

IN THE LAHORE HIGH COURT LAHORE.

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Writ Petition No. _____/1998

M. D. Tahir, Advocate Vs. Federal Government etc.

Affidavit of M.D.Tahir, Advocate, 10-B Yed
Miram Mauj Darya Road, Lahore.



The deponent do affirm and declare as under:

1. That the contents of the titled petition are true to the best of my knowledge belief and information.

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Deponent.



Verified on oath at Lahore on this 27th day of

Feb. 1998 that contents of titled affidavit are true to the best of my knowledge belief and information.

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Deponent
at Lahore
Witness
Handwritten signature
MS Tahir
Deponent.
MR ABUBAKR RAHMAN

IN THE LAHORE HIGH COURT LAHORE.

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WRIT PETITION NO. 3585/1998

1. M.D.Tahir, Advocate, 10-Syed Miran Mauj Darya Road, Lahore.

.....Petitioner

Versus.

1. Federal Government through its Secretary Ministry of Foreign Affairs, Pak.Secretariat, Islamabad.
2. Federal Government through its Secretary Ministry of Interior, Pak.Secretariat, Islamabad.
3. Government of the Punjab through its Chief Secretary, Lahore.

.....Respondents.

WRIT PETITION under section 199 of the Constitution
of Pakistan, 1973 for appropriate writ/order/direction.

Respectfully sheweth:-



sacrifices of men, women, children. All the Muslims settled in India and Pakistan before pre-partition tried their level best for achieving independence from the British and their independent home land and by Grace of Allah Almighty they achieved the object and majority of Muslims migrated to Pakistan. However, a large number of Muslims could not migrated for one reasons or the other and now they are settled in India.

2. That many Muslims in 1947 migrated from Province of Bahar, India to East Pakistan and they were settled there. They installed their industries and constructed / established big buildings and business there. Unfortunately at fall of Dacca in 1971, said Muslims did not accept the citizenship of Bangla Desh under protest of unfortunate incident. Riots started in Bangladesh wherein many Baharis-Muslims were killed and they were dispossed from their properties. After being dispossessed, the Baharis Muslims

But despite expiry of 27 years, their ambition/ expectation hasnot seen the day light.

3. That Dacca is as beautiful as it was in 1971. There is one Abbadi in one side of this beautiful City, this Abbadi is called Muhammadpur and the inhabitants thereof are Ummat of Hazrat Muhammed(PBUH). They not only have love, affection and respect for Pakistan but they have deep relation with Pakistan, they are called Beharis. Their number is about 2,25,000/- *and are living in 66 camps in*

4. That there a girl of 5 years namely Amna in the said camp. She has told in an interview by the representative of Khabrain Adnan Shahid who visited Basti Muhammad pur. She stated that ~~she~~ ^{SHE} lives in a small room in the said camp along with her parents and five brother and sisters.

The room in their occupation is of 10'x7'. "here is no bathn room in it. For wash purposes they have to go outside the room on the drain for washing, cleaning their face, body etc. There is no system of water in

and has to wait for hours in line



side. She doesnot have refrigerator or T.V. in the house. Last year when the camp was put on fire evern her Eid dress was burnt. She wept a lot. Her brother was also injured. One wall of the house was also damaged. For about six months they spread Chadar, a piece of cloth for observing Parda. During rains water gathers in the house of said Amna, which is thrown back in he drain and at night the inhabitants of the house sleep on earth. But still Amna is full of hope that she will not remain in this miserable condition. I shallah one day they all will come to Pakistan where her father and brothers will work hard, she will go to school, have books and uniform, her younger sister will also go with her to school. In Pakistan she hopes all the members of the family will lead happy and prosper life. She says that Pakistan is their country, their home. Her father has taught her that except one's own country no other country is golden. Her father has also told her that Pakistan is very beautiful where peoples love each other, they would not create any distinction between Behari, Bangali etc. Said Amna asked the representative of Pakistan, how is Pakistan.

5. That during the last regime of present Government a survey of the Bahari Camp was conducted at the Government level with intentional Tanzeem of Rabata Alam-Islami. Pictures of unfortunate families were taken and for their rehabilitation funds were fathered. For the first time 432 families were given nationality of Pakistan, they were brought in Pakistan and with the relevant funds they were rehabilitated in a big area near Mian Channu where houses were built for them. Then the regime was changed and during the Government of Benazir Bhutto this Great mission was stopped.

6. That petitioner prays for issuance of a direction to the respondents to take all the necessary measures for transportation and rehabilitation of Beharis Muslims in Pakistan through this writ petition inter alia on the following

G R O U N D S

(a) That Bahari-Muslims have given unforgettable sacrifices for establishment of Pakistan, 1947 they migrated to East Pakist now Bangladesh where they established themselves. Unfortunately with fall of Dacca in 1947



be accommodated in Pakistan in view of their love, affection, respect, patriotism for Pakistan, Pakistani.

(b) That Pakistan is an Islamic State wherein the Muslims are able to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah, herein sovereignty over the entire Universe belongs to Almighty Allah alone and the authority to be exercised by the People of Pakistan within the limits prescribed by Him is a sacred trust. The Pakistanis have firm belief in Allah.

If the Baharis Muslims are brought in Pakistan, soon they will be able to stand on their own feet by working hard and establishing small business. All the peoples living in Bahari camps work hard and do labour for earning their livelihood. On Annexure A, there is a picture of

Abdul Hafeez House marked as A-1 which shows that he has established a small loom in his house where he manufactures Sarhis and earns his livelihood with the help of his wife and daughter, who help him in this business. All the

Baharis are aware that...

may be rehabilitated by the respondents besides the Motorway from Lahore to Peshawar, where they may establish their small factories, business with the help of Pakistani Government and Rabta Alam Islami and with the help of other rich Muslim countries.

- (d) That Pakistanis are always helpful to their Muslim brothers, during the last decade Pakistani Government and Pakistan have extended full help and cooperation to the Afghanis during the war crisis and most of the Afghanis have settled in Pakistan, likewise Baharis have more rights and considerations for their rehabilitation in Pakistan.
- (e) That Bahari Muslims living in Bahari Camps are facing lot of hardships and social and economic problems, they sleep during winter and rainy season and summer on the ground, their camps are burnt by Goondas and they also forcibly take away their young girls. It was told to the representative of Pakistan by Haji Nasim Khan who is Incharge of Tanzeem of Masoor Pakistanis, that last year some local peoples put one house on

of Muhammad Pur Camp and this fire caught



by the Goondas, miscreants with arms inasmuch as for lodging a report it is a must that he should be citizen of that country, just two months before

(27.1.1998) one girl was forcibly kidnaped from Rangpur Camp, he/honour was attacked, the inhabitants of the camps sleep at night without knowing their fate in the morning. The people of the camps are alive with the only hope that Pakistani Government will take them to their original home, some old man while weeping told the representative that Pakistani Government may be requested to take our children to Pakistan, grant them the honour of citizen of Pakistan and save their future.

There is also one picture of Hameed Begum and her daughter 15 years old marked as A-2 at Annexure A, both the poor ladies appear to be look for some Hijjaz Bin Yousuf for their help.

When this Ayesha was asked wherefrom he hails, she said she hails from Pakistan.

(r) That like Ayesha, Amna daughters there are many children living in Muhammadpur Camps who pray for progress and security of Pakistan and consider Pakistan their home, A-3 at Annexure A

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(g) That respondents have resources and relations with International/Isami Tanzeems, petitioner hope

~~THEY ARE ALL THE SAME AS THE OTHERS~~

of grievances of Baharis Muslims. When a task is started, Allah Almighty always helps for betterment of mankind.

(h) That it was the duty of the respondent to have considered the rehabilitation of Baharis Muslims but despite expiry of about three decades nothing productive has been done in this behalf.

7. That petitioner has no other adequate and efficacious remedy but to invoke the constitutional prerogative of this Hon'ble Court for redressal of grievances of Baharis Muslims voiced in this petition and in the survey report (Annexure A.).

It is, therefore, most respectfully and humbly prayed that inaction and silence of respondents in the matter of transportation of Baharis Muslims into Pakistan and their settlement herein, may be declared as illegal,

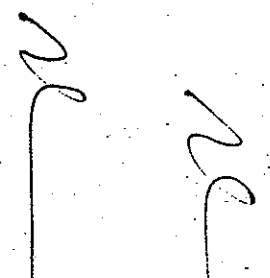


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Settling them besides Meter-way and other appropriate parts of the country so to give them reward for their sacrifices given by them for Pakistan in 1947 and for their love, affection and relation with Pakistan, and to save the future of their daughters, children, Ummat Mohammadi (PBUH) as our religion and traditions also teach us to help the mankind.

It is further prayed that pending the decision of the writ petition, respondents may be asked to submit report of their plan and action, measures taken by them on this human, Bahá'í Muslim issue.

Any other relief which this Hon'ble Court may deem fit may also be allowed to petitioner, in the above context.


Petitioner

(M. D. TAHIR, Advocate)
10-Syed Miran Manz Darya Road, Lahore.


Dated: 27.2.1998.

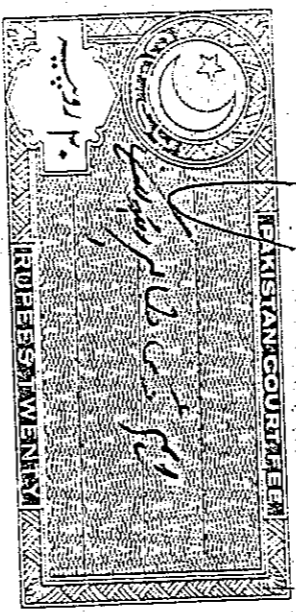
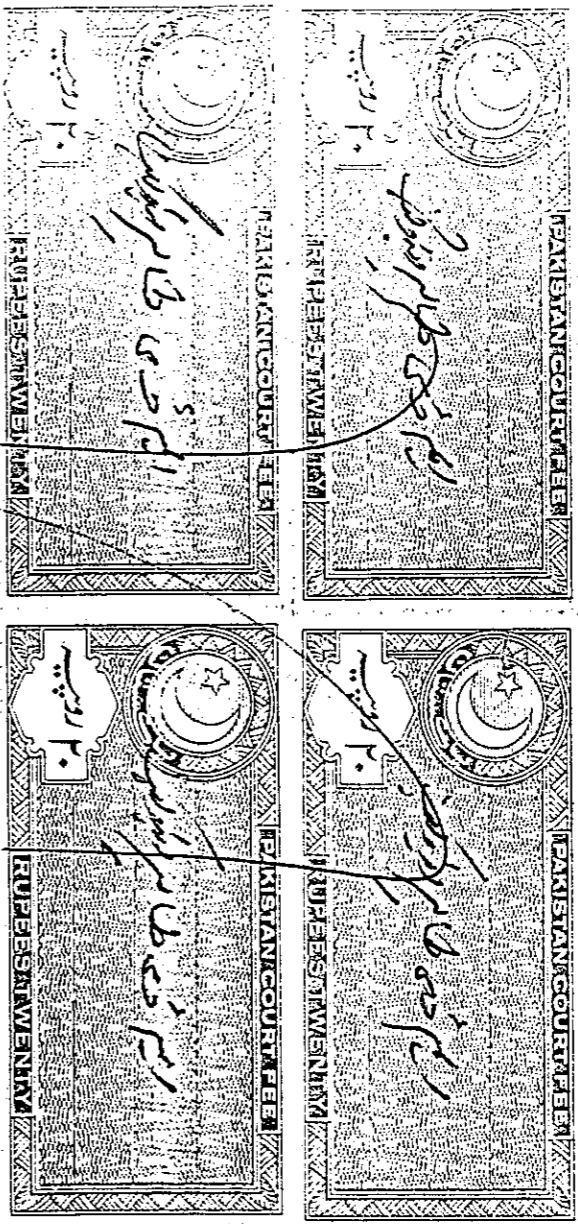
Certified that this is first petition by

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In The Lahore High Court Cause -

UP 3585 - 1 P 8



M. D. J. Adhikari

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