

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-2241 of 2024

(Mst. Izzat alias Uzma Vs P.O Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;
Muhammad Saleem Jessar J;
Adnan-ul-Karim Memon, J;

Dated of hearing and Order. 10th February 2025

Mr. Naveed Ahmed Channa advocate for the petitioner.
 Mr. Zulfiqar Ali Naich, Assistant A.G Sindh along with Incharge
 DarulAman Sukkur

ORDER

Adnan-ul-Karim Memon J:- Petitioner Mst. Izat @ Uzma, currently held in Darul Aman, Sukkur by court order dated July 13, 2024, appeared in court and expressed her wish to be moved to a Darul Aman in Shaheed Benazirabad (Nawabshah) district. She alleged cruel treatment by the In-charge of the Sukkur facility, a claim that the In-charge, also present in court, denied, citing different reasons and claiming the contrary.

2. The petitioner, brought from Darul Aman, described her situation, stating that she willingly married one Amir without her parent's consent and left home with few possessions. Her parents and relatives reacted negatively, allegedly threatening both her and her husband's lives. Subsequently, her parents filed a petition under Section 491 of the Cr.P.C. After being recovered and appearing in court, where she expressed serious concerns for her safety, she was placed in protective custody at Darul Aman Sukkur. She alleges mistreatment and harassment by other inmates at the behest of the In-charge, making her feel unsafe. Fearing for her life if she returns home due to the threats and local customs regarding elopement, and also feeling insecure at Darul Aman Sukkur, she requested a transfer to Darul Aman Nawabshah, citing its proximity to her mother's residence and the difficulty of visits to Sukkur. A previous transfer request, submitted through the Assistant In-charge of Darul Aman Sukkur, was denied by the 5th Additional Sessions Judge Sukkur on July 13, 2024. The

petitioner submits that this Court has the jurisdiction to direct her transfer to Darul Aman Nawabshah for her safety and that Respondent No. 3 should be directed to protect her from her relatives.

3. Learned AAG submits that petitioner Mst. Izat alias Uzma was admitted to Darul Aman Sukkur by Court's order dated 13.7.2024, which has caused significant disruption in Darul Aman Sukkur, while initially claiming unfamiliarity with her new legal counsel, she later met with three advocates who attempted to meet her, despite the scheduled hearing date. Advocates behaved inappropriately with the police staff, forcing them to open the door, and resorting to blackmail, abusive language, and threats to involve the media. They also complained to the Deputy Commissioner, leading to a visit from Assistant Commissioner Sobia Falk. During her visit, Ms. Falk confirmed the institution's policy of restricting male access without court permission. Following this, the petitioner became verbally abusive and threatened to make false accusations against the administration, staff, and other residents to the media. While the in-charge Darul Aman Sukkur, has no objection to her transfer to another shelter, as she is legally competent, her baseless accusations are disrupting the peace and order of Darul Aman Sukkur.

4. We have heard the parties present in court and perused the record with their assistance.

5. The petitioner explains that her parents reacted negatively to the marriage, threatening both her and her husband's lives, which led them to file a petition under Section 491 of the Cr.P.C. After appearing in court and expressing fear for her life, she was placed in protective custody at Darul Aman Sukkur. However, she alleges mistreatment and harassment there, making her feel unsafe. She fears returning home due to the threats and the risk of honor killing. While her mother resides in Nawabshah, making visits inconvenient, she feels Darul Aman Nawabshah would be a safer option.

6. Prima facie there are instances of abuse against young girls in various Dar-ul-Amans (shelter homes). The origins of shelter homes, or Dar-ul-Amans, lack comprehensive documentation and facilities. The federal government established Shaheed Benazir Bhutto Human Rights Crisis Centers for Women throughout Pakistan, managed by the Federal Ministry of Women Development. These centers were some of the first shelters designed for women experiencing violence and abuse. Following the Eighteenth Constitutional Amendment, their administration was devolved to the provincial governments. Effective

enforcement of women's fundamental rights requires full and genuine implementation of the laws governing Protection Centers and women's shelters.

7. The petitioner has presented legitimate concerns about the operation of Dar-ul-Aman (shelter home) in Sukkur, specifically regarding the safety and welfare of those residing within them. Abuse in shelter homes remains a serious concern and requires stronger oversight, particularly for orphaned girls, to prevent coercion and abuse. Comprehensive operational guidelines, stronger oversight, and better support services are urgently needed to guarantee the safety and well-being of those living in these institutions. A coordinated effort by relevant authorities is crucial to address these issues and protect the fundamental rights of vulnerable women and children.

8. The Supreme Court, in *Shehla Zia and others v. WAPDA*, (PLD 1994 SC 693) interpreted "life" in Article 9 broadly, encompassing all aspects of dignified human existence, including amenities and facilities enjoyed by citizens of a free country. This interpretation defines "life" as including rights necessary for a free, proper, comfortable, and clean existence. Subsequently, in *Employees of the Pakistan Law Commission v. Ministry of Works*, (1994 SCMR 1548), the Supreme Court explicitly recognized the right to housing as a component of the right to life. Pakistan's Constitution, while not explicitly mentioning housing as a fundamental right, however, implies it. Reading Article 9 (right to life and liberty) together with Article 38(d) (Principles of Policy), which addresses the state's responsibility to provide necessities, supports the argument for housing as a constitutional right. Article 199(1)(a)(i) of the Constitution empowers the High Court to compel individuals performing official functions within its jurisdiction to fulfill their legal obligations.

9. This court tentatively assesses that petitioner Mst. Izat alias Uzma's safety and well-being are involved and there are relevant factors and credible evidence to support the need for a transfer from Darul Aman Sukkur to a safer place, the state must safeguard such protection under the law.

10. With the petitioner present in court and consenting, the transfer application is granted as requested. The government of Sindh/competent authority is directed to facilitate the petitioner's transfer to a safer location of her choice, taking all necessary measures to ensure her safety and prevent any untoward incidents.

11. The Chief Secretary of the Sindh government is directed to take immediate disciplinary action against officers involved in the mistreatment of

women and children held in these institutions and to submit a progress report to this Court on the matter.

Judge

Judge

Nasim/P.A

