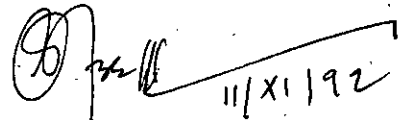


This Shariat Petition is filed by Mr. Muhammad Ayub Chaudhry, Advocate on behalf of Mehroof and 63 others, challenging para No.650 of the Riwanama of Swat as repugnant to the Injunctions of Islam.

The said Riwanama has the force of law in Swat. As per para 650 of this Riwanama, the Gujar caste dwelling in Swat have no right over immoveable properties in Swat. If they claim to have such property in Swat, they have to present twenty matbles of the locality in support of their claim. The relevant portion of the said Riwanama is reproduced below:

بارشاه صاحب اور میرا یہ حکم ہے کہ سوات میں گوجر قبیلے کا ذاتی جائیداد (دختر) یا سیری نہیں ہے۔ اگر ہا اور اس بارے میں کوئی دعویٰ کرے تو عدالتی قسٹکے یا گاؤں (سابقہ کلونینی) کے بیس تیرس فیڈریٹس (مشران) پر قیامت پیش کریں گے۔

When we examine this Riwanama on the touch stone of Islamic Injunctions, we find it contradictory. Because in Islam, every muslim citizen has the right to possess such property, even in circumstances, It becomes the responsibility of the state to provide such facilities. Secondly if an individual of Gujar caste claims to have such property in certain locality, he has to present twenty persons having good reputation, to prove his claim. This provision is also not in consenance with the Islamic Injunctions because in Shariah, the evidence of two reliable witnesses is considered sufficient to prove the right of ownership. Therefore the condition of twenty person does not correspond Shariah and is liable to necessary amendment.



(Fazal Elahi)

S.R.c.T.O.