



Assessment Study

Community Legal Needs

In Tando Allahyar & Tando Muhammad Khan Districts
Sindh, Pakistan



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Community Legal Needs Assessment Study in Tando Allahyar & Tando Muhammad Khan Districts, Sindh Pakistan

1. Introduction & Background

1.1 Introduction to the project

The Rural Support Programmes Network (RSPN) is currently implementing one year project namely “Strengthening legal empowerment in rural communities through community-based paralegals in Sindh Districts” with the support of partner RSP, National Rural Support Program (NRSP). This project has been designed to extend legal empowerment work with special focus on bonded labour in two districts of Sindh, Pakistan, i.e., Tando Allahyar and Tando Muhammad Khan. The project aims to develop and train a cadre of community paralegals in targeted areas who will facilitate communities to identify and report issues and grievances regarding legal and civil rights. The paralegals will also strengthen the referral mechanism for service holders and provide free legal aid service to affected communities. The specific objective of the project is to empower the rural communities, especially bonded labourers, and their families, to resolve their legal issues with the help of trained community-based paralegals. The project also aims to provide the communities with legal guidelines on their matters and link them to the relevant authorities so that they could easily have access to justice.

1.2 Introduction to the Survey

People in rural areas of Sindh are very vulnerable. They are caught in numerous issues related to housing, family, debt, crime, property, utility service (especially bills), identity card, birth, and death registration and other matters that affect their well-being. Child marriages, gender-based violence, and honor killings are the paramount issues affecting the communities. Besides, slavery is also common in rural areas in the form of bonded labour (or debt bondage). The most challenging aspect is to deal with these issues in legal terms. People face a long list of issues, but they avoid adopting the legal course to address them. Under the “Strengthening legal empowerment in rural communities through community-based paralegals in Sindh Districts” programme, RSPN aims to overcome legal issues and challenges of the rural communities in two target districts: Tando Allahyar and Tando Muhammad Khan. However, RSPN requires specific details of the issues and relevant needs so that the project can effectively and efficiently extend the relevant support. To collect this information, a survey was conducted in twelve selected union councils of Tando Allahyar and Tando Muhammad Khan districts. Results of the survey will be incorporated during project implementation. The findings will be shared with the staff and community members through paralegals training sessions. These will also be used in advocacy with government departments and the provision of legal assistance to the clients.

1.3 Objectives of the Study

Like any other legal needs assessment survey, this survey’s main purpose is to investigate the experience and perspective of people in legal problems. It emphasises on the perspectives of people who experience the problem rather than the institutions and professionals who do legal work. The objectives of the survey are:

1. To identify specific issues faced by individuals, vulnerable groups and communities
2. To know the challenges individuals, specific groups, and the communities face to address or resolve their issues
3. To understand specific legal challenges individuals, vulnerable groups, and the communities face to address or resolve their issues
4. To explore formal and informal mechanisms of legal aids in the districts
5. To analyse and assess the specific and overall legal needs and challenges the communities face to address or resolve their issues

2. Research Methodology

This survey is based on both qualitative and quantitative data. The location of the survey was predetermined through the project. Since the project is implemented in two districts, researchers, with the help of the project team, selected the following Union Councils (UCs): Allahyar Turk (Nukerji), Bhale Dino Sathiyo (Kunb), Saeed Khan Lund and Lakhat in Tando Muhammad Khan; and Tando Soomro, Shahpur Rizvi, Began Jarwar, Rawat Laghari, and Naseer Laghari in Tando Allahyar. In total, six focus group discussions (FGDs), four key informant interviews with community members, two interviews with government officials and two interviews with lawyers (District Bar Association members) were conducted. The researchers also did a literature review to understand the existing legal mechanism and systems in place for the protection and provision of justice to vulnerable groups. Details of interviews are provided in Tables 1 and 2.

Table 1: In Tando Allahyar, gender, village and UC wise details of FGDs and KII

Name of UC	Village	Type of interview	Gender	Number of respondents
Shahjahan	Major Wahid Bux	Individual	Male	1
Begam Jarwar	Mitho Khan Jarwar	Individual	Male	1
Tando Allahyar Town	Tando Allahyar district headquarter	FGD	Males	9
Shahpur/Tando Soomro	Major Wahid Bux mirjat	KII	Female	1
Shahpur/Tando Soomro	Major Wahid Bux Mirjat	FGD	Females	
Rawat Laghari/Naseer Laghari		FGD	Females	11
Rawat Laghari		KII	Female	1
Begam Jarwar		KII	Female	1
Begam Jarwar		FGD	Females	1
Tehsil Tando Allahyar		Gov. official interview	General Secretary DBATando Allahyar	1
Tehsil Tando Allahyar		Govt. official interview	ADC I Tando Allahyar	1

Table 2: In TMK district, gender, village and UC wise details of FGDs and KII

Name of UC	Village	Type of interview	Gender	Number of respondents
Allahyar Turk	Luqman Khaskheli	Individual	Male	1
Bhaledino Sathio	Ali Murad Laghari	Individual	Male	1
TMK town	TMK district headquarter	FGD	Males	9
Saeed Khan Lund/Bhaledino Sathio		FGD	Female	
Allahyar Turk		FGD	Females	9
Lakhat		FGD	Females	10
Lakhat		Individual	Female	1
Allahyar Turk	Luqman Khaskheli	Individual	Female	1
Saeed Khan Lund		Individual	Female	1
Tehsil TMK		Govt. official interview	President DBA TMK	1
Tehsil TMK		Govt. official interview	Deputy Director of Social Welfare Department	1

3. Legal Framework

3.1 The Constitution of Pakistan, 1973

Pakistan is party to various international treaties which recognise the right to legal representation and support. Universal Declaration of Human Rights (UDHR) 1948 recognises this right in Article 8 as “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. Furthermore, Article 10 of UDHR entitles for equal opportunity and fair trial guarantee which is further elaborated in Article 14 of the International Convention on Civil and Political Rights (ICCPR). It recognises the right to legal representation as one of the basic rights of the individual. It ensures and guarantees the minimum protection available to an accused or victim facing allegations¹. For the protection of fundamental rights of the citizens, Constitution of Pakistan (1973) has a chapter titled ‘Fundamental Rights’. This particular chapter has 21 Articles (from 8 to 28) that cover issues like how the laws are inconsistent with the fundamental rights, liberty and protection of the person, safeguards at the time of arrest and detention, the right to fair trial, prohibition of slavery, forced

¹ Human Rights and Constitution Making, Institutional and Procedural guarantees of rights (UN OHCHR 2018) p.96-106

labour and human trafficking, dignity of the person, freedom of movement and speech, right to information, freedom to profess religion and to manage religious institutions, the protection of property rights, equality of citizens, rights to education, right to no discrimination and others. In Pakistan, the right to due process and the right to a fair trial is part of equal access to justice. It is part of the constitution and implemented through national laws, policies and institutions. These fundamental rights are called "Justifiable Rights". A constitutional right is called justifiable if a legal claim based on it can be reviewed and decided upon by a court of law.

- **Article wise human rights provisions in the constitution of Pakistan**

Article 4: Every person has the right to due process

Article 8: Supremacy of Constitution

It provides that any law or custom having force of law inconsistent with fundamental rights listed in the Constitution shall be void.

Article 9: Security of Person

It provides that no person shall be deprived of life or liberty save by law.

Article 10: Safeguards as to Arrest and Detention

It provides that:

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before a Magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the nearest Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

Article 10-A: Right to a Fair Trial

This Article guarantees the right to every citizen accused of an offense, to a fair and transparent public trial in a Court of Law.

Article 11: Slavery, Forced Labour, etc., Prohibited

It provides that:

(1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and trafficking of human beings is prohibited.

(3) No child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment.

Article 12: Protection against Retrospective Punishment

It provides that:

(1) No law shall authorize the punishment of a person- (a) For an act or omission that was not punishable by law at the time of the act or omission; or

(b) For an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

Article 13: Protection against Double Punishment and Self-Incrimination

It provides that no person:

(a) Shall be prosecuted or punished for the same offence more than once; or

(b) Shall, when accused of an offence, be compelled to be a witness against himself.

Article 14: Inviolability of Dignity of Man, etc.

It provides that:

(1) The dignity of man and, subject to law, the privacy of the home, shall be inviolable.

(2) No person shall be subjected to torture to extract evidence.

Article 15: Freedom of Movement, etc.

It provides that every citizen shall have the right to remain in, and, subject, to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

Article 16: Freedom of Assembly

It provides that every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

Article 17: Freedom of Association

It provides that:

(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan.

Article 18: Freedom of Trade, Business or Profession

It provides that subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Article 19: Freedom of Speech, etc.

It provides that every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, or incitement to an offence.

Article 19-A: Right to Information

This Article guarantees the right to every citizen to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

Article 20: Freedom to Profess Religion and to Manage Religious Institutions

It provides that, subject to law, public order, and morality:

(a) Every citizen shall have the right to profess, practice and propagate his religion; and

(b) Every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 23: Provision as to Property

It provides that every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.

Article 24: Protection of Property Rights

It provides that no person shall be deprived of his property save by law.

Article 25: Equality of Citizens

It provides that:

- (1) All citizens are equal before the law and are entitled to equal protection of the law.
- (2) There shall be no discrimination by sex.
- (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

Article 26: Non-Discrimination in respect of access to Public Places

It provides that:

- (1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

Article 27: Safeguard against Discrimination in Services

It provides that:

- (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Article 28: Preservation of Language, Script and Culture

It provides that, subject to Article 251, any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.

Within the country, many forms of free legal assistance are provided by different stakeholders in both the public and private sectors. The legal aid services are for victims of specific offenses, for instance, domestic violence, trafficking of human beings, and kidnappings. Additionally, the Constitution of Pakistan provides the right to any person arrested to consult with and be defended by a legal practitioner of his or her choice. Other statutory legal frameworks guarantee such rights given in the table. It becomes more important when the accused or victim is a child under the age of 18. In children's cases, recently promulgated Juvenile Justice System Act-2018 provides for the free legal aid at the expense of the state.

Legal Framework for Legal Aid in Pakistan

- | | |
|---|---|
| 1 | District Legal Empowerment Committees (Constitution & Functions) Rules 2011 |
| 2 | Pakistan Bar Council Free Legal Aid Rules 1999 |
| 3 | Public Defender and Legal Aid Office Ordinance, 2009 (lapsed and not renewed) |
| 4 | Destitute Litigant Fund Rules, 1974 |
| 5 | Section 33 Civil Procedure Code (CPC) 1908 |
| 6 | Section 340 Criminal Procedure Code CrPC 1898 |
| 7 | Women in Distress and Detention Fund Act 1996 |
| 8 | Juvenile Justice System Act-2018 |

3.2. Criminal and Civil Justice: Context, Law, and Procedures

A recent survey by Insaaf Network Pakistan shows that, despite the State's promise to provide assistance and free legal aid mechanisms, only a small number of financially disadvantaged litigators avail the free legal aid services managed by the state institutions².

In 2015, a survey revealed that 98.2 percent of respondents said that people from poor and lower classes did not have access to justice in the formal justice system. The survey also revealed that 42.8 percent women and 25.2 percent of landless peasants and agricultural workers also lacked access to the formal justice system. One of the major reasons for limited access to the formal justice system was the high legal fees charged by lawyers³. Access to justice is a fundamental right of every Pakistani citizen. The right to legal aid is a basic one under Article 4 (due process) and Article 10-A (the right to a fair trial) of the Constitution of Pakistan. In the criminal justice system, adequate legal aid system is one of the requirements for access to justice. But in Pakistan's rural areas, it becomes extremely important when the levels of poverty are higher and social and economic inequalities are wider. Serious accessibility and affordability issues mar it. In 2016, the World Justice Project report showed that on the Rule of Law Index, Pakistan's criminal justice system ranked at 81. It ranked Pakistan's civil justice system at 106 out of 113. It also mentioned that Pakistani citizens had extremely little accessibility and affordability to access justice as approximately 40 percent Pakistanis (around 60 million) lived in multidimensional poverty. Therefore, legal aid seems to be very important in the context of access to justice. Unfortunately, the legal aid system in Pakistan is still in its infancy⁴.

The existing legal aid structures and systems in Pakistan have the problem of ownership at all levels. It is not part of the performance management mechanisms. In 2011, the Law and Justice Commission of Pakistan (LJCP) had constituted the district legal empowerment committees (DLECs) for the purpose to provide legal aid to the needy and deserving litigants at the district level. However, it is feared that the high courts and the district judiciary did not adequately own the forum s. Thus, neither adequate monitoring is conducted to ensure its smooth working, nor it is made part of the judicial officers' performance management mechanism. As a lack of ownership and interest in the forum, 90 percent of the funds allocated (between 2012 and 2016) for the legal aid service was unspent in Sindh province. The LJCP has also devised Rules for the DLEC⁵, which provide detailed guidelines on the transparent procedure of maintenance, disbursement, and allocation of funds. The DLEC Rules Section 5 includes the provision of court fee, professional fee, copying charges, process fee and all other charges considered necessary by the Committee.

Under the Free Legal Aid Rules 1999, the Pakistan Bar Council (PBC) could provide free legal aid and create awareness about the legal rights of the litigants. Under the rules, the PBC manages the central, provincial and district free legal aid committees. However, unfortunately, these committees lack the capacity and interest to perform their roles given in the rules. Under the Bar Councils Act, the Pakistan Bar Council created rules in 1999 for the provision of legal aid⁶. The purpose of the rules is to set up a system to provide legal services to "the poor, destitute, orphans,

² LEGAL AID SYSTEM IN PAKISTAN: <https://www.leappakistan.com/legal-aid-system-pakistan/>

³ Understanding the Informal Justice System: Opportunities and Possibilities for Legal Pluralism in Pakistan: <http://crossasia-repository.ub.uni-heidelberg.de/3795/1/UnderstandingtheInformalJusticeSystem.pdf>

⁴ Access to justice and legal aid: <https://www.dawn.com/news/1301948>

⁵ S.R.O 684 (I)/2011 dated :2nd July, 2011 by Law and Justice Commission of Pakistan.

⁶ Pakistan Bar Council Free Legal Aid Rules, PAKISTAN BAR COUNCIL NOTIFICATION, 139 (Sep. 8, 1999), available at <http://pakistanbarcouncil.org/wp-content/uploads/2012/07/1999.pdf> (last visited on September 4, 2015).

widows, indigent and other deserving litigants” required legal support in cases related to “accidents, succession certificate, family law, ejectment, illegal detention, abuse of power and authority by police, law enforcing agency, neglect of duties by government or local bodies, public interest litigation, and other cases as approved by a committee”. Under the rules, legal aid committees were created at the national, provincial, and district levels. The PBC funds the administration of the committees. The committees also receive funds from the government and other sources.

The committee at the national level provides free legal aid to eligible litigants at the Supreme Court or federal tribunals. The litigants submit applications at each registry of the Supreme Court. At the provincial levels, the committee represents the litigants in high courts and the provincial tribunal. The free legal aid committees in each district have to represent the needy litigants at the district level proceedings.

The rules have a template application letter for those looking for free legal aid which they have to fill. The litigants have to provide information about their monthly income and assets. Each free legal aid committee (at all levels) maintains a panel of lawyers who are eager to work for nominal fees or provide pro bono services. However, the Rules also fix a maximum legal fee according to the required services of the judiciary. For instance, a maximum fee of Rs. 5,000 is to be paid for the case litigated at the federal level or Supreme Court. The rules do not oblige lawyers to offer pro bono services for a general matter. The committee could request any lawyer to take one pro bono case in a year. Since most of the lawyers on the committees’⁷ panels lack the financial capacity, they are hesitant to offer pro bono services to the needy people. In 2016, through a letter, Justice Sajad Ali Shah had ordered all the District and Session Judges in Sindh to ensure their support to NGOs to revive and strengthen the DLECs.

3.3. The Code of Civil and Criminal Procedures

The Order XXXIII of the Code of Civil Procedure, 1908, has the provision of waiver of the Court Fee for a litigant who is found bankrupt (who could not afford). The Order allows poor persons to institute the case without payment of court-fee. Order 44 of the Code is about the individual’s appeals. A person accused under section 340 of the Code of Criminal Procedure has a constitutional right to be defended by a legal counsel. Moreover, under the High Court Rules and Orders, there would not be a trial of an accused of capital punishment unless the accused provided the legal assistance. In the absence of an arrangement of a legal counsel by accused, the government has to appoint a defense counsel at its expense.

3.4. The Public Defender and Legal Aid Office Ordinance 2009

In 2009, the Public Defender and Legal Aid Office Ordinance was introduced at the Federal level to ensure equal protection of law for needy persons who are being accused or convicted of a crime but he/she cannot afford to engage a legal counsel in representing him/her at any stage of proceedings or case in the court or investigation with the police. This Ordinance provides for free legal aid mechanism (legal assistance and representation), in and out of court. There are four hierarchical offices under the Ordinance: Chief Public Defender, the Additional Chief Public Defenders, the District Public Defenders, and the Public Defenders. However, the ordinance could not become the law.

⁷No. GAZ/DLEC/AJP (115) dated: 11-5-2016).

3.5. Pakistan Penal Code (PPC)

The PPC (Act XLV of 1860) is the primary law for all criminal offenses charged in Pakistan. It is the substantive law applicable across the country. It has been in force since the birth of the nation, with a few modifications as per Islamic principles and need of time. They include new offenses and their subsequent punishments. The Pakistan Penal Code safeguards fundamental and constitutional rights by laying down punishments for their violations.

The Right to Life

The right to life guaranteed under Article 9 of the 1973 Constitution of Pakistan is protected by prescribing a capital punishment or life imprisonment for its violation. These punishments are laid down in the Pakistan Penal Code, 1860. A list of these penalties is given hereunder:

Section 302 PPC prescribes the punishment of death as Qisas or imprisonment for life as ta'zir, for intentional murder, or, Qatl-i-Amd. Sections 303 PPC, 315 PPC, and 318 PPC relate to homicide under different circumstances while section 324 PPC prescribes punishment for attempted murder.

Right to Freedom of Movement

The right to freedom of movement guaranteed under Article 15 of the 1973 Constitution of Pakistan is protected by prescribing punishment for its violation in the Pakistan Penal Code, 1860. Sections 339 PPC and 340 PPC relate to the right of freedom of movement and any wrongful restraint, or wrongful confinement is punishable under the code. Sections 354 PPC and 354-A PPC relate to the rights of Women and lay down penalties for violating the sanctity of women.

3.6. The right of Human Dignity

The right of human dignity guaranteed in Article 14 of the 1973 Constitution is protected by prescribing punishments for its violation in the Pakistan Penal Code 1860. Section 355 PPC caters to the right of human dignity and prescribes punishment which may extend to two years imprisonment with or without fine, for assault or use of criminal force with the intent to dishonor a person.

Section 504 PPC deals with intentional insults giving provocation to any person, intending or knowing it to be likely to cause a breach of the peace or lead to the commission of another offense. It prescribes a punishment which may extend to two years' imprisonment.

Section 506 PPC relates to criminal intimidation and lays down a punishment of two years' imprisonment or fine or both. If it is a death threat or a threat for grievous hurt, or to cause destruction of any property by fire or to cause an offense punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years. For imputing unchastity to a woman shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

If criminal intimidation is through anonymous communication or having taken precaution to conceal the name or body of the person who is giving these threats, then this offense is liable to two years imprisonment (Section 507 PPC).

Section 499 PPC deals with defamation. It states that whoever by words either spoken or intended to be read, or by sign, or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person is guilty of defamation. Section 500 PPC prescribes a punishment of up to two years' imprisonment to anyone guilty of defaming another person.

3.7. Free Legal Aid Centres in Sindh

The Sindh Human Rights Department has allocated 36 million rupees in 2017 to assist the people in human rights cases and also established the Free Legal Aid Centres at district levels in Ghotki, Dadu, Larkana, Jacobabad and Sukkur districts. According to Radio Pakistan, quoting official sources, the department is establishing these centers at the district level to provide legal help to people facing issues related to human rights. These centers are being established in Dadu, Larkana, Ghotki, Jacobabad and Sukkur districts while a Human Rights Complaint Cell is also being established in Hyderabad where people would register their complaints. The department is also launching an awareness campaign to make people aware of human rights and how to get help in such cases.

3.8. Rights of Women

The Constitutional guarantees of fundamental rights extend to all citizens and persons residing within the country, including women. However, some crimes victimize women and are gender specific. For instance, security of the person is guaranteed in Article 9 of the Constitution, but the offense of rape specifically targets women as victims and is committed generally by males. Similarly, the perpetrators of other offences such as enticing or detaining a woman with criminal or sexual intent are also males. To protect these women specific rights, provisions are made in the substantive law, PPC. Women's rights are also protected by other special laws enacted for the purpose discussed in later sessions of this report.

• Key Legislation for Women Protection

Federal

- The Criminal Law (Amendment) ACT, 2004
- The Protection of Women (Criminal Laws Amendments) Act, 2006
- Criminal Law (Amendment) Act, 2010
- The Protection against Harassment of Women at the Workplace Act, 2010
- Criminal Law (Second Amendment) Act, 2011
- Criminal Law (Third Amendment) Act, 2011
- Women in Distress and Detention Fund Act, 2011
- Anti-rape Law (Criminal Law Amendment) Act, 2016
- Anti-honour killing Act, 2016

Provincial

- The Sindh Child Marriage Restraint Act-2013
- The Sindh Domestic Violence (Prevention and Protection) Act, 2013
- The Sindh Commission on the Status of Women Act, 2015
- The Sindh Hindu Marriage Act, 2016

- **The right to Privacy, Sanctity, and Prevention of Sexual Harassment of Women**

The inviolability of the dignity of man and the privacy of home are guaranteed in Article 14 (1) of the Constitution. Although violations relating to sexual harassment are addressed specifically in the special law relating to Sexual Harassment in the Workplace, provision exists in the Pakistan Penal Code, 1860, to protect these exclusive women's rights.

Section 509 PPC prescribes punishment of up to one year with or without fine to any person who, (1) intrudes on the privacy of a woman; intends to insult the modesty of any woman; utters any word; makes any sound or gesture or exhibits any object; intending that such word or sound will be heard, or that gesture or object will be seen by such woman, or (2) conducts sexual advances or demands sexual favours or uses written or verbal communications or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of the workplace or makes submission to such conduct either explicitly or implicitly. This clause is seen as comprehensive protection of Privacy for Women.

3.9. The right to Property in the PPC

The right to acquire, hold and dispose of property anywhere in Pakistan is guaranteed in Article 23 of the Constitution which also guarantees its protection under Article 24. The Pakistan Penal Code 1860 provides punishments for violation of these rights from section 378 PPC to section 382 PPC. Section 378 PPC describes the offense of theft as intending to take dishonestly, any movable property out of the possession of any person without that person's consent. The punishment of imprisonment of either description up to three years, with or without fine, is prescribed for theft. If such theft is committed in any building which is used as a human dwelling or used for the custody of property, the punishment may extend to seven years' imprisonment of either description (Section 380 PPC).

If theft is committed with intent for causing death or hurt or restraint, or fear of death, or of hurt, or of restraint, the punishment may extend to ten years rigorous imprisonment with fine (Section 382 PPC). If theft is committed after voluntarily causing or attempting to cause hurt, or wrongful restraint or death of any person death, or fear of instant death or instant hurt, or of instant wrongful restraint, commits the offense of robbery, this crime is punishable with a minimum of three years and maximum of ten years imprisonment with fine (Section 392 PPC). A robbery committed by more than five or more persons amounts to dacoity and is punishable by imprisonment for life or rigorous imprisonment for a term ranging from three to ten years (Section 395 PPC).

Recently PPC 498 was amended to introduce PPC 498-A in Anti-Woman Practices Act 2011 to criminalize the willful concealment of women's right to inheritance.

3.10. Life and liberty in the CrPC

The CrPC (Act V Of 1898) safeguards the right to life and liberty (Article 9 of the Constitution) and dignity of a person (Article 14 of the Constitution) and explains the manner in which arrest is to be affected and the circumstances under which a Police officer, in cognizable offences, can make an arrest. It also safeguards the privacy of home (Article 14 of the Constitution) by determining

the manner in which search is to be conducted and the circumstances under which it can be done. It particularly protects the sanctity of women in this regard. It clearly defines the conditions under which a Police officer is empowered to arrest a person in a cognizable case and lays down the procedure of exercising such authority. It protects a person from unlawful detention by directing his/her production before a magistrate within 24 hours of his/her arrest (Article 10 of the Constitution). It safeguards the right of freedom of assembly and speech (Articles 16 and 19 of the Constitution) by clearly demarcating the lines between a lawful and an unlawful assembly. It lays down the procedure for Police in dealing with unlawful assemblies. The mannerism of examination of witnesses safeguards the right to a fair trial, and a bar is placed on offering an inducement, threat or promise to extract any information from a witness. Unlawful detention is protected by the writ of Habeas Corpus in the Court of Sessions or the High Court.

Security of Person

The rights of security of person and liberty are guaranteed in Article 9 of the Constitution and safeguards as to arrest and detention are provided in Article 10. Article 10 A guarantees the right of an accused to a fair trial; Article 12 protects against retrospective punishment; Article 13 against double punishment and self-incrimination and Article 14 guarantees the inviolable right of the dignity of man and the privacy of home. Article 14 (2) prohibits torture to extract evidence. Articles 4 and 25 guarantee equality of citizens before the law and their entitlement to equal protection of the law.

The Code of Criminal Procedure 1898 lays down the procedure to be followed by Police Officers while investigating cases, examining witnesses, collecting evidence, making arrests, conducting searches and securing property or while performing day to day duties. These procedures secure the fundamental rights of citizens and provide safeguards against their violation.

How to make Arrests:

Section 46 CrPC stipulates that a Police officer can effect an arrest of a person by word or action. He can either announce to the person that he is under arrest or touch or confine the body of the person to be arrested in case such person does not submit to custody by word.

(1) If such person forcibly resists the arrest or attempts to evade the arrest, such Police officer may use all means necessary to affect the arrest.

(2) This section does not give a right to cause the death of a person, who is not accused of an offense punishable with death or with imprisonment for life, who resists arrest by force.

The person arrested shall not be subjected to more restraint than is necessary to prevent his escape (section 50 Cr. P. C).

A search of place Entered by Person sought to be arrested:

If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within any place, the person residing in, or being in charge of such place shall, on demand of such person acting as aforesaid or such Police officer, allows him free ingress thereto, and afford all reasonable facilities for a search therein (Section 47 Cr.P.C).

3.11. A search of Arrested Persons

Whenever a person is arrested by a Police officer under a warrant which does not provide for taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail. And, whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail. The officer making the arrest or, when the arrest is made by a private person, the Police officer to whom he makes over the person arrested, may search such person and place, and has to keep all articles in safe custody, other than necessary wearing apparel, found upon him (Section 51 Cr.P.C).

Mode of searching for Women

Whenever it is necessary to search a woman, the search shall be made by another woman, with strict regards to decency (Section 52 Cr.P.C).

For cases, where a Police Officer arrests without a warrant in cognizable cases, a rigid procedure is laid down to ensure that the security and liberty rights of the person as guaranteed under Article 9 of the Constitution are protected.

Section 54 Cr.P.C empowers a Police officer to arrest a person without a warrant who is/has:

- involved in the commission of a cognizable offense;
- has in his possession any implement of housebreaking;
- a Proclaimed Offender;
- in his possession anything suspected to be stolen property;
- obstructing a Police officer while in the execution of his duty, or who has; escaped, or attempts to escape, from lawful custody;
- a military deserter;
- under any law relating to extradition or otherwise liable to be apprehended or detained in custody in Pakistan;
- a released convict committing a breach of any rule;
- for whose arrest a requisition has been received from another Police officer, who was himself empowered to arrest him.

Other than the conditions cited above, no arrest can be made by a Police Officer without a warrant. These checks are placed to protect the constitutional right of liberty of a person.

3.12. Arrest of Women

Police Rule 24.12 lays down the manner in which the arrest of a woman can be affected. All arrests of women- whether without a warrant or with a warrant, bailable or nonbailable, are to be carried out by a Police officer who should not be below the rank of Assistant Sub-Inspector of Police. However, when no such officer is present, an arrest can be made by a Head Constable in the presence of responsible male relatives and village/town official.

Where bail is admissible, the women are not to be detained longer than is necessary for the production of the bond or sureties. No application for remand to Police custody can be made without the special order of a gazetted officer. No women in Police custody are permitted to be lodged even for a night in a Police station except in unavoidable circumstances.

The gazetted officer supporting an application for remand to Police custody shall be responsible for the taking of necessary measures for decent custody of the prisoner. Where women in Police custody have to be escorted about for investigation the officer in charge of the Police party shall not be below the rank of Assistant Sub-Inspector.

Women attending Police investigation and inquiries are different from those under arrest. They are on no account to be detained in Police stations or remain with the Police any longer than necessary. They shall not remain with the Police between sunset and sunrise.

3.13. Persons arrested not to be detained more than 24 Hours

The Constitutional guarantee of producing a person before a Magistrate within 24 hours [Article 10 (2)] is protected under section 61 Cr. P.C which lays down that: No Police officer shall detain a person arrested without warrant for a period longer than twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

3.14. Habeas Corpus

Historically, a common law power, the right to the writ, was placed on a statutory basis under the Habeas Corpus Act 1679. The Act of 1679 relates to persons imprisoned on criminal charges. Later the Habeas Corpus Act-1816 relates to persons detained other than criminal charges.

AV Dicey defined Habeas Corpus as " ...if , in short any man , woman, or child is deprived of liberty,the court will always issue a writ of habeas corpus to any who has the aggrieved person in his custody to have such person brought before the court, and if he is suffering restraint without lawful cause, set him free"⁸.

The UK Jurisdiction terms it as 'prerogative writ of habeas corpus' to secure the release of a person who has been detained unlawfully. Further, writ issues ex debito justitiae, i.e. as of right and not as a matter of judicial discretion⁹.

In international law, ICCPR Article 9(4), whereby member states are required to protect an individual against unlawful deprivation of liberty (arrest or detention) namely, writ of habeas corpus and on this basis, a detainee questioning the legality of arrest or detention can request the court to order his or her release.

The Constitution guarantees the right to security and liberty of a person. Everyone is entitled to the protection of the law and to be dealt with by the law. A person can only be deprived of his liberty or be detained through due process of law. Article 199 (1) (b) (i) of the Constitution empowers the High Courts and Sessions Courts to issue writs of habeas corpus under section 491 Cr. P. C. In the case of unlawful detention or arbitrary arrest, High Court and District Sessions Court have the power to issue directions under section 491 Cr. P. C:

- That a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;
- That a person illegally or improperly detained in public or private custody within such limits be set at liberty;
- That a prisoner detained in any Jail situated within such limits be brought before the Court to be examined as a witness in any matter pending or to be inquired in such Court;
- That a prisoner within such limits is removed from one custody to another for trial.

⁸ Hilaire Barnett, 'Constitutional and Administrative Law', Habeas Corpus (Routledge 2006) p.629

⁹ Alex Carroll, 'Constitutional and Administrative law', Habeas Corpus (Pearson 2003) p.334-35

4. Results of the survey

4.1. Status of Criminal Justice

The data reveals that people especially non-Muslims did not like to opt for the formal criminal justice system in cases of rape, sexual abuse, and harassment. The female participants in FGD in Tando Allahyar Taluka shared that no case of rape and sexual abuse had happened in their villages. The female participants of the FGD in UC Lakhat and FGD in UC Rawat Laghari shared that in cases of rape and sexual abuse, Kolhi sought the help of the landlords but did not refer to the court and police. They stated that among Muslims, these cases did not happen. The female participants in FGD in UC Saeed Khan/Bhale Dino Satho shared that in cases of sexual abuse and rape, the villagers contact the landlords. Kainat informed that people did not take the issues to others or police because such issues would have brought disrespect for the family and also for the female in question. In FGD in UC Shahpur/Tando Soomro, the female participants shared that in case of rape, the victims go to the landlord, and avoid going to the police, because it costs them a lot of money and also brings disrespect to the woman and her family. They informed that in all such matters people went to landlords, but at the same time, they were scared of the landlord.

Domestic violence cases are not reported at the police station shared almost all respondents because there was neither culture nor awareness among women about laws which criminalize domestic violence. The female participants in FGD in Tando Allahyar Taluka shared that domestic violence was a common practice in the villages where husbands often beat wives. In severe cases, the matter is taken to the elders of the families. The villagers avoid going to the police and courts. The female participants in FGD in UC Lakhat and FGD in UC Rawat Laghari shared that among Kolhis, domestic violence was common and no women went to lodge a report. In case the issue is serious, both sides refer to their community elders. The female participants in FGD in UC Saeed Khan/Bhale Dino Satho informed that domestic violence was common in rural areas. Women did not complain because people condemn people who complain. They added that wives and daughters are advised to avoid complaining about such incidents. Kainat said that domestic violence is common, but people never go to the police or the court; they rely on their elders to solve the problem. Shahzadi also informed the same.

The issues of theft are also resolved at the community, and baradari level, in which help is sought from the landlords or heads of the communities. Although these efforts of resolution are often futile, the people still did not like to go to the police as they believe that the police takes bribes. The female participants in FGD in Tando Allahyar Taluka shared that theft was common in the area. In such cases, the villagers follow the footprints of thieves and get the stolen items back, but sometimes, stolen stuff is not returned especially when the matter is taken to the police. They added that the police took money from the victims. The female participants in FGD in UC Lakhat and FGD in UC Rawat Laghari shared that in case of theft, Kolhi community members followed the footprints of the thieves and got back the stolen material. After that, the police is informed about the thieves. In cases where the villagers could find footprints, they sought the help of the local landlords to help get their belongings back. They shared that for getting back the material, the victim family paid the “bhung” (ransom). The female participants shared that Kolhi people avoided going to the police and sometimes were helped by the MNAs and MPAs. A lady complained that a year ago, her family’s camel was stolen, but no one helped her get it back. She added that her family had spent a lot of money to get it back and also registered a complaint with

the police. Another lady shared that she had bought a buffalo for Rs. 100,000. It was stolen and she paid Rs. 70,000 for its return. However, the case remains unresolved. The female participants shared that in most cases, they did not go to the police and courts because it cost too much money. Kianat, in an informal interview, shared that people pay ransom then get back their stolen things.

Child marriages are criminalized in Sindh, but people were not aware of it; therefore, no one reported or disclosed about these practices. Laghari said that there is no child marriage trend in this district. In cases of child marriages, reports are not lodged. Police must have a record of the number of complaints they get from people about child marriages. Urs Khaskheli said there was a trend of child marriages, but the cases were not reported. He said that the police must know the exact number of cases. Rasool Bux said that in TMK, each year forced marriages and child marriages do take place, but only a few are reported. Ameer Junejo also said that child marriages were taking place but were not reported to the police because people had no understanding of the problem.

Forced conversion is still a civil matter, but it could be termed a criminal act. The Government of Sindh was supposed to pass a bill to criminalize the practice, but the bill is still pending. However, this issue is not reported in districts. Urs Khaskheli and Abdul Hameed Laghari denied any case of forced conversion in the district. Rasool Bux said that in TMK in the last five years, no case has been registered related to this issue. Ameer also shared that the forced conversion cases had not been registered in Tando Allahyar district.

- **First Information Report--- issues face by women**

In rape, sexual abuse, domestic violence, and theft cases, the respondents and informants shared that they did not prefer to go to the police to lodge the FIR because the police did not have a good reputation. The people were scared of the police system.

- **Arrest, Illegal Detention, and Confinement**

In the interviews, not a single participant and respondent shared that the police arrested him or her, or illegally detained or confined them in the police lockup.

4.2. Status of Civil Justice

The injustices related to civil rights were commonly reported and informed by the informant and respondents in the individual and group discussions.

- **Child maintenance**

About child maintenance, the female participants in FGD in Tando Allahyar Taluka shared that they did not know what the Sharia and Pakistani laws said about it after the separation of parents. The female participants in FGD in UC Lakhat and FGD in UC Rawat Laghari shared that in case of separation, men did not pay any amount for any purpose to women. They said that the villagers were completely unaware of these rights of women. They added that women could not afford to get the maintenance charges from the ex-husband. They informed that they did not know about the law, which ensures that divorced women would get child maintenance. The female participants in FGD in UC Saeed Khan/Bhale Dino Satho informed that in cases of divorce and

separation, women did not get child maintenance. Women entirely depended on their father or brothers. In another case, they start work as daily wage workers (domestic workers). Kianat said that if parents are wealthy, then they support their daughter. Otherwise, the woman had to earn for herself. Shahzadi informed that she had information about the shariah on child maintenance, but the majority of the females did not have the information. She said that in practice, in case of separation, women bear the maintenance charges.

- **Land inheritance**

The female participants in FGD in Tando Allahyar Taluka shared there was no trend of giving a share to women in the inheritance or property; even if she demands it, she is not given her due share. They added that such practice is not liked because people believed that if they transferred the property to her names, her husband would use it. They also added that almost all the people were poor, and they did not have properties to be distributed. The female participants in FGD in UC Lakhat and FGD in UC Rawat Laghari shared that Kolhi community did not have properties; thus, there was no issue of share in the inheritance. The female participants in FGD in UC Saeed Khan/Bhale Dino Satho informed that women did not get their share of the property. Moreover, some people deliberately did not send their girls to school because they were of the opinion that if they studied, they would become aware of their rights and claim their share. Shahzadi also shared that people did not give a share to their females.

4.3. Status of public services

- **CNICs and civil documents**

The female participants (especially non-Muslims) in FGD in UC Shahpur/Tando Soomro highlighted that for them the most pressing issue was to get CNICs and other civil documents because their parents did not have their CNICs. Therefore, the participants informed that NADRA did not provide them with a CNIC. NADRA demanded them to produce CNIC or Nikahnama of their parents. The female participants shared that they had never seen or signed a nikahnama. They added that since their parents did not have nikahnama and CNIC, thus, their B Family Forms were not issued, and their children also had no B forms to get the CNIC. They shared that RDF and Takhleeq Foundation were working in the village; these NGOs were helping them to get CNICs.

The female respondents in FGD in UC Rawat Laghari also shared that most of

Case study:

A mistake in CNIC caused a huge trouble

Shahzadi, 30, Intermediate pass, hails from UC Rawat Laghari shared various personal and community's issues. She informed about the list of the problem that includes unemployment, poverty, congested and poorly constructed houses, lack of safe drinking water, women fetch water from a long distance, no link road, no gas connection, and extremely low wage rates. Shehzadi shared that she had to face tough times to get a mistake corrected in her CNIC. On her Nikahnama, Shahzadi was shown four years older than her real age. After marriage, when she went to get the name of her husband on CNIC, she was told that there was a difference of ages on CNIC and Nikahnama. She was asked to come back another time. She went back to the office a few times. However, every time she was asked to bring more documents. Shahzadi complained that NADRA had made her life miserable and financially cost her family also. NADRA officials never provided specific information. She added that the paralegal and NRSP had shared with the information and knowledge, so would be able to get her CNIC corrected.

the people, especially women, did not have CNICs. It was because the marriages were not registered and birth certificates and family forms were not registered with NADRA. They added that since women did not have CNICs, they did not cast a vote. They added that poor people did not have the knowledge and understanding of receiving CNICs. They complained that when marriages were not registered, they were unable to get certificates. Some female participants added that they and many other villagers had been to NADRA office in the district headquarter because they were asked to go back because they did not have proper documents. They also complained that it was always hectic for them to visit NADRA office and wait for many hours, and then were asked to bring more documents. They shared that NADRA should send its mobile offices to villages, so that poor women could manage to get issues resolved at their doorsteps. They informed that NRSP's paralegal team helped them to fill the paralegal and the B forms, and helping people to get CNICs.

- **Discrimination with Non-Muslims**

The female participants of FGD in Shahpur/Tando Soomro complained that political leaders gave all schemes to Muslim areas- they had drainage and streets, and electricity. The female participants shared that wadera of the village had discriminatory behaviors toward them. They also added that landlords often misbehaved with them on work-related issues and also threatened them to leave the land and village. The female participants also shared that they worked at the landlords' lands because they had no choice. They also complained that landlords did not pay them fairly and on time. The female participants in FGD in UC Shahpur/Tando Soomro also shared the homes they lived in were not well built and at the time of rain, the ceilings dripped. Therefore, when it rained, they lived in tents until the roofs dried. A female Kolhi participant shared that she wanted to have NRSP's school, but the landlord stopped her and threatened her with serious consequences. She said that the landlords were also a barrier to get funds under BISP. They said that they could not complain to anyone. They knew that if they complained, the landlords would become their enemies and they would have to face serious consequences. One of the female Kolhi participants said that landlords are cruel to people who complain against them.

- **Consumer Rights**

Abdul Hafeez Laghari suggested that there should be a redressal policy for consumer rights and people should have been made aware of them. Laghari added that people were aware of their rights and they knew how to solve their issues. There is an electricity load shedding problem because people did not pay bills and they also had illegal connections. He added there were consumer courts at the district level, but people have to go through a very lengthy process. There should be some amendments in the law to stop the cases of theft. Urs Khaskheli said that he did not have any information about the consumer courts in this district. Natural gas is available in limitless quantity, but there is no gas supply in the villages/localities from where it is extracted. There is self-created load shedding of electricity; favored bills are deducted, and poor are paying that cost in the situation when they get electricity for only 4 hours in a day. Governance is bad. There was no water available to people. People do not complain because they do not know that they have any consumer rights and how to get them.

Rasool Bux said that in TMK no courts are for the protection of consumers. The High Court had ordered not to put an extra burden on electricity users. However, people were receiving extra electricity bills, and no one listens and cares about the concerns of people related to heavy electricity bills. People did not go to the electrical inspector for resolving issues because they did not trust the inspector. Institutions and people running those institutions did not care about the public's issues. There is also a wide gap between public institutions and the public. Ameer Junejo said that electricity is a major issue; due to higher rates and overrated bills, people depend on UPS, generators and other electricity producing sources but these are not sufficient. He added that people could not do anything if they got high electricity bills, and people are helpless and hopeless. Junejo shared that consumers' courts are in the districts, but these are only to pay lip service. People cannot afford to have a lawyer for matters related to consumer rights.

4.4. Status of Economic and Social Rights/Justice

Economic and social-cultural rights are greatly ignored and have been given little space in paralegal matters. However, these issues were widely and greatly reported everywhere among the communities. The injustice related to these issues was considered the top matter by respondents and informants from all walks of life. In all FGDs, almost all issues were related to economic, cultural and social rights. The details of each FGD are given below:

Abdul Hafeez Laghari, Additional Deputy Commissioner Tando Allahyar shared three top human rights issues in the district. He said that the shortage of irrigation water is a serious problem, followed by lack of drainage system and lack of education facilities and services. Muhammad Ali, Deputy Director Social Welfare Department, informed that the district lacked health and education services, and people also did not have the civic sense to contribute and help the district government to carry out its business. General Secretary District Bar Council Tando Allahyar shared that lack of health, education, and sanitation services are the human rights issues faced by the community. Whereas, President DBC TMK said that poor literacy rate, violation of women's rights and lack of reformatory programmes for youth are the main human rights issues.

In TMK town, in FGD, the male participants listed three problems- poor education system, poor health system, and poor road infrastructure. In TMK town, the male participants identified the following main justice related issues: unfair distribution of irrigation water, lack of primary and secondary education, and lack of medical services and facilities. In FGD in UC Shahpur/Tando Soomro, the female participants said that shelter was the second most important injustice with them. They said that many non-Muslim families did not have their own homes. As a result, non-Muslims families never lived settled lives. They lived in rented houses and congested places without drainage systems.

The female respondents in FGD in UC Saeed Khan/Bhale Dino Satho, Taluka Bulri Shah Kareem shared the following main justice related issues: Poverty and unemployment; no gas supply, long and unannounced electricity load shedding; unavailability of girls' school in surrounding localities; only boys' school but it is only for primary; no secondary or high school for boys in surroundings; did not have identity card; the government hospital is closed because of a lack of

resources; a girls' school in a neighboring village; no proper drainage or sanitation system; streets are not well planned and constructed; and underground water being salty. The female respondents in FGD in UC Saeed Khan/Bhale Dino Satho, Taluka Bulrri Shah Kareem informed about top three key justice issues, which include unemployment; unavailability of schools; and no sanitation and drainage facilities.

In FGD in UC Saeed Khan/Bhale Dino Satho, the female participants shared three major problems; all of them were related to social and cultural rights. The first problem was unemployment. They informed that hundreds of young people had degrees, but they did not have jobs. A lady shared that her husband is only the breadwinner and worked daily wages. When her husband got sick, her family got into trouble, because what her husband brought on a daily basis from his daily wage was consumed every day. She added that her husband often did not get work, and they face more hardship on such days. She also said that her husband worked for the landlord, who did not pay them rather demanded extra work on the land by the whole family. My husband does not have full-time regular work; thus, it creates problems for us. The participants said that her brother had passed the higher secondary school and did not get a job for a long time. The family of the participant lady had requested to the influential of the village, but no one helped. She added that NRSP also had loan facility but his brother, husband, and she were unable to get funds to start any enterprise. NRSP's loan-giving criteria was tough.

The second problem the female participants in FGD in UC Saeed Khan/Bhale Dino Satho shared that there were only boys' primary schools in the village (Saeed Khan Lund). There was no girls' school; therefore, girls did not go to school. The participants feared that they did not want their children to go to other villages for education. It was risky and dangerous to send girls to schools in TMK. The female participants said that the villagers had made many requests to the officials, MNAs MPAs, and NGOs for the construction of a girls' school in the village but all efforts were useless. They added that NGO HDF had set up a school five years ago, but it was closed due to lack of funds. The third problem, the female participants in FGD in UC Saeed Khan/Bhale Dino Satho highlighted was related to drainage and sanitation system. They said that in the absence of proper water and sanitation system, the water stayed in ponds and drained for months, which created bad smell and infestation of mosquitos, flies, and growth of bacteria. The villagers, they informed, often got sick due to water-borne diseases, and malaria. They added that neither the villagers nor the government had taken any steps to construct proper sanitation and drainage system in the village. NRSP helps only in the loan scheme. It does not help people in water, sanitation and drainage matters.

Similarly, the female participants of the FGD in Tando Allahyar Taluka also shared the following key justice issues: underground water is salty; no gas supply; no drainage system; no schools; no hospital; no roads; no proper streets; unemployment; no bathrooms/toilets; no CNICs; lack of health facilities; too much work but extremely low wages and no drainage system. The female participants in FGD in Tando Allahyar Taluka shared the three key justice issues, which are: no sanitation and drainage system; no dispensary and poor education services. All these injustice issues were related to social, cultural and economic rights.

The absence of sanitation and drainage system was the first key justice issue for the female participants of the FGD in Tando Allahyar Taluka. They shared that their villages did not have sanitation and drainage system. In the absence of it, water-borne diseases and malaria were prevalent in the villages. They added that the villagers were too poor to arrange drainage and sanitation system themselves and the government did not care about their issues. In the absence of drainage system, the villages did not construct toilets. They added that rainwater often stays in ponds for weeks, which results in malaria and other diseases. The female participants in FGD in Tando Allahyar Taluka shared that the government department had not taken any steps to address the issue. However, once an NGO Muslim Aids had said to the villagers that they would help people to build the drainage system, but it did not work because they demanded the villagers to contribute some money in it.

The second most serious justice issue was the absence of health dispensary, shared the female participants in FGD of Tando Allahyar Taluka. Their villages did not have a dispensary to get medical treatment; therefore, people go to private clinics or the district hospital. The participants informed that in an emergency, especially at night, women and children face a lot of problems because transport is not available at that time, and the majority of villagers did not have any personal means of transport. The patients often die in emergency, especially pregnant women and newborn babies. They added that for opening a dispensary, no one had taken any measures. The female participants in FGD in Tando Allahyar Taluka shared that absence of school in their village was the third most key justice issue. Their children went to a school in a neighboring village, but in rainy days children avoided going to the school. They shared that most of the parents did not send girls to school because of the risk of being kidnaped or abused. The female participants informed that the villagers had submitted an application to the district government, however, no concrete efforts are made. The female participants in FGD in Tando Allahyar Taluka shared that NRSP had opened schools under the SABAQ project. They charged Rs. 50 per child, but they taught students on Android tablets, but the parents were not satisfied with that method of teaching. On tablets, children were shown videos and stories but were not provided with books. They added that a woman teacher taught in NRSP's school; her salary was only Rs. 4,000 which is extremely low and that is paid only when 40 students paid the school fee. All children were from very low-income families. Therefore, they could not pay the fees.

The female participants of the FGD in UC Lakhat shared the following main justice issues: no electricity; no gas connection; no proper schooling; underground water is salty; streets are not constructed; no link road to the village; low rates of daily wage; poor health services and no trend of sending girls to schools. According to the female participants in FGD in UC Lakhat, three key justice issues were: no proper streets; no school; and no drainage and sanitation system.

For the female participants in FGD in UC Lakhat, the absence of streets was the key justice issue. They shared that at the time of rain or overflow of drains, the village looked like a pond. All paths become muddy; thus it becomes difficult to move anywhere. The government had not constructed the streets. The female participants shared that on a self-help basis the villagers clean the streets. The second most important justice issue was the absence of a school in their

village and their children, especially boys, attended school in the neighboring village. The villages did not send girls because of security issues. They added that the school was under construction, but for a long time, it has not been completed. NRSP had started the school's construction. The third key issue was the absence of drainage system. They informed that the villagers have hand pumps at their homes and in the absence of a proper drainage system, the dirty water stays inside homes, where mosquitoes grow. They added that they made small ditches/pits for drainage, but these were filled quickly. The water required outflow through drains, which did not exist outside on the streets. NRSP had promised to help in this matter, but it has been years, they have not done a thing.

The female participants in FGD in UC Begum Jarwar shared the following major justice-related issues: 1) underground water was salty, undrinkable and unhygienic. Therefore, many people suffered from waterborne diseases, especially hepatitis C. They shared that due to such water quality, children remain sick and unhealthy. They shared that there was a filtration plant in Mubarak Jarwar village (nearby), but they could not go to fetch water from it all the time. 2) The second most important matter was of the absence of sanitation and drainage system. 3) No school for Kolhi children; there was a high school in the village but nonfunctional for many years. In FGD in Tando Allahyar town, the male participants shared a long list of issues which included: lack of easy access to civil documents (CNIC, birth certificates, death certificates, nikahnama, residence certificates and domicile and PRC), lack of medical services, lack of safe drinking water, lack of primary and secondary education services, no provision of legal assistance, corruption, poor conditions of roads, deserving people did not received zakat, child labour, bonded labour, frauds by the landlords with peasants, unfair distribution of irrigation water, lack of electricity supply, overbilling, and higher prevalence of fake medical doctors. In FGD in TMK town, the male participants shared a list of key justice-related issues people faced in their communities. Those issues included: no protection of consumer rights (utility bills are overcharged), lack of health services, poor drainage system, poor education system and services, occupation of lands by the landlords, unequal distribution of irrigation water, presence of oil and gas companies created numerous problems for locals, issues in receiving civil documents, no link and communication between people and political representatives and no accountability of the MNAs, and MPAs.

In Tando Allahyar, the male participants shared that unfair distribution of irrigation water was the key justice issue. They said that Tando Allahyar has fertile land and it gives good produce. However, as a result of unfair and unequal distribution of irrigation water by the irrigation department, local people have to face many problems. The influential and rich landlords take away irrigation water. They use both force/power and money to divert the water to their fields. The small-scale peasants could not even complain about the landlords of the area.

Consequently, peasants receive low quantity and quality of crops, which also affects their annual income. They also shared that the revenue department's people take 1000 per hour for one water stream. They also said that low irrigation water causes them to spend more on agriculture input. They complained that if corruption and nepotism were curbed and controlled in the revenue, irrigation and agriculture departments, this issue could be resolved. Due to decreasing

irrigation water supply, peasants at the tail end have severe issues of drinking water. In Tando Allahyar, the male participants said that landlord mafia's power and corruption in the irrigation department had created this problem, and the poor peasants do not have enough resources to support their families. It has resulted in unemployment. The peasants have stopped irrigating lands, and searching daily wage work. Therefore, many have moved to urban/city areas. Unemployment is caused by unrest and social and psychological problems among young people. In Tando Allahyar, the male participants informed that after much hue and cry, in 2013, the government had taken action to stop the theft of water, and had used services of the Rangers to ensure fair distribution. It was for a short time. Then, the government did not take them seriously. In Tando Allahyar, male participants informed that no institution or organization took serious note or action against it. Peasants often registered their protests in front of press clubs, which made no difference to the authorities.

The second most important justice issue reported by the male participants in Tando Allahyar town was lack of education services and facilities. They shared that landlords and influential never paid attention to the education of the district especially primary education is in the worst conditions. They added that qualified and deserving teachers were not available to provide quality education to children. They informed that most of the teachers were appointed on political grounds. They were only interested in receiving their salaries at the end of the month. They complained that in rural areas, female teachers were scarce. They often get transferred to urban areas, because they did not have facilities, services, and protection in rural areas. The majority of schools lack furniture. Among the existing schools, 20 percent are closed. They don't focus on girls' education. Drinking water is nearly absent in schools. They also added that schools did not have a sports culture, sports material or playgrounds. The parents do not care about the education of children because they are not aware of the importance of education. Children are not sent to schools but rather sent to a labour market where they are forced to work on nominal wages. The male participants in Tando Allahyar shared that problems related to education were because of the community's fault. The community did not pay attention to education. It resulted in low literacy rates, which allowed the feudal lords and landlords to exploit poor people who were illiterate. The male participants in Tando Allahyar shared that the government had introduced the biometric system for teacher's attendance to improve the education system. This ensured that teachers could not leave during school hours, but even this did not make any difference. The other issues and problems within the education system remained untouched. Thus, there was no change. The other issues could not be solved because the department is corrupt. The male participants in Tando Allahyar shared that some NGOs have played a role ; for instance, RSP has launched lesson programme, which has brought improvement in children's education. Children were learning things on tablets. RSP gave Rs.4000, and the government teacher received Rs.50000, but RSP teachers were more effective. The male participants also appreciated the schools run by the SEF, which are less in number. They also appreciated UNICEF's adult education programme. RDF ran female schools, but due to lack of resources, they were closed.

The male participants in Tando Allahyar shared that fake doctors have increased in the area, who

are playing with human lives, and the government is not taking any action to stop them. Government hospitals did not have medicines. In rural areas, health services are nearly absent. Medicines given by the government hospitals are least effective. They complained that poor people could not afford to reach quality health services; thus, the number of Hepatitis A, B, C, diabetic, blood pressure patients is increasing. The male participants in Tando Allahyar shared that the majority of people have become psychologically or mentally sick. They do not have money to afford health expenses. These health matters have impacted their social life, which has become harsh, impolite and impatient, which have created fights, tribal feuds, and intolerance. The male participants in Tando Allahyar shared that they have not seen any changes in the health system. PPHI have started working in urban and rural areas, which has brought some improvement but PPHI closes by 2 pm, and the PPHI teams do not help patients after that. They also showed concerns that public health institutions are privatized which would be unaffordable for poor people. The male participants in Tando Allahyar shared that in rural areas, DevCon NGO had done some work for the health of mother and child. They had appointed community health workers. These activities should be done at the grassroots level on a permanent basis.

The male participants in TMK said that the district education system is political rather than professional. Teachers associations are formed on political grounds, and teachers are appointed on political ground. These teachers lack education, understanding, and sensitization of how to teach children. Teachers are not concerned whether a child is coming to school or not. Parents know that children did not get a quality education in these schools. They also informed that the majority of the schools in their area did not have furniture. Some schools had furniture, but the illiterate people stole it. In a school, only one teacher is appointed to teach all classes, and in some schools, there is no teacher. They also shared that some of the schools have been converted into personal living space by the landlords. The educated and aware people do not come forward to take up this issue. They also complained that only books are free, but the parents buy the rest of the material. MNAs and MPAs do not think about the improvement of education. The male participants in TMK said without education, communities will not improve and develop. The landlords did not want our children to get an education so that they continue to be a slave for them. Lack of education and higher illiteracy has resulted in social crimes and feuds. Young people did not have any healthy activity; thus, are engaged in theft, robbery, and kidnappings. They added that many among them were involved in drugs. The male participants in TMK said some of the NGOs have taken some steps and opened schools. The government had introduced a biometric system to ensure attendance of the teachers, but the results are not satisfactory. Local people have organized protests, but the government is not interested in resolving the matters. The male participants in TMK said that SEF, HDF, The Citizens' Foundation and other NGOs had taken some steps, but the scale of work is vast.

The male participants in TMK said that the Government hospitals did not have medicines. In rural areas, health services are nearly absent. Medicines given by the government hospitals are least effective. They complained that poor people could not afford to reach quality health services; thus, the number of Hepatitis A, B, C, diabetic, blood pressure patients is increasing. They complained about the absence of vaccination and bad behavior of the medical staff. They added

that in government hospitals, staff members sold the medicines. They informed that the majority of people often went to Hyderabad and Karachi to get medical treatment. In pregnancy cases, most of the deliveries take place on the way. They added that they had seen many people dying on the way to the hospital. They also shared that they lacked safe drinking water, so people often complained about the waterborne diseases.

The male participants in TMK said health problems in their district are because of lack of interest and attention of the government. The elected representatives are useless and careless, and the people did not have an awareness of resolving their issues. People are often sick, and they spend a lot of money on it, they often take loans. These circumstances make them poorer and add to their frustration and social problems. The male participants in TMK said that the government has set up a hospital for heart patients. The male participants in TMK said they had not seen any changes in the health system. PPHI has started working in urban and rural areas, which has brought some improvement but PPHI system is closed by 2 pm. After 2 pm, the PPHI teams did not help the patients.

In TMK, the male participants in the FGD shared that the road infrastructure is entirely ruined, which has added to the problems of the people especially when it rains. In TMK, the male participants in the FGD shared that this problem persists because for the last three decades, the same political people are governing the district, and the local people are neither aware nor interested in making the relevant people accountable. As a result of broken roads and someplace no roads, it takes people hours to reach their homes. Female children also do not attend schools in other areas because of no proper roads. In TMK, the male participants in the FGD shared that they had not seen any person undertaking efforts to make roads. They added that the oil and gas companies had constructed only a few link roads, but these are used for their convenience. Without the help of government, construction of roads is not possible.

- **Vulnerable groups**
Children

Urs Khaskheli said that children are deprived of education and child marriages are common. Children of families living below the poverty line including those of non-Muslim families are roadside beggars. There are no positive and healthy activity options for children. Children are being forced into bonded labor. Slightly educated people do think about their children's future, but laborers either do not care or have any other option than to push them in labor.

On the other hand, Laghari said that there was no option of positive and healthy activities for children. There are many problems like forced labor and child marriages, but the trend of such cases is decreasing. Rasool Bux said that people in TMK's rural areas were not aware of their children's rights and also responsibilities as adults. Children in rural areas are facing the worst treatment in every aspect of life. They are engaged in the worst forms of child labor. Parents send them to mechanical workshops, agriculture fields, begging, and restaurants to earn money. Rasool Bux said that previously child marriages were common, but the situation has improved in the last few years. He also complained that children were sexually and physically abused and exploited. Ameer Junejo shared that the parents sent their children to workshops, restaurants,

transport sector, and to do agriculture work. Junejo said that there is a common trend of child marriages especially exchange marriages, and children's marriages are decided in their very childhood. He added that children run away and get married at a young age. Child sexual abuse is also common in the district, and children are used as beggars by professional beggars. Junejo added that child domestic workers often become victims of sexual and physical abuse and exploitation. However, children do not understand this concept, and there is also no forum for them to complain about.

Women

Abdul Hafeez Laghari informed that women were being included in decision making at the family level and they were empowered because of many legal rights. They are now working with males in every sector, but still, there is a lot to do. Urs Khaskheli said that women suffer the most; work all the day at home, take care of children, serve the husband, rear the cattle, serve the guests, cooking, cleaning, without any consideration for her health, she has to do all these things. She is not considered a human being in our traditional society. After all this, she has to tolerate the physical and mental torture by her husband and his family. Rasool Bux said that in TMK men are powerful than women. In every kind of decisions, men are involved, but women are not. In agriculture, mostly women take part, but their work is not recognised. Rasool Bux said that domestic violence is also common, and very little efforts are made for women empowerment. Men keep an eye on women. They do not have freedom and choice to go anywhere. Usually, women are deprived of their inheritance rights to the property. Women are convinced to surrender their properties to their relatives. Rasool Bux added that marriages are not properly registered because people are not aware of the systems. Women's issues are not registered because neither women are allowed to do it, nor there are safe systems to lodge complaints. Women's health and education aspects of life are marred with difficulties. Women did not have access to health and education services and facilities, and they are entirely dependent on men for seeking medical services. Ameer Junejo also said that men were more powerful in society; however, over the last few years, women are involved in decision making. Junejo said that most of the women in rural areas were engaged in agricultural activities especially non-Muslims. He informed that domestic violence had reduced. Junejo said that women are harassed and abused, but they avoid lodging complaints. Low rates of literacy among women are because arrangement for girls' education is extremely poor. Junejo added that Muslims did not face much problem in registering their marriages as non-Muslims did. Women have not been given a share in their inheritance property.

Minorities

Urs Khaskheli said that there are thousands of people living in these districts that belong to minority groups. People are living in peace and harmony, though Shia and Sunni sects create problems for each other. People can celebrate their religious days openly without any fear. They Can sell and buy properties and Can go anywhere at any time without any fear. They have No problems regarding nikahnama or CNICs. People do not always register their marriages because they face a lot of problems and similarly in getting civil documents. In case of any problem, people either keep silence or go to the local landlord. Laghari said that the district Tando Allahyar

had Hindu, Muslims, Christians and many other minorities and there had never been any problem from a religious perspective. He added that people did have CNIC and Nikahnama problems. There is complete peace in this district. Muslims behaved well with non-Muslims. Rasool Bux and Ameer Junejo said that in TMK less than 20 percent are minorities and Hindus fearlessly observe their practices. They face CNIC related issues. NADRA does not support and facilitate minorities in receiving CNICs, and other documents. Rasool Bux and Ameer added that they did not see any forced marriages and forced conversion to Islam, rather Hindus and Muslims lived in harmony. Muslims do not become hurdles for Hindus. In cases of injustice, minorities refer to the police and courts. Junejo said that the majority of people did not seek justice at the formal forums because they have no trust in it and it requires a lot of money.

I) Bonded Labour

Urs Khaskheli said “Bonded labor has reduced in this district as compared to before but directly or indirectly, we all are slaves of this system”. Peasant is like a slave to the landlord and who behaves well with slaves? Slave has to tolerate and fulfill his duties and not dare go to the court or police because the police and court will ultimately favor the landlord. Peasants and laborer should use media for the solution of their problems. But they do not complain because, in our culture, complaining is not considered good. Urs said that he had seen Kolhi, Meghwaarr, Baagrri, Bheel and some Muslims in bonded labor. Only one in thousand peasants can be seen happy. Laghari also shared that bonded laborers were very less in Tando Allahyar district. Landlords behaved well with the peasants. If any landlord showed cruelty, the peasants complained to the session court which was the best forum. People belonging to both religions (Hinduism and Islam) were working as peasants. Hindu peasants took loans and then ran away; therefore, landlords stopped giving them work, and there is no more concept of “private jails” in this district. Rasool Bux said that in TMK bonded labour exists but on a small scale. Peasants took a loan but did not pay back to landlords. They also avoid doing work and also misuse the money. There is no private jail in TMK. For resolving tenancy related issues, people go to the police and revenue courts. Kolhi, bheel, maghwar and other Muslims casts are trapped into bonded labour, and they are weak and helpless. Junejo said that bonded labour was rampant in the district but has reduced and is scarcely found in the rural areas.

II) Debt/Loans

The female participants in FGD at Tando Allahyar Taluka shared that they were unable to receive loans from banks because many people were defaulters from the UC. They added that NRSP was providing a loan, and they paid it back through installments. The female participants in FGD in UC Lakhat and FGD in UC Rawat Laghari shared that they did not receive loans from banks but from the landlords in case of emergency. They added that NRSP NGO was providing a loan to people for a business purpose, but it had criteria, which many of the villagers did not fit into it. The female participants in FGD in UC Saeed Khan/Bhale Dino Satho also informed that they took loans from Hindus on 50 percent interest rate mostly in emergency situations like medical treatment, arranging marriage or death ceremonies, deliveries, sowing crops, etc. Kianat shared that people used to take loans and then they either paid in installments or sold their cattle’s to repay the loan.

4.5 Justice Process

The male participants in Tando Allahyar shared that individually or collectively people address their issues and cases through different mechanisms. People do not look to the formal justice system for getting justice because they are hopeless. They approach the local influentials and landlords in resolving their issues related to marriages, lands, properties, theft, and irrigation water distribution. If the family or person is rich and can afford, then he turns to the police and courts. The majority often runs away from the police and court system. They informed that people firmly believe and see that the police and courts belong to people who have money. Thus justice could be received by spending money. People also see that decades pass away, but people's issues in courts are not resolved. The influential and rich people use the money to convert white into black and vice versa. They added that without money the police do not file an FIR. Therefore, a common and poor person adopts the approach of protest and use of social media to raise their concerns.

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Urs Khaskheli said that health facilities are not available. Hepatitis A, B, and C, Diabetes, high/low BP, cough, and flue are commonly found illnesses here. There are small-scale mills in this area, which cause pollution and thus people suffer from bad health. The available health facilities are not fully functional; the medical staff is not working honestly. They only take salaries and sit in their private clinics all the time. People complain a lot, and they do not trust government health facilities anymore, they prefer to go to private facilities. People do not go to the police or court, but they stage protests and share with media about the situation. Drinking water is the major issue of this area. Abdul Hafeez Laghari shared that health conditions are not better. People suffer from Hepatitis A, B, and C, Diabetes, BP, cough, and flue. There are no polio cases in this district. There are many health facilities available in this district; people still complained to DHO and secretary health; there is bad governance.

Rasool Bux said that in TMK health sector is ruined because of corruption; thus, a common person does not have access to health services and facilities. The number of Hepatitis A, B, C, diabetic and blood pressure patients is increasing. Rasool Bux said that the absence of safe drinking water has also caused many diseases. The medical staff is short in government hospitals, and the available staff is not regular. Locals have to go to Hyderabad for a blood test, and all kinds of medical treatment. He added that most often people complained about the social media or

protested in front of press clubs; otherwise, no one takes care of health issues of people in TMK district. Ameer Junejo also shared similar conditions of the health sector in Tando Allahyar district. Shahzadi from UC Rawat Laghari shared that there is a government dispensary in the village, but it is not fully functional. Therefore, the villagers have to go to the city hospital.

Laghari shared that quality education is a question mark in Tando Allahyar district; no furniture no electricity, no proper washrooms, community is less interested in getting education, huge budget is being allocated to the education sector; teachers take extra salaries but zero performance; teachers should be recruited on merit and recruitment should be contract based in order to improve quality of the education. There are schools and teachers as well, but they are not being used or working for the right purpose. 80% boys and only 20% of girls are getting an education. On the other hand, Urs Khaskheli shared that teachers are not in adequate numbers, especially female teachers. He added that school infrastructure is not in good condition, teachers are also absent and unavailable. After the introduction of the biometric system, there is a shortage of teachers; otherwise, there were plenty of ghost teachers. The ghost teachers either quit their jobs or are now retired. The community also seems to be less interested in education. Even educated people are not paying attention. The bureaucratic system has created a mess. There is huge budget allocation, but it is not being used fairly. Teachers should be recruited on merit. We are hopeful of youth; they are performing better. Unfortunately, people have become “behiss.” Girls’ education should be a priority. Education situation is very critical. Rasool Bux said that in TMK district 60 percent of children do not go to schools, and of the school going only 10 percent are girls, and they hardly pass out primary school education. Rasool Bux said that drop out is higher especially of girls. It is all because neither the government is serious nor the community and parents. The government institutions have become political fields, where only those teachers and staff members survive who take part in politics. Rasool Bux said that TMK has inadequate schools and teachers especially females. Ameer Junejo had the same views about the education system and issues in Tando Allahyar district.

- **Forums people go to seek help to resolve their human rights issues**

Abdul Hafeez Laghari said that people consulted the irrigation department, but the government employees ignored them and did not help them which disappointed them. Urs Khaskheli shared that people do not consult the relevant institutes and people when they are in a problem rather, they go to landlords who exploit them according to their interests. People are bonded in the feudal system, traditional system. Common people of this district are completely deprived, living a life of ignorance, they are less educated. Rasool Bux, President DBA TMK said that firstly people go to seek justice at the local level from their family members, community heads, and waderas, and if the issue is not resolved they go to the police and courts. But the police and courts are the last options, when they are helpless. Ameer Ahmad Junejo, DBA, Tando Allahyar, said that 20 percent people approach landlords and influential people of the area to resolve their matters and disputes or seek help in their matters. And, 80 percent of people seek help from the concerned departments, but all of them receive no positive results. The government departments do not serve people but are being served by the people.

Urs Khaskheli said that 80% fraud people go to the court and hire lawyers who support the wrong. Poor people do not trust courts anymore because courts worsen the matter and take a

long time in giving a decision and ultimately give the decision in favor of the mighty party. It is also considered bad to take the matters to court. Rasool Bux said that in TMK district when people do not have an option, then they come to the formal justice system because people fear that in it powerful people easily abuse the law and institutions. He added that formal institutions are corrupt; the police did not help people; people are scared of the police. Ameer Junejo shared that corruption and thana culture has kept people away from accessing justice; people work for those who pay them money; otherwise, people in the district did not receive any justice through the formal police and court systems.

- **Informal mechanisms**

Urs Khaskheli said People go to the landlord to get their problems solved, and he thinks private settlement in case of a better option. Elders of the area decide better for people. Abdul Hafeez Laghari said that the landlord system prevailed in the district because people preferred to go to the landlords rather to the police or court. He added that in all kinds of problems like marriages, fight, theft, land occupation/ownership went to the landlords, and also to the elected members of the area. Rasool Bux said that in TMK district, in small disputes, unfair irrigation water distribution, murder, theft, divorce, marriages, land disputes are common but not reported at the police stations. In the first place, people take issues to the local waderas and then to the police and formal courts. Ameer Junejo said that people in Tando Allahyar preferred informal justice system, and justice within the community is often preferred and liked by people because it saved peoples time, money and energies.

Case Study:

Kainat is in a trap, and no one is there to help her

In UC Begum Jarwar, Kainat, 21, worked with NRSP as a teacher in the school. She shared her personal and community's problems. The personal problems included NRSP paying her extremely low wage with which she had to pay her children's school fee, and her paternal uncle took all her property. She informed that the community had higher unemployment rates and unmarried girls had serious issues of mobility. She informed that her father had left two huge plots, one car, and one Mazda. Her uncle sold all properties and said to the Kainat's family that he had returned all the loans taken by her father. But she complained that it was a lie, and her father had taken no loan. Kainat shared that her father died of hepatitis, he was admitted in the hospital but died after two days. A few years Before his death, Kainat's father had a second marriage so that he could have sons. She said that she did not have a brother, and her uncle was forcing her to quit the teaching job and married to his son. She added that her father had never shown any interest in getting her married to her cousin. Kainat said that she did not want to marry but wanted to study. Kainat's family complained to the elders of the community, but her uncle said to the elders that it was their matter, and no one should intervene in it. Kainat's mother had shared the matter with NRSP officials, but they did not respond for a long time. She added that she and her mother were facing problems because her father did not have a plan to give them share from the property. He should have given her, and her mother shares in the property. Kainat said "I am now working and earning for myself and my mother, I will never marry my uncle's son. I have not complained to police or court because I don't have money and I am not allowed to go out alone."

Case Study:

Ameen Jarwar was tortured and then removed from the village

Muhammad Ameen Jarwar, 60, had no education and lived in village Mitho Khan, UC Began Jarwar, Tando Allahyar district. He spent his whole life to fight against the poverty and come out of it, but he failed. Jarwar was paralyzed and lived a difficult life. He could not afford to send his children to school; thus when they became adults, they started working as wage workers. One of Jarwar's daughters was living with him after getting divorced. Jarwar was removed from his village. Thus, he lived a poor life. He was removed because the landlord wanted to have the road from his house but he did not agree; thus he was forced to leave the village. He said that once accidentally son of the landlord was hit with the motorcycle of his son. After that, the landlord's men entered his house and beat his wife, daughters, and sons. The matter was taken to the Jirga (headed by Mujeri Ali Mohammad Wilhaari), in which, the jirga head asked Jarwar to apologies to the landlord, but Jarwar did not because Jarwar said that he had not done anything wrong. Afterward, the landlord started threatening Jarwar for serious consequences. Once Jarwar's family left the village, they were not allowed to enter the village. Jarwar said that he was uneducated and unaware of sources which could help him get justice. Jarwar's relatives and other people suggested Jarwar have a protest against the landlord in front of the press club. After the protest at the press club, Jarwar said that the landlord has stopped threatening them. He complained that except the media, no official had contacted them for any kind of help. Jarwar added that the landlord Hashim was not ready to negotiate with us, and Jarwar's friends asked him to refer the matter to the court, but Jarwar could not go there because he could not afford the expenses. Jarwar said that he wanted to go back to his house but was scared that the landlord Hashim could cause troubles for his family. The landlord had also threatened Jarwar for protesting against him. Jarwar was helpless; he did not know what he should do and where to complain. He wanted some institutions to help him in the matter. Jarwar had complained to another landlord, but that landlord also did not care about Jarwar. In such circumstances, Jarwar's son has returned to the house in the same village. Jarwar was concerned that his son might be harmed. Jarwar said that the government never protected people against any cruelty. He said that the solution to our problems' lied within our social systems such as brothary and landlords.

Case Study:

Chasli caught in trouble, does not know what to do

Ms. Chasli, 35, from village Luqman Khaskheli, Tando Allahyar, is a widower having 8 acres of agriculture land on her name, which was transferred to her name by her husband before a relative murdered him. Chasli's brother in law wanted to take the land. She does not have a son, and she always faces barriers and issues by her brother in law. She also shared that the case of the murder of his husband was in the court for the last four years. Chasli shared that her husband was killed on the pretext of honor killing. The murderer was in jail. Chasli's brother in law had requested the revenue department to transfer the land to his name. He had about got 2 acres of the land out of 8 acres. But the brother in law was not allowing Chasli to engage peasants for cultivating the land. He was not allowing her to sell the land. Chasli had sold her land to an official DCO in Rs3,000,000, and received Rs500,000 in advance but her brother in law is causing

problems for her. DCO was not willing to buy the land, unless, he said, the issue was not solved within the family. Chasli's brother in law also sold all crops and a Suzuki car. She was advised to move to the city area, but she was unwilling to because she was scared to do it as she was all alone.

Case Study:

Sikandar took a high loan and paid a fee to the lawyer

Five years ago, Sikandar Ali Khaskheli in Lukman Khaskheli, had a Suzuki. He had engaged a driver (Ehsan) to carry passengers, luggage and furniture. Ehsan had an accident in Tando Muhammad Khan in which a young policeman had died. The deceased's family had filed an FIR against Sikandar and the driver, his vehicle was confiscated by the police. After some time, Sikandar was elected councilor in the UC Allahyar Turk. Sikandar said that after the accident, he became a defaulter, and his lost confidence and became mentally depressed. The vehicle was not insured. The driver's family also pressurized Sikandar. Finally, Sikandar engaged a lawyer to deal with the case; the driver was released on bail; he took a loan to pay the fees of the lawyer. All people were supporting the deceased family. Sikandar had apologized to the deceased family, but the other side did not agree; they wanted to settle the matter; therefore, Sikandar agreed to pay to the deceased wife. Sikandar was worried to pay the loan amount (Rs700,000) and wanted to restore his Suzuki which was out of order for a long time. Sikandar said that other well-educated people played a role to convince the deceased family to compromise on the case. He was worried about the court decision, which might have asked him to pay the huge fine to the deceased family. The matter is solved, and the party has pardoned the driver, but Sikandar paid a lot of money to the lawyer.

Case Study:

Disappointed Chunio Meghwarr with the formal courts

In the village, Major Wahid Bux, Chunio Meghwarr, 55, was trapped in so many economic and social issues. He had to get his six daughters married off, and his wife was sick all the time, which cost him too much money, for which he had sold out his residential plot. Additionally, the landlord abandoned him to cultivate his agriculture land, which he cultivated for seven years. Chunio was asked to leave the land when the crop was ready to be harvested. Chunio said that the big problem was, the landlord abandoned him, which was the only source of income for his family. After that, Chunio and his family suffered a lot in economic, social and psychological terms. The landlord never respected Chunio and always misbehaved with him. Chunio had taken a loan from the same landlord, which he had been paying for a long time, and did not end it. He added that the landlord took his entire share from the last crop. In the first place, Chunio had gone to the landlord to give him his share, but the landlord said that his share was exchanged against the loan; Chunio insisted that if somebody neutral had decided between him and the landlord, the landlord would have been a defaulter, but the landlord was powerful and rich. In this regard, Chunio had been to various officials (union councilors, and revenue officials) and landlords for getting his share but no one helped him. Chunio was suggested by Bhandaar Hari Sangat (BHS) to file a case against the landlord in the court through a lawyer because he had taken all production. After filing the case in the court, he learned that it was useless to refer to

the court because it cost time, money and caused pain. For many months, Chunio attended the court but sometimes, his lawyer was absent and sometimes, the landlord's lawyer was absent. Finally, the court gave a decision in favor of the landlord. Chunio said that since he was illiterate, thus, did not know how much the landlord has given him a loan and how much he had returned him but in the court, the landlord provided fake documents and details of the loan. After that, the lawyer advised him to fight his case in the high court, but Chunio had no option only to surrender to the circumstances. He could not afford to proceed further for the case, it was extremely hectic for him to fight the case in the lower court, and going to the higher court was an unimaginable practice for him. Chunio in clear words said that the formal justice system only supported the rich, and deprived poor people of even their basic rights. He tried to say that in the result of coming to the court, he invested too much money, lost his daily wage, wasted time, left the family unattended, and resulted in the enmity with the landlord. Chunio said that he was disappointed with the formal court systems.

Case Study:

Mumtaz Laghari is helpless to get back his land

Mumtaz Ali Leghari, 30, from village Ali Murad Laghari, TMK, indicated three key justice issues, which include lack of health facilities in the village, landlords occupied lands, and common use of drugs and narcotics by young people of the area. Mumtaz said that the main justice issue was the occupation of the lands by the landlords. He said that he had only two acres of lands, which a Talpur landlord occupied it because the natural gas was discovered from Mumtaz's land. After the occupation, Mumtaz filed the case in the court, and for three years, the case was being heard. Mumtaz had all documents of his land. He added that the landlord occupied lands of all small and poor peasants whose lands were adjacent to his land. Mumtaz also said that he could not dare to go to his land because the landlord had threatened him for life. After consultation with the community members, Mumtaz took the matter to the community level, but it did not work because they were rich people with money and political power. Finally, Mumtaz was advised to take the case to court. The lawyer also advised Mumtaz to request the oil company for providing him money of his land. Mumtaz said that he was part of the NRSP's paralegal team, and was sure that company would give them relief, and the problem would be resolved. Mumtaz said that in the first place, he and family had visited the landlord's house for leaving their land and also went to the respectable people of the area but the landlord did not care about anything. He along with other community members had protested in front of the press club. Mumtaz said that he did not go to the police because he knew that the police would have taken the landlord's side after taking money from him. He said that he had not heard of Ombudsman before. Mumtaz had taken all measures to get his land, which was his right, but did not work; therefore, he went to the court. Mumtaz had paid Rs 40000 to the lawyer, and in total spent more than Rs65,000. Mumtaz said that the land was his main source of income, which was taken away. Mumtaz said that legal information is not sufficient to protect his rights, but he required money to attend the case regularly and push the lawyer to defend him in the court.

5. Conclusion

The survey has found various categories of issues faced by individuals, vulnerable groups, and the communities especially non-Muslims in Tando Allahyar and TMK districts. These issues were related to criminal, civil, economic, social, cultural and political rights and justices. The prime challenge to the communities was lack of awareness of the laws related to their rights, and a few people/respondents knew about their rights or laws but did not have an understanding of how to get benefits of the laws.

Also, various people understood how to get justice, but they had little resources to get justice; the majority often relied on informal mechanisms to resolve their matters and ran away from the police and courts. They often blamed that the police for taking bribes and the lawyers demanding higher money. A few case narratives clearly showed that individuals were unable to get justice through the formal mechanism, but they used informal mechanisms to get their souls out of troubles/problems. The majority of respondents and informant were unaware of the free legal aid system; they had no knowledge and understanding of using or seeking help from those forums. The communities faced multidimensional challenges related to their rights and justice. Therefore, communities needed paralegal information and support in all kinds of matters and Policy recommendations as formulated under

6. Recommendations

Opportunities for Legal, Regulatory, Institutional Safeguards, Community awareness Advocacy

Policy Gaps and Opportunities	Policy alternatives
<p>Delay and/or denial of FIR Registration due to:</p> <ol style="list-style-type: none"> 1. The complaint related to a non-cognizable offense 2. Complaint suspected as false, frivolous or otherwise merit further investigation before registration 	<ol style="list-style-type: none"> 1. The complaint may relate to a non-cognisable offense, which must be recorded by Police to be referred to a Magistrate (Section 155, CrPC, 1898) -Police 2. Redressal grievance lies with senior Police Officer, i.e., DSP, SSP, DIG 3. In case the District Public Safety Commission/Citizen Police Liaison Committee exists, the complain can be lodged/filed with 4. Furthermore, direct complaint be filed under Cr.P.C 200 and Cr.P.C 156 (3) and 190(a) and Cr.P.C 202(1)-District Judiciary 5. Advocacy for Police Reforms/Improving service delivery at Police station level such as non-availability of the “officer in charge of a police-station” and enhancing the female police officials at who is responsible for recording the FIR (Section 154, CrPC,1898) 6. Enhancing the capacity building of Police Officials particularly who writes FIR such as Head Muhrir (Head Munshi), Madad Muhrir, Duty Officers, Investigation Officers, and Supervisory Officers 7. The complaint is deemed to be false, frivolous or to merit investigation before registration otherwise. False cases may be registered to unduly “harass or humble” an opposing party, which cost significant time and money to cancel for affected party. The remedy against false litigation within Sections 182¹⁰ and 211¹¹ of the PPC is insufficiently used, and few such cases are registered or prosecuted. 8. Arrests of individuals nominated in an FIR after its registration have become common practice, even though multiple SC judgments¹² call for IOs to only arrest the accused where they have

¹⁰ False information with intent to cause public servant to use his lawful power to the injury of another person

¹¹ False charge of offence made with intent to injure

¹² For instance: Muhammad Bashir’s case (PLD 2007 SC 539)

Policy Gaps and Opportunities	Policy alternatives
<p>3. Arrest, Illegal Detention, and Confinement (Though such cases were not reported during interviews but the remedy is suggested)</p>	<p>Reasonable evidence to confirm that an offense has taken place and the accused individual/s was/were involved. As noted by the Supreme Court in Haider Ali & another Vs. DPO Chakwal & others, 2015, the problem may be the lack of detailed guidelines in rules or laws (ref: Section 157, CrPC), which limit the discretion afforded to police officials¹³.</p> <p>9. Similarly, there are multiple other provisions of the CrPC that provide relief and remedy in case of unfair, mistaken or premature arrests, which remain under-utilized: Sections 63, 169, 249-A, 265-K and 551 CrPC.</p> <p>10. Apart from the above remedies, District Public safety Commission, a Direct complaint to Magistrate, Writ of Habeas Corpus under Cr.PC 491 and writ petition under Article 199(1) with High Court can be filed.</p>
<p>Despite multiple windows for providing legal aid to indigent litigants available within the legal framework, actual coverage of legal aid services is limited</p>	<ol style="list-style-type: none"> 1. It is suggested that a contextualized adoption of the Legal Aid Act may be considered under one administrative department i.e. Law Department or Sindh High Court and funds placed under various umbrellas be placed together (Provincial Level) 2. At District level, District Bar Association legal aid committees be activated under Pakistan Bar Council Act-1973 and Rules 2005 3. Legal aid envisaged for Freed Bonded labor and Bonded labour through District Vigilance committee (DVC) formed under Sindh Bonded Labor System (Abolition) Act-2015 be activated 4. District structures/mechanisms which are supposed to provide legal aid /assistance to children/woman/vulnerable/minorities such as Child Protection Committee section 17(2) Sindh Child Protection Authority Act-2011, Woman Protection Committee Section 17 of Sindh Domestic Violence (Prevention & Protection) 2013, District Monitoring Committee on Child Marriages Rule 34 of Sindh Child Marriage Restraint Act-2013. 5. Functional liaison of line departments such as Social Welfare Department, Woman Development Department, Human Rights Department, Reclamation and Probation Department, Local Government department and others is very much essential for the realization of access to Justice.

¹³ http://www.supremecourt.gov.pk/web/user_files/File/C.P._1282_2014_dt_4-9-15.pdf

Policy Gaps and Opportunities	Policy alternatives
<p>1. Lack of Alternate Dispute Resolution legal framework with Police</p> <p>2. Making effective of Alternate Dispute Resolution legal framework with Judiciary</p>	<p>The police received some complaints that relate to non-criminal disputes, minor or non-cognizable offenses which require them to mediate between parties and reconcile differences. Such matters:</p> <ol style="list-style-type: none"> 1. Create tensions between complainants and thana officials when they cannot be registered or otherwise entertained; 2. Lead in many cases to crimes which could have been prevented at earlier stages¹⁴ 3. Could be resolved faster and cheaper than if complainants were run through the gamut of formal investigation and litigation; 4. Can lead to restorative justice in social terms, by healing divides and rather than merely providing retributive justice in legal terms through police action, court verdicts or jail terms. 5. However, there are no formally defined mechanisms in laws or rules that regulate this function of the police. KP Police Act 2017 section 73 provides for Dispute Resolution Council at the district, subdivision or the police station level and provides a mechanism for out of the court amicable settlement of disputes. Sindh Police and the government may also think about having such a provision in the governance structure of the police. 6. The Small Claims and Minor Offences Courts Ordinance 2002 was a step in the right direction for promoting mediation and out-of-court settlement of minor disputes involving offenses punishable by three years (or less) of imprisonment. This law has not been availed to its full potential, mainly because of¹⁵: 7. Lack of awareness, familiarity, and training of judges and lawyers; 8. Costs associated with mediation; 9. Risk of failure which would ultimately lead back to formal litigation with additional loss of time and resources. 10. Some efforts were taken to notify the courts and Salis at District level, but their monitoring has remained weak. This is even though

¹⁴ Echoes the broken windows theory related by participants at the COPS Workshop held on 17 July in Islamabad by the UNDP-Legal Empowerment of the Poor program.

¹⁵ <http://waterinfo.net.pk/sites/default/files/knowledge/Report%20Informal%20Justice%20System%20in%20Pakistan.pdf>

Policy Gaps and Opportunities	Policy alternatives
	<p>the National Judicial Policy called for: a) High Courts to nominate civil-judges-cum-judicial magistrates who would exclusively try cases under this law; b) provincial governments to set up these courts; and; c) NGOs and other stakeholders to set up ADR Centers for trials under the law.</p> <p>11. Aside from this Ordinance, litigants are offered limited options for a formal, court-annexed alternative dispute resolution for criminal matters. The ADR Act 2017 promulgated by the federal government does not apply to Sindh. The Act allows for compounding of offenses facilitated by duly appointed Neutrals, as covered under section 345 of the CrPC, (or offenses compoundable under other applicable laws).</p> <p>12. However, Sindh Government is also contemplating to bring new ADR law in Sindh as well.</p>
<p>Issues related to land inheritance particularly for a woman, Civil registration and documentation such as birth registration, marriage registration, succession certificate, etc.</p>	<ol style="list-style-type: none"> 1. Civil registration is the basic function of Union council regulated under Sindh Local Government Act (SLGA)-2013. Schedule VI SLGA in item 34 and VIII item 1 underlines the duties of Union council, but procedures have not been formulated for this registration. These functions are not carried out by union councils in rural areas. Earlier law on Registration of Deaths, Births, Marriages Act-1886 governed that processes. 2. Nikah registrars are regulated by section 5 of MFLO-1961 under union councils. In most cases, Registrars are not trained and no record and poor coordination with other departments. 3. In the absence of above documentation, the issuance of succession certificates by the civil courts is faced with problems of litigation. 4. Revenue department needs to revise the laws such as Succession Act-1925, Land Revenue Act-1967 5. Advocacy with Parliamentarians and line departments for changing the laws on family Laws such as Muslim Family Law Ordinance 1961, Family Courts Act-1964 6. Awareness and education programs through inclusion in syllabus and media campaigns

Policy Gaps and Opportunities	Policy alternatives
<p>Legal rights and needs of religious minorities and persons with disabilities</p>	<p>Sindh is home to the highest proportion of non-Muslim citizens (8.69%)¹⁶ among all other provinces and territories in Pakistan, especially Hindus who constitute 6.51%¹⁷ of the provincial population, with particularly large settlements in Jacobabad, Ghotki, Khairpur, Hyderabad, Tharparkar and Karachi-South districts¹⁸ and sizable community in both project districts but are mostly belonging to down trodden and marginalized segment within Hindus known as Bheels, Kholis, Mengwar, Oads found in bonded labor. It is recommended that the following initiatives be prioritized to resolve special needs and concerns of religious minorities with respect to the other line departments and concerned stakeholders:</p> <ul style="list-style-type: none"> • The Sindh government has recently taken important steps to introduce laws intended to provide security to religious minorities and their places of worship, most importantly, the Sindh Protection of Communal Properties of Minorities Act promulgated in 2013. It is recommended that the implementation of this law should be assessed and supported at various level. • Minorities facilitation centers i.e. 24/7 hotlines are set up by the Minorities Affairs Department and need to be assessed and improved; • Human Rights Cells notified by the police Department understanding order 235/2009 should be activated as a separate unit in the CPO with district-level formations – at least in districts with large non-Muslim populations – with the participation of local citizen and civil society groups in these cells. such as the establishment of anti-bonded labor cells as one of such cell is functioning in TandoAllayar • Implementation of the 5% quota announced by the Government across government institutions; • Security of places of worship should be improved, and Police be trained, and special Task force be created, as per the Supreme Court judgment in PLD 2014 SC 699.

¹⁶ <http://www.pbs.gov.pk/sites/default/files/tables/POPULATION%20BY%20RELIGION.pdf>

¹⁷ Ibid

¹⁸ http://pakistanhinducouncil.org.pk/?page_id=1592

Policy Gaps and Opportunities	Policy alternatives
Linking with redressal grievances mechanisms	<ol style="list-style-type: none"> 1. Communities' needs to be made aware of mechanisms of internal and external accountability of all administrative departments particularly criminal Justice system, i.e. Police, Prosecution, Judiciary, Prison 2. Institutions of non-judicial nature such as Federal Ombudsman (dealing with issues of NADRA, Electricity overbilling, etc.), Provincial Ombudsman (dealing with land revenue, irrigation, Police, etc.) of general nature and of special nature such as Ombudsman for addressing issues of woman harassment at workplace or insurance or tax. 3. National Human Rights Institutions (NHRI) such as National Commission on Human Rights(NCHR), National Commission on the Status of Woman (NCSW), National Commission on the Rights of Child (NCRC) and Provincial Commissions, i.e. Sindh Human Rights Commission, Provincial Commission on the Status of a woman (PCSW) 4. Accessing the Consumer councils & courts established at the divisional level and later to be at district by Sindh Agriculture Department under Sindh Consumer Protection Act-2014¹⁹.
Access the right to information and transparency	<ol style="list-style-type: none"> 1. Though some complaints earlier were dealt by Provincial Ombudsman where public officials denied the access of such requests. 2. Sindh Government has notified the information commission a) Chairman b) Two members on 31st May 2018 notified by Information & Archives Department under Sindh Transparency and Right to Information Act 2016. Section 13 (1) of the Act describes functions of the commission: A- Conduct an inquiry on a complaint and may direct a public body to disclose information to the applicant. (Here "complaint" means grievance regarding non-provision of information solicited about any government institution as per the procedure prescribed in the law). B- Determine public interest in terms of Section 10 (2) of this Act. (Section 10 (2) of the Act relates to examining any application seeking information regarding any government agency as to what extent

Policy Gaps and Opportunities	Policy alternatives
	<p>the disclosure of such information will serve public interest). C- Resolve any inconsistencies in the application of the provisions of this act or the rules or regulations.</p> <p>The Act reads: “The commission shall decide a complaint within 45 days of its receipt and pass appropriate orders including disciplinary proceedings against delinquent officials.”</p> <p>It also states: “The commission may exercise the powers of a civil court to: a- summon and enforce attendance of persons, compel them to give oral or written evidence on oath and to produce documents or information; b- examine and inspect information; c- receive evidence on affidavits; d- request relevant information from any office; e- issue summons for witnesses or documents.”</p> <p>The Act reads: “While inquiring into a complaint, the commission or any person authorised by the commission may examine any information on the spot. The commission will facilitate the application of the provisions of this Act and may:</p> <p>“A- Issue directives to public bodies for preservation, management, publication, publicity and access to information. B- Prescribe the procedure for accessing information from a public body. C- Advise and provide support to the government to make necessary laws and procedures for implementation of the right to information. “D- Provide technical and other support to the public bodies for effective enforcement of the right to information. E- Conduct training of the designated officials. F- Undertake mass awareness campaign to increase awareness about rules and regulations of the Act. “G- Establish an information web portal. H- Compile a user handbook in Urdu, Sindhi, and an applicant may reasonably require English containing such information in easily comprehensible form and manner as. I- Compile guidelines for use by designated officials.”</p> <p>The Act states that the commission will prepare an annual report on the implementation of the provisions of this Act during the financial year and submit it to the government.</p> <p>3. There is a need for legal awareness and education regarding activation and availing of above rights.</p>

Annexure 1

Community Legal Needs Assessment Study Focus Group Discussion Questionnaire and Guidelines

Objectives

The legal needs assessment survey will identify the actual legal needs and problems of communities and reveal the formal and informal mechanisms that exist in the targeted districts. This study will help project staff to develop an evidence-based project implementation strategy that considers both 'met' and 'unmet' legal needs in the project targeted UCs.

The study will specifically identify:

- The legal issues and problems of communities including all vulnerable groups
- The existing formal and informal justice systems and mechanisms in the targeted districts and issues related to access to justice.
- This will help to understand the context and practices of justice in the areas.

Instructions:

1. Focus Group Discussions will be organized with both male and female community members. RSPN/NRSP may engage its' organized communities in areas where possible.
2. Separate meetings will be held with men and women in view of the cultural practices in the areas.
3. 'Part 1: Profile of the Village' is based on very basic statistical information of the village where the discussion will be conducted. Participants' List will be attached herewith that shall include the names of those attending the discussion, their qualification and occupation.
4. 'Part 2: Key Justice Issues' has few basic questions. The first focuses on the common justice issues in the communities. This will also include ranking of the top three ones. The other focusing on children, women, labor, minorities and consumer issues including health and education problems. This part is expected to highlight the common issues, their causes and most commonly taken solutions.
5. 'Part 3: Justice Processes' is again based on two questions. This part is intended to bring out the communities' preferences in resolving their justice issues. It could be in-court or out-of-court settlements; use of local mechanisms for instance Jirga etc. But, the purpose is to understand why communities prefer a certain mode of resolving their issues and the challenges they face while accessing either mode.

Part 1: Profile of the Village

District: _____

Date of the Meeting: _____

Name of the Moderator: _____

Designation: _____

Number of Participants²⁰: _____

1. Part 1: Profile of the Village

#	Areas	Responses
1	Name of the Village	
2	Union Council	
3	Tehsil	
4	Number of Households	
5	Population	
6	Name of the Community Organization (In case the group is organized)	

²⁰ Number of Participants shall not be more than 12. Attach a list of the participants with the checklist.

Part 2: Key Justice Issues

2.1 What are the key justice issues in your community?

(Note for the Moderator: Please begin by asking general issues of the communities in the last 2 years)

#	Problems/Issue	Rank top 3 Problems
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

2.2 Problem 1

2.2.1 What is the actual problem?

2.2.2 Why is this a problem? Or how does this problem impact daily life?

2.2.3 What has been done to address the issue? (Why was this action taken?)

2.2.4 Were there any institutions/organizations involved in resolving the matter?

2.3 Problem 2

2.3.1 What is the actual problem?

2.3.3 What has been done to address the issue? (Why was this action taken?)

2.3.4 Were there any institutions/organisations involved in resolving the matter?

2.4 Problem 3

2.4.1 What is the actual problem?

2.4.2 Why is this a problem? Or how does this problem impact daily life?

2.4.3 What has been done to address the issue? (Why was this action taken?)

2.4.4 Were there any institutions/organisations involved in resolving the matter?

Part 3: Justice Process

What are the typical processes for dealing with different types of cases, both individual and community problems (please describe the steps taken in detail)

1. Child rights/maintenance

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2. Land/ Inheritance

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3. Physical assault

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4. Theft

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5. Debt

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6. Rape

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7. Domestic violence

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8. Problems with local Basic facilities

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9. Other.....

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.....

.....

How satisfied are they currently with how justice problems are resolved?

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.....

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Annexure 2

Questionnaire for government officials: Legal Need Assessment Survey

The Rural Support Programme Network (RSPN) consists of eleven member RSPs (Rural Support Programmes) that espouse a common approach to rural development. Rural Support Programmes Network (RSPN) provides capacity building support to RSPs and assists them in policy advocacy and donor linkages. The Rural Support Programmes Network (RSPN) is currently implementing one year project namely “Strengthening legal empowerment in rural communities through community-based paralegals in Sindh Districts” with the support of partner RSP National Rural Support Program (NRSP). This project has been designed to extend legal empowerment work with special focus on bonded labour in two districts of Sindh, Pakistan, i.e. Tando Allahyar and Tando Muhammad Khan. The project aims to develop and train cadre of community paralegals in targeted areas who will facilitate communities to identify and report issues and grievance in the aspect of legal and civil rights. The paralegals will also strengthen referral mechanism towards service holders and provide free legal aid service to affected communities.

PURPOSE AND OBJECTIVES OF ASSIGNMENT: NEED ASSESSMENT SURVEY WILL IDENTIFY THE ACTUAL LEGAL NEEDS AND PROBLEMS OF COMMUNITIES, RECOGNISE VULNERABLE GROUPS AND REVEAL THE FORMAL AND INFORMAL MECHANISMS EXIST IN THE TARGETED DISTRICTS.

Objectives:

- To identify the actual problems of communities and the relevant legal needs;
- To recognise vulnerable groups and their particular issues and legal needs; and
- To underline the existing formal and informal mechanisms and their strengths in the targeted districts.

1. Date of Interview:
2. Name of Interviewer:
3. Name of the respondent:
4. Age:
5. Gender:
6. Education:
7. Name of Tehsil:
8. Name of District:
9. Current Position:
10. Name of the department:

Human rights/General

11. Please scale the intensity of human rights issues in the district from 1 to 3.

Human Right Issues	Scales		
	Poor	Worst	Extremely worst
a. Lack of health service			
b. Lack of education services			
c. Lack of sanitation facilitation			
d. Bonded labor			
e. Child labor			
f. Honor killing			
g. Child marriages			
h. Unemployment			
i. Lack of safe drinking water			
j. Violence against children			
k. Corporal punishment			
l. Torture in police custody			
m. Forced disappearance			
n. Child begging			

12. Where people go to seek help in resolving their human rights issues?

Children

13. What kind of problems and issues are children facing in the district?

- a. Child labour
- b. Corporal punishment
- c. Child marriages
- d. Sexual abuse
- e. Child begging
- f.

14. Are children subjected to physical punishment in homes?

- a. Yes
- b. No

15. Have children ever made complained to anyone about punishment in homes?

- a. Yes
- b. No

Women:

16. Who are most dominant and empowered from gender? (Men/women)

17. Are women of district taking a part in decision making of their households?

18. Are women of district involved in labor work? What are facts and figures?

19. Does domestic violence exist at household level?/Do men beat women in the district?

20. Is violence at work place take in place with women in shape of verbal abuse/low wages/sexual harassment/physical abuse etc.?

21. Is honor killing (Karokari) common in your area? What do you think about this practice?

22. How to ensure that women's complaints are lodged and properly addressed through formal and informal mediation?

23. Is any institute/department/right based organization existing in district to protect women from violence or handle their complain mechanism? If yes, How many women have lodged complaint against any kind of violence in 2017?
24. What kind of initiative can be taken to empower women of district? (Awareness rising/legal aid/legal advices/technical trainings/ Microfinance support etc.)
25. Does women mobility issue exist in the area? If yes, why?
26. Are women of district are facing health and education difficulties? If yes, please specify what kinds of issues are present?
27. Are medical services and education facilities (Schools) at the approach of women and girls in rural areas? If no, then which kind of strategy have been developed to mininize the mortality ration of women and to litrate them as well?
28. Does nikkah-namma registration seems common practice in district or it's happeneing on need basis? Are people of area aware about the importance of nikkah-namma registration?
29. What is the status of women share in the property of families? Have property and identity documents available with women of district? If no, what are the reasons?

Consumer Rights

30. Did consumer issues about electricity, gas, water and other consumptions exist in district? (If yes, do people know how to address those issues? Please describe)
31. Do people have any informal and formal courts of consumer rights in district? (if yes, please specify names)
32. Which types of documents are required to report/ inquire the matter of consumer right?
33. Have you heard ever about PCPA? What is role of PCPA in your district?

Bonded labour

34. Are there any bonded laborers in the district?
 - a. Yes
 - b. No
35. Do landlords beat them or create problems for them?
 - a. Yes
 - b. No
36. When landlords do injustice to them where they go to seek justice?
 - a. The police
 - b. The court
 - c. Ombudsman
 - d. Sardar/wadera
 - e.
37. If bonded labourers do not go anywhere to the complaint, do you know where bonded laborers should go and make a complaint?
38. Which type of religion and castes are mostly involved and reported in the bonded labor practices?
39. Do landlords/owners of brick kilns/politicians have personal barracks or jails for bonded labor in district?

Minorities

40. How many religions are existing in district and what is their intensity?

S. #	Name of Religion (Muslim, Hindu, Christian, other)	HHs/Population	Percentage
1			
2			
3			
4			
5			

41. What are exactly the minorities' issues? Please address those?

- Religious practices issue
- National identity cards, nikkah nama issues
- Forced conversation, rape, kidnapped etc.
- Any other _____

42. Do Muslims live in harmony with them?

- Yes
- No

43. Do Muslims cause problems for them?

- Yes
- No

44. In case of injustice to minorities, where they go and make complaints?

- The police
- The court
- Ombudsman
- Sardar/wadera
- Other

Health

45. What kinds of health-related problems are people of district facing?

- Hepatitis C
- Hepatitis B
- TB
- Diabetic
- Hypertension
- Polio
- Epidemic diseases (Diarrehae, vomiting, skin infections, flu, cough etc.)
- Lack of health services
- Lack of medical staff
- Lack of clean drinking water
- Others.....

46. Has the district enough health facilities?

- Yes
- No

47. Do people complain about the lack of health facilities?

- a. Yes
- b. No

48. If yes, where they lodge complaints?

- a. The police
- b. Court
- c. EDO Health department
- d. Other.....

Education

49. What kinds of education-related problems are in the district facing?

- a. Lack of schools
- b. Lack of teachers
- c. Lack of female teachers
- d. Poor quality of education
- e. Corporal punishment and child abuse
- f. Higher dropout
- g. Lack of WASH facilities
- h. Lack of Community interest
- i. Lack of budget for education
- j. Other.....

50. Has the district enough schools and teachers?

- a. Yes
- b. No

51. Do people complain about the lack of education-related facilities and services?

- a. Yes
- b. No

52. What is ratio of literacy in district among girls and boys? Are girls and boys schools are separate or combined?

Marriages

53. Are there practices of child marriages in the district?

- a. Yes
- b. No

54. In the last five years, how many cases of child marriages have taken place in the district?

- a. 10
- b. 20
- c. 30
- d. 40
- e. Other.....

55. Do people or children complain about child marriages?

- a. Yes
- b. No

56. Where do people or children complain about child marriages?

- a. The police
- b. The court

- c. Ombudsman
- d. Sardar/wadera
- e. Other

57. How many cases against child marriages were reported?
- a. 10
 - b. 20
 - c. 30
 - d. Other

Forced Conversion

58. In the last five years, how many cases of forced conversion have taken place in the district?
- a. 10
 - b. 20
 - c. 30
 - d. Other
59. Who causes the forced conversion?
- a. Religious leaders
 - b. All Muslims
 - c. The police
 - d. Politicians
 - e. Sardars
 - f.
60. How are the cases of forced conversion addressed?
- a. By filing the police report
 - b. Informal jirgas
 - c.

Informal mechanism

61. Do women and men take their issues to local sardars/waderas? Ask separately
- a. Yes
 - b. No
62. If yes, what kind/nature of issues they take to waderas/sardars?
- a. Theft
 - b. Murder
 - c. Divorce
 - d. Marriages
 - e. Property/land disputes
 - f. Other
63. Could you please share few cases (men and women) when people had resolved issues at sardars/waderas?
64. Are jirgas/private settlements good in your opinion?
- a. Yes
 - b. No

The Formal/Existing mechanism

65. Do you think that over people do not lodge complaints at formal forums (courts, the police)?
- a. Yes
 - b. No
66. If yes, could you please share reasons of it?
- a. Because of corruption
 - b. Because of no trust in the system
 - c. Because it takes a long time
 - d. The police do not help
 - e. The police take money
 - f. Other
67. Which is the right department/institution where people could lodge their complaints?
- a. The police
 - b. The court
 - c. Ombudsman
 - d. Sardar/wadera
 - e. Other

Annexure 3

The outline of FGD for NGOs

The Rural Support Programme Network (RSPN) consists of eleven member RSPs (Rural Support Programmes) that espouse a common approach to rural development. Rural Support Programmes Network (RSPN) provides capacity building support to RSPs and assists them in policy advocacy and donor linkages. The Rural Support Programmes Network (RSPN) is currently implementing one year project namely “Strengthening legal empowerment in rural communities through community-based paralegals in Sindh Districts” with the support of partner RSP National Rural Support Program (NRSP). This project has been designed to extend legal empowerment work with special focus on bonded labour in two districts of Sindh, Pakistan, i.e., Tando Allahyar and Tando Muhammad Khan. The project aims to develop and train cadre of community paralegals in targeted areas who will facilitate communities to identify and report issues and grievance in the aspect of legal and civil rights. The paralegals will also strengthen referral mechanism towards service holders and provide free legal aid service to affected communities.

PURPOSE AND OBJECTIVES OF ASSIGNMENT: NEED ASSESSMENT SURVEY WILL IDENTIFY THE ACTUAL LEGAL NEEDS AND PROBLEMS OF COMMUNITIES, RECOGNISE VULNERABLE GROUPS AND REVEAL THE FORMAL AND INFORMAL MECHANISMS EXIST IN THE TARGETED DISTRICTS.

Objectives:

To identify the actual problems of communities and the relevant legal needs;
To recognise vulnerable groups and their particular issues and legal needs; and
To underline the existing formal and informal mechanisms and their strengths in the targeted districts.

Part 1: Profile of the Village

1. Date of Interview:
2. Name of District:

S. No	Name	Age	Gender	Marital Status	Education	Name of the NGO	Contact Details
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							

Part 2: Key Justice Issues

2.1 What are the key justice issues in your community?

(Note for the Moderator: Please begin by asking general issues of the communities in the last 2 years)

S#	Problems/Issue	Rank top 3 Problems
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

2.5 Problem 1

2.2.1 What is the actual problem?

2.2.2 Why is this a problem? Or how does this problem impact daily life?

2.2.3 What has been done to address the issue? (Why was this action taken?)

2.2.4 Were there any institutions/organizations involved in resolving the matter?

2.6 Problem 2

2.3.1 What is the actual problem?

2.3.2 Why is this a problem? Or how does this problem impact daily life?

2.3.3 What has been done to address the issue? (Why was this action taken?)

2.3.4 Were there any institutions/organizations involved in resolving the matter?

2.7 Problem 3

2.4.1 What is the actual problem?

2.4.2 Why is this a problem? Or how does this problem impact daily life?

2.4.3 What has been done to address the issue? (Why was this action taken?)

2.4.4 Were there any institutions/organizations involved in resolving the matter?

Part 3: Justice Process

What are the typical processes for dealing with different types of cases, both individual and community problems (please describe in detail the steps that are taken)

1. Child maintenance

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.....

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2. Land/ Inheritance

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.....

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3. Physical assault

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.....

.....

4. Theft

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.....

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5. Debt

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.....

.....

6. Rape

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.....

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7. Domestic violence

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.....

.....

8. Problems with local health facilities

.....

.....

.....

How satisfied are they currently with how justice problems are resolved?

.....

.....

.....

What in your opinion is the most common issue for people in your village/UC?

- a) Difficulty obtaining basic documents through the NADRA office
- b) No basic facilities and don't know how to complain to the related authorizes like WAPDA, BISP etc.
- c) Lack of knowledge about khula, second marriage, child custody laws
- d) Domestic Violence/Vani/forced or early marriages
- e) Inheritance and property issues and disputes.
- f) Theft, robbery etc.
- g) Lack of right of consumers

What are the areas that you personally or someone in your household has had a problem with during the last 12 months? We are interested in problems you might solve by seeking legal information, advice or services.

- a) how to defend yourself against a claim and/or how to punish someone breaking the law
- b) what are your rights a business owner?
- c) Consumer rights (you have bought a washing machine/pedestal fan/any and it doesn't work, problems in construction material, quality issues on products bought from shops, WAPDA issues, etc.)
- d) Workers' rights / employment law
- e) Land rights / property disputes
- f) Family law (divorce, khula, child custody, second marriages)
- g) Women rights (Vani, gender based violence, early marriages of girls, women inheritance rights)

2.5 Women Right Issues:

1. Are women taking a part in decision making of their households? (Yes/No)
2. If no, reasons:

3. Is domestic violence existing at household level? Yes/NO
Reasons:

4. Is violence at work place (take in place with women in shape of verbal abuse/low wages/sexual harassment/physical abuse etc.? (yes/No) if yes(explain types)

5. In which age girls get married in your village?

6. Is honor killing (Karakari) common in your area? What do you think about this practice?

7. What is the most pressing/common issue women face?
 - a) Lack of knowledge about khula, second marriage, child custody laws
 - b) Domestic Violence/Vani/forced or early marriages
 - c) Inheritance and property issues and disputes.
 - d) lack of financial and economic independence and rights

2.6 Religious Minorities

Note: (This should be asked from the group of people belongs to religious minorities)

1. How many religions are existing in your UC? Name them.

2. What kind of problems are facing by minorities? Please list major problems?

2.7-Consumer Issues & Rights:

1. Do you people have issues about electricity, gas, water, purchases of goods from shops, etc. and other consumptions? (YES/NO) (If yes, what is the reasons? Please describe)

2.8-Child Rights Issues:

- 1: What kind of child abuses are existing in your UC/area?
- 2: Why child is abuse take place by adults/communities? (inquire reasons)

S. #	Categories	Details of Abuse (i.e. Use of Corporal punishment/Scalpel/ Ruler/Abusing words/ Mental torcher/Sexual organs/Any other body organs or dangerous things)	Place Where Abuse Occurred (Home/School/Work place/Fields/Streets/ Religious Points/Other Specify)	Frequency (High /Medium/Low)
1	Physical Abuse			
2				
3				
5	Sexual Abuse			
6				
7				
9	Mental/Emotional Abuse			
10				
11				
13	Neglect			
14				
15				

Part 4: Justice Process

Note: This part will help identify the preferences of the communities in resolving their cases. one way of avoiding any biased response to this question may be to exclude community elders (members of the jirga) from the focus group with the communities and have separate discussions with them. This is because their presence can influence the entire group discussion even in case of other questions. So do not make them sit together.

3.1 Which types of cases have been resolved within the communities?

- | | |
|---|--------------------|
| 1. Inheritance dispute | (Yes/No) |
| 2. Land Dispute | (Yes/No) |
| 3. Livestock (poisoning/damage by others) | (Yes/No) |
| 4. Money | (debt, loans etc.) |
| 5. Theft | (Yes/No) |
| 6. Fight | (Yes/No) |
| 7. Domestic Violence | (Yes/No) |
| 8. Child Abuse/ Child Support Dispute | (Yes/No) |
| 9. Education (i.e., related to schools functioning) | (Yes/No) |
| 10. Development Project Disputes | (Yes/No) |
| 11. Women Violence | (Yes/No) |
| 12. Political and religious disagreements | (Yes/No) |
| 13. Others (specify please) | |

3.1.1 How does the community resolve its legal/justice issues?

- | | |
|---|--------|
| 1). Involve the community elders (Jirga) | Yes/No |
| 2). Involve a Lawyer | Yes/No |
| 3). Involve a government department | Yes/No |
| 4). Involve organized communities/tanzeem/local community-based organizations | Yes/No |
| 5). Others (Please Specify) | |

3.1.2 Are they satisfied with the process? (Yes/No)
If No, please explain why?

3.1.3 Are they satisfied with the Outcome? (Yes/No)
If No, please explain why?

3.1.4 How do they think the process can be improved?

3.2 Types of cases taken to the judicial system

- | | |
|---|----------|
| 1) Inheritance dispute | (Yes/No) |
| 2) Land Dispute | (Yes/No) |
| 3) Livestock (poisoning/damage by others) | (Yes/No) |
| 4) Money (debt, loans etc.) | (Yes/No) |
| 5) Theft | (Yes/No) |
| 6) Fight | (Yes/No) |
| 7) Domestic Violence | (Yes/No) |
| 8) Child Support Dispute | (Yes/No) |
| 9) Education (i.e., related to schools functioning) | (Yes/No) |
| 10) Development Project Disputes | (Yes/No) |
| 11) Others (Please specify) | |

3.2.1 How many people have accessed the formal legal systems in the past 3 years?
(Note for the Moderator: this could include hiring a lawyer, out of court settlement, and/or litigation)

3.2.2 What are the main issues/challenges in accessing courts? (i.e. Why do people access or not access the courts?)

3.2.3 How do they think the issues can be addressed?

3.2.4 What legal services they think would be helpful in their community– awareness raising, access to a lawyer etc.

3.2.5 How would you rate the physical accessibility of the police stations in your area?

b) Difficult – why???

c) Easy

3.2.6 How would you rate the physical accessibility of lawyers in your area?

b) Difficult- Why???

c) Easy

Thank you



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