

2023



PESHAWAR HIGH COURT,
PESHAWAR

Annual Report
HUMAN RIGHTS CELL

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah,
most gracious
and most merciful



MESSAGE OF THE CHIEF JUSTICE

“Surely we have accorded dignity to the Sons of Man”.

(Al Qur'an, 17:70)

The significance of preserving human dignity in the contemporary world has its roots in Quranic texts. In a religious context, every human being is sacred which gives rise to common humanity, and from this flows the universality of certain rights. All of the conventions and treaties drafted in the modern era would echo the verses of the Holy Quran emphasizing the significance of human rights.

The Constitution of the Islamic Republic of Pakistan also guarantees fundamental human rights to all citizens. The Human Rights Cell of Peshawar High Court was established with the vision of safeguarding those rights. The main achievement of the Human Rights Cell is that it has improved the lives of an innumerable number of people, provided aid for protection from prejudice or harm, secured them from torture, and helped them get their remedies.

The superior judiciary, besides deciding cases has to act as a pedagogical institution disseminating the constitutional aspirations. People's awareness of rights and values is essential to preserve democratic culture and institutions. For Justice Learned Hand aptly remarked; ***“Liberty lies in hearts of the men & women; when it dies there, no constitution, no court can save it; no constitution, no law, no court can even do much to help it”***. It was in this perspective that the Peshawar High Court envisioned offering legal help to the citizens through the Legal Self-Help Center. The new dimension of the Legal Self-Help Center shall no doubt amplify the scope of the Human Rights Cell for amelioration of the society.

The report reflects the tireless efforts of Ms. Beenish Ismail Syed, Director Human Rights Cell and her team. Their efforts are commendable. I wish them God speed ahead.

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



FOREWORD

In the words of Justice V.R Krishna Iyer “Where injustice, verging on inhumanity, emerges from hacking human rights guaranteed in Part III and the victim beseeches the court to intervene and relieve, this Court will be a functional futility as a constitutional instrumentality if its guns do not go into action until the wrong is righted. The court is not a distant abstraction omnipotent in the books but an activist institution which is the cynosure of public hope.”

The Peshawar High Court as a cynosure of public hope established its Human Rights Cell. Over the last decade, the Human Rights Cell worked for women's empowerment, gender equality, the rights of religious minorities, the rule of law & access to justice, children's rights, and prisoners' rights. The Cell boasted of having registered 26966 cases while disposing of 26836 cases with 868 complaints converted into Writ Petitions; the figures lend credence to its credibility and effectiveness.

The report depicts the remarkable achievements of the Human Rights Cell in 2023. Throughout the book, examples have been quoted based on real-life scenarios. The role of the Human Rights Cell in delivering services to the citizens, particularly vulnerable segments of society, is appreciable. The team of Human Rights Cell showed great esprit de corps. It is expected that the Cell will march forward to achieve the goal of the Peshawar High Court to prevent human rights violations.

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

Through this book key achievements are shared that the team of Human Rights Cell took part in to bring about throughout the year. Striking achievement of 2023 was fixation of 222 complaints in court as Writ Petitions surpassing the yearly record since establishment of Human Rights Cell. Assuredly, the Cell was able to accomplish the milestone under the aegis of Mr. Justice Mohammad Ibrahim Khan, Hon'ble the Chief Justice, Peshawar High Court. The patronage of Ms. Justice Musarrat Hilali, the then Chief Justice, though for a brief period, served as a boon towards Cell's accomplishments. Mr. Justice Ishtiaq Ibrahim, Senior Puisne Judge/ Administrative Judge of prisons imparted incredible support that fostered provision of relief in prisons related matters. The guidance and support of Mr. Inam Ullah Wazir, Registrar, Peshawar High Court, felicitously augmented encouraging outcomes.

CONTENTS

<i>S.No.</i>	<i>Contents</i>	<i>Page No</i>
1	Milestones.....	01
2	Performance Indicators	01
	A. Legal Self Help Center	01
	B. Human Rights Cell.....	02
3	A Purview of Fundamental Rights As Guaranteed in the Constitution of Pakistan	03
4	Accomplishments	04
	I. Rule of Law	04
	A. Administration of Justice.....	04
	B. Citizenry	04
	C. Free Legal Aid	05
	II. Enforcement of Law	06
	A. Jail and Prisoners	06
	B. Enforced Disappearance	07
	III. Fundamental Freedoms	08
	Freedom of Thought, Conscience & Religion	08
	IV. Rights of the Disadvantaged	08

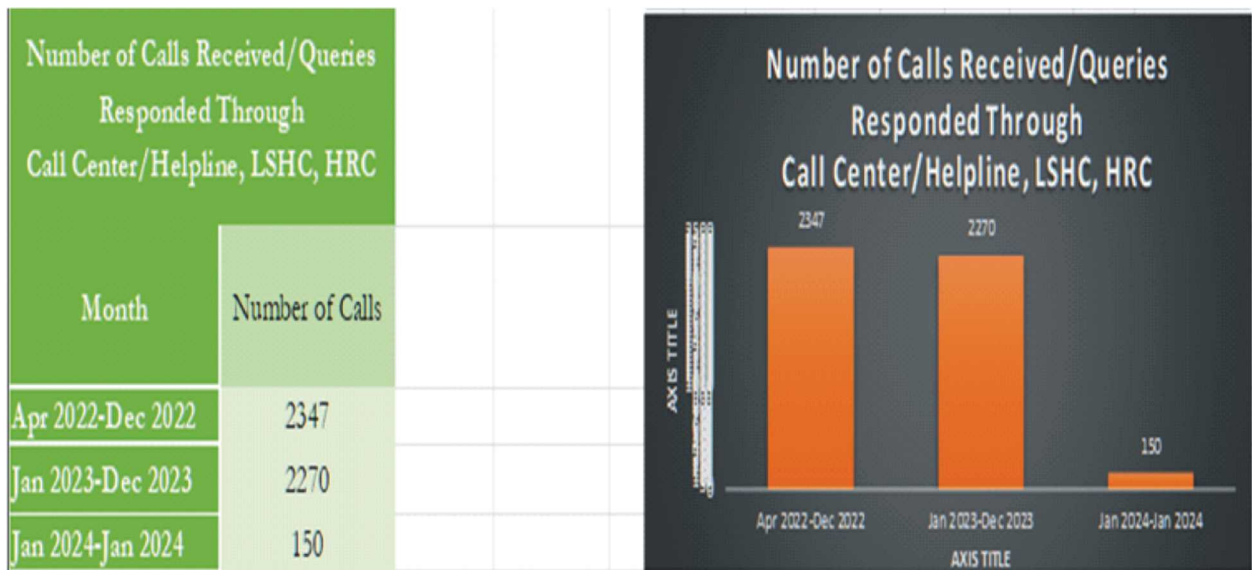
A.	Women	08
B.	Elderly / People Living With Disabilities	09
V.	Social & Economic Rights	09
A.	Education	09
B.	Housing, Land Grabbing and Public Amenities	10
C.	Environment	10
D.	Safeguard Against Discrimination in Service	11
5.	Visits of Delegations to Human Rights Cell.....	13

MILESTONES

- An extensive and accessible web page of Human Rights Cell.
- Ongoing release of publications/Annual Reports.
- Online complaint registration.
- Provision of Legal Aid through Call Center helpline 1042.
- Online complaint tracking via official website.
- Legal Assistance through probono lawyers.

PERFORMANCE INDICATORS

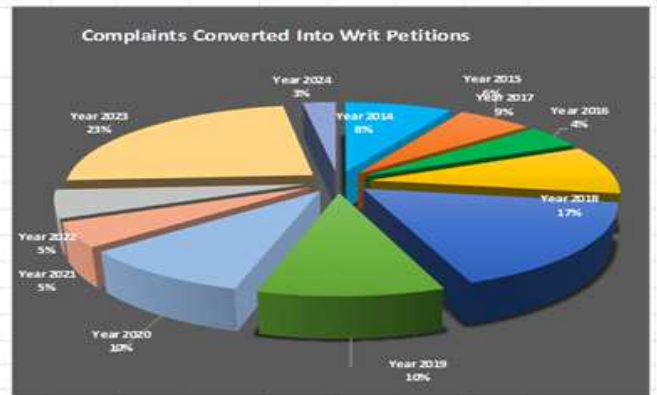
LEGAL SELF HELP CENTRE



HUMAN RIGHTS CELL

Institution & Disposal												
Year	Institution	Disposal										Pending
		2014-2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Year 2021	Year 2022	Year 2023	Year 2024	
Year 2014-2015	5123	3939	680	479	24	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	-	-	-	-	-	-	2251	69	6	0	0
Year 2022	3256								3145	111	0	0
Year 2023	2443									2313	115	15
Year 2024	249									0	203	46
Total	27215	3939	2417	3522	3574	2938	2416	2381	3219	2430	318	61

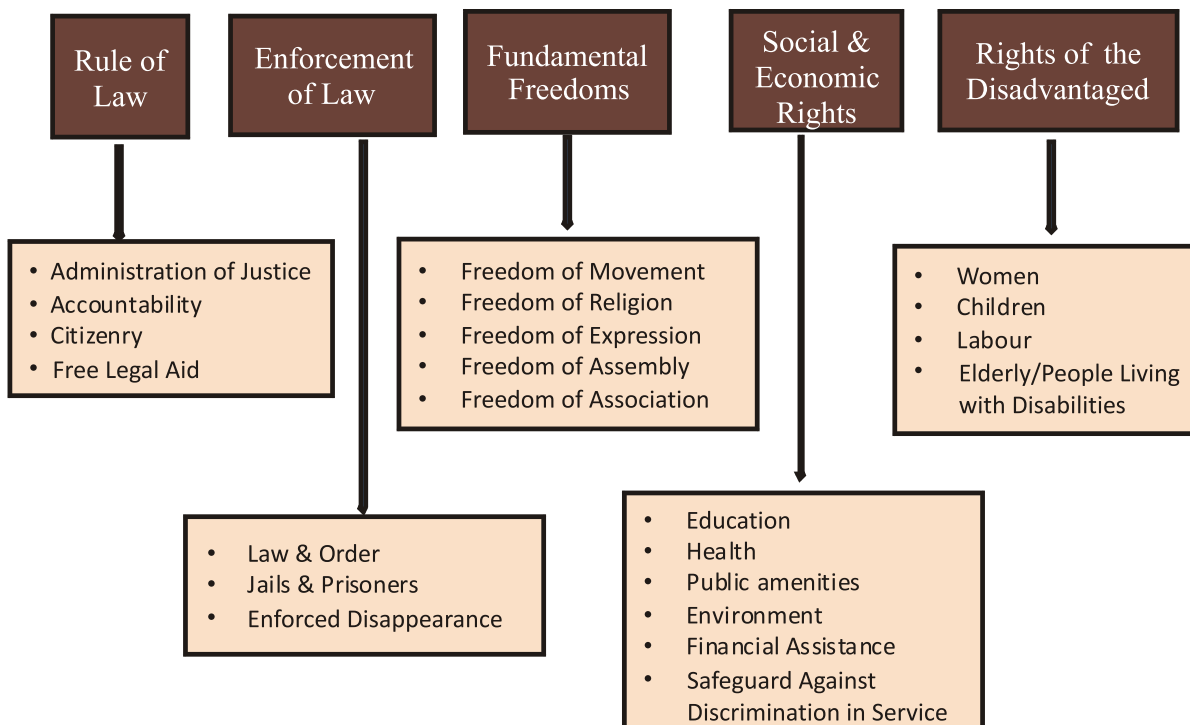
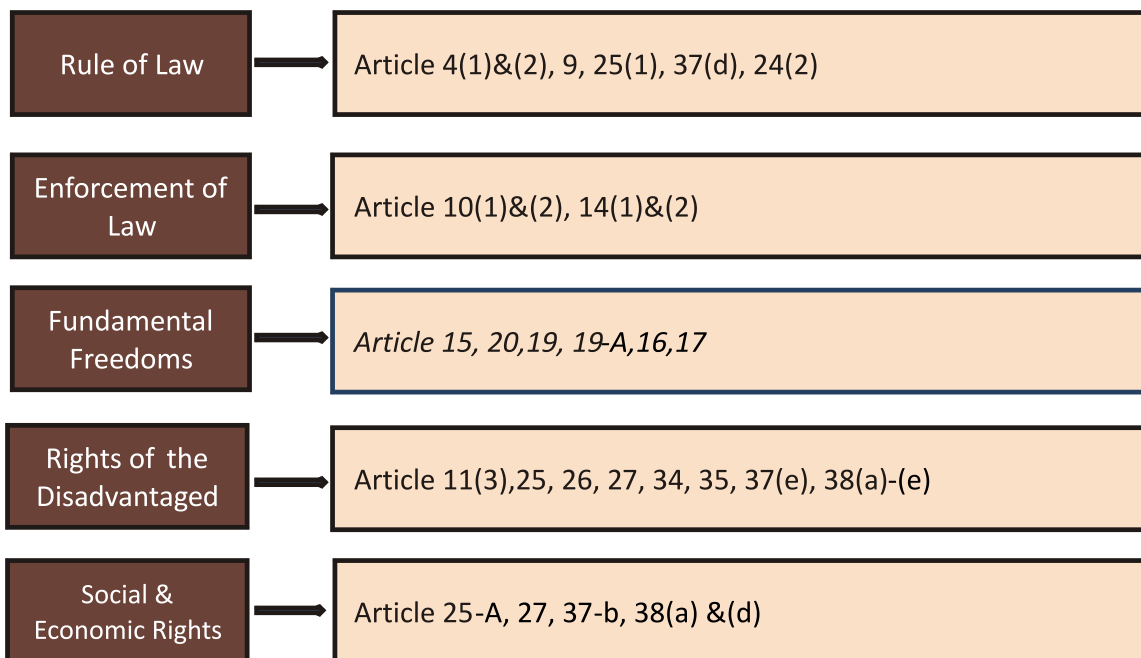
Year	Complaints Converted Into Writ Petitions
Year 2014	78
Year 2015	54
Year 2016	41
Year 2017	87
Year 2018	159
Year 2019	96
Year 2020	91
Year 2021	44
Year 2022	50
Year 2023	222
Year 2024	24
Total	868



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	230
Year 2020	2321	2415	136
Year 2021	2326	2382	80
Year 2022	3256	3219	117
Year 2023	2443	2430	130
Year 2024	249	318	61



A PURVIEW OF FUNDAMENTAL RIGHTS AS GUARANTEED IN CONSTITUTION OF PAKISTAN



ACCOMPLISHMENTS

I. RULE OF LAW

A. Administration of Justice

Complaint No. 27933

The applicant sought early fixation of Civil Revision No. 1148-P/2019 titled "Shoukat vs Aqleem Shakeel" pending adjudication before Hon'ble Peshawar High Court, Peshawar. After forwarding application to the concerned branch, the case was accelerated from 03-04-2023 to 09-03-2023.

Complaint No. 27919

The applicant sought early fixation of W.P No. 2448-P/2018 titled "Fawad Akbar vs National Bank of Pakistan" pending adjudication before Hon'ble Peshawar High Court, Peshawar. After forwarding the application to the concerned branch, the case was accelerated from 22-03-2023 to 09-03-2023.

Complaint No. 28255

Rashida, an ex-patriat, sought expeditious disposal of her case titled "Mst. Yasmeen Jan & others vs Rizwaan Ullah & others" pending adjudication before the Court of Senior Civil Judge, Peshawar. Complaint was forwarded to Director, NJPIC for further processing, whereafter the trial court was directed through DSJ, Peshawar to expedite the case by placing it on fast track.

B. Citizenry

Complaint No. 29799

Khalid Qazi, requested to expedite proceedings in the rape case of his 12-year-old daughter pending before the Child Protection Court, Peshawar. Complaint was converted into Writ Petition No. 5286-

P/2023, wherein the learned trial court was directed to record statement of the complainant/victim who had to proceed shortly to America to continue with her studies in Chicago, by all means on the date fixed before Additional District & Sessions Judge/Child Protection Court/JJC, Peshawar without fail.

C. Free Legal Aid

Complaint No. 24200

Shah Fahad alias Katrina, a transgender approached the Cell with a request to provide him with a pro bono lawyer being financially weak to file a case in the Court for unblocking his CNIC. His application was acceded to and Mr. Umair Iqbal, Advocate generously showed his willingness to pursue the case. Subsequently, Writ Petition No. 1052-P/2022 was filed for declaration that the act of blocking the petitioner's CNIC by NADRA is illegal. The victim/petitioner was impersonated thrice during court proceedings by cheating and fraud/fake signatures on surety bonds in separate FIRs. The petition was disposed of and learned Sessions Judges and presiding officers of the subordinate courts of all the Districts of KP were directed to inquire about the identity of sureties before attesting the bail bonds and NADRA was directed to provide facility of biometric system in the courts for comparison of thumb impressions of sureties. Besides NADRA was directed to unblock his CNIC forthwith and also absolve the petitioner from liability of bail bonds.

Complaint No. 23598

Hidayat Ullah, sought the services of pro bono lawyer to file a case in the court against respondents for allegedly blocking the irrigation channel of applicant's land. Mr. Umair Iqbal, Advocate contested his case through Writ Petition No. 4085-P/2021, which was disposed of with directions to Assistant Commissioner of merged District Khyber to dispose of the matter within a period of one month and consider the restoration of water course in accordance with law.

Complaint No. 28298

Hashmat Bibi, sought services of pro bono lawyer to challenge the order dated 24-05-2022 of Additional District Judge, Lahor, Swabi. Mr. Mudassir Ali, Advocate showed his willingness to pursue the case and Writ Petition No. 1912-P/2023 was filed accordingly.

Complaint No. 28845

Imtiaz Habib, sought services of pro bono lawyer to challenge the appointments against vacancies in settlement & digitization of land records project in merged districts (AIP Project). Mr. Rahat Khan, Advocate showed his willingness to pursue the case and filed Writ Petition No. 3173-P/2023.

II. ENFORCEMENT OF LAW

A. Jails & Prisoners

Rights of Prisoners

Complaint No. 29079

Abdul Qayum, condemned prisoner in Central Jail, Mardan, contended that being diagnosed with brain tumor, he was not getting proper treatment outside jail as suggested by the doctors concerned. The complaint was converted into W.P No. 4824-P/2023. Medical Officer of Central Prison Mardan reported that the petitioner was not having brain tumor, however, recommended his transfer to Central Jail Peshawar for having neurological issues as facilities for such patients were available at Central Jail Peshawar as well as in the Tertiary Care Hospitals at Peshawar. The petition was disposed of with the directions for transfer of complainant to Central Jail Peshawar and Superintendent Central Jail, Peshawar was also directed to make necessary arrangements for the treatment of the petitioner as per rules.

Complaint No. 27645 with connected complaints

Muhammad-Ur-Rehman & others, Military Court condemned prisoners in Central Jail, Peshawar filed applications through Superintendent Jail, wherein requested for their treatment/surgery stating that despite being referred to LRH, they were not provided with desired medical treatment. As per report submitted by I.G Prisons, the ailing prisoners were referred to LRH and Police Services Hospital, Peshawar for specialized treatment and they were advised admission for surgery, however, they were not admitted in the hospital due to lack of provision of security as well as lack of MLC ward. Thereafter, Secretary Health was asked to provide all the necessary facilities to the ailing Prisoners. Due to lackadaisical approach of the quarters concerned, the complaints were converted into Writ Petition No. 2114-P/2023 along with connected Writ Petitions which were disposed of with directions to Hospital Director, LRH, Peshawar, to provide all the medical facilities to the petitioners as and when referred in accordance with law.

B. Enforced Disappearance

Complaint No. 29457

Muhammad Munir, reported that his brother namely Kaleem Ullah had been missing since last 06 months and his whereabouts were not known to them. Complaint was converted into W.P No. 4424-P/2023. Subsequently, his brother was traced at Internment Center, Paithom and In-Charge, Internment Center, Paithom was directed to provide visitation rights to the family members of the detainee, under the law.

Complaint No. 26957

Brekhana, approached this Cell that despite orders in W.P No. 4697-P/2020, visitations of family members with detenue were not being held. The complaint was later converted into COC No. 2-P/2023, where after, the visitations were held regularly.

III. FUNDAMENTAL FREEDOMS

Freedom of Thought, Conscience & Religion

Complaint No. 29044

Ravi Singh, Naib Qasid in GHSS Bilyamina, District Hangu, sought his transfer to any other school for having life threats from co-villagers being non-Muslim. Complaint was forwarded to DEO (Male), Hangu but later it was fixed before the Court of his lordship Hon'ble the Chief Justice through CM No. 14-P/2023, wherein directions were issued to DEO (Male), Hangu to consider the transfer of the applicant to Government Middle School, Jozara, District Hangu.

IV. RIGHTS OF THE DISADVANTAGED

A. WOMEN

a. Forced Marriage

Complaint No. 28144

Sana Ibrahim, lodged complaint against her father for allegedly forcing her to marry someone without her consent. The complaint was converted into Writ Petition No. 1309-P/2023 and notice was issued to her father Ibrahim, where after her grievance was redressed and the petition was disposed of having achieved its object.

B. Elderly/People Living With Disabilities

Complaint No. 28673

Mohib-ul-Haq, aggrieved of the maltreatment of his son Siraj for allegedly trying to expel him from home besides harassing and humiliating him, sought protection under the Protection of Parents Ordinance, 2021. Complaint was converted into W.P No. 2594-P/2023 which was disposed of with directions to D.C, Peshawar to entertain the prayer of the petitioner and proceed with the matter in accordance with law.

V. SOCIAL AND ECONOMIC RIGHTS

A. Education

Complaint No. 29548

Imdad Ullah, complained against Principal, Government Primary School, Shaheed Abad, Touheed Colony, Peshawar, for declining admission to his sons. The matter was taken up by this Cell with DEO, Peshawar, whereafter his sons got admission in the school.

Complaint No. 27057

Subhan-Ud-Din, sought reconstruction of the building of GGPS, Asghar, Tehsil Prang Ghar, District Mohmand being dilapidated rendering the lives of students at risk besides upgradation of school. Complaint was converted into W.P No. 471-P/2023, wherein the Court was informed that the requisite funds were released to the petitioner by the department concerned and the petition was disposed of accordingly.

Complaint No. 29205

Ameer Hamza & others, expressed their concerns against irregularities/discrepancies in entry test held in Khyber Pakhtunkhwa on 10-09-2023 through Educational Testing & Evaluation Agency (ETEA)

commonly known as Medical & Dental Colleges Admissions Tests (MDCAT) for admission to MBBS & BDS Programs upon allegations of mass cheating through modern technological tools and electronic devices. The matter was taken up by the Human Rights Cell and complaints were converted into Writ Petition No. 4015-P/2023 along with connected Writ Petitions. The petitions were disposed of with directions to Provincial Government to conduct the MDCAT within time period as provided by the Cabinet (six weeks) ensuring transparency in the examination.

Complaint No. 27259

Muhammad Huzaif Khan, desirous of admission in Human Nutrition Department in Agriculture University, Peshawar citing that despite having GPA of 3.01 in 4th semester, he was not considered by the Chairman but few students with less or almost the same GPA got admitted. Report was sought from Dean Faculty, thereafter, complainant informed that he got admission and his grievance stood redressed.

B. Housing, land grabbing and public amenities

Complaint No. 29806

In this application, the applicants/Islahi Jirga through a resolution requested for issuance of directions to quarter concerned for construction of demolished bridge named Badrai Pul at Swabi as the only link connecting the adjoining areas with the main city. Application was converted into Writ Petition No. 5352-P/2023. Upon directions of the court, the requisite additional fund of Rs. 86.200 million was released by Finance Department for construction of the bridge and the petition was disposed of having served its purpose.

C. Environment

Complaint No. 28023

Haji Waris Khan was aggrieved of rising pollution in the locality as a factory was set up in the residential area of Muslim Town. Report was called from Director General, Environmental Protection

Agency, Peshawar. The report divulged that upon site visit by official of agency, an Environmental Protection Order u/s 17 of KPK Environmental Protection Act, 2014 was issued for proponent with directions to “immediately stop all the activities at the project site”. Agency further asked District Administration to ensure implementation of order.

D. Safeguard Against Discrimination in Service

a. Retirement/Pensionary Benefits

Complaint No. 27535

Shahid Wahab, sought release of pension from PESCO, Mardan stating that he got retired on 31-03-2022. The matter was taken up with the quarter concerned and the complaint was later converted into W.P No. 961-P/2023. Upon court directions the pension amount was later paid to the petitioner through cheque No. 00001180 dated 31-05-2023 and the petition was disposed of accordingly.

b. Recruitment

Complaint No. 26970

Muhammad Ameen, sought appointment against Retired Employees Son Quota in Education Department as his father got retired from Govt. High School, Pahari Kati Khel, Nowshera as a Class-IV employee. After taking up the matter with DEO Nowshera by this Cell, the applicant got appointed.

Complaint No. 26981

Amna Miskeen, requested for appointment of her son against Deceased Son Quota stating that her late husband served as Secretary, Union Council in District Nowshera, expired during service on 27-11-2007. Matter was taken up with Assistant Director, Local Government & Rural Development Department, Nowshera. The complaint was later converted into Writ Petition No. 1211-P/2023. Pursuant to the Court directions, her son was appointed against the post of Chowkidar.

c. Release of salary

Complaint No. 27948

Rubina Akhtar, appointed as LHV under AIP project in District Orakzai on 25th Aug, 2021, sought release of her salary since her appointment. The complaint was converted into Writ Petition No. 671-P/2023. Pursuant to directions of court, her outstanding salary amounting to Rs. 14,26,500/- was paid to her through cheque No. 2389809 and the petition was disposed of having served its object.

Complaint No. 26539

Hashaam Khan, Water Supply Supervisor in WSSC, Kohat sought release of his salary alongwith other dues withheld since March, 2022 besides appointment against a post according to his cadre. Reports were sought from Chief Executive Officer, Water & Sanitation Services, Kohat and Director, Urban Area Development Authority (UADA) Kohat. The reports depicted lack of initiative to resolve the issue. Complaint was therefore, converted into Writ Petition No. 27-P/2023, which was allowed and Urban Area Development Authority (UADA) was directed to adjust the petitioner and release his salary, besides to pay him all his arrears.

d. Official Accommodation

Complaint No. 29892

Habib Ullah, Braille Teacher (BPS-17) in Special Education, Complex Hayatabad, Peshawar, requested for issuance of instructions to Estate Office, Administration Department, KP for provision of accommodation at Hayatabad considering his posting and visual impairment on priority. The complaint was fixed before the Court of his lordship Hon'ble the Chief Justice through CM No. 2670-P/2023, Complainant was allotted accommodation in Civil Quarters, Kohat Road, Peshawar. Then petition was disposed of having served its object.

Visits of Delegations to Human Rights Cell

Visit of Trainees of Shari'ah Academy, International Islamic University, Islamabad

Trainees of the Shariah Academy, International Islamic University, Islamabad visited Human Rights Cell on 27th January, 2023. Director, Human Rights Cell briefed the participants on the complaints processing procedure and the success stories were shared with them.



Visit of delegation of Center of Learning Law & Business (CLLB), Peshawar 20th February, 2023

Visit of delegation of National Center for State Courts Alongwith Code Pakistan

Delegation of the National Center for State Courts alongwith Code Pakistan also paid visit to Human Rights Cell on 15th September, 2023.

Visit of the students of The Leading Institute of Law, Peshawar

Students of The Leading Institute of Law (TILS), Peshawar visited HRC on 30th November, 2023. Director HRC briefed the students on the nature of the complaints received at HRC and complaint processing procedure.



Country Study Tour of ASPs (UT) to Peshawar, Khyber Pakhtunkhwa



Country Study Tour of ASPs (UT) to Peshawar, Khyber Pakhtunkhwa on 15th December, 2023.

Visit of LLB (Hons) Students of Islamia College, Peshawar

Students of Islamia College, Peshawar visited HRC on 22nd December, 2023.





PESHAWAR HIGH COURT, PESHAWAR