



PESHAWAR HIGH COURT,  
PESHAWAR

Annual Report  
**HUMAN RIGHTS CELL**

**2022**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



## MESSAGE OF THE CHIEF JUSTICE

As per Quran, the Almighty Allah bestowed dignity and honor upon humankind, elevating them above all the creations. In a profound act of reverence, Allah honored humanity by commanding the angels to kneel before Adam.

أَسْجُدُوا لِآدَمَ

*Prostrate yourselves before Adam... Al Quran 2:34*

The philosophy of Islam centers around justice, necessitating a holistic and unified perspective on rights and responsibilities. Within Islam, human rights are inseparable from faith. The Islamic concepts of human rights fundamentally rests upon the principles of human dignity and equality. While the pursuit of human dignity is universal, its manifestations are shaped by the diverse cultures of humanity.

In the present day human rights are perceived as interdependent and indivisible, placing a diverse range of responsibilities upon states. The judiciary's role is pivotal in safeguarding core human rights and ensuring the well-being of citizens against violation. Over the years, the Human Rights Cell, operating under the auspices of the Peshawar High Court, has significantly contributed to the advancement of human rights and fundamental freedoms. This dedicated body has addressed issues related to torture, involuntary detention, legal aid, minority rights, women's rights, children's rights and rights of special people with special needs.

The unveiling of the Annual Report for 2022 is commendable. This publication eloquently reflects the unwavering dedication and achievements of the cell. Within its pages one discovers strategic initiatives designed to foster analysis and swift intervention. To ensure the delivery of human rights to all, proactive measures are essential. By fortifying our system and enhancing their responsiveness, we can effectively address instances of human rights violations.

**Mr. Justice Mohammad Ibrahim Khan**  
Chief Justice,  
Peshawar High Court, Peshawar.



## **FOREWORD**

Human dignity and equality are two of the key values that underpin the concept of human rights, which are endorsed by every culture, every civilized government, and every major religion in the world.

The nature of human rights may still be debated by philosophers, but the international community expresses its commitment to human rights by adopting treaties and instruments. Major international human rights treaties require that an effective remedy be available for individual victims of human rights violations. A remedy consists of two elements: the victim's access to the appropriate authorities to have their claim fairly heard and decided, and the redress or relief that they can obtain. The Universal Declaration of Human Rights, adopted by the United Nation General Assembly in 1948, which is the foundation of the International Human Rights System and proclaims the inalienable rights of all human being.

The Peshawar High Court established a Human Rights Cell and a Legal Self Help Center to protect the fundamental rights of citizens and provide legal aid. The aim of this innovation is to ensure that access to justice is not denied to anyone because of poverty or lack of legal representation.

This book, Annual report of Human Rights Cell, 2022, presents the major achievements and milestones of the Cell. The chapters of this book showcase the concrete actions taken to promote human rights and fundamental freedoms. The Cell is committed to continue serving the public interest.

**Mr. Inam Ullah Wazir**  
**Registrar**  
**Peshawar High Court, Peshawar.**

*Annual report of Human Rights Cell, details the achievements of Human Rights Cell during the year 2022. It also highlights the progress of Legal Self-Help Center in offering legal help to the citizens through Call Center/ Helpline 1042. The object of this publication is the awareness of public regarding their rights and the services offered by the Human Rights Cell.*

*The Cell acclaims and accredits its contribution towards service delivery to the patronage of Hon'ble the then Chief Justice Mr. Justice Qaiser Rasheed Khan (Late), May Allah rest his soul in eternal peace. Mr. Justice Rooh-ul-Amin Khan, the then Senior Puisne Judge/Administrative Judge for prisons imparted incredible support in prisons related matters. The cell extends its gratitude to Mr. Justice Ibrahim Khan, Hon'ble the Chief Justice and Mr. Inam Ullah Wazir, Worthy Registrar, Peshawar High Court, for their support and guidance in the compilation and publication of this report.*

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## HISTORY & ACHIEVEMENTS

The Human Rights Cell was established in 2009. The Cell tasked with the protection of Fundamental Rights of the citizens has earned the trust and confidence of people with the passage of time. It seeks to ensure that all activities it undertakes, including mandatory complaint handling function interacts in a complementary and holistic way and all have an educative output by:

- Maintaining an extensive and accessible webpage of Human Rights Cell.
- Ongoing release of publications/Annual Reports.
- Online complaint registration.
- Provision of Legal Aid through Call Center helpline 1042.
- Embedding feature of online tracking of complaint via official website.
- Legal Assistance through pro bono lawyers.

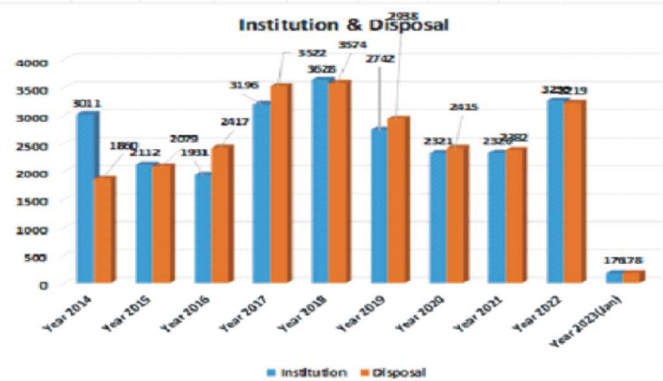
Timely documentation and response to emerging Human Rights violations and abuses through continuous monitoring, fact finding inquires, reports and legal aid have seen increased access to remedies for Human Rights violations.

# HUMAN RIGHTS CELL, PESHAWAR HIGH COURT, PESHAWAR

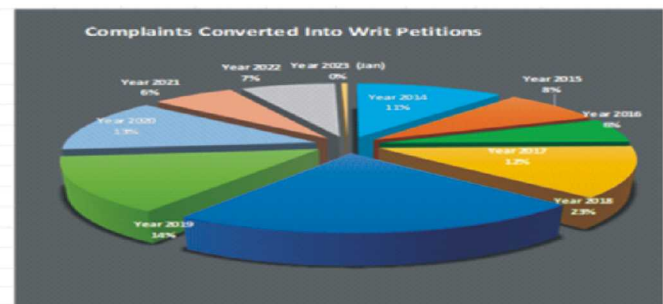
## PERFORMANCE INDICATORS

Human Rights Cell Peshawar High Court, Peshawar Institution & Disposal												
Year	Institution	Disposal										
		Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021	Year 2022	Year 2023	Pending
Year 2014	3011	1860	261	453	424	13	0	0	0			0
Year 2015	2112	-	1818	227	55	11	1	0	0			0
Year 2016	1931	-	-	1737	187	6	1	0	0			0
Year 2017	3196	-	-	-	2856	337	2	1	0			0
Year 2018	3628	-	-	-	-	3207	405	16	0			0
Year 2019	2742	-	-	-	-	-	2529	209	3	1		0
Year 2020	2321	-	-	-	-	-	-	2190	127	4		0
Year 2021	2326	-	-	-	-	-	-	-	2252	69	1	4
Year 2022	3256	-	-	-	-	-	-	-	-	3145	52	59
Year 2023 (Jan)	176	-	-	-	-	-	-	-	-	-	125	51
<b>Total</b>	<b>24699</b>	<b>1860</b>	<b>2079</b>	<b>2417</b>	<b>3522</b>	<b>3574</b>	<b>2938</b>	<b>2416</b>	<b>2382</b>	<b>3219</b>	<b>178</b>	<b>114</b>

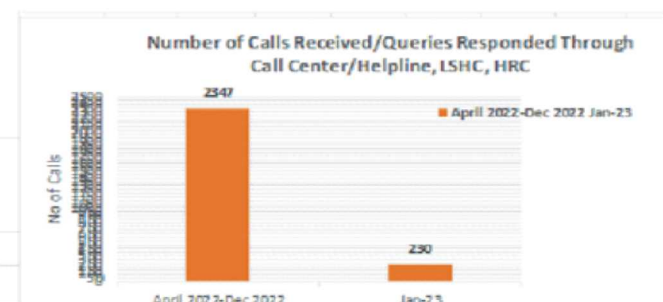
Year	Institution	Disposal	Pendency
Year 2014	3011	1860	1151
Year 2015	2112	2079	1184
Year 2016	1931	2417	698
Year 2017	3196	3522	372
Year 2018	3628	3574	426
Year 2019	2742	2938	229
Year 2020	2321	2415	135
Year 2021	2326	2382	79
Year 2022	3256	3219	116
Year 2023 (Jan)	176	178	114



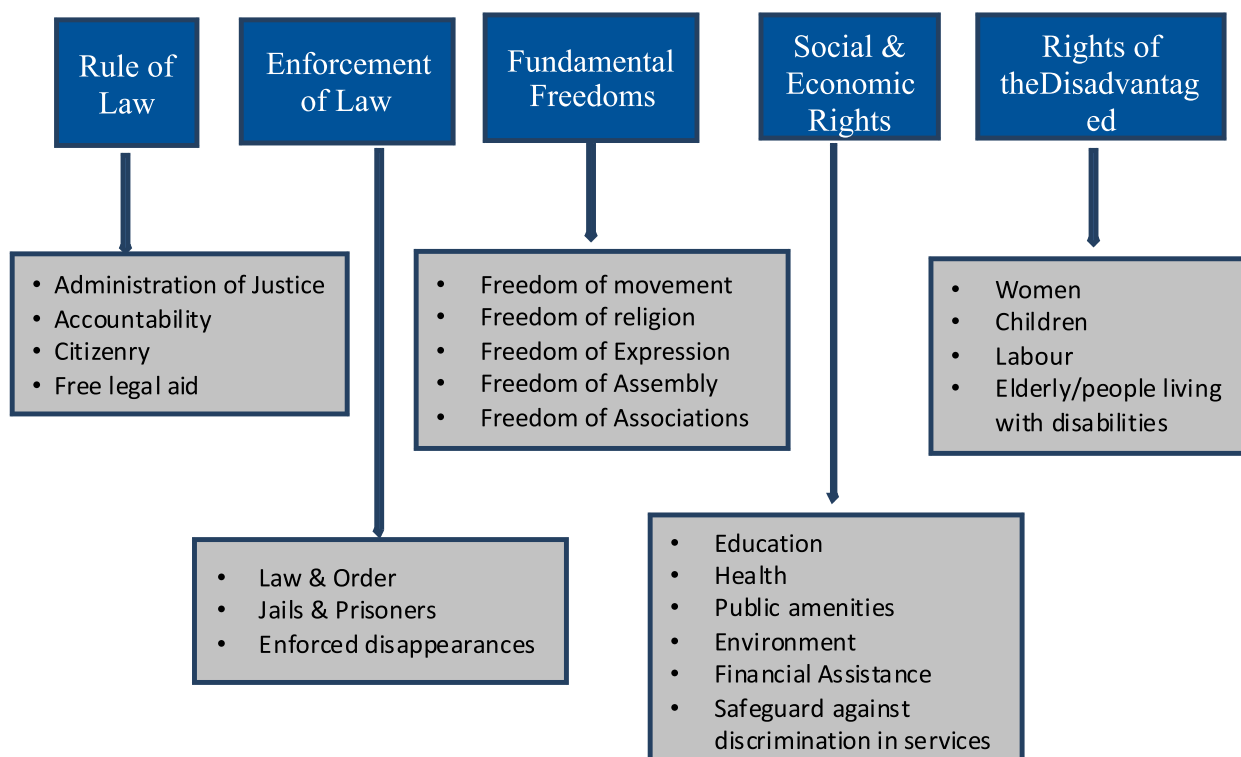
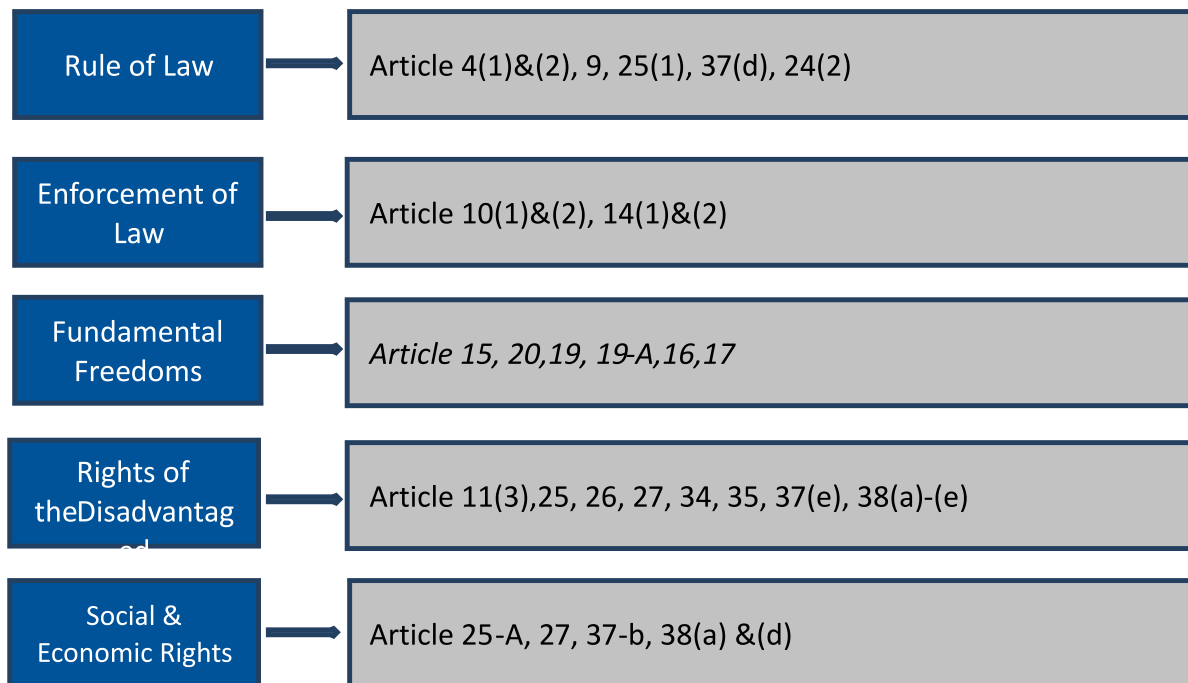
Year	Complaints Converted Into Writ Petitions
Year 2014	78
Year 2015	54
Year 2016	41
Year 2017	87
Year 2018	159
Year 2019	96
Year 2020	91
Year 2021	44
Year 2022	50
Year 2023 (Jan)	3
<b>Total</b>	<b>703</b>



Number of Calls Received/Queries Responded Through Call Center/Helpline, LSHC, HRC	
Month	Number of Calls
April 2022-Dec 2022	2347
Jan-23	230



## A PURVIEW OF FUNDAMENTAL RIGHTS AS GUARANTEED IN CONSTITUTION OF PAKISTAN



## A GLIMPSE AT SUCCESS STORIES OF HUMAN RIGHTS CELL

### **I. RULE OF LAW**

#### **A. ADMINISTRATION OF JUSTICE**

##### **i. Expeditious Disposal**

###### **Complaint No: 26238**

Complainant, Ghulam Mustafa, requested for expeditious disposal of Execution Petition pending adjudication before Civil Judge-II Haripur. Matter was taken up with District & Sessions Judge concerned. It was informed subsequently that Executive Petition 3/10 and Miscellaneous Petition 32/6 were disposed of through separate orders dated 08-09-2022.

##### **ii. Implementation of Court Orders**

###### **Complaint No: 24085**

Complainant, Afsana Bibi, sought constitution of Standing Medical Board as per Court order dated: 24-09-2021 in WP No. 275-P/21, wherein Director General Health Services KP was directed to constitute a Standing Medical Board to examine the respondent and to submit report to learned Trial Court. Matter was taken up with Director General Health Services KP. According to the report, the Standing Medical Board was held which confirmed the potency of respondent. The report was shared with the Trial Court and the grievance stood redressed.

##### **iii. Corruption**

###### **Complaint No: 22782**

Complainant sought initiation of departmental action against Shakeel Kundi, Bailiff District Courts, Peshawar on account of corrupt practices. DSJ Peshawar was directed by his lordship Hon'ble Chief Justice to hold a fact finding Inquiry and thereafter an in depth probe keeping in view the past record of concerned official. The matter was inquired by DSJ Peshawar and vide office order dated: 02-03-2023 of Senior Civil Judge (Admn), major penalty of compulsory retirement under rule 4(b)(ii) of Khyber Pakhtunkhwa Civil Servants E&D Rules 2011; was imposed upon the delinquent official accordingly.

#### **iv. Early fixation:**

##### **Complaint No: 27130**

Complainant, Muhammad Afsar Khan, sought early fixation of Writ Petition No. 1033-P/2018 before Peshawar High Court, Peshawar, which was marked to A.R (Judicial) and the case was accelerated and fixed for a shorter date. It was also fixed at senior part of the Cause List as requested.

#### **B. FREE LEGAL AID**

##### **Complaint No.22342**

Complainant being poor placed a request for provision of free legal aid, for contesting his case/WP No. 863/2022 titled “*Habib Bank Ltd Vs Bakht Muhammad Khan*” which was pending before Peshawar High Court, Peshawar. Mr. Umair Iqbal Advocate agreed to pursue the applicant's case free of cost. The case had been disposed of in favour of the complainant vide order dated: 21-02-2023.

## **II. ENFORCEMENT OF LAW**

### **A. JAIL AND PRISONERS**

#### **i. Remission in Sentence:**

##### **Complaint No.26906**

Complainant, Wakeel Khan, prisoner in Central Jail Bannu, requested for his release on personal bond as sentence was already expired on 21-03-2019 but he was confined due to inability to furnish the surety bond. The convict was held in jail due to non-provision of security bond as per order dated 01-11-2017 of FATA Tribunal Peshawar. The complaint was converted into Writ Petition No. 2235/2022 by the Cell. Vide order dated: 22-06-2022, the Writ Petition was allowed and the petitioner was ordered to be released forthwith subject to furnishing personal bond for keeping peace.

### **Complaint No.26167**

Complainant, Shahzad Khan, sought release of his brother namely Fareed s/oShakirUllah detained in Central Jail Peshawar on account of non-payment of fine. Report was sought from Superintendent Jail Peshawar. As per report, substantive sentence of convict was expired on 13-01-2022 but he was detained in jail due to nonpayment of fine and his probable date of release was shown as 13-11-2026. The complaint was converted in to Writ Petition No. 2172-P/2022 by Hon'ble Mr. Justice Rooh-ul-Amin Khan which was allowed vide order dated 28-07-2022 and sentence in default of fine was reduced from 5 years SI to 6 months.

#### **ii. Provision of facilities in Jail:**

### **Complaint No.17131**

Complainant, Gul Wali Khan and others, condemned prisoners at Central Jail Haripur sought provision of warm water. The matter was taken up with IG, Prisons whereafter the prisoners were provided with warm water facility.

#### **iii. Medical Treatment:**

### **Complaint No.23266**

Complainant, Barkat Ali, prisoner in Central Jail, Peshawar sought his treatment in a hospital. The matter was taken up with the Superintendent Central Jail Peshawar and Secretary Health, KPK. It was informed that convict got operated for mesh repair (Incisional Hernia) at LRH on 12-01-2022.

#### **iv. Inter Provincial Transfer of Prisoners:**

### **Complaint No.25849**

Complainant, Hayat Ullah detained in Central Jail D.I.Khan sought transfer to Central Jail, Bannu being resident of Lakki Marwat for convenience of his family members to meet him. Matter was taken up with IG Prisons. Resultantly the convict was shifted to Central Jail Bannu on 09-05-2022.

**v. Modified warrant of conviction:**

**Complaint No: 26344**

Complainant, Gul Saeed, Prisoner in Central Jail Bannu, alleged that his modified conviction warrant was not issued by ASJ Karak / the court concerned despite directions in his appeal Cr. A No. 18-B/2014 and Cr.A No. 19-B/2014, by Peshawar High Court, Bannu Bench whereby his sentences were ordered to run concurrently. The matter was taken up with Superintendent Central Jail, Bannu and the court concerned. Resultantly modified warrant was issued by ASJ-II Karak.

**B. ENFORCED DISAPPEARANCE**

**Complaint No.25866**

Complainant, Zahida Bibi, reported that her son namely Muhammad Nabi S/O Zubair khan was missing since 04/09/2021. The complainant attributed the arrest and detention of the missing person to different law enforcing agencies. The complaint was converted into Habeas Corpus Writ Petition No. 1392/2022 which was disposed off vide order dated 23/12/2022 with the observation that the detinue had reached home safely.

**Complaint No.23833**

Complainant, Pao Lara, sought visitation with her son namely Abdul Jalal internee interned in Interment Center Fort Slop. The matter was taken up with Deputy Secretary (Judicial), Focal Person for missing person cases, Home & Tribal Affairs Department KPK. But due to lackadaisical approach, it was converted into COC Petition which was disposed off vide order dated 04-02-2022 having achieved its object as the meeting was held on 28-01-2022.

**Complaint No.22776**

Complainant, Khadija Bibi, sought visitation with her husband namely Qari Gul Faraz. Upon taking up the matter with Deputy Secretary (Judicial), Focal Person for missing person cases, Home & Tribal Affairs Department KPK, visitations of complainant with detinue were scheduled for 07-10-2021 and 29-01-2022.

### **III. SOCIAL & ECONOMIC RIGHTS**

#### **A. SAFEGUARD AGAINST DISCRIMINATION IN SERVICE**

##### **i. Recruitment:**

##### **Complaint No.26972**

Complainant, Mr. Sher Alam Khan sought his appointment against Deceased Employees' Son Quota as his father served as Quli in C & W department and died during service on 05/12/1996. The matter was taken up with the concerned department and the complainant got appointed under the deceased quota after fulfillment of the requirements.

##### **Complaint No.25670**

The applicant sought his appointment against Deceased Employees' Son Quota at District Courts, Nowshera where his father served as Naib Qasid. Report was sought from District & Sessions Judge Nowshera. As per report the applicant was considered for appointment against the post of Junior Clerk by the competent authority.

##### **ii. Release of Salary:**

##### **Complaint No.24476**

Complainant, Noreen Akhtar, sought release of salary of her husband serving as Computer Operator in Health Department, KPK against Director MNCH Peshawar. Matter was taken up with D.G Health Services, KPK. The complainant informed that the salary of her husband withheld since June, 2021 got released on 18-03-2022.

##### **Complaint No.23936**

Doctors of DHQ hospital Sadda & Parachinar sought release of their salaries withheld since past 6 months. Matter was taken up with Secretary Health, KPK and the salaries got released to all concerned District Health Officers and Medical Superintendents.



## **B. HOUSING, LAND GRABBING AND PUBLIC AMENITIES**

### **Blockage of Access:**

#### **Complaint No. 25638**

The applicants, Azeem and others, were aggrieved from the blockage of pathway adjacent to their home due to construction of Lal Qilla Judicial Complex, Dir Lower. The complaint was marked to DPD who visited the site area for Judicial Complex and put forward certain recommendations to Hon'ble the Chief Justice for prevention of blockage of access which got approved and the issue was resolved.

## Visits of Delegations to Human Rights Cell

### **Visit of Hon'ble the Chief Justice, Chief Court Gilgit Baltistan**

Hon'ble the Chief Justice of the Chief Court Gilgit Baltistan, visited Human Rights Cell on 24<sup>th</sup> January, 2022. Worthy Registrar and PSO to HCJ, Peshawar High Court Peshawar; also accompanied the delegation. The delegation was briefed on the complaints processing procedure.



### **Visit of Shariah Academy International Islamic University Islamabad**

Trainees of the Shariah Academy, International Islamic University Islamabad visited HRC on 10<sup>th</sup> February, 2022. The Director Human Rights Cell briefed the participants on the complaints processing procedure and the success stories were shared with them.



**Visit of Maleeka Bokhari  
/ MNA chairperson  
of Anti Rape special committee  
on 4<sup>th</sup> March, 2022**



**Visit of Tils Law Student's on 06<sup>th</sup> July, 2022**

**Visit of Country Study Tour for ASPs (UT)  
of 25<sup>th</sup> ICC/49<sup>th</sup> STP on 17<sup>th</sup> August, 2022**



**Visit of Law Students**

Law students of the City School Peshawar visited Huma Rights Cell on 28<sup>th</sup> November, 2022. Director HRC briefed the students on the nature of the complaints received at HRC and their processing procedure.



**Academic Visit of Pakistan Provincial  
Services Academy to Peshawar High Court  
on 08<sup>th</sup> September, 2022.**



**Visit of Law Students University  
of Swabi  
on 21<sup>st</sup> December, 2022**



**Academic visit of Newly promoted  
Senior Civil Judges  
on 07<sup>th</sup> October, 2022**

## PHOTO GALLERY





**PESHAWAR HIGH COURT, PESHAWAR**