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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ
Mr. Justice Tassaduq Hussain Jilani

SUO MOTO CASE NO. 1 - OF 2006
(Miserable Condition of Women in jails)

Malik Muhammad Qayyum, ASC/President
Supreme Court Bar Association.

Mr. Zaka ur Rehman, ASC.

Mr. Aftab Iqbal Chaudhry, Advocate General
Punjab.

Mr. Zubair Khalid, Assistant Advocate General
Punjab.

Mr. Pervaiz Khusro Malik, Home Secretary,
Government of the Punjab.

Mr. Muhammad Javed Malik, Secretary Health,
Government of Punjab.

Mr. Sarfraz Mufti, I.G. Prisons Punjab.

Mr. Javed Iltaf, Superintendent Jail.

Seth Abid Hussain, Chairman Hamza
Foundation.

Mr. Liaqat Ali Qureshi, ASC/President of
QAFLA (Qalandar Association for Free Legal
Aid).

Date of hearing. : 25.01.2006

ORDER

Pursuant to order dated 23.01.2006 a detailed report has been submitted answering the queries. Malik Muhammad Qayyum President Supreme Court Bar Association appeared along with a philanthropist Seth Abid Hussain and stated that he is ready to extend any help to overcome the problems/difficulties of the female prisoners along with their children including construction of barracks voluntarily under his own supervision as he deals in the business of construction.

We appreciate his gesture which has been shown by him by appearing in the Court. The Secretary Home, Secretary Social Welfare, Secretary Health and I.G. Prisons are required to convene a meeting with him as well as the President Supreme Court Bar Association to discuss the problems and utilize his services where need be. In this behalf, it is pointed out that although the Government has allocated an amount of Rs.1.71 Million for the construction of barracks but if this amount is not sufficient or it will take sometime to do the needful, then the authorities may consider to accept the offer of Seth Abid Hussain for the purpose of raising the construction of barracks without further delay because the prisoners have pointed out in the applications the difficulties which they have faced during the winter days on account of inadequate arrangement of the barracks as some of them were compelled to stay in the courtyard or in a barrack which was covered with tarpaulin. We appreciate the efforts of the Home Secretary, Government of the Punjab which he has taken in solving the problems of lady prisoners as indicated in the report. He has informed that he himself visited the jail along with the jail authorities and personally supervises the efforts being made by the Government of the Punjab to overcome their difficulties.

2. Secretary Health, Government of Punjab, is also present. He stated that three lady doctors have been placed at the disposal of the Home Department and vacancies of twelve Lady Health Visitors have been sanctioned and the process is going on for the purpose of their recruitment.

Be that as it may, pending the recruitment of the same, the Health Department shall provide services of the Lady Health Visitors who shall be attached with each female prison or barrack in the Province with medicine of urgent nature so that they may provide treatment to lady prisoners or their children on emergency basis, if need be. Services of the

Lady Health Visitors shall be available during the working hours to the prisoners and similarly a schedule shall be chalked out for the visit of lady doctors once in a week for the purpose of providing medical treatment etc to them.

3. A detailed report has been submitted furnishing the particulars of the cases in which the lady prisoners are involved. It may be noted that even prior to it we had ordered time and again that Courts are required to give priority to the cases of the ladies and the children both on civil as well as criminal sides. Such directions however are again repeated to all the judicial functionaries throughout the country to take necessary steps for the disposal of their cases preferentially. So far as the ladies involved in the criminal cases are concerned, those cases are also directed to be disposed of strictly in accordance with law but not more than a period of six months.

Copy of this order be sent to the Registrars of all the High Courts for the purpose of circulation to the concerned trial courts and the Registrar of the respective High Court shall be submitting monthly reports about the progress of the cases to the Registrar of this Court for our perusal in chambers. //

Copy of this order as well as detail of the cases will also be provided to the President Supreme Court Bar Association who with the assistance of Prisoners Release Committee set up by the Supreme Court Bar Association shall cooperate for the disposal of the cases expeditiously. //

4. // The Social Welfare Department is directed to conduct a survey in respect of the status of female prisoners with whom the children are residing and to examine possibility as to whether the children can stay with other relatives like father, aunt etc instead of staying in the jail with

facility to them to visit their mothers once a week for a period of six to eight hours. //

5. Mr. Liaqat Ali Qureshi, ASC/President QAFLA (Qalandar Association for Free Legal Aid) also appeared and stated that as one of the prisoners Mst. Nasim Akhtar had reported that she has already undergone the sentence but she is not being released, therefore he instituted proceedings before the Lahore High Court and got an order for her release. On enquiry the learned Advocate General Punjab informed that so far as Mst. Nasim Akhtar is concerned, she was due to be released on 1st July 2005 but on account of some miscalculation she was kept in jail. He stated that there was some order of the learned Lahore High Court that the Registrar shall be intimated before her release. Therefore, according to him, on account of such misunderstanding she was not released.

6. Prima facie the explanation offered by the learned Advocate General seems to be incorrect because we are of the opinion that if at all her date of release was due, the Superintendent Jail could have sent an intimation to the Registrar or in case of any other difficulty he could have moved the Court through the Home Secretary or the office of the Advocate General for procuring appropriate orders but there was no justification for keeping this lady for a period of more than six months in jail. Therefore, we direct to the Home Secretary, Government of Punjab to look into the matter, conduct enquiry and fix the responsibility upon the person/persons who is/are responsible for not releasing her. //

7. // Copy of the order dated 23.01.2006 be also sent to the Chief Secretaries of all the Provinces for the purpose of furnishing the same details which have been procured from the Government of Punjab along with copy of the instant order for the purpose of ensuring the same steps which have been taken by the Government of Punjab for the welfare of the

female prisoners confined in different jails of the Province. A comprehensive report shall be submitted by the Provincial Home Secretaries of all the Provinces on the next date of hearing through their respective Advocates General.

8. Adjourned to a date in office to be fixed along with the identical case pending at Islamabad,

LAHORE, THE
25.01.2006
khuram

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Mr. Sarfraz Mufti, I.G. Prisons Punjab.

Date of hearing. : 23.01.2006

ORDER

The learned Advocate General Punjab is required to submit a detailed reply to the questions noted hereinbelow:

- (i) How much time will it take to complete the under-construction barrack for women prisoners?
- (ii) What are the stages of the cases pending against the lady prisoners with the names of courts?
- (iii) Whether the minors (19) detained are involved in the cases or they are suffering because of their mothers?
- (iv) Whether minors have no one to look after them, if so, what arrangements could be made by the Social Welfare Department of the Government?
- (v) What are the arrangements of health care for the lady prisoners?
- (vi) Whether the post of a Lady Health Visitor has been sanctioned, if so, then why she has not been posted there?

- (vii) As to why mentally sick prisoners have not been shifted to the Mental Hospital Lahore?
- (viii) What is the state of affairs of lady/children prisoners in the other Prisons of the Province?
- (ix) Is there any N.G.O which could extend some financial or moral support for the welfare and care of those prisoners and children?

The Home Secretary present in Court will consult to the Secretary Social Welfare and Secretary Health Department on the issue. The latter two are also required to assist the Court along with their reports on the next date of hearing.

Adjourned to 25.01.2006.

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