

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

C.P.No.S-501, 654 and 779 of 2017

DATE ORDER WITH SIGNATURE OF JUDGE

30.06.2017.

Mr. Shahnawaz Brohi, Advocate for petitioners.

Mr. Ali Ahmed Palh, Advocate, as Amicus Curiae.

Mr. Meer Ahmed Mangrio, Amicus Curie.

Mr. Abdul Nasir Lakho, advocate for respondents.

Mr. Allah Bachayo Soomro, Additional A.G alongwith Kazi Shahid Pervaiz Home Secretary, Mudasar Iqbal Secretary Women Development, Mrs. Fouzia Ashraf, Deputy Director Women Development Department, Sindh, I.D Mangi AIGP Legal CP Sindh Karachi, Jamil Hashmi SP Legal o/b DIGP Hyderabad, P.I Akhtar Hussain o/b DIGP Larkana, Inspector Sohail Sarwar Jamali o/b SSP Hyderabad

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Pursuance of order dated 13.6.2017 Home Secretary, Secretary Woman Development and representative of Chief Secretary are present and seek time to comply with the aforesaid order in its letter and spirit. Representative of I.G Sindh is also present and has submitted compliance report, which is taken on record.

At the very outset, Secretary Woman Development contends that they have three rehabilitations centers constituted in Nawabshah, Hyderabad and Jaccobabad, but he admits that same are *temporary* in nature and further he is unable to place on record as to whether any help was provided to any girl seeking protection, or that rehabilitation was carried. The *incapacity* to produce the record is *itself* an alarming position and raises serious questions towards very purpose of establishment of such an *important* department. However, Secretary Woman Development also contends that before 18th amendment there was help line in Karachi having number of 111623937, but at present they have provided cell

numbers of their officers to the police and Court for legal as well rehabilitation assistance. The *Cell* number normally carries impression of a *person* not of *department* therefore, providing cell numbers will never satisfy the object thereof hence the quarter concerned shall ensure availability of a landline *toll-free* number (universal access number) of the department. The *cell-numbers* of high-rank officials be also provided so as to enable a response in case of any negligence or complaint. There should always be maintained a proper record of all *complaints* and steps taken thereon so as to make *ultimate* objective of department achieved/served.

Representative of Chief Secretary contends that pursuance to judgment of this Court in **Rehmat Bibi** case safe houses have been established all over the Sindh, however, he admits that permanent mechanism is yet not established. The directives in case of **Rehmat Bibi** were never meant to be made part of *heap* but for doing what quarter concerned is supposed to do. Mere, putting *sign-boards* on a boundary-wall shall never serve the objective of a *safe-house* therefore, it is hoped and believed that established *safe-houses* shall be made functional and operational as they should be, particularly in view of directions, given in the case of **Rehmat Bibi** and this *hopefully* shall not take much time.

Home Secretary present and at the very outset admits that issue of protection and rehabilitation of girls, who either contract marriages against wishes of their parents or women, victims of acid attacks and domestic violation is very serious in nature. It is further pointed out that Social Welfare Department, Women Development Department and status of Women Commission which is newly enacted law are in field. Three Darul Aman are working in whole Sindh under the supervisions of Social Welfare Department. It is also pointed out that Zakat and Ushar Council is also working for the help of marriages of poor girls and fabulous amount is spared for rehabilitation of women. Since, representative of Chief

Secretary contends that Chief Secretary has taken very serious notice about the graveness of issue and within '15' days complete mechanism (road map) would be given for the protection of women. Such *acknowledgment* is worth appreciating and statement to complete mechanism within a period of 15 days is taken as an '**undertaking**' with hope that same shall be honoured particularly when the *graveness* of issue is already acknowledged by Chief Secretary. Besides, it is brought on record that 09 rescue centers by the police have been established for the protection of women which is also an *step* to a journey which shall make the women of this land safe and protected in *both* situations i.e in exercise of her right of choice as well in case of her being deserted.

Women Development Officer present submits details which shows that about 12 women trafficking cases and many of the women after freewill marriage were sold out. She further contends that there are cases wherein girls after being trapped through face-book and other social media under the pretext of marriage have been used for prostitution purposes. She also contends that about 500 cases are reported with her, wherein after love marriage because of differences; girls tried to commit suicide. These facts when confronted to all the present, all the concerned officers agreed that a universal (help line) number would be provided with wide publication enabling the victims to seek help / protection in the event of any harm or prejudice to their guaranteed rights. It is also contended that a mechanism would be established thereby a special force shall be deployed for the help of victimized women by immediate response to any call / complaint. Secretary Women Development undertakes that they will keep a data of all the girls who contract marriage against wishes of their parents and will appoint surveillance officers and in case of any harm to them either by their parents or in case of deserting of such women by husband or his *families*, such women would be shifted to rehabilitation centers and complete help would be provided to them. This will surely purpose of the department but shall also meet the objectives, insisted in the

case of Rehmat Bibi. However, it is added that while maintaining the record or keeping surveillance the department shall ensure a mechanism so as to avoid any harm or prejudice to *dignity* of such woman.

The representative of Chief Secretary, Sindh when confronted with fact that though Secretary Women Development is Secretary of Women Commission yet Women Commission is not established, he (representative of Chief Secretary Sindh) contends that within 'one month' whole exercise would be carried out and Women Commission would be established. Accordingly, Secretary Women Development who is also Secretary Women Commission shall ensure that meeting shall be called within 'two months' to examine the compliance of orders of this Court, passed in this case as well in case of Rehmat bibi and will also collect the complete data and shall issue guideline to the officers as well commission, if is in field and any change in law the concerned authority shall be approached for legislation. I would add here that *minority* (adolescence) is also one of the factor which results into making *girls* becoming a *prey* of spell, used by ill-motivated persons which *perhaps* was one of the objective for reenactment of Child Marriage Restrain Act. The Act provides that marriage with a girl of less than 18 years is an offence, therefore all Nikah Khuwan Registrar shall ensure that girl is having CNIC or sufficient proof in shape of school certificate or medical certificate issued by the concerned authorities, else marriage shall not be registered and in case of violation police officers shall proceed against the delinquent persons. Deputy Commissioners of all Districts shall issue instructions to all Nikah Khuwan Registrars for compliance.

While parting I will appreciate the *acknowledgments* and *concern* shown by all the present officials / representatives with regard to graveness of the issue as well their open statements and undertaking which *hopefully* shall help in achieving the ultimate object i.e a safe woman with assurance of its rehabilitation in case of

her being deserted which *otherwise* is guarantee, provided by the Constitution and all other laws.

Copy of this order alongwith *judgment* of case of Rehmat Bibi (PLD 2016 SINDH 268) be sent to all quarters concerned for compliance.

JUDGE

Ahmed/Pa