

# Success Stories

## Access to Justice



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Pakistan

INSAF NETWORK PAKISTAN (INP)  
House 74-A, Main Margalla Road, F-7/2, Islamabad

## Acronyms

ADR	Alternate Dispute Resolution
CDP	Community Development Program
CRC	Convention on the Rights of the Child
D\O	Daughter of
DCO	District Coordination Officer
DO	District Officer
EDO	Executive District Officer
FDO	Farmers Development Organization
FIR	First Information Report
FLAC	Free Legal Aid Center
LRF	Legal Rights Forum
NRDP	National Rural Development Programme
PPC	Pakistan Penal Code
PS	Police Station
PTDC	Pakistan Tourism Development Corporation
S\O	Son of
SHO	Station House Officer
SRDO	Schunaizia Research and Development Organization
SSP	Senior Superintendent of Police
UC	Union Council
UNDP	United Nations Development Programme

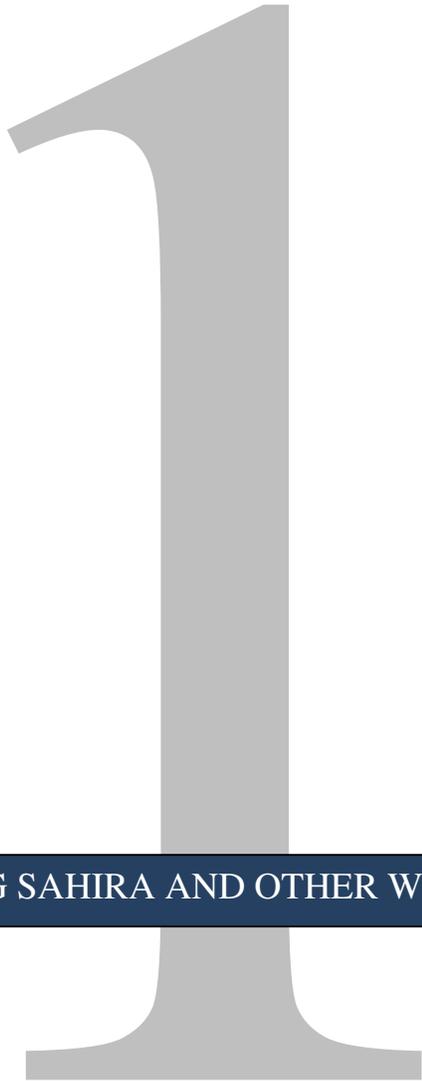
## Glossary

Eid ul Azha	Islamic Holy Day
Jirga	ADR Mechanism Operating in Khyber-Pakhtunkhwa and Balochistan
Karo Kari	Honor Killing
Katchery	Lawyers' Chambers
Khula	Woman's Right to Divorce
Nikkah	Islamic Marriage Contract
Shariat	Islamic Law
Tehsil	Administrative Unit below District
Wadera	Land Lord

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HELPING SAHIRA AND OTHER WOMEN FIGHT AGAINST KARO KARI

## **HELPING SAHIRA AND OTHER WOMEN FIGHT AGAINST KARO**

### **KARI**

Sahira, resident of Makli Katchi Abadi, District Thatta married Shoukat Khaskheli resident of Makli Taluka, District Thatta. It is important to mention that, District Thatta has an alarmingly high rate of a violent practice called Karo Kari (honor killing). Despite the fact that this practice is illegal, it is rampant in a number of Pakistan's districts. Sahira's mistake was that she married Shoukat out of love and did not abide by her parent's decision of an arranged marriage for her. Sahira learned that her father, brothers and uncles were plotting to kill her and her husband for marrying out of her own free will.

Afraid for her life, Sahira, along with her sister-in-law Haseena Khaskheli approached the Legal Aid Center established under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" and briefed the Legal Aid Coordinator present there at the time, about her case. The Legal Aid Coordinator inquired about Sahira's case and financial background, as he is under directions to use the Legal Aid Center office for the poor, who are unable to finance their legal proceedings. Satisfied with the veracity of Sahira's case as well as having determined that financial hardship in her case merited intervention, the Legal Aid Coordinator filed a Human Rights Petition for Sahira in the Court of the District and Sessions Judge, Thatta. The court issued notices to the accused to appear in the Court on 13-10-2012.

The Legal Aid Coordinator ensured that the notices were served, timely, to all the accused persons to ensure that the legal proceedings are conducted and concluded as quickly as possible. All the accused appeared before the District and Sessions Judge, Thatta on 13-10-2012 and stated under oath that, they neither wanted to kill Sahira and/or her husband nor were they harassing the couple. The Honorable District and Sessions Judge, Thatta issued notices to accused persons that they would not harass or do any illegal activity against the petitioner and her husband. Petition was disposed off on 13-10-2012.



HELPING WOMEN AGAINST FORCED MARRIAGES

## **HELPING WOMEN AGAINST FORCED MARRIAGES**

Uroosa, a resident of Liaqatabad, Karachi, was engaged to her maternal cousin (whose identity she did not want to disclose). One day, her father forcibly conducted a Nikkah ceremony of Uroosa to his nephew (Uroosa's paternal cousin) along with fixing the Wedding date for the coming month.

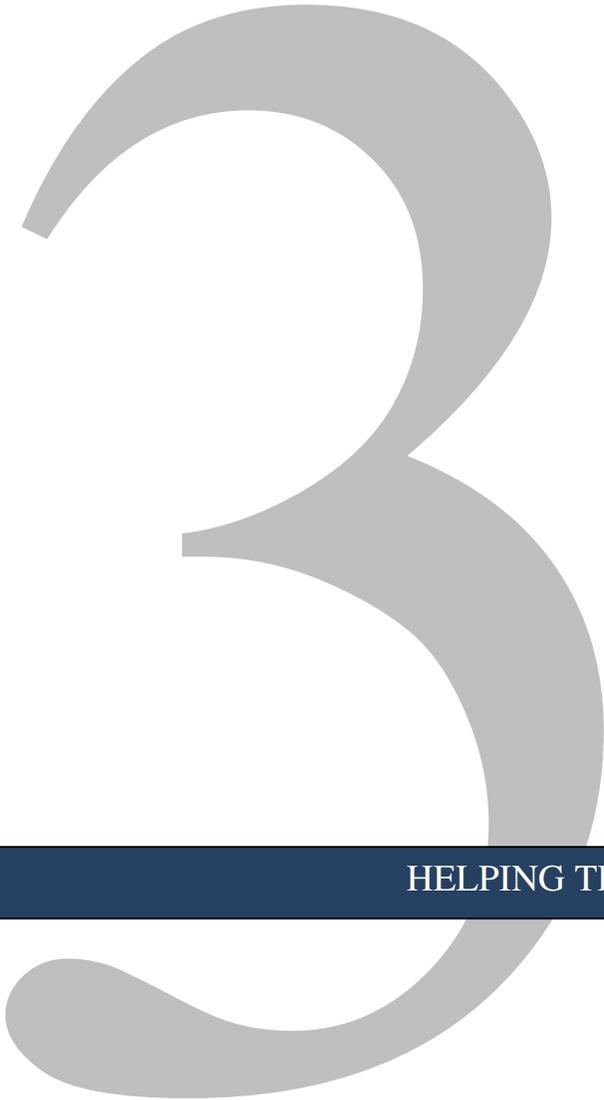
Uroosa decided to appear in court and perform a court-marriage with her maternal cousin. Due to not having any experience of visiting courts and the procedures that follow for court marriages, anxiety got the better of Uroosa and she ran away with her maternal cousin.

Uroosa was informed by a relative about the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"** and luckily she decided to give it a try. She approached the Legal Aid Center and briefed the Legal Aid Coordinator about her case, her visit to District Courts and even informed the Coordinator about her plans to elope with her maternal cousin before the wedding date. The Legal Aid Coordinator calmed her down, advised her not to run away with her cousin and briefed her about the legal complications that she and her maternal cousin would land up in, if they ran away together. The Legal Aid Coordinator, after fulfilling all the formalities, called Uroosa to the Legal Aid Center and advised her that:

- First file a suit for Dissolution of marriage by way of Khula;
- During the pendency of the case, she should stay at a shelter home for women.

Uroosa agreed with the Legal Aid Coordinator and willfully allowed the Legal Aid Center to pursue her case. The Legal Aid Coordinator filed a "Petition for life protection" and "suit for dissolution of marriage by way of Khula" in Sindh High court. She preferred to live with her uncle instead of a Shelter home. The High Court issued directions to the Police officials to

protect the couple and told them explicitly not to register any FIR against the couple with regards to this case. Due to constitutional petition before the Sindh High Court, the police refused to lodge a kidnapping FIR against Uroosa's maternal cousin. In this petition, the Station House Officer of Liaquatabad also filed his comments on the directions of the Sindh High court and assured the Legal Aid Coordinator and Uroosa to provide full protection to her, the SHO also assured her that, her uncle and any other members of her family will not register any FIR against them regarding this matter.



HELPING THE WEAK

## **HELPING THE WEAK**

Rasheed, his brother Naveed and his son Naseer, residents of Village Bachayo Janwari, Union Council Kalri, are all farmers by profession. They were asked to participate and provide funding for Aijaz Shah Sheerazi, the wadera (landlord) of the area and an election candidate in the upcoming elections from a political party that they did not support. They refused.

Sheerazi was infuriated with the refusal of the three for providing any support or funding and accused Rasheed, Naveed and Naseer with the charge of theft of nine buffaloes. Police registered a case against them under section 379 (theft)/411 (dishonestly receiving stolen property) Pakistan Penal Code (PPC) with FIR No: 93/2012 Police Station (PS) Makli.

The elders of the community approached the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". After providing the details about the case, they asked the Legal Aid Coordinator to help them as they cannot bear the court's expenses due to financial hardship. The Legal Aid Coordinator after satisfaction and fulfillment of all the formalities filed the bail application in the Court of the Sessions Judge, Thatta for Rasheed, Naveed and Naseer. The bail was confirmed on 09-10-2012 and all the three under illegal detention were released and were free of the charges against them.

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# 4

FIGHTING STATE AND POLICE BRUTALITY

## **FIGHTING STATE AND POLICE BRUTALITY**

A group of social activists organized a rally against the People's Local Ordinance 2012, in Mithi City on 02-10-2012. A large number of protestors gathered to support the cause of the rally. It shall be significantly that the rally was a peaceful one and no acts of violence have yet been reported by the government or the media. However due to the size of the crowd in support of cause, the government and made the necessary arrangements to grapple with the worst case scenario and police force was used to hold the crowd.

In this relation, 15 people were arrested on the same day, i.e. 02-10-2012 by Mithi police and FIRs (First Information Report) were lodged against them under section 440 (Mischief committed after preparation made for causing death or harm) and 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object) etc. PPC crime number 80/2012. The people arrested were journalists, students, social and political workers and were not reported by any media group for any act that the above two sections of PPC would refer to. On 03-10-2012, the elders of the community contacted the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". The Legal Aid Coordinator, after completing the formalities, contacted the Bar Association Mithi for a joint stand against the police's illegal detention of the persons. All the advocates from the Bar Council Mithi supported the stance of the Legal Aid Center and filed bail applications for the persons arrested. Due to the joint effort by the Bar, the bail was granted to all detainees on the same day, i.e. 03-10-2012. Names of the beneficiaries of this action are:

1. Hussain S/o Mohammad Junejo
2. Waheed s/o Jaffar Nohri
3. Qumeet Rai s/o Sadhomal Maghwar
4. Saindad s/o Abdul Raheem
5. Love Kumar s/o Ramesh

6. Gulam Rasool s/o Muhammad Junejo
7. Dewat Rai s/o Gulab
8. Arjan s/o Khangar
9. Gunesho s/o Mehandro
10. Amarsingh s/o Magho
11. Kiltar s/o Shankar Lal
12. Pershotam s/o Sono Mal
13. Partab s/o Nebraj
14. Suresh s/o Photo Mal
15. Krishan s/o Missree



HELPING NAZIA BIBI AGAINST DOMESTIC VIOLENCE

## **HELPING NAZIA BIBI AGAINST DOMESTIC VIOLENCE**

Nazia Bibi a resident of village Shamdara, Tehsil Oghi, District Mansehra married Sajjad Ahmed on 23 November 2004. Before marriage, It was agreed that a fixed amount of PKR 40,000/- was to be provided to the bride as dowry. A house as well as ornaments were gifted to Nazia apart from the agreed amount. In the course of their marriage, Nazia gave birth to two children, and it was after this period that her husband showed his violent side, did not treat her well and physically abused her. Sajjad finally sent his wife away to her parent's house; however, he withheld the dowry amount and articles which he agreed to give his wife.

Nazia Bibi visited the Legal Aid clinic event (Seminar) established under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. Nazia Bibi stated the facts of her case to a female lawyer of the Legal Aid Center and informed her that she cannot bear the charges of courts and lawyer's fee, therefore, cannot avail the choice of legally claiming her rights. The female Lawyer counseled her, performed the legal formalities and referred her case to Community Paralegal Committee of Union Council Shamdara, Tehsil Oghi for Alternate Dispute Resolution (ADR) but unfortunately the issue could not be settled. The Community Paralegal Committee sent her case back to the Legal Aid Centre along with their resolution and other related documents for resolving the issue through the concerned Court of Law.

The Legal Aid Coordinator requested that Nazia Bibi visit the Legal Aid Centre again so that a counseling session could be held and so that she could be further advised to take the next best course of action in court. Nazia Bibi was also assured that she will be provided free legal aid in resolution of her grievances. Afterwards, a proper case was prepared and filed in the Family Court on 2 October 2012. It is worth mentioning that, Nazia Bibi still wants to live with her husband being an eastern woman but for this purpose she wants all the dowry articles i.e. Dower amount, House, Gold Ornaments, Maintenance Allowance etc. to be handed back to her as per their agreement.



ENSURING HASHIM'S LIVELIHOOD

## **ENSURING HASHIM'S LIVELIHOOD**

Hashim S/O Nazir Muhammad R/O Village Shamdara, Tehsil Oghi District Mansehra and a laborer by profession entered into a contract with Sohail Ahmed S/O Dildar Khan for providing the shuttering facility for the manufacturing of a building in Mansehra. Hashim immediately started his part of the contract and rented out shuttering material and installed it at the designated building site. The contract quoted as the total amount of Rs.600,000 shall be payable to Hashim in a month's time after the fulfillment of his part of the contract and de-installation of the shuttering material. Hashim, after completing his part of the contract seven months ago, has still been paid Rs. 430,000 in several installments and was told in his last visit for request for payment of the remaining Rs.170,000 that he shall not bother Sohail Ahmed anymore.

Haq Nawaz, a cousin of Hashim participated in the INP Legal Aid clinic under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. He told Hashim about the Legal Aid Center and Hashim decided to visit the Legal Aid Center.

Hashim informed the Legal Aid Coordinator that he is a laborer and has been working with a Shuttering Contractor for the last 14 years and briefed about his case. The Legal Aid Coordinator assured Hashim to provide him with the free legal aid and after completing the formalities, a Legal Notice was sent to Sohail Ahmed with the advice to pay the outstanding amount to Hashim and if he failed to do so within seven days of receipt of the notice, he will be proceeded against under the concerned section of law in the concerned Court.

After completion of this process the defendant, Sohail Ahmed contacted Legal Aid Centre within the stipulated time. The Legal Aid Coordinator arranged a meeting of both the parties under ADR. Both Hashim and Sohail Ahmed were willing to solve the dispute through private negotiations outside the Court. The formal decision by the ADR has been

made on 15-10-2012 directing Sohail Ahmed to pay the remaining Rs.170,000 to Hashim in one month's time. Sohail Ahmed and Hashim agreed to the decision and the case was resolved.



HELPING NAVEEZA BIBI TO GET HER LEGAL RIGHT

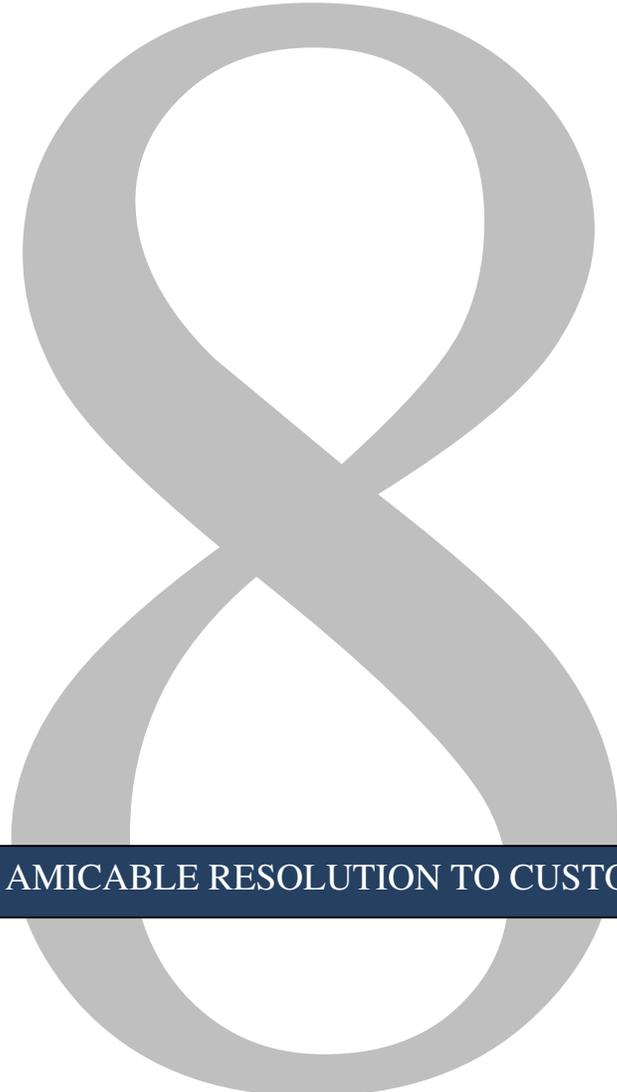
## **HELPING NAVEEZA BIBI TO GET HER LEGAL RIGHT**

Naveeza Bibi D/O Jehnadad Khan R/O Village Hassa, Union Council Talhata, Tehsil Balakot, District Mansehra got married on 07-03-2000 with Imran S/O Awal Khan of the same area. After about three months of the wedding, Naveeza Bibi came to know that her husband Awal Khan has already two wives and both of his wives are still in wedlock, which started the dispute. Despite of the instant dispute, Imran managed to marry another woman and became the husband of four wives at a time. This situation was simply intolerable for Naveeza Bibi and severe differences came to surface between the couple, which culminated in the year 2004 with the displacement of Naveeza Bibi. Imran used to physically abuse Naveeza Bibi during the period from June/July-2000 to 2004 and at last she was decided to leave her husband and went to her parent's home. Since 2004, she lived with her parents and while being there, she gave birth to a male child. Afterwards Imran sent divorce papers to Naveeza Bibi on 20-04-2010.

Naveeza Bibi started working at the homes of different people to earn a living for her and her child because her parents were very poor and they could not bear their daily expenses. From the savings of the earned money, Naveeza Bibi filed a civil suit in the Family Court for her dowry and monthly expenses of the child. During the Course of her trial, Imran demanded that the child should be given to him. The suit remained under trial for two years and no decision was reached upon. Naveeza Bibi went to Additional District and Sessions Judge, Balakot and begged for an early decision of the case as she could not bear the lawyers and Courts expenses. She was advised to approach Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" for remedy. Naveeza Bibi came to Legal Aid Centre, Balakot and met Legal Aid Coordinator and explained her whole story.

After discussing pros and cons of the issue internally between Legal Aid Coordinators, parents of Naveeza Bibi, activists of community paralegal committee and Tehsil Bar Association, it was decided that an attempt to solve this long standing issue amicably may be made. Hence, a meeting was called for 02-10-2012, which was attended by the lawyers of both Naveeza Bibi and Imran besides the participants of the previous meeting.

After discussions, the participants unanimously agreed that Naveeza Bibi shall be given dowry amount by Imran and she shall withdraw from monthly expense of the child. By doing so, the child would remain with the mother. This agreement was presented before the Court on 06-10-2012, which was endorsed and the issue stands settled.



AMICABLE RESOLUTION TO CUSTODY ISSUE AND DIVORCE

## **AMICABLE RESOLUTION TO CUSTODY ISSUE AND DIVORCE**

At the age of 22, Ameena Bibi married her cousin HabibUllah and lived 18 years of their married life in a quiet village in Dera Ismail Khan. Two years into their marriage, the couple were blessed with three children whom they shared their lives and their home with. After 18 years of marriage, the couple was faced with internal family problems; the cause of which is to this date unknown. This matter had resulted, a now 40 year old Ameena to flee her home with her three children and reside with her parents. A few months later, HabibUllah demanded that his children live with him, as he was willing and able to provide for them.

The NGO, Schunazia Relief and Development Organization was in the process of setting up the Legal Aid Center established under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" in Union Council Abdul Khail, D.I.Khan district and were working towards timely decisions of cases. Ameena's brother had contacted the Legal Aid Center to seek guidance and assistance to relieve his sister of the marriage and to receive her rights. They were met by Nauman Akbar Khan, an advocate of the High Court and a Legal Aid Coordinator at Legal Aid Center and discussed the situation with him. The relevant stakeholders met with their lawyers to reach common ground.

After days of arguments and negotiations, it was determined that the ornaments and property allocated to Ameena as dowry would remain with her; the three children will be in the care of HabibUllah and the wife can visit the children whenever she would like to; due to this, the wife will receive no monthly maintenance from the husband and a formal divorce case will be filed in the court with immediate effect.



WOMEN RIGHT OF MARRIAGE

## WOMEN RIGHT OF MARRIAGE

Arif Hussain grew up in a village in Skardu. Well into his teens, he moved to Karachi to look for better prospects to earn his living. There he met Nadia, resident of Malir City; the two became close and decided to get married. Coming from two different cultural setups, the two could not go through the proper channel of arranging and announcing the marriage, since they both knew that Nadia's parents would never agree to her marrying a man of a poor background. To evade this resistance, they planned a court marriage.

Since, they were now officially wife and husband, they broke the news to their families and though Arif's family accepted the new member of the family, Nadia's family did not take the news so well. Nadia's brothers interpreted this act as a disgrace to their family honor and threatened to kill the two. No amount of pleading could soften their hearts and make them accept Arif as their brother in law. When the threats became more strident, the couple moved to Skardu and started living with Arif's parents in Hargisa Shaqthang, New Rangah. But even moving to a new city could not end their misery. As the two were condemned to death by Nadia's family, her elder brother followed them to Skardu and threatened them to move back to Karachi where they were haunted day and night by threats to their lives.

When things became grimmer, Nadia sought help from her friend. Her friend told her about the Free Legal Aid clinics (FLAC) operating in various parts of Skardu, where matters such as these were taken up for speedy resolution. Nadia ended up at the FLAC office in Skardu and narrated her story. Her case was taken to the Legal Aid Center established by UNDP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". The Legal Aid Coordinator contacted the elders of the families of both Nadia and Arif and the final decision was reached among the elders that, Nadia's brothers will not interfere in their sister's married life and Arif will not pursue his business in Karachi, which was accepted by Arif, as he had already left all his business in Karachi and had already established a new business in Skardu.

The couple is now living together happily in Skardu and appreciates the legal help by Legal Aid Center team in resolving their case entirely to their satisfaction.

# 10

HAJI HUSSAIN AND HIS CASE OF AGRICULTURAL LAND

## **HAJI HUSSAIN AND HIS CASE OF AGRICULTURAL LAND**

Haji Hussain, resident of Union Council Chunda, Tehsil Skardu, District Skardu has the same story as of the countless people who are rendered miserable regarding tenancy matters and land issues. At a Free Legal Aid Clinic organized by Legal Aid Center established under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**", Haji discussed his matter revolving around the issue of tenancy of agricultural land. His claim on the agricultural land was late and therefore the law deemed his claim to be expired, however, the legal experts advised to the claimant to consult the "*Mahkama Sharia*" (religious arbitration).

In the light of the suggestions given by the FLAC members of the Legal Aid Center and the Legal Aid Coordinator, Yasin Baltistani, the claimant approached the "*Mahkama Sharia*" Skardu where-upon, his claim was entertained and properly adjudicated as per Islamic procedures. The "Sharai Arbitration Council" solved the dispute and the parties agreed over the same.

Both the parties arrived at the Legal Aid Center, Skardu on 13 October 2012 and stated that their dispute had been settled through the "Sharai Arbitration Council", Skardu; and that both parties agreed to the solutions provided. The complainant said that he chose not to go knocking at the door of formal Court of Law against the land lord, because he strongly believed that justice is delivered to only the influential. Both the parties appreciated the thanked the Legal Aid Coordinator, Yasin Baltistani for providing beneficial and public friendly legal advice.

# 11

PROVIDING ASSISTANCE TO SURIYA SHAHAB IN HER TIME OF NEED

## **PROVIDING ASSISTANCE TO SURIYA SHAHAB IN HER TIME OF NEED**

Muhammad Iqbal s/o Abdullah Khan living in mohalla Khwedad Khel, tehsil and district Lakki Marwat deceased on 8 September 2011 due to an electric shock. The deceased's heirs include his widow Suriya Shahab, his son's Muhammad Umair (Amir) and Muhammad Asif and his daughter Laraib Bibi. Muhammad Iqbal's heirs had no source of income after his death, his widow requested the DCO of Lakki Marwat for financial support for his heirs. DCO Lakki Marwat acting upon the request, approved Rs 100,000 and the approved amount was sent to the District Officer (R&E) Lakki Marwat via cheque number 1892973 dated 19 June 2012. The DO (R&E) asked Suriya Shahab for the submission of the minor's guardianship certificate in order to get the required approved money. Suriya Shahab had to go to the District Courts for this purpose, but due to the heavy fees demanded by different lawyers, she was unable to provide the DCO with the necessary documents. She again visited the DO (R&E) office and to provide her plea for not having enough funds for attaining the guardianship certificate due to being poor and she was guided by a staff member of the DO (R&E) office to the Community Development Program (CDP), which had organized several Free Legal Aid Clinics in the past four months.

CDP held the inauguration ceremony of UNDP's Access to Justice Program in the district assembly hall, Lakki Marwat on 30 August 2012. The ceremony was attended by people from different walks of life, which included Hamayun Khan s/o Amir Nawaz Khan. Suriya Shahab was introduced by him to the Legal Aid Coordinator where she mentioned her issue of getting the required certificate but due to her financial limitations she requested assistance of a lawyer.

Suriya Shahab was referred to Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. The Legal Aid Center provided the assistance of a lawyer from the

free lawyers' forum, who prepared a detailed case for submission in the court of Senior Civil Judge. The case was followed through all the legal procedure and was decided on 16 October 2012 with granting the guardianship certificate to Suriya Shahab of her three children.

# 12

WAHIDULLAH AND HIS STORY OF ILLEGAL DETENTION

## **WAHIDULLAH AND HIS STORY OF ILLEGAL DETENTION**

WahidUllah s/o SharifUllah, a resident of Ghazni Khel, Lakki Marwat is a student of class 10<sup>th</sup> in the Government High School Ghazni Khel. WahidUllah was illegally involved in the court # 252 dated 1 September 2012 for the crime under section 379 (Theft) of Pakistan Penal Code in the police station Ghazni Khel, Lakki Marwat. In order to defend himself from illegal involvement and also to save his academic career he needed a lawyer so that he may receive justice in the court of law. WahidUllah's elder brother, tried to portray the innocence of his younger brother, but the police staff was not ready to hear any plea nor provided any help. After several unsuccessful efforts in the police station, WahidUllah's elder brother decided to seek the courts help. He met several lawyers at the District Courts, Lakki Marwat but due to the heavy fees demanded by the lawyers, he became hopeless for providing justice to his younger brother.

WahidUllah's elder brother, received an SMS from Legal Aid Center established under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". He visited the Legal Aid Center the very next morning. He met the Legal Aid Coordinator and narrated his whole story and appealed for help and to provide him with a lawyer, so that he may put his younger brother out of the illegal and baseless detention by the police department of Lakki Marwat.

The Legal Aid Coordinator arranged a lawyer from the free legal aid committee and filed for WahidUllah's bail in the court of District and Sessions Judge on 23 August 2012. The Judge summoned the Police department on 4 September 2012 for detailed hearing in the court. On 4 September 2012, WahidUllah and representatives from the Police Station appeared before the Honorable Judge and the case was heard. The District and Sessions Judge approved the bail of WahidUllah.

# 13

A WOMAN'S RIGHT TO DIVORCE

## **A WOMAN'S RIGHT TO DIVORCE**

Samreen Bibi D/O Habib Ullah Khan, resident of Mohallah Pir Khaki Shah village, Panyala, Paharpur, D.I.Khan was married to Rustam Khan S/O Faiz Muhammad, resident of Dera Khudayarwala Hernoli, Peplan, Mianwali about a year ago, in the month of December 2011. Rustam kept Samreen for six months in his house but ousted her in the month of May 2012. She informed her parents that, Rustam had been treating her and cruelly. Rustam kept all the dowry articles and documents with himself and despite Samreen's parents repeated requests for the dowry for their daughter, Rustam refused to hand it over to them.

Samreen Bibi's father, Sartaj decided to go by the way of the court and approached the District Courts. He met three lawyers and told them his 19 year old daughter's miserable story. On average the lawyers demanded an amount between Rs.15,000 to 25,000 to plead the case. This amount of money was too much for Sartaj to bear, therefore, he opted to forget the rightful property of his daughter in the hands of Rustam Khan.

When the family had lost all the hope, Sartaj's friend told him about the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". Sartaj opted to try this last option as well and approached the Legal Aid Center. He met the Legal Aid Coordinator and told him story of his daughter. The Legal Aid Coordinator, after fulfilling all the requirements, filed a suit for "Recovery of the Dover Articles" and a suit for "Dissolution of Marriage on the basis of cruelty" in District Courts D.I.Khan. The District and Sessions Judge issued notices to Rustam Khan and ordered him to appear before the Court.

Rustam Khan appeared in the Legal Aid Center on 12 October 2012 and asked the Legal Aid Coordinator to arrange a meeting with Sartaj and other elders of the community, so the case may be resolved outside the court. Accordingly, the meeting was called with Samreen Bibi also present in the Legal Aid Center on 18 October 2012. Rustam Khan divorced

Samreen Bibi and presented all the dower articles to Sartaj. The case was resolved and Samreen Bibi was provided with her rightful articles according to law.

The copy of the decision has been sent to the District and Sessions Judge for quashment through the Court of Law.

# 14

A WOMAN'S RIGHT TO CHOOSE

## **A WOMAN'S RIGHT TO CHOOSE**

Zil e Sana, a 19 year old girl, resident of Vehari fell in love with Arshad Hussain, resident of Luddan. Due to the fear of their families, they were unable to declare their feelings to their elders and at last decided to marry each other in the courts. After the marriage, they stayed for a few months in Vehari with the hope that they would tell their elders, but every time they tried, they thought against it. Finally, when all hopes to tell their families faded away, they decided to leave Vehari and flee to some far off place and they landed in Karachi in January 2012. Arshad Hussain started a small business as both were of the opinion that they would be safe from their families and no one would threaten them. Sadly, their whereabouts were told to their families by one of their relatives, who saw them in Karachi. To their surprise, one day their family elders arrived at their door and drove them back to Vehari in the month of August 2012. Zil e Sana's parents filed a suit for dissolution of marriage and forced her to tell the District and Sessions Judge that she was married under duress. Zil e Sana was not ready to do as her family demanded but had no other choice. She wanted a lawyer to represent her in court, but did not have the financial means to do so.

She was told by a friend of hers (whose identity, she requested not to be disclosed) about the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. And on 03 October 2012, she managed to escape from her home and rushed to the Legal Aid Center. There she met the Legal Aid Coordinator and told him her complete story. The Legal Aid Coordinator rushed to the District and Sessions Courts to apply for Zil e Sana's admission to a Shelter Home, so she would be safe from her family. She was granted admission in the Shelter Home on the same day. After Zil e Sana's admission to the Shelter Home, the Legal Aid Coordinator contacted Arshad Hussain and discussed the future plans of action. Arshad Hussain thanked the Legal Aid Coordinator for acting quick and for granting his wife admission in the Shelter Home.

# 15

## COUNTERING UNLAWFUL ABDUCTION

## **COUNTERING UNLAWFUL ABDUCTION**

Syed Sharaf Hussain Shah S/O Khadim Hussain belongs to Nazir Town, Bhakkar City. He is 55 years of age and a scavenger by profession. He has three sons and a daughter, Fozia who is 7 years of age. They are all uneducated and laborers by profession. The sons do not live with Sharaf Hussain and don't meet him or their sister for months. Two months ago, in August 2012, all three sons got into an argument with their father, after which they beat him and threatened him to kidnap his daughter (their own sister) if he couldn't provide them with money. Sharaf Hussain had no money and requested them not to kidnap their own sister for money. The sons granted their father a week to arrange the stipulated amount. Ten days later, his sons Asif and Amir came to his house with their friends in his absence and took Fozia away. Sharaf went to his sons' house and requested them to release Fozia, but they did not. Sharaf Hussain Shah went to the ex-councilor of his area and requested him to help, but his efforts were in vain. At last, he visited to District Courts and met Muhammad Imran Bashir and told him his whole story.

Muhammad Imran Bashir told Sharaf Hussain Shah about the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". There he met the Legal Aid Coordinator, Rana Intazar and told him the story and asked for help in legal proceedings of his case. The Legal Aid Coordinator, after completion of all the formalities, registered an FIR (First Information Report) at the Police Station and filed a suit against the kidnapers in the District Courts. A social mobilizer, Zahirjan Mehmood helped the Legal Aid Coordinator in registering the FIR in the Police Station.

The swift action taken by the Legal Aid Center caused the culprits to panic and they rushed to the Legal Aid Center prior to Police visiting their place. They met the Legal Aid Coordinator and agreed to all the terms, but requested to resolve the matter outside the Court and requested that no intervention from the police be made. Sharaf Hussain Shah

agreed to their request and withdrew his application from Court and Police Station. Sharaf wanted a guarantee that his sons will never commit such an act again in the future. All three of his sons provided a written guarantee and brought Fozia back to their father's house.

The case stands resolved with all the three sons of Sharaf Hussain Shan under strict instructions by the Police to stay away from Fozia and Sharaf Hussain Shah.

# 16

WRONGFULLY DETAINED

## **WRONGFULLY DETAINED**

Muhammad Ali, a 14 year old boy, a resident Tehsil and District Skardu worked as an office boy at the Pakistan Tourism Development Corporation (PTDC) hotel. In the month of August 2012, Manager of the PTDC lodged an FIR against Muhammad Ali under section 381 (Theft) of Pakistan Penal Code (PPC) with the charges of stealing three cellular phones and Rs.600 from his house. Muhammad Ali denied the charges against him. Muhammad Ali's father and other elders tried to persuade the Police as well as the complainant to drop the charges against Muhammad Ali, but to no avail. Muhammad Ali's family had lost all hope in proving their son's innocence; when they heard about the Free Legal Aid Clinic (FLAC) in their vicinity.

The FLAC was organized by the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. Muhammad Ali's father participated in the FLAC and mentioned his story to the Legal Aid Coordinator, Yaseen Baltistani. The Legal Aid Coordinator requested him to visit the Legal Aid Center the next day, where Yaseen Baltistani, after completing all the formalities, submitted a suit in the Juvenile Courts against the Police Department and made sure that the notices be served to the police as well as the manager of the PTDC.

Manager of the PTDC appeared in the Legal Aid Center and requested for withdrawal of the application against him. The Legal Aid Coordinator arranged a meeting of the two parties, i.e. elders of Mr. Muhammad Ali and Manager PTDC on 03-10-2012 at Legal Aid Center. Both the parties agreed to the terms and Mr. Muhammad Ali was released from the police station. The mutual decision and settlement between both parties was sent to the court on 04-10-2012 along with the withdrawal of application.

The court officially attested the decision and the issue stands resolved.

# 17

USING ALTERNATE DISPUTE RESOLUTION MECHANISMS TO GET A WOMAN HER INHERITANCE

## **USING ALTERNATE DISPUTE RESOLUTION MECHANISMS TO GET A WOMAN HER INHERITANCE**

Haji Mohammad Yousuf, resident of Rangah village, Tehsil and District, Skardu married Safia Begum in March 2004. Safia Begum is the only sister of three brothers. In June 2012, Safia Begum's father passed away. Safia Begum along with Muhammad Yousaf visited her brothers in the month of August 2012 and asked for her share in the property of her deceased father. Her brothers, in the beginning, straightaway refused her of being an heir to their father's property, on the grounds of her being a woman. Safia Begum rejected their decision to disregard her as a rightful heir to their father's property, and she also told them of her plans to resolve this matter in court. This made her bothers to act cautiously; they calmed her and then gave her a suggestion of equal compensation in lieu of her share of the property. She rejected their offer, left their home with her husband and asked him to arrange a lawyer for the court proceedings. Muhammad Yousaf, being aware of the steady and lengthy court proceedings in cases of Civil Disputes asked his wife to be calm and informed her about the Free Legal Aid Clinic (FLAC).

The FLAC was organized by the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. Safia Begum along with her husband attended a FLAC meeting and briefed the FLAC team about her story. Yaseen Baltistani asked them to visit the Legal Aid Center, where they carefully examined the pros and cons of their civil suit registering and delays caused in reaching to an end decision, the Legal Aid Coordinator advised them to give the Alternate Dispute Resolution (ADR) institutions a try to see whether or not a decision could be made in a timely manner.

Yaseen Baltistani, the Legal Aid Coordinator formed a team of paralegal committee members and assigned responsibilities to mobilize local arbitrators of the area. On 23-09-2012, the paralegal team, the arbitrators, some senior religious figures, Safia Begum and

her bothers along with Muhammad Yousaf had a meeting and finally a decision was made in the favor of Safia Begum, which was accepted by her brothers.

The legal proceedings of transferring the property rights to Safia Begum are in process and the issue stands resolved.

# 18

BROTHERS GET THEIR RIGHTFUL SHARE THROUGH SUCCESSFUL ADR

## **BROTHERS GET THEIR RIGHTFUL SHARE THROUGH SUCCESSFUL ADR**

Haji Yousuf and his elder brother, residents of village Yarkhor, Union Council and Tehsil Chunda, District Skardu are the only two legal heirs to the land of their deceased father. The elder brother having the authoritative control of their ancestral land divided it unfairly as well as unequally. Haji Yousaf didn't agree to divide the land; he visited his elder brother for negotiations, to divide the property in equal portions. Haji Yousaf was told that the property had been divided fairly and equally. Haji Yousaf, being the younger brother, requested his elder brother to call for the arbitrators of the area and perform the divide again. This suggestion of Haji Yousaf was a very displeasing for his elder brother. He threatened Haji Yousaf with committing suicide and other emotionally blackmailing ideas, if his brother attempted to bring in the arbitrators for the divide that had already occurred and agreed upon. Haji Yousaf clarified that the decision did not have his consent nor had he shown any written or oral agreement.

Haji Yousaf discussed the problem with some of his friends and one of them advised him to participate in the Free Legal Aid Clinic (FLAC) organized by the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". Haji Yousaf participated in the FLAC meeting and briefed the FLAC team with his situation. The Legal Aid Coordinator referred Haji Yousaf to the Legal Aid Center, where he and Haji Yousaf opted for the Alternate Dispute Resolution (ADR) method for efficient and quicker solution to the problem.

The Legal Aid Coordinator gathered a team of paralegal committee members and assigned the responsibilities for gathering the religious figures and arbitrators on the day when Haji Yousaf's elder brother would be available for dialogue. On 05-10-2012, the ADR occurred in District Skardu in the presence of Haji Yousaf, his elder brother, community arbitrators,

a few Islamic scholars of the area and paralegal committee members. The property was equally and fairly divided by the community members and the dispute stands resolved.

Haji Yousaf visited the Legal Aid Center on 11-10-2012 to thank the FLAC team and the paralegal committee members.

# 109

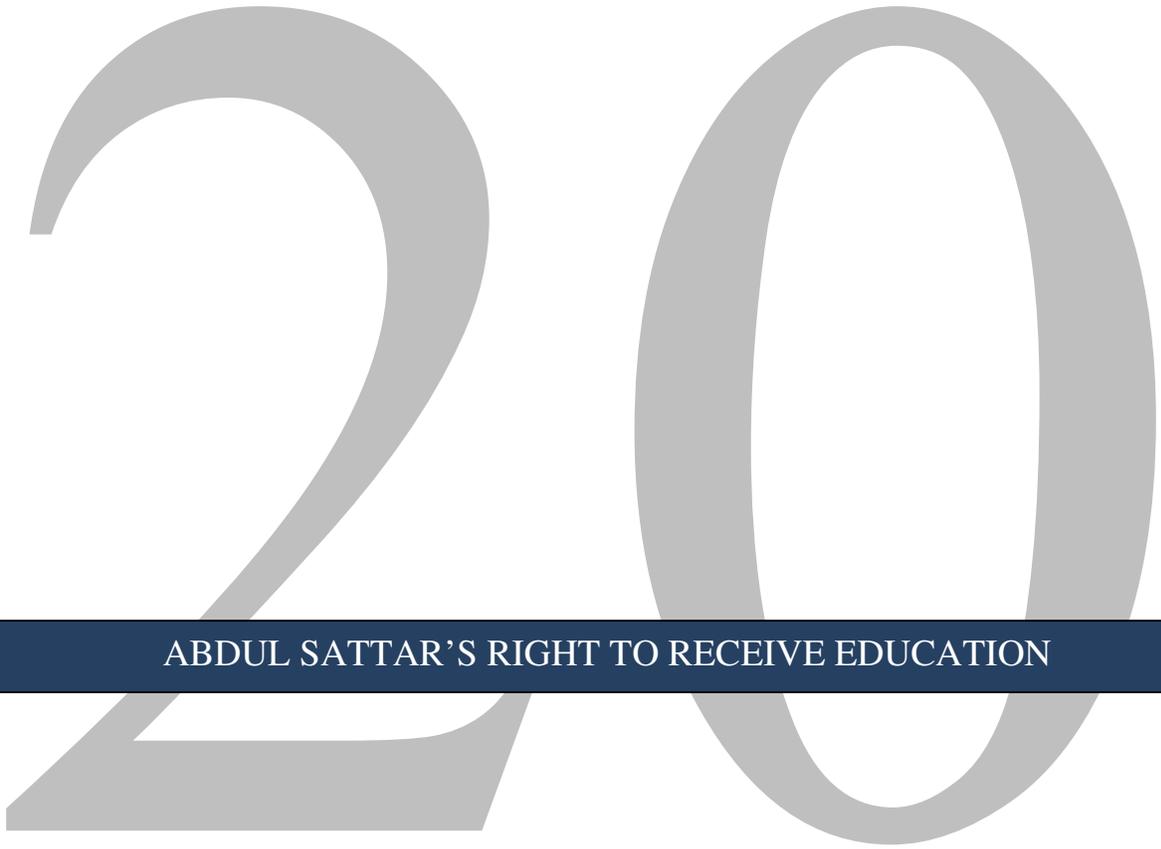
SHABANA BIBI'S SUCCESSFUL DISSOLUTION OF MARRIAGE

## **SHABANA BIBI'S SUCCESSFUL DISSOLUTION OF MARRIAGE**

Shabana Bibi D/O Chanar Din Awan, resident of Mauza Shahdaoo, Tehsil Paharpur, Dera Ismail Khan was given in Nikkah to Abdul Ghafar S/O Falak Sher Ghabal, resident of Mauza Long Khair Shah, Tehsil Paharpur, Dera Ismail Khan in her early childhood at the age of 5. When she reached adolescence, she constantly rejected her parents' request to be wedded to Abdul Ghaffar as she was in his Nikkah. Her reason for the rejection was that the Nikkah was conducted without her consent; which carries no ground in Islam and cannot be treated as legal contract between the two, i.e. Husband and Wife. When Abdul Ghaffar's family started the urgency for marriage, Shabana Bibi openly declared that she didn't agree to the terms of Nikkah and that she was not under any obligation to marry Abdul Ghaffar. This made Abdul Ghaffar's family furious as it is considered to be a social stigma in the Pathan culture. Ghaffar's family started threatening Shabana Bibi and her parents for their lives. Shabana Bibi, being educated and well aware of her legal rights, opted to go via legal channels and consulted a few lawyers. Every lawyer told her of her strong stance in her situation, but refused to pursue her case in the Court of law because of Abdul Ghaffar's family being prominent within their community.

Shabana Bibi heard about the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"** and fortunately, she opted to give it a try. She visited the Legal Aid Center and briefed the Legal Aid Coordinator about her complete story. The Legal Aid Coordinator completed the formalities and filed a suit for dissolution of marriage in the District Courts D.I.Khan on the grounds of illegitimate contractual arrangements of the Nikkah on 17-09-2012. The court, on 03-10-2012, annulled the Nikkah, thus abolishing it and giving Shabana Bibi the right to perform Nikkah with anyone with her consent.

Shabana Bibi married AsmatUllah S/O AmanUllah Mason, resident of Mauza Shahdaoo, Tehsil Paharpur, Dera Ismail Khan on 15-10-2012 in court.

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20

ABDUL SATTAR'S RIGHT TO RECEIVE EDUCATION

## **ABDUL SATTAR'S RIGHT TO RECEIVE EDUCATION**

Abdul Sattar, 15, resident of Meerankhor village, Domani Union Council, Tehsil and District Thatta left studies three years back due to certain family problems along with the reason for cheaper education being far of his village. In March 2012, he heard about a new school opened at a nearby village, Pir Jogoath by the Daataar Trust, which provided Free Education to the children of the vicinity. The news was like music to his ears, as he wanted to continue education, therefore, he along with all his documents, approached the school's administration. But to his surprise, he was told by the administration that he cannot be enrolled in the school. He was disheartened but he didn't lose hope and opted to try again at the higher management of the school. But even the higher management did not provide him with the satisfactory response. Abdul Sattar tried the other channels, e.g. Councilor and other political figures of his village, but even there, his struggles seemed to be fruitless. When all else failed, the innocent young boy decided to visit the Senior Superintendent of Police (SSP) of District Thatta, hoping SSP's order would help him to get admission in the school.

On the way to SSP's office, he mentioned the reason of his visit to a friend, who provided him with the idea of asking for better solution at the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". Luckily Abdul Sattar wanted to give it a try and met Gul Muhammad Khushk, the Legal Aid Coordinator. Khushk carefully listened to his story and struggles for availing the opportunity of Free Education; briefed Abdul Sattar of the duties of the Police Officers and told him about the concerned officer, Executive District Officer (EDO) Education. Abdul Sattar told the Legal Aid Coordinator that he had tried the EDO's office and he was provided with a "no satisfactory response".

The Legal Aid Coordinator persuaded Abdul Sattar and offered to visit the school with him. They both visited the school and the Legal Aid Coordinator met with the higher

management of the school; briefed them about the Legal Aid Center and discussed the case of Abdul Sattar. The higher management assured the Legal Aid Coordinator that their neglect to the admission of Abdul Sattar is due to the policy of the school that stated for enrolling students of the specific village, Pir Jogoath for the year of 2012, but also informed that Abdul Sattar's admission would be possible in the intake of 2013 which would start in January 2013.

Abdul Sattar was satisfied and thanked the Legal Aid Coordinator for resolving the conflict between and the school's administration.

# 21

WATER DISPUTE RESOLVED THROUGH ALTERNATE DISPUTE RESOLUTION

## **WATER DISPUTE RESOLVED THROUGH ALTERNATE DISPUTE RESOLUTION**

Alhorayo Jakharo S/O Uman Jakharo, resident of Bapra Jakharo village, Union Council Kalri, Tehsil and District Thatta, and Mumtaz Jakharo are two brothers and are the only heirs to the land and property of their deceased father. Both the brothers received equal land by the decision of the community elders after the demise of their father. The water channel to the land flew in the Mumtaz Jakharo's piece of land; therefore, he shifted the complete supply of water to his own crops and told Alhorayo Jakharo to make different arrangements to water his crops. Alhorayo Jakharo requested his elder brother to provide him a steady water supply from his channel as that was the only option to water his crops (other than rain water) but Mumtaz Jakharo refused the request of Alhorayo Jakharo.

In a Free Legal Aid Clinic (FLAC) held in Kalri, organized by the Legal Rights Forum and sponsored by the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**", Alhorayo Jakharo presented his problem to the Legal Aid Coordinator and asked the FLAC team to provide him with a solution according to the law. Luckily, Mumtaz Jakharo was also present in the FLAC, and the Legal Aid Coordinator opted for the Alternate Dispute Resolution (ADR) mechanism before taking the matter into court.

The Legal Aid Coordinator asked for the elders of the community to be part of the ADR process and provide the day for the meeting. Most of the elders of Kalri, Alhorayo Jakharo, Mumtaz Jakharo and The Legal Aid Coordinator attended the meeting on the said date and after the discussions, the optimal decision for both the parties to the dispute was reached. Both, Alhorayo Jakharo and Mumtaz Jakharo agreed to the decision of the ADR.

The elders of the community, along with Alhorayo Jakharo thanked the Legal Aid Coordinator for resolving the dispute among the brothers and appreciated the efforts of the Legal Aid Center for providing justice to the poor.



ALI BUKSH RAJAR AND HIS ILLEGAL DETENTION

## ALI BUKSH RAJAR AND HIS ILLEGAL DETENTION

Ali Buksh Rajar, 17, resident of Union Council Makli, District Thatta and a security guard by profession, was arrested by the Police for theft charges against him. His parents and other community elders visited the police station to inquire about the charges against him. They saw that Ali Baksh Rajar, who was severely tortured by the police personnel. They were told by the SHO that Rajar had been specifically pointed out by the applicant of the FIR. The elders and parents of Rajar tried to have a meeting with the applicant of the FIR, but he didn't provide them with the opportunity. They decided to proceed for their son's innocence through legal channels. They met several lawyers for legal advice and reached a conclusion that their son would remain behind bars for the uncommitted crime, as they didn't have the funds for hiring a lawyer, who demanded heavy fees.

The elders of Rajar participated in a Free Legal Aid Clinic (FLAC) commenced by Legal Rights Forum (LRF) sponsored the Legal Aid Center established under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**, where they met the Legal Aid Coordinator and briefed him about their problem. The Legal Aid Coordinator requested them to visit the Legal Aid Center and upon their visit, after completing all the formalities, visited the Police Station and directed the police staff to produce Rajar in Court.

The Legal Aid Coordinator acted as Rajar's legal representative in court of the Civil Judge II, Thatta, where he requested the Honorable Civil Judge to grant Rajar the judicial custody and filed for bail on the grounds of illegal detention by the police department. The Honorable Judge directed the Legal Aid Coordinator to provide Surety (in person) for the bail. The Legal Aid Coordinator approached the social worker and journalist, Nazeer Jakhro; briefed him about the case and requested him to provide his personal surety to the Honorable Judge. Jakhro appeared before the court and presented his personal surety

to the Honorable Judge for Rajar. The Civil Judge granted the bail to Rajar and directed the police department to produce evidences against Rajar on the next day of judicial hearing.

Rajar is free on bail and looking after the legal proceedings of his case himself with the help of the Legal Aid Coordinator. The elders and parents of Rajar thanked the Legal Aid Coordinator and appreciated the efforts of the Legal Aid Center.



HELPING MADAD ALI TO BE SET FREE FROM ILLEGAL DETENTION

## **HELPING MADAD ALI TO BE SET FREE FROM ILLEGAL DETENTION**

Madad Ali S/O Soomar Ali, 15, resident of Union Council Mithi, Tehsil Mithi, District Tharparkar had been falsely implicated in a crime by their family opponents. The opponents attacked a member of Madad Ali's biradry (tribe); Madad Ali's family lodged FIR against their opponents, which resulted in the arrest of certain members of the opponent biradry. The opponents lodged a counter FIR against Madad Ali's family for alleged attack on their premises and persons, which stated that the attack had injured 3 people of the opponent biradry and included the name of Madad Ali among others from his biradry. Madad Ali was expelled from his school, as soon as the news reached the school's administration.

Madad Ali's family has been attending the Free Legal Aid Clinics (FLACs) Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". They contacted the Legal Aid Coordinator and asked for legal advice. The Coordinator, after completing the formalities to officially represent the juvenile offender, filed a bail application for Madad Ali on the grounds of false allegations. Madad Ali's Form B and letter of expulsion from school was provided to the Honorable Judge.

The Honorable Judge granted the bail to Madad Ali. Further proceedings of the case regarding Madad Ali will be carried out by the Legal Aid Coordinator from Legal Aid Center's forum, as Madad Ali is a juvenile and the Legal Aid Center encompasses the justice delivery to juveniles.



USING THE ALTERNATE DISPUTE RESOLUTION MECHANISM TO HELP SAJJAD MARRY  
THE GIRL OF HIS CHOICE

## **USING THE ALTERNATE DISPUTE RESOLUTION MECHANISM TO HELP SAJJAD MARRY THE GIRL OF HIS CHOICE**

Sajjad Ahmad S/O Ahmad Khan, resident of Mohallah Otta Khel, village Panyala, Tehsil Paharpur, District D.I.Khan was in love with the step daughter of Ameer Shah Qureshi, resident of Mohallah Dhedi, village Panyala, Tehsil Paharpur, District D.I.Khan for more than two years. Sajjad Ahmad decided to ask Ameer Shah's daughters hand in marriage, but as soon as he mentioned his interests to Ameer Shah, he straightaway rejected Sajjad Ahmad's proposal. Generally, the girl and the boy run away in such situations, but Sajjad Ahmad was an educated and sane-minded young man and was aware of the issues arising afterwards, therefore, he opted for the legal channels.

Sajjad Ahmad has been participating in the Free Legal Aid Clinics (FLACs) organized by Schunaizia Research and Development Organization (SRDO), sponsored by the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". He discussed the matter with the Legal Aid Coordinator and requested to pursue his case in the court. He assured the Legal Aid Coordinator that the Ameer Shah's daughter also wanted to be married to him. The Legal Aid Coordinator, after discussion with other colleagues in the District Courts, advised Sajjad Ahmad to go by the Alternate Dispute Resolution (ADR) method of conflict resolution. Sajjad Ahmad agreed to meet with the Legal Aid Coordinator.

The Legal Aid Coordinator met Ameer Shah Qureshi and requested his presence and availability in a Jirga (ADR) to be held at Legal Aid Center. Ameer accepted their request to meet. At the ADR, after putting certain conditions to comply with for Sajjad Ahmad, which Sajjad Ahmad agreed to instantly, expressed his consent for the engagement. Sajjad and Ameer Shah's daughter, thanked UNDP for bringing them justice on this issue.

25

RELIEF FOR THE COMMUNITY

## **RELIEF FOR THE COMMUNITY**

Zulfiqar Ali a resident of Karor (Khushab) made his way to the local police station to report a theft of a generator that, was powering a local mosque in his village during electric outages. A group of unknown robbers broke into the confines of the mosque and broke the padlock where the generator was being housed and stole the generator. After hours of waiting, the SHO refused to file an FIR based on his story, deeming the case to have no moral base due to lack of evidence.

Zulfiqar then went to the Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"** Chak # 98 ML U/C which is organized by the SHER organization . The legal counsel present there advised him to file a writ in the Additional Sessions Judge of Karor to ensure that the SHO would file his statement for their record. The advice given by the SHER free legal clinic had proved to be effective as Zulfiqar, successfully filed the writ and his case is now registered in the police station.

# 206

CORRECTING OFFICIAL RECORDS

## **CORRECTING OFFICIAL RECORDS**

Mushtaq Hussain faced a strange predicament when his sons passed their matriculation examinations. Hussain has two sons who were born two years apart, the time of admission their records in the school records concurred to their ages. After three years of studying the government board of examinations (metric), the records now show that the two boys were in-fact born three months apart. This undoubtedly created a discrepancy in the official records and decreased the likelihood for future enrollments in advanced classes.

A distraught Hussain went to the the Legal Aid Center in Karor, Khushab established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**", organized by SHER, to seek advice on how to correct this discrepancy. The legal advisor educated Hussain about how this problem came to materialize and presented a few option on how to tackle it. The legal advisor counseled him to file a suit in the civil court requesting the necessary amendments to correct their birth dates. Hussain then submitted his case in the civil court; the court later referred his case/application to the education board so that the problems in the dates of birth could be rectified.

# 27

SUCCESSFUL INHERITANCE RIGHTS CASE

## **SUCCESSFUL INHERITANCE RIGHTS CASE**

Muhammad Naeem and Shehnaz Bibi, both husband and wife were the residents of village Walley Ke of Narowal District. The couple had four children – two boys and two girls, but unfortunately, Shehnaz Bibi passed away within 10 years of her married life. There was a house in the village, which was inherited by the deceased Shehnaz Bibi, from her parents. After her death, Naeem and his children shifted in the inherited house.

Following the death of Shehnaz Bibi, Naeem was experiencing difficulty particularly in terms of child rearing and home-management. So he remarried another woman, with the name of Nasira and Nasira too, proved herself a good life partner of Naeem. She was very good in the management of household errands and helped Naeem raise his children.

Within a month of living in the inherited house, the sisters of the deceased raised issues with Naeem living in that house and asked him to vacate. To make matters worse, the sisters of the deceased claimed that Shehnaz was not their sister and provided Naeem with evidence in the form of birth registration certificates from the union council. Sure enough, the evidence proved that Shehnaz's birth had not been registered in the union council or in any form, making her claim on the inheritance void.

The situation was shocking for Naeem as he could not fathom the fact that the revenue record could be so imperfect. In the course of a month, Naeem decided to seek legal protection against harassment by the hands of his in-laws; sadly enough, Naeem could not bear the costs of the legal fees to start litigation. A village elder advised him to discuss his problem with the free legal aid center in the Narowal district, established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". The legal aid center provided Naeem with legal counseling and protection. Abdul Shakoor filed his petition in the district courts and after a few hearings the court ruling was in Naeem's favour.

Naeem's family now lives in the inherited house of his deceased wife. He is thankful to NRDP for establishing a center such as this where the poor and vulnerable could access free legal aid.

# 28

## MUSAFAT'S SECOND CHANCE AT MARRIAGE

## **MUSAFAT'S SECOND CHANCE AT MARRIAGE**

Musafat Rubina, despite six pregnancies, could not give birth to a male child and subsequently was divorced by her husband Mukhtar Ahmed. In rural areas of Pakistan, divorce is more or less similar to social alienation for a woman. Musafat was living below the poverty line and providing for her six children was proving to be impossible for her.

Despite her financial situation, Musafat continued to struggle to earn her livelihood with dignity. To help ease her situation, she got married to Kashif Butt. Sadly enough, her new husband was already married with two children and had not confronted Musafat about it. Kashif had a substance abuse problem and proved to be a constant financial strain on Musafat.

A month into her new marriage, Musafat became a victim of domestic violence and despite her hardships she continued to work hard and strive to earn for her family. After being beaten to the point of unconsciousness, Musafat decided to report this heinous act to the City Police Station of Narowal, to rid herself from Kashif for good. She was counseled by Shakoor Bhatti of the legal aid clinic established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" organized by NRDP, and was guided through the procedures that would help her file for divorce.

After receiving the summons from court, Kashif Butt came to the CRC and asked to be reunited with his wife and he was now willing to accept all kind of terms and conditions for making any sort of re-conciliation possible. Following the counseling and mediation, the issue was successfully resolved and Kashif Butt pledged to maintain good behavior and help Musafat to raise her six children. Both Kashif and Musafat acknowledge the efforts of the NRDP staff and their counsel to ensure that the marriage is saved and that common ground could be reached.



# 209

MITIGATION OF MISERY

## **MITIGATION OF MISERY**

Nasreen Bibi, a resident of Ghaziwal Colony, was 18 years of age when she got married to Ansar Ali. Her father was a poor street vendor who could barely provide for his eight children. Due to the financial situation with her family, Nasreen could not be educated and lived her married life in ignorance and simplicity.

Ansar Ali was a tailor by profession and owned a tailor shop in Ganj Hussainabad, Narowal. He used to earn Rs.25,000/- a month where he and his wife lived comfortably. Early days of marriage were pleasant and even more so when Nasreen gave birth to four children. After a few years, Nasreen became privy of her husband's extra marital affairs.

Ansar started bringing different women home, and despite Nasreen's protests, Ansar continued to do so. Ansar went on to spend his time away from Nasreen and his children and hardly used to give Nasreen any of his earning to bear the costs of his family and home. When her youngest son turned a year old, Ansar subjected Nasreen to violence and threw her out of his house. Nasreen met with one of the paralegal committee members. The member briefed her about the process of seeking free legal aid from the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**".

Nasreen's only source of income was from her husband, and could not bear any legal expenses and filing a law suit against her husband was simply not possible. Nida Ansari of the Legal Aid Center briefed Nasreen about the process of acquiring free legal aid. A case for her dowry and custody of her children is now pending in the court. Nasreen thanked the NRDP team for providing her with legal counsel and assisting her to receive her legal right.

# 30

CONTINUATION OF EDUCATION

## CONTINUATION OF EDUCATION

Salman Khan a resident of Mohalla Baghban District Lakki Marwat. Salman had been perusing a post-graduate degree from a government college in Lakki Marwat. After a fight that broke out between two students, an FIR of the incident and individuals who participated in the fight was lodged the very next day. Among the names of the accused, Salman Khan's name was also registered in the FIR despite his un-involvement in the incident.

Worried about his future as a student, Salman arranged a meeting with the president of the District Bar Association. The president of the District Bar advised him to avail professional legal aid provided by the Free Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"** in Lakki Marwat.

The Legal Aid Center provided him with a lawyer to view his case and advise him accordingly. After listening to the details and understanding the circumstances of the case the judicial magistrate accepted an application to grant him bail. Salman became free from the false case and continued to complete his post-graduate degree.

# 31

WRONGFULLY ACCUSED

## **WRONGFULLY ACCUSED**

Tasleem Bibi married Naveed against her parent's wishes and immediately left her parent's home and moved in with her husband. Despite of being strapped for money, Tasleem's father had lodged a false FIR against Naveed accusing him of forcing his daughter to marry him, and the police subsequently arrested him.

Tasleem pleaded with the police to give her a chance to explain the full extent of their marital situation, but the police did not listen to her. Tasleem wanted to take this case into a family court, but due to her dire financial situation, the cost of a legal representative was too much for her to bear.

Lawyers in her local 'kutchery' advised her to approach the Free Legal Aid and Support Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" and seek advice from them free of cost. Tasleem received free legal advice and guidance; she had managed to help her husband rid himself of the false FIR against him.

# 32

MARRIAGE OUT OF FREE WILL

## **MARRIAGE OUT OF FREE WILL**

Marwat Bibi, an 18 year old girl living below the poverty line with 9 siblings went into a legal battle with Muhammad Akram, a 50 year old wealthy man. Muhammad wanted to marry Marwat Bibi and tried everything in his power to make sure that no one else marries her; he went as far as threatening men bringing their marriage proposals to her, by telling them that she was already married to him.

Muhammad's strategy was to ensure that she would marry him out of fear. Marwat Bibi visited the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" and narrated her story to the lawyer present at the time. The lawyer took on her case and applied for an application that would make any claims of Nikah null and void.

The court declared that the applicant was not the wife of Muhammad Akram and that there is no relationship between the two. Marwat Bibi received quick and free legal aid and is now free to pick and choose her husband.



HELP WITH INHERITANCE

## **HELP WITH INHERITANCE**

Safia became a widow when her husband Aman Ullah passed away on 21 October 2012, leaving their six children to live in Mohalla Chaman Khel in Lakki Marwat, without a father. Aman had property and an account in Allied Bank with a sum of Rs.81,170/- that the six children had inherited after his untimely demise.

Safia visited the bank to withdraw the money from her late husband's account in-order for her to provide for her children. Prior visiting the bank, Safia understood the need for a succession certificate to ensure that the bank would hand over the money and close his account.

To make the inheritance certificate, Safia visited the Legal Aid and Support Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" and was guided through the process of obtaining the certificate. After five court proceedings, she was provided with the certificate within a month.

# 34

HELPING MUKHTIAR MAI TO GET JUSTICE

## **HELPING MUKHTIAR MAI TO GET JUSTICE**

Mukhtiar Mai D/O Muhammad Iqbal married Saleem S/O Haq Nawaz and lived in Basti Station Wali UC Patwarian Wali with their two children. Saleem has an illegal substance abuse problem and had also been involved in distribution of these substances. Mukhtiar Mai spends majority of her time taking care of her children and her home; Saleem on the other hand did not assume any domestic responsibilities nor did he care for his children.

Mukhtiar Mai was fed up with her husband and filed for divorce. The court decided that Mukhtiar Mai should have custody of her children. Upon hearing the court's judgment, Saleem threatened to murder Mukhtiar, if in the event that the petition was not canceled. This threat was unacceptable to her and decided to file a harassment case against Saleem.

Mukhtiar's financial situation was dire, and could not afford the court fees for another legal proceeding. Her community members advised her to visit the Free Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**" and to discuss her legal problems with the lawyer. She met with Malik Waris, a lawyer by profession who happened to be part of the same community as Mukhtiar, and guided her through the process of filing her harassment suit. After consultations, the case was registered on the 15<sup>th</sup> of November 2012 and on the 1<sup>st</sup> of December 2012, it was decided that Mukhtiar Mai will not be harassed by Saleem and any applications against Mukhtiar by Saleem should not be taken into account.

# 35

JUSTICE FOR THE VULNERABLE

## **JUSTICE FOR THE VULNERABLE**

Tasleem Mai and her previous husband Muhammad Arif lived with their five children in Basti Faqera Moza Haveli Naseer Khan. Due to Arif's lack of responsibility towards his family, and his inability to provide them, Tasleem had filed for divorce and started to live with her parents.

On the 21<sup>st</sup> of November 2011, she married Muhammad Ashraf who worked as a laborer as well as a store clerk to provide for his family. During her married life with Ashraf, Arif and his family constantly harassed her and threatened to murder her and her new husband. This was unacceptable, but unfortunately neither Tasleem nor Ashraf could arrange enough money to register and subsequently fight the case. During her pursuit of legal representation, Tasleem met a lawyer in the Kharor Pacca courts, by the name of Rao Khaliq Ur Rehman. Khaliq advised Tasleem to visit the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". The Paralegal team conducted their meetings with Tasleem and verified via a poverty assessment form and concluded that she was indeed needy and the court fees could not be arranged. A petition was put out and the case was submitted in court on the 1<sup>st</sup> of November 2012 and was decided on the 7<sup>th</sup> of November 2012. The court gave directions to the Station House Officer to take necessary legal action against harassment cases in the community. PKR 5000 was paid by FDO for Tasleem's legal battle, and after the court judgment, Arif never threatened Tasleem or her husband ever again.

36

ASSISTING ZAREENA FIGHT HARASSMENT

## **ASSISTING ZAREENA FIGHT HARASSMENT**

Zareena Mai had been married to Muhammad Afzal for twenty years, and had 3 children well into their teens. For years Zareena took care of her three children with little or no financial input from her husband. Zareena hoped that Afzal would take responsibility and provide some financial stability for her and her children but that time never came. Zareena finally fed up with her husband, left for her parents' house to get away from her pitiful life with Afzal.

Zareena's parents were poor and could not support her financially, this made her life even more miserable and in addition, created problems for her parents as well. She was advised to file a petition against her husband in efforts to legally bind him to provide maintenance costs for her and her children. The court accepted her plea, and summoned Afzal to appear in court on the stipulated date. During that time, Afzal and his family became verbally abusive and threatened Zareena's life if she did not withdraw the case against him.

Zareena decided to register another petition against her husband, this time for harassment. Her current financial situation could not enable her to register this case. She visited Muhammad Sajjad Hussain, a lawyer in the local Tehsil courts. Sajjad advised her to consult the Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". The Free Legal Aid team verified Zareena's dire finances via a poverty assessment form and decided to take her case further. The petition was entered on the 3<sup>rd</sup> of November 2012 and the decision was reached 9 days later, on the 12<sup>th</sup> of November 2012. The court demanded that firm action should be taken against the culprits who harassed Zareena.

# 37

A HEINOUS CRIME WARRANTS TIMELY JUSTICE

## **A HEINOUS CRIME WARRANTS TIMELY JUSTICE**

Bharwan Mai, her husband Haq Nawaz and their 8 children lived in Cha Lasoori Wala Moza UC Ali Pur Kanjoo. After a work related injury, Nawaz was unable to provide for his family. If their situation was not sad enough, one of their sons named Javed had left his family and home to work in the city to support his family. After work, Javed was walking back to his house where he was attacked by Majeed s/o Ghulam Rasool and Muhammad Iqbal s/o Ghulam Hussain. Community members informed Javed's mother, Bharwan Mai of the incident and told her that her son was in the hospital with fatal injuries. Upon Bharwan Mai's arrival to see her son, he had already passed away.

Javed was murdered over PKR50,000, which he had accumulated for his family. After Javed's murder, his daughter was kidnapped and subsequently murdered and her body was dumped in an unknown place. Desperate to see the culprits brought to justice, Bharwan tried tirelessly to submit a court case against the two men responsible for her son's and her grandchild's murder; however, due to her financial situation, there was no possible way that she could bear the costs of the court and legal proceedings. Her community members advised her to seek guidance from the Free Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". Bharwan Mai consulted a lawyer by the name of Maqbool Khan Baloch, who guided her through the process of submitting a case in court. After completing a few formalities, Bharwan Mai's case was submitted in court on the 17<sup>th</sup> of November 2012 and on 7<sup>th</sup> January 2012, the court decided that the culprits should be arrested.

# 38

## ANSER MAI'S RIGHT TO DIVORCE

## **ANSER MAI'S RIGHT TO DIVORCE**

Anser Mai is a resident of Basti Jhanwari Moza Muhammad Pur UC Ali Pur Kanjoo Tehsil Kharor Pacca. Anser Mai's life had always been that of a miserable one with no one to depend on. Her husband, Talib Hussain stayed aloof from all family and domestic matters which included not financially contributing towards the house. Talib had a substance abuse problem which inhibited him from paying attention to domestic issues. After constantly pleading with her husband, Anser Mai decided to leave the house.

Anser Mai went a step further and filed for a legal separation from her husband. She consulted various people to find out ways on how to reach a plausible solution to her problems. Through a social worker by the name of Malik Qasim, Anser Mai was introduced to Sajid Iqbal, an advocate for the Tehsil Court in Kharor Pacca. Sajid Iqbal advised her to seek help from the Free Legal Aid Center established by INP under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. The Legal Aid team gathered necessary information which verified Anser Mai's financial situation to be dire. Anser Mai could now submit her case in court by the help of FDO, an organization that paid all her legal costs. The case was heard on the 6<sup>th</sup> of November 2012 and a judgment for divorce was reached on the 3<sup>rd</sup> of December 2012.

# 39

HELPING BASHIR AHMAD TO RID HIMSELF OF HARASSERS

## **HELPING BASHIR AHMAD TO RID HIMSELF OF HARASSERS**

Bashir Ahmad s/o Muhammad Sharif lived with his eight children in Green Town Colony Bahawalpur. Bashir and his business partner of one year Imran Rasheed owned and worked in a cycle repair shop. Bashir invested PKR75,000 in the business with an agreement of equal profit distribution. The time when Bashir asked for his profit from the business, Imran refused by telling him that the business was defrauded by 3<sup>rd</sup> party vendors and that the business was now churning over a loss. Bashir then demanded that his initial investment be handed over to him; at which point Imran refused and taunted him by saying, "you can go to the police station or court". Bashir wanted an immediate remedy to his problem, but due to all his money tied in the investment, he had no money to pursue a legal case.

Bashir met with Muhammad Faysal Nadeem, a lawyer of the Tehsil courts; Bashir told him that he wanted to register a case on Imran on the basis of harassment and failure to return the invested money. Faysal advised him to seek help from the Free Legal Aid Center established under UNDP's project **"Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan"**. The free legal aid team assessed Bashir's situation by conducting a poverty assessment form to verify that Bashir is indeed unable to bear the legal costs. The court then put the case in motion and ordered the SHO to take prompt action against the harassers.

# 40

ENABLING A BUSINESSMAN TO REALIZE HIS RIGHTS

## **ENABLING A BUSINESSMAN TO REALIZE HIS RIGHTS**

Majeed Ahmad s/o Mukhtar Ahmad is a resident of Islamia Colony Bahawalpur. Majeed owned and worked in a garment shop along with his business partner Abdul Rauf. Majeed arranged PKR 10,000 as an investment in the business on which an agreement for equal distribution of profit was mutually agreed upon. At the time Majeed required his share of the profit, Rauf declined by saying that a vendor had defrauded him in purchasing expensive and faulty material, and the business was suffering a loss. When Majeed demanded that his initial investment should be returned to him, Rauf threatened him.

For a while, Majeed had been patiently waiting for his profits from the business and had been due for a while. All the waiting got the better of Majeed, and he decided to take this matter into court. Unfortunately due to lack of finances Majeed was unable to bear the expenses of the court and subsequent proceedings. He visited the district court in hopes that his case would be heard by an advocate; as luck would have it, he met with Hafiz Ul Islam, a lawyer whom he told his story to. Hafiz advised him to visit the Free Legal Aid Center established by INP under UNDP's project "**Enhancing Access to Justice by Strengthening Demand for Legal Empowerment of the Poor in Pakistan**". Upon his arrival, the legal aid team started to accumulate the necessary documents pertaining to his financial situation thus being a rationale for seeking free legal aid. After all the formalities were completed and Majeed's situation was confirmed, the team filed a petition against Rauf. After the case, the court gave strict orders to the town SHO that Majeed should not be harassed, all future complaints/cases against Majeed by Rauf should not be taken into consideration and provide full support in recovery of his money.