigation in matters where an FIR has been registered and to collect evidence without any delay. The investigation conducted by the Investigation Officer in the instant case is not a fair, impartial and satisfactory investigation, as it has been done in a flimsy and hasty manner and no serious efforts were made to collect more evidence related to the offence. As held by



this Hon'ble Court, an investigation means nothing more than collection of evidence. It is evidence and evidence alone which could lead a court of law to a just and fair conclusion about the guilt or innocence of an accused person. It is, therefore, only a fair investigation which could guarantee a fair trial; and conceiving a fair trial in the absence of an impartial and a satisfactory investigation is merely an illusion. Therefore, any act which ensures a fair investigation which is above the board, is an act in aid of securing the guaranteed rights of citizens, and failure to conduct a fair and impartial investigation is in derogation of such rights. In the instant case, the investigation is still pending but no efforts are being made to further probe the matter, despite passage of nearly four months. The current investigation, therefore, does not fulfill the criteria of fair investigation as laid down by this Hon'ble Court, *inter alia*, in the case of *Bank of Punjab versus Haris Steel Industries* [PLD 2010 SC 1109].

- D. That it is also the fundamental duty of the police to submit its investigation report/challan before the relevant court of law for further action. This Hon'ble Court has time and again observed that during investigation it is always better to collect evidence, if available, as early as possible, and that it is duty of police to submit challan as far as possible within the period of fifteen days in terms of S.173, Cr.P.C, for every citizen is entitled under the Constitution to protection and is entitled to get justice in all circumstances, as laid down, *inter alia*, in *Human Rights Case No. 3212 of 2006* [2006 SCMR 1547] and the case of *Hakim Mumtaz Ahmed and another versus The State* [PLD 2002 SC 590]. In the instant case, no challan has been submitted despite the passage of more than four months since the occurrence of the offence.
  
- E. That so far it has not been established by the Investigation Officer that the accused Qari Bilal had actually committed the offence. The report of the Forensic Science Laboratory connects the weapon which was in possession of Qari Bilal with the empty shells found at the crime scene, however, it has not been conclusively established that it was Qari Bilal who had committed the offence. Mere matching of the empty shells does not prove the fact that Qari Bilal is the killer and the recovery of the weapon from his possession only shows that he *might* have been involved in the crime but does not conclusively establish that it was he who had killed the deceased. Furthermore, the Investigation Officer did not make any efforts to get Qari Bilal identified by the complainant, who was the primary eyewitness of the offence. Moreover, bare perusal of the FIR reveals that the complainant had nominated two unknown assailants, therefore, even though Qari Bilal had been killed, an effort should



have been made to identify and arrest the other accused. However, despite availability of clues on the basis of forensic evidence, no such effort was made, which clearly shows lack of interest of the investigation authorities in the instant case.

- F. That the instant case manifestly involves questions of public importance relating to the enforcement of Fundamental Rights of citizens embodied in Articles 9 and 10A of the Constitution of the Islamic Republic of Pakistan, 1973. This Hon'ble Court is entrusted with plenary powers under Article 184 (3) of the Constitution of the Islamic Republic of Pakistan, 1973, to give any direction to any person or authority including any government, as would be appropriate for the enforcement of any of the Fundamental Rights embodied in Chapter I of Part II of the Constitution of the Islamic Republic of Pakistan, 1973, including a direction for ensuring fair and impartial investigation and fair trial. Such power has been exercised by this Hon'ble Court in various cases, including *Constitutional Petition No. 1 of 2013* regarding the murder of one Shahzeb Khan in Karachi. The intervention of this Hon'ble Court is essential for the purposes of ensuring a fair, impartial and satisfactory investigation and a fair and impartial trial in the instant case, which will restore the confidence of citizens in the writ of the state and its ability to deliver justice and will discourage the organized mafias and other criminal elements involved in violating the fundamental rights of millions of citizens in the city of Karachi. Given the strong influence of the land mafias and the complete breakdown of law and order in Karachi, as has been observed by this Hon'ble Court in the case of *Watan Party and another versus Federation of Pakistan and others* [PLD 2011 SC 997] and *Suo Motu Case No.16 of 2011* [P L D 2013 SC 443], the matter cannot be left to corrupt, negligent and disinterested low level police officials, especially when it involves the question of protection of fundamental rights of a large number of impoverished citizens who have been deprived of the services of Ms. Parveen Rehman and are now facing the brunt of the activities of the land mafias on a daily basis.
- G. That in the light of complete failure of the law enforcement agencies to prevent and investigate the instant offence, this Hon'ble Court may graciously issue appropriate directions to the Respondents or any other person or authority for fair and impartial investigation of the instant case and monitoring of the same.
- H. That further grounds may be argued at the time of oral submissions, with the permission of this Hon'ble Court.



**PRAYER**

In view of the submissions made herein above, it is most respectfully prayed that for the enforcement of Fundamental Rights of citizens embodied in Articles 9 and 10A of the Constitution of the Islamic Republic of Pakistan, 1973, this Hon'ble Court may graciously be pleased to issue appropriate directions for the constitution/appointment of a Commission headed by a Judge of this Hon'ble Court to investigate the incident of target killing of Ms. Parveen Rehman, internationally renowned social worker and Director of Orangi Pilot Project, registered as FIR No. 104/2013 lodged at Police Station Peerabad under Sections 302/34 of the Pakistan Penal Code, 1860.

The Petitioners also pray for the grant of any other relief deemed appropriate by this Hon'ble Court keeping in view the facts and circumstances of the case, for ensuring fair and impartial investigation in the aforementioned case.

Drawn and Settled by

Filed By

**M. RAHEEL KAMRAN SHIEKH**  
Advocate Supreme Court of Pakistan  
1-A, St. 26, Sector F-6/2, Islamabad,

**MEHMOOD.A.SHEIKH**  
Advocate on Record

**Certificate U/O XXV Rule VI of the Supreme Court Rules, 1980:**

It is certified that this is the first Constitutional Petition on this issue under Article 184(3) of the Constitution on behalf of Petitioners, and Petitioners have not moved the Hon'ble High Court for the same relief.

**ADVOCATE ON RECORD**