

PW.2.

Kinza Munir, daughter of Munir Ahmad, aged about 27 years, r/o Fl: No.7-C, 7th floor Block B, Askari-II Badia, Lahore. CINC No.35201 (641353-2).

ON OATH:-

I am a digital media manager working in Happa Studio. Other than being a digital media manager, I am also ^apart time singer. On 23rd of December 2017, I had to perform as play back singer in a concert of Ali Zafar and Meesha Shafi. Prior to the concerts, we used to do rehearsal/jamming. One day prior to the concert, the jamming was held in the house of plaintiff. 10 to 12 people including defendant participated in the Jamming session. It took about 45 to 60 minutes. When the defendant joined the jamming session, I was already present there. The defendant came, greeted the plaintiff and they hugged each other. After the session, the defendant again hugged the plaintiff. In the said session, the plaintiff and the defendant remained in the center while the other musician made circle around them. Their ^{ed}intense distance would be 3 to 4 feet. I know about the allegation leveled by the defendant against the plaintiff during this jamming session. As per allegation of defendant, she alleged that the plaintiff groped the defendant during the jamming session. This groping is not possible in that situation because other people were continuously focused on the plaintiff and the defendant. My focus was also on them being a backing vocalist. I had to follow the lead singers. I performed many concert with the plaintiff even outside the Pakistan. My experience with him has been very pleasant and professional. I know about the interview of the defendant in step "The Daily News International" on 21.04.2018. Initially, I did not show my reaction but when the defendant made allegation of sexual harassment in the jamming sessions then I posted a post on the instagram to the effect that such sexually harassment was not possible in the said session as I could not discern from the behavior and body language of the defendant that she was being sexually harassed ^{ed}in jamming session.


At this stage, the witness produced her mobile phone containing post dated 21.04.2018 on her account on instagram. A print out of the said post was produced by her which is exhibited as Ex.PW.2/1.

After jamming session, the actual concert was performed on the next day by the same people including plaintiff and defendant. On the same day prior to actual performance of concert, there was another short rehearsal called sound checking. The concert was good and the response from the audience was also good.

Xxxxx learned counsel for the defendant.

Reserved.

RO & AC:
11.02.2019


Amjad Ali Shah
Addl. District Judge,
Lahore.

PW.2. Kinza Munir has been recalled and reaffirmed.

Xxxxx learned counsel for the defendant.

I fully believe in Me too Movement and sexual harassment in work place does exist. Only the concerned woman can tell the reason for leveling allegation of sexual harassment. I don't know as to whether the incident of sexual harassment in our society are reported or not. It is incorrect that due to society pressure, the victim of sexual harassment usually don't report the crime and it depends upon the response of the concerned woman. I have never experienced any sexual harassment at work place. It is incorrect that hugging and kissing in our music industry is a norm rather it depends upon the concerned parties. my main focus of work is digital media manager but I don't perform this work for the plaintiff. It is correct that the main singer or producer of musical band hire my services if need ^{be} ~~me~~. It is responsibility of the said producer ^{or} ~~of~~ singer to make arrange of my inside or outside travelling.

In jamming sessions about which I deposed in my chief many people was present including me, Kashif, Qaisar, Asad Ahmad, Joshva, Ali Maaz, Aqsa Ali, Taqi. Bakar, Ali Zafar and manager of Ali Zafar. Mrs Ali Zafar and son did not come in the jamming session, however, prior ^{to} jamming session and even afterwards she came there. I was standing at a distance of 5/6 feet from Meesha and Ali Zafar almost in front.

PW.2

Q. Keeping in view your distance from Ali Zafar and Meesha whether you was able to see as to what his right hand was doing?

Ans. I was following the movement of his hand so I could see.

Q. Could you still see the movement of his hand if it was placed on the back of her (Meesha).

Ans. Naturally I could not.

The inter-se distance between Meesha and Ali Zafar was just one to two feet. It is correct that in front of them, there was a lyrics stand. It is correct that in front of both of them there was a separate lyrics stand. I don't remember as to whether there were two separate mics or not. Muhammad Taqi Bhai and Baqir Bhai were on the left side of Ali Zafar while standing in jamming session. Other peoples standing on the right side were Kashif and Joshua. Ali Mauz and Asad Ahmad were sitting on a sofa in front of Meesha and Ali Zafar. Aqsa Ali and myself were on chairs on the front left side of Ali Zafar and Meesha. Drummer was at the back of Meesha and Ali Zafar facing the wall. It is correct that in jamming sessions, there are breaks for bathroom, tea and cigarette etc. I do remember the songs i.e. "My way" and "time of my life" were the two songs that were practiced during the jamming sessions. I do remember lyrics of the songs by heart but I don't remember if there was a lyric paper in my hand. When the jamming session was over, Meesha went out. Ali Zafar and his Mrs did not go to see her off. I don't remember if any other person went to see her off.


Q. Is it correct that the plaintiff may have harassed the defendant, but you could not have possibly known/seen because your eyes could not have possibly been at the back side of plaintiff and defendant, as you yourself said in your statement that you were standing in front of both plaintiff and defendant?

Ans. It's not possible.

It is incorrect to suggest that my answer to this question is false. I don't know if my family would object to my working with somebody having bad repute. It is incorrect to suggest that I have posted messages on instagram dated 21.04.2018 on the asking of Ali Zafar just to favour him. It is incorrect to suggest that I have deposed

falsely today and concealed material truth in my answers just to favour Ali Zafar. At this stage, the witness was confronted with small video clip of two minutes twenty three seconds of the jamming session to which the witness confirmed that it was a small clip of that jamming session. Learned counsel for the defendant wanted to get this video exhibited but the learned counsel for the plaintiff has serious objection on the ground that the same was neither relied upon nor earlier referred nor it is inconsistent with the previous statement of the witness. (The said objection would be decided after recording of entire evidence of the plaintiff.). However, the said USB device was taken into the court possession and the question of its exhibition would be decided at the time of final judgment).

RO & AC:
29.05.2019


Amjad Ali Shah
Addl. District Judge.
Lahore.



Suit No. _____/2018

Ali Zafar
Versus
Meera Shafi

AMJAD ALI
Additional District Judge
Lahore.

AFFIDAVIT OF MS. AQSA ALI (BACKING VOCALIST), DAUGHTER OF MOHAMMAD ASHRAF ALI, R/O HOUSE NO.490, BLOCK-Z, STREET 23, PHASE-III, DEFENCE HOUSING AUTHORITY, LAHORE, BEARING NATIONAL IDENTITY CARD NO.35201-4896399-2.

I, the above named Deponent, do hereby solemnly affirm and declare on oath as under:-

I am a Backing Vocalist/Singer by profession and I have been associated with this profession since some time. Besides Ali Zafar, I have also worked with other Artists.

I worked with the Plaintiff Ali Zafar and Defendant Meera Shafi as a backing vocalist in an event in Islamabad on 23.12.2017. The Defendant and Plaintiff were performing together at this event. The rehearsal for this event was a day earlier at the residence of the Plaintiff where there were seven musicians, two backing vocalists inclusive of me, and the Defendant and the Plaintiff as lead singers. At this rehearsal at the residence of the Plaintiff, the Plaintiff and the Defendant both were present. When the Defendant arrived at the residence of the Plaintiff to participate in the rehearsal, I was already present at the residence of the Plaintiff at that time thus present at the jamming session. When the Defendant entered, she waived her hand towards the guitarist Asad Ahmed and hugged the Plaintiff. The Defendant was present at the residence of the Plaintiff for a period of 45 minutes to an hour. The Defendant came to this jamming session and left this jamming session happily, on both instances (arrival and departure) she hugged the Plaintiff. The manager of the Plaintiff (Taha) escorted the Defendant from the jamming session. The Defendants manager also departed at the same time as the Defendant departed. At the time of the Defendant's departure from the residence of the Plaintiff, all the Artists were present at the residence of the Plaintiff including myself. All the Artists were performing in the jamming session in a circular arrangement and in this arrangement, the backs of the Defendant and the Plaintiff were directly facing towards the Drummer. The distance between the Defendant and the Plaintiff was about 3 to 5 feet, the Defendant and the Plaintiff were standing over their respective mic stands in their capacities as lead singers. I was performing in close proximity to the lead singers. During the rehearsal, the eyes of all the artists were constantly towards the Defendant and the Plaintiff as we artists have to constantly look at the singers to adjust our vocals/instruments according to their ongoing beat as it was live music and not a track and in a live music artists have to constantly look at the lead singers to adjust cords etc. Likewise, my eyes were also constantly towards the Defendant and the Plaintiff. Prior to the concert dated 23.12.2017, there was a sound check where all the Artists, the Plaintiff and the Defendant were present. The concert witnessed excellent performances and the jamming session was also conducted in an excellent, amicable way.

The first time when I heard regarding the allegation leveled by the Defendant against the Plaintiff, I was left shocked but when it came to my knowledge that the allegation included the jamming session of which I was a part, I at once knew that the Defendant Meera Shafi was leveling false allegations on the Plaintiff. I could say this as I was part of the jamming session regarding which the Defendant had leveled the allegation (and I was there throughout the time the Defendant remained there and I was also there during the entire tenure of the jamming session). On 21.04.2018., I posted my statement on my

Instagram account refuting such allegations by the Defendant. My post on Instagram may kindly be brought onto record and be given an exhibit number. I did not see any such untoward incident happen before my eyes. I know the Plaintiff to be a man of excellent character and mannerisms.





(DEPONENT)

VERIFICATION:

Verified on oath at Lahore this ___ day of ___ that the contents of the above affidavit are correct to the best of my knowledge and belief and that nothing has been concealed or misstated therein.


(DEPONENT)

ATTESTED


Malik Shahid Pervaiz
ADVOCATE
OATH COMMISSIONER,
LAHORE HIGH COURT, LAHORE

20 MAY 2019