

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
[CONSTITUTIONAL JURISDICTION]

Constitution Petition No.D-1171 of 2012

1. Pakistan Institute of Labour
Education & Research,
a company incorporated under
the laws of Pakistan,
registered office at PILER Centre,
ST-001, Sector X, Sub-Sector V,
Gulshan-e-Maymar,
Karachi-75340
2. Javed Iqbal Burqi
Son of Muhammad Deen,
Muslim, Adult,
Resident of 14/10 4A, Nazimabad,
Karachi
3. Najma Sadiq
Daughter of Dr. Abdul Sadiq
Muslim, Adult,
Resident of 1/6, Rimpa Sunbeam,
5, Khaliqul-Zaman Road,
Clifton, Karachi-75530
4. Saeed Baloch
Son of Abdul Ghaffar
Muslim, Adult,
Resident of Plot AK 30-32,
Street No.8, Kalakot,
Gabool Road, Lyari,
Karachi
5. Aurat Publication & Information Service,
Foundation, a non-profit Society registered
under the Societies Registration Act XXI of 1860,
having its offices at F-56/1/I,
Block-7, K.D.A. Scheme No.5,
Clifton, Karachi
6. National Organisation for Working Communities,
a non-profit organisation registered under
the Voluntary Social Welfare
Agencies (Registration & Control) Ordinance, 1961,
having its office at Flat No.12, 1st Floor,
Al Mubashir Apartment, SB36, Block-13-C,
Gulshan-e-Iqbal, Karachi
7. Shirkat Gah Women's Resource Centre,
a non-profit Society registered
under the Societies Registration Act, XXI of 1860,
having its offices at Flat No.1,
Khuhro Apartment, G-18, Main Clifton Road,
Block-5, Clifton,
Karachi.....Petitioners

Versus

1. Province of Sindh,
through the Secretary for Home Affairs,
Home Ministry/Department,
Government of Sindh,
Sindh Secretariat,
Karachi
2. Province of Sindh,
through the Secretary for Law,
Ministry of Law,
Government of Sindh,
Sindh Secretariat,
Karachi
3. Malik Bilal Mustafa Khar
Son of Malik Ghulam Mustafa Khar,
Muslim, Adult,
Resident of P.S. Sunanwan,
Post Office Sunanwan, Bham Dhara,
Tehsil Kot-Addu,
District Muzaffar Garh,
Province of Punjab
4. I.G. Sindh,
Police Head Office,
I.I.Chundrigar Road,
Karachi.....Respondents

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

Karachi

Dated: May 11th, 2012

Advocate for the Petitioners

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
[CONSTITUTIONAL JURISDICTION]

Constitution Petition No. 1171 of 2012

1. Pakistan Institute of Labour
Education & Research,
a company incorporated under
the laws of Pakistan,
registered office at PILER Centre,
ST-001, Sector X, Sub-Sector V,
Gulshan-e-Maymar,
Karachi-75340
2. Javed Iqbal Burqi
Son of Muhammad Deen,
Muslim, Adult,
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4. Saeed Baloch
Son of Abdul Ghaffar
Muslim, Adult,
Resident of Plot AK 30-32,
Street No.8, Kalakot,
Gabool Road, Lyari,
Karachi.....Petitioners

Versus

1. Province of Sindh,
through the Secretary for Home Affairs,
Home Ministry/Department,
Government of Sindh,
Sindh Secretariat,
Karachi
2. Province of Sindh,
through the Secretary for Law,
Ministry of Law,
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3. Malik Bilal Mustafa Khar
Son of Malik Ghulam Mustafa Khar,
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Tehsil Kot-Addu,

District Muzaffar Garh,
Province of Punjab

4. I.G. Sindh,
Police Head Office,
I.I. Chundrigar Road,
Karachi.....Respondents

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

It is most respectfully and most humbly submitted on behalf of the abovenamed
Petitioners as under:

1. That the Petitioners are public spirited individuals and organizations who, through this petition seek, interalia, justice for the (late) Fakhra Younus, in relation to her attempted murder case involving an acid attack on her, and also seek the affective implementation of the Criminal Law (Second Amendment) Act, 2011. It is submitted that the facts and grounds relevant to this petition are narrated herein below.
2. That the Petitioner No.1 is an organization, primarily working in the field of labour rights, but is also involved in activities for the enforcement of legal justice for the oppressed people of Pakistan. It is submitted that the Petitioners No.2 is a known legal activist, who has been involved in various struggles for the enforcement of legal rights of the poor. It is further submitted that the Petitioner No.3 works for Shirkat Gah and Petitioner No.4 works for Pakistan Fisher Folk Forum, both organizations which are known for their work in the field of social and legal justice for the poor and the women in Pakistan.
3. That on May 14th, 2000, Ms. Shahida Malik reported to the police that Bilal Khar, along with an unknown person, had thrown acid on Bilal Khar's wife i.e. Fakhra Younus, and her son i.e. Irfan Malik. It is submitted that due to the aforementioned acid attack, Fakhra Younus had suffered severe burns on her body and entire face and Irfan Malik had also suffered burns on his body. It is further

submitted that a F.I.R. No.33/2000, under Sections 324/336/34, P.P.C., 1860, was registered at P.S. Napier, Karachi (South). It may be noted here that Shahida Malik was the complainant in the aforementioned F.I.R. and Shahida Malik was an eye witness at the crime scene and was the mother-in-law of Fakhra Younis's sister i.e. Kiran. *A copy of the aforementioned F.I.R. No.33/2000 is annexed and marked as **Annex 'A'**, a copy of certain photographs of the acid victim and a copy of chemical examiner report is annexed and marked as **Annex 'B' to 'B-4'** respectively.*

4. That the accused Malik Bilal Mustafa Khar (hereinafter referred to as 'Bilal Khar') absconded for nearly 2½ years after the registration of the abovementioned F.I.R. against him. It is submitted that the challan was submitted by the police in the abovementioned F.I.R. It is further submitted that as Bilal Khar was absconding, the trial Court conducted proceedings under Section 512, Cr.P.C., 1898, of the witnesses namely Ms. Shahida Malik (Exh. No.5), Aamir Malik (Exh. No. 6), Mst. Kiran (Exh. No.7) and Irfan Malik (Exh. No. 8). It is important to note here that apart from Fakhra Younus, there were the aforementioned four eye witnesses to the incident of attempted murder through an acid attack and all the aforementioned witnesses categorically stated in their testimony that they all knew Bilal Khar (i.e. the husband of Fakhra), they all saw him come and flee from the crime scene and atleast two of them were witnesses to the acid being actually thrown by Bilal Khar. It is extremely important to note here that all the aforementioned eye witnesses informed the Court that they were being threatened by Bilal Khar. It may be noted here that the aforementioned four witnesses were related to Fakhra i.e. Kiran was here sister, Irfan Malik was Kiran's husband, Shahida Malik was Kiran's mother-in-law and Aamir Malik was Irfan Malik's brother. *Copies of the aforementioned challan, public advertisement of abscondence and evidence of Shahida Malik, Aamir Malik, Mst. Kiran and Irfan Malik is annexed and marked as **Annex 'C', 'D' and 'E' to 'E-3'** respectively.*

5. That Bilal Khar was finally arrested from Muzaffar Garh on November 1st, 2002. It is submitted that charge was framed in Session Case No. 63/2002 ('Fakhra Younus case') on November 28th, 2002, and Bilal Khar pleaded not guilty to the charge in this case. It is submitted that after the framing of the charge, the evidence of four of the eye witnesses (namely Aamir Malik, Kiran, Shahida Malik and Irfan Malik) was recorded by the trial Court on March 20th, 2003, and March 22nd, 2003. It is further submitted that the aforementioned four eye witnesses retracted their earlier evidence against Bilal Khar and in a complete turn about now gave evidence that they did not recognize Bilal Khar and also that the Bilal Khar in court was different from the person who threw the acid on Fakhra and Irfan and also that there was another Bilal Khar who they described as a person of small structure with small pox marks on his face. It is surprising that neither did the trial Court take notice of the fact that the four eye witnesses had retracted their earlier evidence nor of the fact that it was on the record that they had earlier stated that they are being threatened by Bilal Khar. Instead, the trial Court through order dated: March 22nd, 2003, granted bail to Bilal Khar. *A copy of the report showing the arrest of Bilal Khar, the order sheet dated: 22-3-2003, the Charge and the aforementioned evidence of Aamir Malik, Kiran, Shahida Malik and Irfan Malik is annexed and marked as 'F' to 'F-2' and 'G' to 'G 3' respectively.*
6. That in view of her severe medical condition, Fakhra Younus was in Italy due to the multiple operations being performed to reconstruct her face and body. It is submitted that the evidence of the doctor was also to be recorded by the trial Court and for this purpose, the trial Court through order dated: November 13th, 2003, issued directions for the recording of evidence of the doctor on the next date of hearing. *A copy of the relevant order sheet is annexed and marked as 'H'.*
7. That the Session Case No. 63/2002 ('Fakhra Younus case') was fixed for the recording of evidence of a number of key witnesses on December 16th, 2003. It is submitted that on that date (i.e. 16-12-2003), a number of key events took place. Firstly, the evidence of two police witnesses, namely Amjad Ali Khan (witness

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No.7) and Shoukat Ali (PW-8) was recorded. Secondly, a quashment application dated: 16-12-2003 was moved on that very date by the counsel of Bilal Khar. Thirdly, on that very date, notices were issued to the Prosecutor and he received a copy of the application and was prepared to argue on that application. Fourthly, the trial Court did not bother to record the evidence of the other key witnesses nor made any effort to have the evidence of the victim i.e. Fakhra Younus, to be recorded. Fifthly, on that very date, arguments are heard by the trial Court on the quashment application. Fifthly, on that very date, Session Case No.63/2002 is quashed against Bilal Khar through a Judgment dated: 16-12-2003, comprising of six pages (hereinafter referred to as the 'Impugned Judgment'). *Copies of the evidence of Amjad Ali Khan and Shoukat Ali, quashment application and Judgment dated: 16-12-2003 of the trial Court is annexed and marked as **Annex 'I', 'I-1', 'J' and 'J-1'** respectively.*

8. That in the month of March, 2012, Fakhra Younus finally gave up and committed suicide in Rome, Italy. It is submitted that it has been widely reported in the newspapers and T.V. that the main reason for her to commit suicide was her failure to get justice from the Pakistani's court against Bilal Khar. It is submitted that the Petitioners being conscious of their duties towards the victims of violence decided to initiate legal proceedings in order to get justice for the (late) Fakhra Younus, as even her relatives above had abandoned her quest for justice. *A copy of the relevant newspaper clipping is annexed and marked as **Annex 'K'**.*

9. That the Parliament of Pakistan has recently enacted the Criminal Law (Second Amendment) Act, 2011, through which a number of amendments have been made in the criminal laws, to deal with the abovementioned crime of acid attacks against women. It is submitted that the Petitioners are disturbed by the fact that no concrete steps have been taken in pursuant to the aforementioned law so that the crime of acid attacks against women is radically reduced. *A copy of the aforementioned Criminal Law (Second Amendment) Act, 2011, is annexed and marked as **Annex 'L'**.*

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10. That it is most respectfully and most humbly submitted that being aggrieved by the abovementioned Impugned Judgment of the trial Court and actions and inactions of the Respondents as being unconstitutional, illegal and malafide, the Petitioners having no alternative or efficacious remedy except to invoke the Constitutional jurisdiction of this Court on the, inter alia, facts and grounds stated herein.

GROUNDS

- A. That it is a fact that the statement of all the witnesses had not been recorded in Session Case No.63/2002, specially the evidence of the two key witnesses, namely the doctor and Fakhra Younus. It is settled law that the powers under Section 265-K, Cr. P.C., 1868, cannot be exercised in order to deprive the victims of the crime of a fair trial, which can only take place if the prosecution and the victim of the crime has a opportunity to record the evidence of its witnesses. It is submitted that the Impugned Judgment is without jurisdiction and illegal because it is an arbitrary and pre-mature exercise of quashment without the recording of the entire evidence. Therefore, the Impugned Judgment is a violation of Article 4 of the Constitution, 1973, is illegal and is liable to be setaside.
- B. That it is a fact that the evidence of the main eye witness and the victim of the crime i.e. Fakhra Younus, was not recorded, before the trial Court pre-maturely quashed the proceedings against the Respondent No.3 ('Bilal Khar'). It is settled law that it was the legal duty of the trial Court to ensure that the evidence of the main witness was recorded. It is further submitted that the Impugned Judgment is without jurisdiction and illegal because the trial Court completely failed to take any substantive steps to ensure the recording of evidence of the main witness i.e. Fakhra Younus, before pre-maturely exercising it's quashment powers. Therefore,

the Impugned Judgment is a violation of Article 4 of the Constitution, 1973, is illegal and is liable to be set aside.

- C. That it is a fact that in the proceedings under Section 512, Cr.P.C., 1898, the four eye witnesses (namely, Shahida Malik, Irfan Malik, Aamir Malik and Kiran) had categorically implicated the Respondent No.3 ('Bilal Khar') as the person who committed the offence. It is also a fact that it is on record that these aforementioned witnesses had informed the Court that they were being threatened by the Respondent No.3 ('Bilal Khar'). Surprisingly, in their later evidence these aforementioned witnesses retracted their earlier evidence, which clearly indicates that this later evidence was not recorded as a result of free will. It is settled law that it was the duty of the trial Court to ensure that the evidence of the witnesses was recorded without inducement or intimidation. It is further submitted that the Impugned Judgment is without jurisdiction and illegal because the trial Court failed to ensure that the evidence of the witnesses was recorded without inducement or intimidation. Therefore, the Impugned Judgment is a violation of Article 4 of the Constitution, 1973, is illegal and is liable to be set aside.
- D. That it is amazing that on 16-12-2003, numerous events happened e.g. the recording of evidence of two witnesses, the immediate institution/filing of the quashment application, notice on this application as well as the prosecutor being ready to argue on this application, arguments heard on the application and the Impugned Judgment comprising of 6 pages announced on this very day. It is most respectfully and most humbly submitted that these aforementioned events clearly show illegality and malafides and as a consequence, has led to a denial of due process and justice to the victim guaranteed under Articles 4 & 9 of the Constitution, 1973. Therefore, the Impugned Judgment is a violation of Articles 4 & 9 of the Constitution, 1973, is illegal and is liable to be set aside.
- E. That in view of the grounds as stated above i.e. Grounds No. A to C, it is obvious and apparent that the victim i.e. Fakhra Younus, has been denied her

constitutional rights of due process and justice guaranteed under Articles 4 & 9 of the Constitution, 1973. Therefore, the Impugned Judgment is a violation of Articles 4 & 9 of the Constitution, 1973, is illegal and is liable to be set aside.

F. That it is a fact that the Impugned Judgment was passed on 16-12-2003. It is also a fact that neither the Complainant nor the State filed any acquittal appeal against the Impugned Judgment. It is most respectfully and most humbly submitted that there is no bar under the law or the constitution to cure a manifest injustice rather it is an inherent and constitutional duty of this Hon'ble Constitutional Court to cure a grave and manifest injustice under its inherent power to do justice and under Article 199 of the Constitution, 1973. It is obvious and apparent from the abovementioned facts and grounds that the Impugned Judgment is a clear example of a manifest injustice. Therefore, this Hon'ble Court has the powers to set aside the Impugned Judgment.

G. That in view of the grave injustice which has resulted as a result of the abovementioned Impugned Judgment, it is a constitutional imperative and duty of this Hon'ble High Court to lay certain guidelines in conducting trials, in which grave injustice may occur due to the power imbalance between the parties (especially in cases involving violence against women) and in view of the atmosphere of threat and inducement. It is most respectfully and most humbly submitted that these guidelines may be such as:

(i) That the expression 'Judicial Detachment' does not mean that judicial officers holding criminal trials should either be dummies or act merely like referees in boxing bouts but should actively ensure that justice should be done.

(ii) That the trial court should exercise its powers under Section 540, Cr.P.C., 1898 and Section 161, Qanun-e-Shahadat Order, 1984, and other provisions of law, in order to ensure that the criminal trial, as well as the evidence recorded, is done in a atmosphere free of inducement or intimidation.

(iii) That the trial court should be sensitive and cautious in cases involving violence against women, especially in cases of retracted evidence, and should take all necessary steps to ensure justice in such cases.

Therefore, this Hon'ble Court has the power under Articles 199, & 203, Constitution, 1973, to issue the above guidelines to the subordinate judiciary in Sindh.

H. That the Parliament of Pakistan has enacted the Criminal Law (Second Amendment) Act, 2011, through which a number of amendments have been made in the criminal laws, to deal with the abovementioned crime of acid attacks against women. It is submitted that the Petitioners are disturbed by the fact that no concrete steps have been taken in pursuant to the aforementioned law so that the crime of acid attacks against women is radically reduced. Surprisingly, the officer's subordinate to the Respondent No.4 ('I.G. Police') are not even aware that such a law has been enacted. Therefore, the in-action of the Respondents No.1, 2 & 4, in relation to the aforementioned law, is without jurisdiction and illegal and, thus, this Hon'ble Court has the constitutional power to ensure the enforcement of the aforementioned law.

I. That it is a fact that Fakhra Younus was out of the country due to medical reasons when the Impugned Judgment was passed and remained outside the country till her tragic death. It is also a fact that in view of the abovementioned retracted evidence of her relatives, it could not be expected that anyone but public spirited individuals and organizations would institute legal proceedings for justice for Fakhra. It is submitted that it is only upon the death of Fakhra that the Petitioners discovered the complete denial of justice to Fakhra Younus, especially when after her death the case record was obtained by the Petitioners. It is submitted that neither the bar of locus standi nor the bar of laches would apply to this petition. Therefore, this constitutional petition is maintainable.

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- J. That it is most respectfully and most humbly submitted that the Petitioner seeks the indulgence of this Honourable Court to raise further grounds at the time of the hearing of this Petition.

PRAYER

It is, therefore, most respectfully and most humbly prayed that this Honourable Court may graciously pass judgment and orders in the following terms:

- (a) Declare that Impugned Judgment dated: 16-12-2003, passed in Session Case No.63/2002, by the Sessions Judge (South), is unconstitutional, without jurisdiction, illegal, malafide and of no legal effect;
- (b) Remand the Session Case No.63/2002 to the Sessions Judge (South), and direct the Sessions Judge (South), to conduct the trial in Session Case No.63/2002 in accordance with law;
- (c) Direct all the criminal courts subordinate to the Honourable High Court of Sindh to follow the following guidelines in conducting criminal trials:
- (j) That the expression 'Judicial Detachment' does not mean that judicial officers holding criminal trials should either be dummies or act merely like referees in boxing bouts but should actively ensure that justice should be done.
- (ii) That the trial court should exercise its powers under Section 540, Cr.P.C., 1898, and under Section 161, Qanun-e-Shahadat Order, 1984, and other provisions of law, in order to ensure that the criminal trial, as well as the evidence recorded, is done in a atmosphere free of inducement or intimidation.

- (iii) That the trial court should be sensitive and cautious in cases involving violence against women, especially in cases of retracted evidence, and should take all necessary steps to ensure justice in such cases.
 - (iv) Any other guidelines that this Honourable Court may deem necessary and just.
- (d) Direct the Respondents No.1, 2 & 4, to ensure that all police officers in Sindh are aware of the Criminal Law (Second Amendment), 2011, and to further ensure the strict and complete compliance of the Criminal Law (Second Amendment), 2011, all over Sindh;
- (e) Grant such further, additional or alternative relief, as this Honourable Court may deem fit and proper;

PETITIONER NO.1

PETITIONER NO.2

PETITIONER NO.3

PETITIONER NO.4

ADVOCATE FOR THE PETITIONERS

Karachi

Dated: April 2nd, 2012

DOCUMENTS FILED:	As shown in the petition
DOCUMENTS RELIED UPON:	The abovementioned documents e.t.c.
ADDRESS OF PETITIONER:	As per in title of the petition
ADDRESS OF PETITIONER COUNSEL:	Faisal Siddiqi Advocate HC-8504/HC/KHI F-66/3, Park Lane, Block-5, Clifton, Karachi.

DRAWN BY ME

ADVOCATE

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. _____ of 2012

Pakistan Institute of Labour Education & Research and Others.....Petitioners

Versus

Province of Sindh and Others.....Respondents

AFFIDAVIT IN SUPPORT OF THE MAIN PETITION

I, Sharafat Ali, Son of, Sardar Ali, Muslim, Adult, resident/office at PILER Centre, ST-001, Sector X, Sub-Sector V, Gulshan-e-Maymar, Karachi, do hereby state on oath as under:

1. That I am the authorized representative of the Petitioner No.1, in this present petition and I am well conversant with the facts in this case.
2. That the accompanying Constitution Petition has been drafted, instituted and filed under the instructions of the Petitioner No.1, and for the sake of brevity, the entire contents of the accompanying Constitution Petition, may be read as a part of this Affidavit.
3. That unless the accompanying petition is granted, the Petitioner No.1 will be gravely prejudiced.
4. That whatever is stated above is true and correct to my knowledge and belief, and the law as stated in the accompanying Constitution Petition is believed to be correct in view of the advice received from my counsel.

DEPONENT

The deponent above named is known to me and is identified by me to the Commissioner for taking Affidavits.

ADVOCATE

Solemnly affirmed on oath before me at Karachi on this _____ day of April, 2012, by the deponent, above named, who has been identified to me by Mr. Nadeem Ahmed, Advocate, who is personally known to me.

COMMISSIONER FOR TAKING AFFIDAVITS

**IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)**

Constitution Petition No. _____ of 2012

Pakistan Institute of Labour Education & Research and Others.....Petitioners

Versus

Province of Sindh and Others.....Respondents

AFFIDAVIT IN SUPPORT OF THE MAIN PETITION

I, Javed Iqbal Burqi, Son of, Muhammad Deen, Muslim, Adult, resident/office at 14/10, 4A, Nazimabad, Karachi, do hereby state on oath as under:

1. That I am Petitioner No.2, in this present petition and I am well conversant with the facts in this case.
2. That the accompanying Constitution Petition has been drafted, instituted and filed under the instructions of the Petitioner No.2, and for the sake of brevity, the entire contents of the accompanying Constitution Petition, may be read as a part of this Affidavit.
3. That unless the accompanying petition is granted, the Petitioner No.2 will be gravely prejudiced.
4. That whatever is stated above is true and correct to my knowledge and belief, and the law as stated in the accompanying Constitution Petition is believed to be correct in view of the advice received from my counsel.

DEPONENT

The deponent above named is known to me and is identified by me to the Commissioner for taking Affidavits.

ADVOCATE

Solemnly affirmed on oath before me at Karachi on this _____ day of April, 2012, by the deponent, above named, who has been identified to me by Mr. Nadeem Ahmed, Advocate, who is personally known to me.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. _____ of 2012

Pakistan Institute of Labour Education & Research and Others.....Petitioners

Versus

Province of Sindh and Others.....Respondents

AFFIDAVIT IN SUPPORT OF THE MAIN PETITION

I, Najma Sadiq, daughter of, Dr. Abdul Sadiq, Muslim, Adult, resident/office at 1/6, Rimpa Sunbeam 5, Khaliqul-Zaman Road, Clifton, Karachi, do hereby state on oath as under:

1. That I am Petitioner No.3, in this present petition and I am well conversant with the facts in this case.
2. That the accompanying Constitution Petition has been drafted, instituted and filed under my instructions, and for the sake of brevity, the entire contents of the accompanying Constitution Petition, may be read as a part of this Affidavit.
3. That unless the accompanying petition is granted, the Petitioner No.3 will be gravely prejudiced.
4. That whatever is stated above is true and correct to my knowledge and belief, and the law as stated in the accompanying Constitution Petition is believed to be correct in view of the advice received from my counsel.

DEPONENT

The deponent above named is known to me and is identified by me to the Commissioner for taking Affidavits.

ADVOCATE

Solemnly affirmed on oath before me at Karachi on this _____ day of April, 2012, by the deponent, above named, who has been identified to me by Mr. Nadeem Ahmed, Advocate, who is personally known to me.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. _____ of 2012

Pakistan Institute of Labour Education & Research and Others.....Petitioners

Versus

Province of Sindh and Others.....Respondents

AFFIDAVIT IN SUPPORT OF THE MAIN PETITION

I, Saeed Baloch, son of, Abdul Ghaffar, Muslim, Adult, resident/office at Plot AK 30-32, Street No.8, Kalakot, Gabool Road, Liyari, Karachi, do hereby state on oath as under:

1. That I am Petitioner No.4, in this present petition and I am well conversant with the facts in this case.
2. That the accompanying Constitution Petition has been drafted, instituted and filed under my instructions, and for the sake of brevity, the entire contents of the accompanying Constitution Petition, may be read as a part of this Affidavit.
3. That unless the accompanying petition is granted, the Petitioner No.4 will be gravely prejudiced.
4. That whatever is stated above is true and correct to my knowledge and belief, and the law as stated in the accompanying Constitution Petition is believed to be correct in view of the advice received from my counsel.

DEPONENT

The deponent above named is known to me and is identified by me to the Commissioner for taking Affidavits.

ADVOCATE

Solemnly affirmed on oath before me at Karachi on this _____ day of April, 2012, by the deponent, above named, who has been identified to me by Mr. Nadeem Ahmed, Advocate, who is personally known to me.

COMMISSIONER FOR TAKING AFFIDAVITS