

Anwar Ditta Defence Committee

127 Crawford St., Rochdale

Telephone 39832

DETAILS

Anwar Ditta

Born in Birmingham-28 Nov.1953
Brought up in Rochdale
Married Shuja Ud Din in Pakistan
in 1968

Parents separated in 1962 and custody
given to father who sent Anwar and her
sister to Pakistan to be looked after
by grandparents.

Children

Kamran-born 7th Nov.1970 in
Pakistan.
Imran-born 21st.June 1972 in
Pakistan.

Saima-born 16th July 1972 in Pakistan
Samera-born 6th April 1976 in Britain

Case History

Shuja Ud Din came to England
in 1974
Anwar Ditta came to England in
1975
Applied for children on 9th
Sept.1976 *1

Family interviewed on 21st.Feb.1978

Refused entry 18th May 1979

Appealed against decision on 8th June
1979

Public meeting in Rochdale sets up defence committee-Nov.1979

Anwar speaks at London rally of 20,000*2

Petition with over 3000 signatures handed to Timothy Raison*3

Demonstration in Rochdale of over 300 people-1st.March 1980

Demonstration in Manchester of over 500 people-26th April 1980

Appeal heard on 28th April and
16th May 1980 in Manchester

Silent pickets outside appeal hearing
and court-room packed with supporters
on both occasions.

Appeal refused on July 30th.
1980

Emergency meeting in Rochdale with
large attendance from local Asian
community-10th Aug. 1980

Demonstration at Rochdale of over 300
people-6th.Sept.1980

16th Sept.1980-leave to appeal
against adjudicators decision
refused

23 rd.Sept.1980 -Picket of Home office
in London.

Evidence Submitted

Birth certificates of the three children and marriage certificate
Family photographs showing Anwar ,Shuja, and their children.
Statements from witnesses to the births in Pakistan.
Tax forms showing allowances for four children.
Mortgage application mentioning four children.
Remittance receipts, some dated prior to the application

Adjudicators Ground for refusal(extracts)

"Although in my view the Entry Clearance Officer was justified on the basis of the evidence before him in refusing the application, the oral testimony could be sufficient to tip the balance in the appellants favour. The object and purpose... is to enable the adjudicator ... from his impression of the witnesses... to judge their credibility... I could not accept that Anwar Ditta and Hamida Rafique were simple Asian village woman... Although they left the UK in mid-childhood... be lacking in education , they had an excellent command of English and were far more westernised and sophisticated in their demeanor than the average member of the immigrant community... I cannot exclude from any consideration of the credibility of members of the family...." He further added, "It has long been accepted and rightly so that if a person has lied once it does not mean that they will never tell the truth and persons should not be penalised for a previous lie by being prevented from having their family reunited..."

The PARENTS of the appellants have on their own admission on several occasions lied to, or deceived, persons in official positions both in UK and Pakistan... In these circumstances I cannot find that the appellants have on the balance of probabilities discharged the burden of proof upon them and dismiss the appeal."

Comments

The so-called lies and deceit the adjudicator refers to are:
(i) Anwar was married in Pakistan to Shuja Ud Din at the age of 14½ and the Maulvi put her age as 22 because 14½ is below the legal age of marriage in Pakistan*4
(ii) Anwar and Shuja Ud Din re-married in the local register office where they agreed that they were a bachelor and spinster, while they were already married to each other in Pakistan. Anwar and Shuja did not understand the full implications of

the words bachelor and spinster and at any rate they thought their muslim marriage in Pakistan would not be recognised in the UK- that is why they decided to marry in a register office in the first place.

Notes:

- *1 After Anwar and Shuja could afford a house
- *2 The Nov.1979 Rally against Immigration Laws
- *3 Timothy Raison-Minister responsible for immigration. The petition was handed at a picket of the Manchester town-hall where he spoke.

- *4 A girl can give herself in marriage if she wishes below the age of 16, if she has attained puberty and the marriage would be valid though the person officiating and the groom himself where he was over 18 would be liable for punishment under the child marriage restraint act (see 22 DLR 1970 Bakshi vs Bashir Ahmed) This particular act contains many anomalies and was never fully accepted by the clergy, because it is not in total agreement with the Islamic Shariya, and has caused tremendous amount of confusion even among the legal profession in Pakistan.