



PESHAWAR HIGH COURT, PESHAWAR

Annual Report
HUMAN RIGHTS CELL



2021





MESSAGE OF THE CHIEF JUSTICE

In the face of challenges posed by terrorism, we adopt judicial policies that uphold human rights and fundamental freedoms. These principles are essential for a thriving civil society. Despite progress in various areas, we must recognize that these rights and freedoms remain core components of democracy and human rights in today's world.

Our laws are meticulously designed to protect the rights and well-being of individuals. They address critical issues that define the human experience and ground norms related to justice and fairness. While the doctrines of different religious philosophers contribute, modern human rights principles transcend these boundaries, as we navigate complex legal landscapes. In this context, the Peshawar High Court plays a crucial role in safeguarding and promoting human rights.

The Human Rights Cell operates under the aegis of the Peshawar High Court, contributing to strengthening awareness and sensitizing people about their rights. It provides support for accessing free legal forum where individual can seek resolution for their grievance. Notably the Legal Assistance Program launched by the Peshawar High Court through the Legal Self Help Center assists particularly vulnerable segments of society in navigating their legal journey.

The Annual Report for 2021 reflects the facts and desired outcomes. The Human Rights Cell aims to sustainably protect, respect & fulfill human rights, emphasizing that these rights are not static but must consistently preserved and applied. The Peshawar High Court remain committed to its role in guarding and applying fundamental rights for the citizens it serves. So that together, we can build a just and compassionate society.

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



MESSAGE OF THE REGISTRAR

Let me preface my remarks today with the assertion that, generally speaking, Pakistan has a vigorous record on human rights. The state is formally committed to support the universal observance of human rights both at home and abroad, saying this policy helps to achieve a more stable and just international order, which benefits the security and prosperity of everyone. As such, the state links peace to the observance of human rights.

Regrettably, however, Pakistan's human rights record is not unblemished. Human rights violations of all hues are hardly rare in Pakistan. Print and electronic media on a regular basis publish accounts of police torture, extra judicial executions and incidents of women being beaten, burnt and subjected to all kinds of violence. Violence against other vulnerable groups, children, religious minorities, workers, refugees, internally displaced persons are just as common.

Basic human rights in the context of personal freedoms, with their contemporary characteristics and overtones are a development that is approximately parallel to the development of constitutional framework. Over the decades, awareness of human rights has grown in almost every country of the world. Today, the success of nations in protecting human rights is measured in terms of their accomplishment in setting up mechanisms to safeguard human rights and dignity. Nonetheless, the concept of human rights is not static and it continues to evolve in response to developments in various spheres.

The role of judiciary in the promotion and protection of human rights cannot be overstated in any country that seeks to uphold human rights. Fundamental rights enshrined in our constitution are enforced through constitutional courts. The Human Rights Cell of Peshawar High Court has diligently pursued its mandate by providing fairly robust remedy that is accessible, adequate, effective, prompt and appropriate. There have been many incredible initiatives, such as legal aid to help the poor to access justice, to curtail delay in hearing cases, facilitating treatment of prisoners, handling enforced disappearances, spreading awareness, and many more. The impetus for establishment of a Legal Self-Help Center is the expansion of legal aid. The formulation of the Legal Self-Help Center is a remarkable development towards the realization of the fundamental rights of Pakistan's citizens.

The Human Rights Cell has launched an Annual Report, 2021. It is a narrative that focuses on the past achievements, underlines the essential role of the Cell in the defense of human rights, and entails future strategies. Thus it has many achievements to its credit in serving humanity, which is the sole meaning of life to me.

For Justice Thurgood Marshall, Champion of civil rights and social justice, rightly remarked:

"In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

We cannot truly be free and happy if we ignore or violate the freedom and happiness of others.

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

Annual report of Human Rights Cell, 2021; details the achievements of Human Rights Cell during the year, 2021 to let the people know about their rights and manner of reporting violation thereof. The book highlights complaint processing procedure and the scope of work of HRC besides projection of performance of HRC for the awareness of public. It also introduces the new initiative of Legal Self Help Center whereby Human Rights Cell, Peshawar High Court intends to offer legal help to the citizens through Call Center/ Helpline 1042.

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﴿ وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِّنَ
الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ﴾

Indeed, We honored the progeny of Adam, and bore them across land and sea and provided them with good things for their sustenance and exalted them above many of Our creatures.

[Surah Al-Isra: Ayat (70)]

PROLOGUE

The foundation of Human Rights was laid down by our Prophet Muhammad (P.B.U.H), in his last sermon. The Khutba remained an essence of true message and philosophy of Islam on which the edifice of the Universal Declaration of Human Rights was laid down centuries later.

Quaid-e-Azam Muhammad Ali Jinnah in his presidential address at Constituent Assembly of Pakistan on 11th August, 1947 declared that;

“You are free; you are free to go to your temples, you are free to go to your mosques or any other place of worship in this state of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the state.....We are starting with this fundamental principle that we are all citizens and equal citizens of one State”.

The constitution of Pakistan translates this vision into reality by protecting the fundamental rights of all citizens. The judiciary of our country like sister institutions in the world is custodian of rights of citizens as enshrined in the Constitution. Peshawar High Court established Human Rights Cell with the aim of protecting the fundamental rights of citizens. Quick provision of relief to common man without any expense has generated an unprecedented trust and confidence of the general public in the Human Rights Cell, It provides expeditious and in expensive remedy in matters related to infringement of fundamental rights. Many challenges lie ahead in the struggle to promote and enhance the dignity, freedom and rights of all human beings. In the past one decade, however, significant progress has been made while delivering in the public interest.

There have been many milestones; from the compilation of first ever accomplishment report, embedding feature of online tracking status of complaints on the official website of Peshawar High Court, to initiative of establishment of Legal Self-Help Center. The book details the most important achievements of HRC in the year 2021.

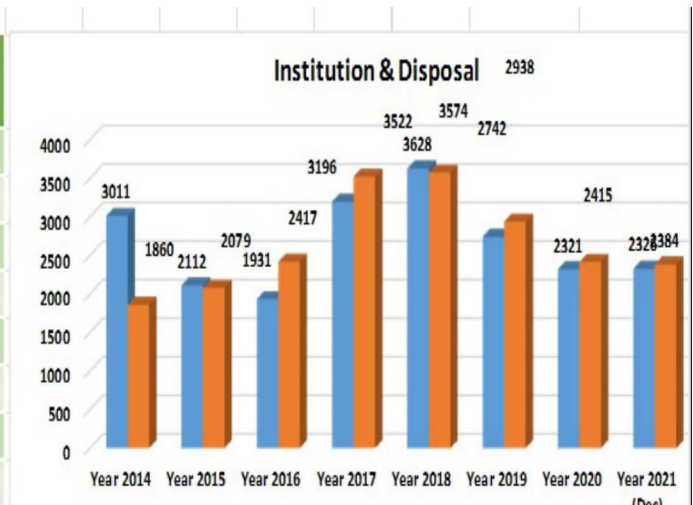
PART-I

HUMAN RIGHTS CELL, PESHAWAR HIGH COURT, PESHAWAR

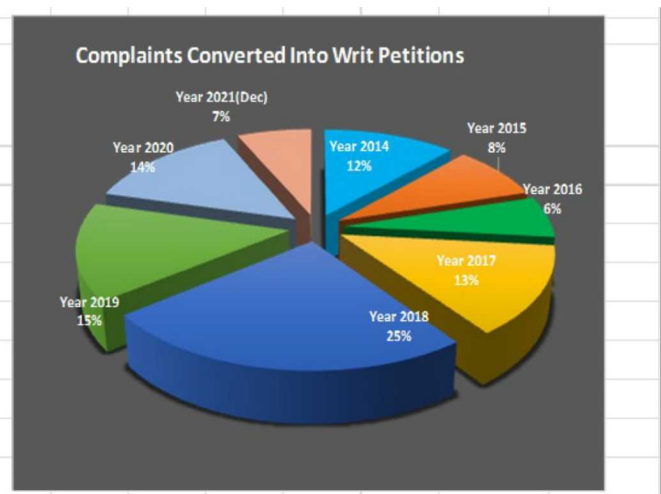
PERFORMANCE INDICATORS

Institution & Disposal											
Year	Institution	Disposal								Pendency	
		Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021	Visitation	Pending
Year 2014	3011	1860	261	453	424	13	0	0	0	0	0
Year 2015	2112	-	1818	227	55	11	1	0	0	0	0
Year 2016	1931	-	-	1737	187	6	1	0	0	0	0
Year 2017	3196	-	-	-	2856	337	2	1	0	0	0
Year 2018	3628	-	-	-	-	3207	405	16	0	0	0
Year 2019	2742	-	-	-	-	-	2529	209	3	0	1
Year 2020	2321	-	-	-	-	-	-	2190	127	3	1
Year 2021(Dec)	2326	-	-	-	-	-	-	-	2254	3	69
Total	21267	1860	2079	2417	3522	3574	2938	2416	2384	6	71

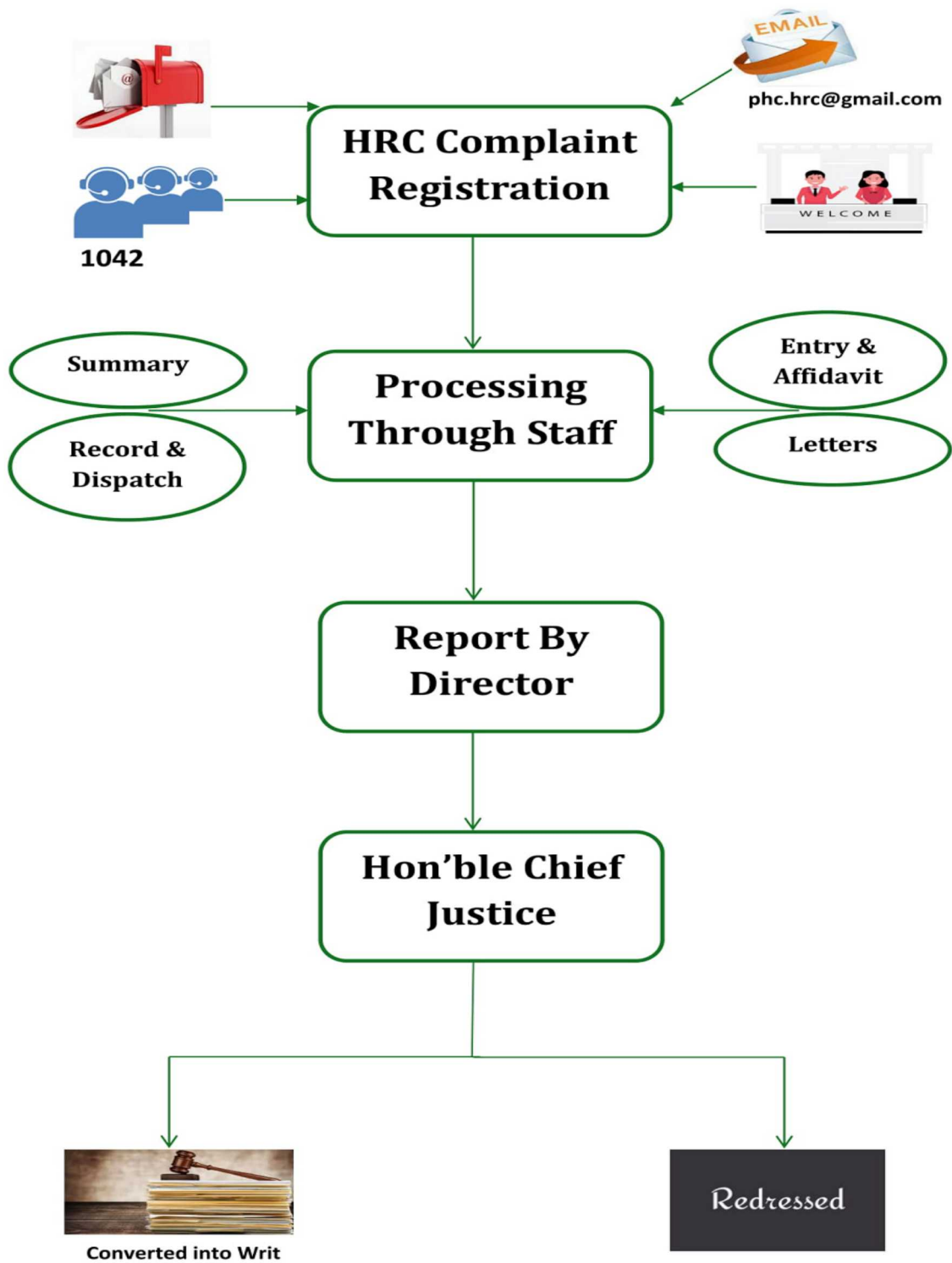
Year	Institution	Disposal	Pendency
Year 2014	3011	1860	1151
Year 2015	2112	2079	1184
Year 2016	1931	2417	698
Year 2017	3196	3522	372
Year 2018	3628	3574	426
Year 2019	2742	2938	229
Year 2020	2321	2415	135
Year 2021 (Dec)	2326	2384	77



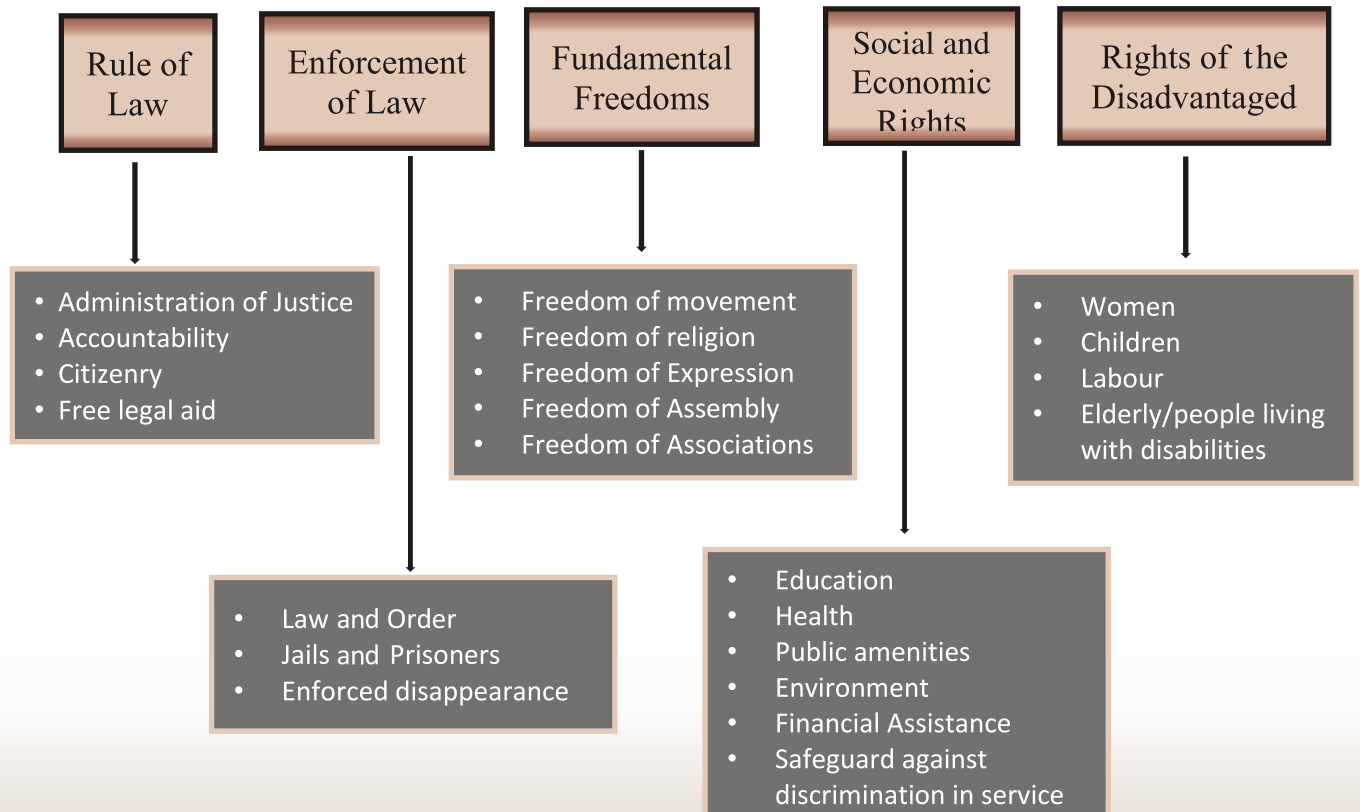
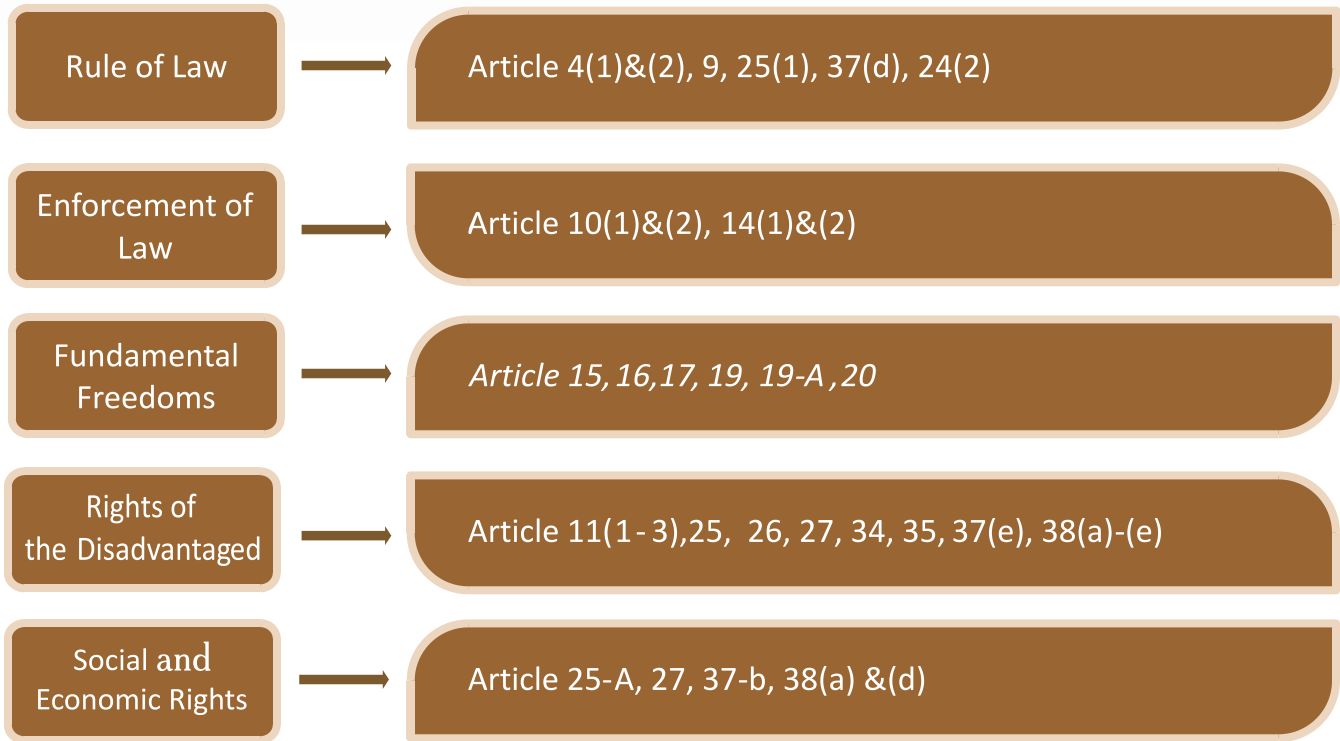
Year	Complaints Converted Into Writ Petitions
Year 2014	78
Year 2015	54
Year 2016	41
Year 2017	87
Year 2018	159
Year 2019	96
Year 2020	91
Year 2021(Dec)	44
Total	650



Complaint Processing Procedure



FUNDAMENTAL RIGHTS AS GUARANTEED IN CONSTITUTION OF PAKISTAN, 1973



A GLIMPSE AT SUCCESS STORIES OF HUMAN RIGHTS CELL

I. RULE OF LAW

A. ADMINISTRATION OF JUSTICE

• Expeditious Disposal

Complaint No: 22801:

Complainant Mr. Muhammad Gulzar Khan sought expeditious disposal of his case bearing No. 409/1 titled “*Muhammad Gulzar Vs Adnan etc*”, which had been pending since 2014 before Civil Judge-IV, Abbottabad. Report was called from the Court concerned through learned District & Sessions Judge Abbottabad, and upon taking up the matter by HRC, the delayed litigation/case was disposed of accordingly.

Complaint No: 22958:

Complainant requested for expeditious disposal of his case titled “*Inamullah Vs Sahib Ullah*” which was pending adjudication before Civil Judge - IV, Swabi, for last 11 years. Report was called from District & Sessions Judge Swabi, who informed that the said case was decreed on 17-5-2021.

Complaint No: 23653:

Complainant approached the Cell with a request to expedite the proceedings in case titled “*Amir Hassan Vs Pam Jan and others*”. The complaint was forwarded to learned District & Sessions Judge, Dir Upper with the directions of Hon’ble the Chief Justice “to expedite the matter”.

B. FREE LEGAL AID

Complaint No.22342:

Complainant being poor placed a request for provision of free legal aid, for contesting his case no.61/2021 titled “*Muntazir Shah Vs Wapda and others*” which was pending before Peshawar High Court, Peshawar. Mr. Sohail Farman Advocate agreed to pursue the applicant’s case free of cost.

C. CITIZENRY

Complaint No.23170:

The petition writers of District Haripur requested for the allotment of offices for petition writers in Judicial Complex Haripur. Detailed report of District & Sessions Judge, Haripur

was sought and the matter was taken up by Human Rights Cell with the quarter concerned. Resultantly it was informed that the C&W Department and concerned contractor had already been directed to assume and complete the construction of fiber glass shed for paralegals on urgent basis. Whilst the requisite funds were released and construction of shed of paralegals was under way.

II. ENFORCEMENT OF LAW

A. JAIL AND PRISONERS

• Intra Provincial Transfer of Prisoners

Complaint No.21054:

The applicant sought transfer of her husband confined in Adiala Jail Rawalpindi to Central Jail, Haripur to face trial, in cases pending in District Haripur and Tehsil Ghazi. Matter was taken up by this cell with the concerned authorities. Superintendent, Central Prison Haripur reported that the convict/prisoner Sohail Iqbal Alias Mustafa was shifted to Central Jail, Haripur from Central Prison Rawalpindi on 09-08-2021.

• Inter Provincial Transfer of Prisoners

Complaint No.23805:

Complainant/prisoner namely Riaz Muhammad confined in Central Prison Haripur requested for his transfer from Central Prison Haripur to Central Prison Mardan. The grievance was redressed and the I.G Prisons reported that transfer of the convict /prisoner Riaz Muhammad S/O Qamar-Ud-Din from Central Prison Haripur to Central Prison Mardan was sanctioned on compassionate grounds.

B. ENFORCED DISAPPEARANCE

Complaint No.22039:

The Petitioner/complainant reported in writing to this Cell, that her son namely Mr.Farhad Ali S/O Abdul Hakeem was missing since 29/09/2014. The complainant attributed the arrest and detention of the missing person to different law enforcement agencies. Hence, the complaint was converted into Habeas Corpus Writ Petition No.79/2021 titled as *“Shumaila Vs Federation of Pakistan”*.

Complaint No.21597:

Complainant Mr. Wajid Ali, through the present complaint sought visitation with his brother namely Shoukat Ali S/o Bakht Akbar detained in Interment Center, Paithom, Swat from last 09 years.

After referring the complaint to Deputy Secretary (Judicial), Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa, Peshawar Focal Person for missing person cases, visitation was arranged on 12-10-2021.

III. FUNDAMENTAL FREEDOMS

C. FREEDOM OF RELIGION

- **Freedom of Thought, Conscience & Religion**

Complaint no.23520:

Complainant Mr. Shabib Hussain, condemned prisoner in Central Jail Peshawar, belonged to Fiqah Jafria but someone deliberately entered his name in the communist column in his history ticket instead of Islam for hurting his religious sentiments. Complainant requested the Jail Authorities for correction and taking legal action against them but to no avail. HRC took the matter with Superintendent Central Jail Peshawar and the erroneous entry made in the history ticket of complainant was rectified accordingly.

IV. SOCIAL & ECONOMIC RIGHTS

A. SAFEGUARD AGAINST DISCRIMINATION IN SERVICE

- **Recruitment**

Complaint No.23385:

Complainant sought his appointment against Deceased Employees' Quota as his father served as Office Assistant/ Head Clerk (BPS-16) at Swat Irrigation Circle and died during service on 9/06/2020 due to Covid-19. The complaint was converted into Writ Petition No.4871/2021 titled "*Basit Ali Vs Government of KPK and others*".

Complaint No.23792:

Complainant Mian Nauman Mehmood requested for grant of family pension etc of his late father Mian Asim Ismail, who breathed his last during service on 28/5/2021. Complainant also sought appointment against Deceased Employees' Quota. The matter was taken up with the department concerned and grievance to the extent of pensionary benefits was redressed. However, as far as his grievance regarding appointment against Deceased Employees quota was concerned, complaint was converted into Writ Petition No.4672/21.

- **Retirement/Pensionary Benefits**

Complaint No.19697:

Complainant/Professor Dr. Akhtar Nawaz Khan, retired Professor of Gomal University D.I Khan sought recovery of pension. It was reiterated in complaint that the Finance Department already paid Proportionate Share of Pension Liabilities in similar cases but adopted discriminative attitude in complainant's case. Despite Correspondence made with department concerned by this Cell the issue could not be resolved. Keeping in view the miseries of complainant the complaint was forwarded to AR. D.I.Khan for converting into Writ Petition. It was converted into Writ Petition No. 4/2022 accordingly.

Complaint No.21275:

Khurshid Alam moved an application that he got retired as Assistant Engineer from Irrigation and Hydrel Power Division Tribal District Kurram but he did not receive his TA/DA till then. The matter was taken up with the Superintendent Engineer South Irrigation Department Peshawar, who intimated that the payment of retirement T.A to the tune of Rs.96, 320/- was made to the complainant through cross cheque bearing no. 1828065 dated: 30-04-2021. Complainant was telephonically contacted who verified the receipt of amount.

B. ENVIRONMENT

Complaint No.24082:

Complainant Mr. Talha Ahmad moved complaint on behalf of residents of Nothia Qadeem, Peshawar and narrated that few influentials set up a stock of construction material along with a stable in the residential area. That the vehicles carrying the

construction material did not only snarl up the traffic but also caused pollution in the area. The pollution and manure of animals were causing multiple diseases and respiratory ailments among the inhabitants of the locality. The matter was taken up with Director General, Environmental Protection Agency but the grievance remained unredressed. Therefore keeping in view nature of complaint being a social issue, it was converted into Writ Petition No 4878/2021..

Complaint No.23978:

Mr. Ghulam Basit, Advocate approached the Cell with a public interest issue viz a viz severe deforestation at Abbottabad forests, where cutting of trees and conversion of reserved land was rampant, for plotting and construction purposes. The complaint was forwarded to Additional Registrar, Abbottabad Bench for conversion into Writ Petition. It was accordingly converted into Writ Petition No. 1289/2021.

C. FINANCIAL ASSISTANCE

Complaint No.23889:

Complainant was working in bricks kiln and belonged to a poor family. Pakistan Bait-ul-Mal Peshawar, approved an amount to the tune of Rs. 10000/- for the treatment of his daughter but the cheque was not issued by the department concerned. The matter was taken up with Regional Director, Pakistan Bait-UI-Mal Provincial Office. Subsequently a cheque bearing no. 246108501 amounting to Rs. 10000/- was handed over to the complainant under receipt. Grievance of the complainant was redressed.

V. RIGHTS OF THE DISADVANTAGED

A. WOMEN

Complaint No.23972:

Complaint was related to female staff members of District Judiciary Haripur for allegedly being subjected to harassment at work place by male colleagues. The matter was marked to learned District & Sessions Judge Haripur with directions of his lordship Hon'ble the Chief Justice to properly probe the matter expeditiously and to apprise the cell about the outcome of inquiry. District & Sessions Judge concerned reported that the allegations

stood proved during fact finding inquiry; therefore vide office order dated 30/11/2021, major penalty was imposed upon the accused official, Junior Scale Stenographer under rule-4 (1)(b)(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and he was removed from service.

B. CHILDREN

Complaint No.24061:

Complainant Mr. Fakhar-e-Alam Jhagra sought the attention of his lordship towards a matter of grave concern i.e. Child Labour/Begging as rampant in the society. It was stated that minors were forced to beg or engaged in selling masks and other commodities in the city and requested that directions may be given to the authorities for protection of vulnerable segment of the society from exploitation. The complaint was later converted into Writ Petition.

PART-II

LEGAL SELF-HELP CENTER

INTRODUCTORY

In modern era finding solutions to most issues and problems is dependent upon the awareness of citizens. The findings of different studies reveal that the gender, education, occupation, social relations, types of study materials, have the greatest impact on awareness of civil rights. It is observed that awareness of citizens of social, civil and political rights was higher among the male than the female. Undoubtedly education plays a major role in raising awareness of the people. Nevertheless, well-educated and highly placed professionals too, are often not aware of provisions in laws and implications of their violations. Many would not know the nitty-gritty of several statutory laws and their applications. The absence of a legal culture and the resulting illiteracy are the main reasons for the large number of cases in the courts.

It is, therefore, imperative that some opportunities must be made available to the people particularly the poor and vulnerable segment of society so they can take advantage of these opportunities to increase their knowledge and awareness. As a result, cost of most of the activities performed in society will be reduced.

Apart from its traditional role of delivering justice, judiciary all over the world is playing a proactive role in rendering legal help to citizens. References from the International Jurisdictions demonstrate that Self Help Centers' set up by Californian Superior Courts offer court based self-help services. In UK, certain information is being provided through the website to the lay person/self-represented litigants about the court processes. In other countries as Canada, handbooks for self-represented litigants are being published to assist individuals navigating the justice system.

Materializing the vision of Hon'ble the Chief Justice, regarding utilization of HRC Call Center/helpline 1042 for rendering free legal help to the citizens within the scope and mandate of Peshawar High Court, the Human Rights Cell is going to launch free legal self-help through its Call Center/ Help Line 1042 with the nomenclature as **“Legal-Self Help Center”**. As such HRC is committed to play a supportive role to ensure better access to justice for all citizens and deliver services that meet the needs of the people.

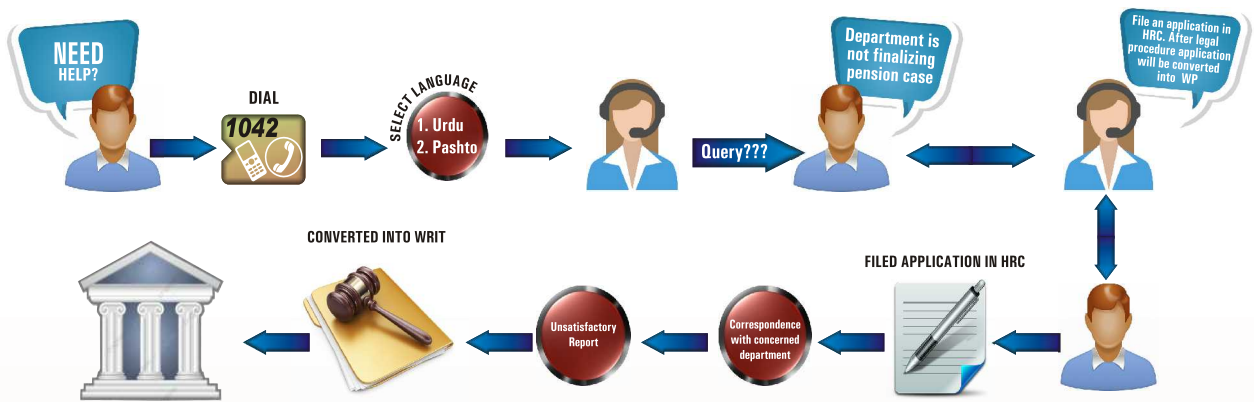
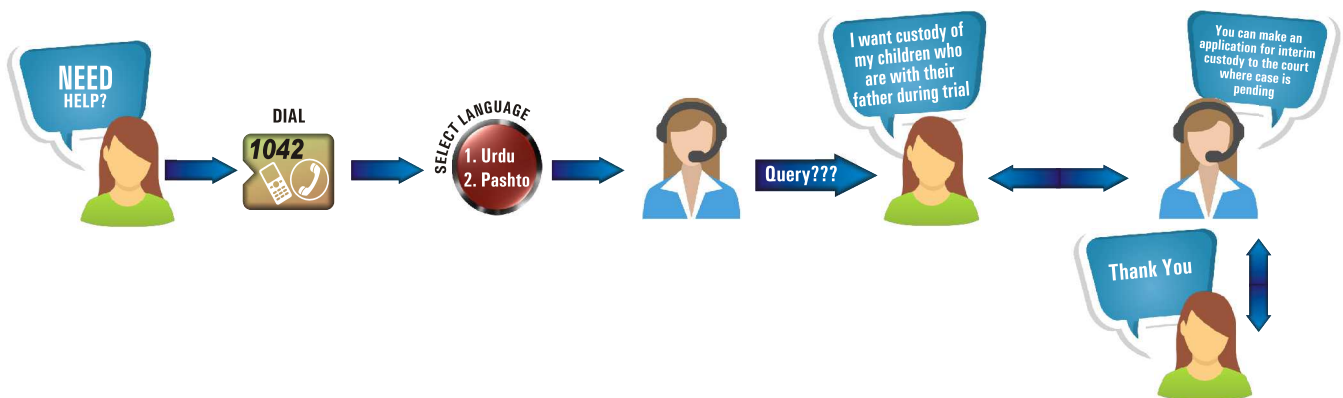
OBJECTIVES:

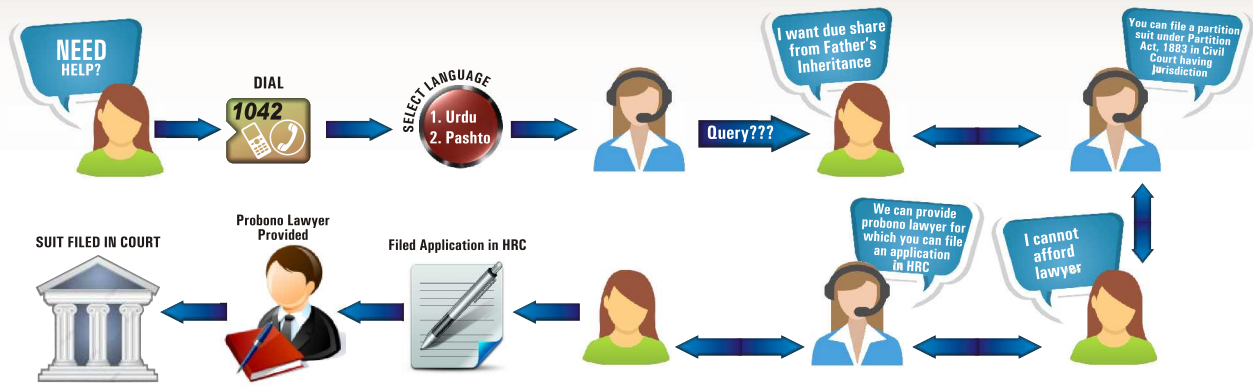
- Common understanding of laws.
- Free or low cost legal help and real time information.
- Legal assistance removing social obstacles seeking redressal.
- Explaining cumbersome court procedures in simplified manner.

MODALITIES

Phase-I

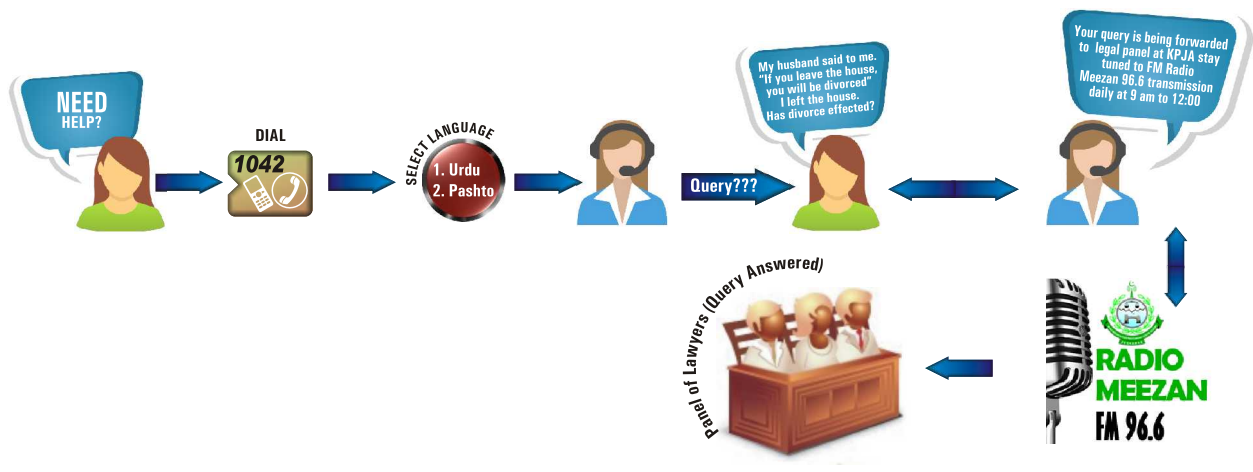
1. To utilize existing setup/Call Center for legal assistance.





Phase-II

3. To utilize the medium of FM radio Meezan to address intricate queries in consultation with D.G KPJA.



Rules

- The information provided in person by a Self-Help Center lawyer or staff person, is not a legal advice. Difference between legal information and legal advice is that legal information is a statement of what the law or legal process is, leaving upto the person the decision of how to proceed. Legal advice tells a person how he should proceed.
- The Self-Help Center lawyer is not a caller’s lawyer. He or she is a lawyer who can help people who do not have their own lawyer.

- One does not have an attorney-client privilege with the Self-Help Center staff or lawyer. What he/she says to the staff or lawyer is not confidential.
- Parties on both sides of a case can get help from the Self-Help Center, and parties on both sides of a case may be helped by the same attorney or staff person at the Self-Help Center.
- Self-Help Center services are free. Anyone who does not have their own lawyer can get help from the Self-Help Center.

IMPLEMENTATION STRATEGIES

- **Capacity building of staff**

- Trainings on the essential and elementary legal aspects ;i.e. Fundamentals of Constitutional Law, Civil Law, Criminal Law and Rent & Family Laws as a perspective of legal self-help have been scheduled to be conducted at Peshawar High Court for capacity building of the staff of HRC.
- A manual/guide in the perspective of Legal Self-Help has been compiled.

- **Public awareness campaign**

Display boards/retractable banners in public places, Peshawar High Court, its benches and district judiciary are to be displayed as part of awareness campaign. The initiative has to be publicized through print media and via official website of Peshawar High Court.

- **Consultation with DG KPJA**

Matter has been taken up with D.G, Khyber Pakhtunkhwa Judicial Academy to utilize medium of FM Radio Meezan for legal Self-Help.

Annexures

Annexure “A”

- Public Awareness Campaign through display boards and retractable banners

- Public Awareness Campaign through Print Media

Annexures

Annexure “B”

Screenshot of the Application of E-Citizen Grievance Redressal System

E-Citizen Grievance Redressal System

HUMAN RIGHTS CELL
ECITIZEN GRIEVANCE REDRESSAL

Hi, Abid | Staff Panel | Search

Warning!
7 Complaints assigned to you!

184 | 7 | 22,317

Complaints And Details

Assigned Complaints

S.no	Complaint ID	Date	Subject	From	Location	Priority	Complaint Status
1	25607	01/03/2022	Request For Justice (B)	Khurshed Akhtar	Other...	Normal	open
2	25606	01/03/2022	Request For Suo	Syed Wilayat Shah & ...	Peshawar	Normal	open

Complaint # 25590 Details

Save and Attach | Print | Close

Applicant Info

Name: Mr. Khalida (4)
 Wife of: Not Mentioned
 Gender: female
 CNIC: 00000-0000000-0 (11875)
 Email: 00000-0000000-0@hrdphc.gov.pk
 Mobile: 03469426974
 Location: rural
 District: Swat
 Tehsil: Swat
 Address: through Syed Aman Shah r/o: Faiz Abad, Saidu Sharif, District Swat.
 Diary No: 161
 Pre Complaint #: Null
 Source: From Chief Justice (192.168.1.164)

Respondent Info

Against Person: Null
 Father Name: Null
 Phone: Null
 CNIC: Null
 Email: Null
 Location: Null
 Address: Null
 Type of Complaint: Expeditious Disposal / Pending Cases in District Court
 Complaint Nature: Early Hearing
 Last Message: 01/03/2022 9:35 am
 Last Response: Null

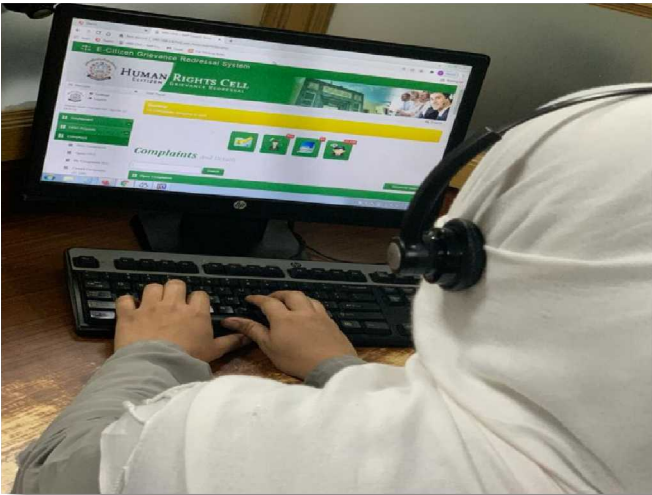
Complaint Info

Status: Marked

Annexures

Annexure “C”

Photo Gallery







PESHAWAR HIGH COURT, PESHAWAR