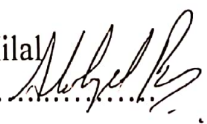


①

IN THE HIGH COURT OF ISLAMABAD AT ISLAMABAD  
(Extraordinary Constitutional Jurisdiction)

Constitutional Petition No. 466 of 2020

M/S Zindagi Trust,  
Through its President,  
Shehzad Roy S/o Kabiruddin Roy,  
Adult, Muslim, R/o House  
No 79/2 Main Khayaban-E-Hilal  
Phase 6, DHA, Karachi .....



Petitioner

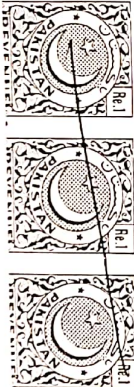
Versus.

1. The Government of Pakistan,  
Through Secretary, Ministry of Federal Education  
& Professional Training, Government of Pakistan  
Block C, Pak Secretariat,  
Islamabad.
2. The Secretary, Ministry of law & Justice,  
Blocks S&R Pakistan Secretariat,  
Government of Pakistan,  
Islamabad.
3. The Secretary, Ministry of Human Rights,  
9<sup>th</sup> Floor New Pak Secretary  
(Kohsar Block), Sector F-5,  
Islamabad
4. The Secretary Interior,  
Government of Pakistan,  
4th Floor, R-Block Pak Secretariat,  
Constitution Avenue,  
Islamabad.
5. The Director General Education,  
Rontas Road, G-9/4  
Islamabad Capital Territory, Islamabad
6. The Inspector General Police,  
Street No 31, F-7/1,  
Islamabad. ....

For Private

02 MAR 2020

Ext. Supp.  
Copy Supp.  
Islamabad H. Court



Filed to-Day-After  
D. No. 2264  
11/2/20  
Assistant Registrar (JUDL)  
11:00 A.M.

Respondents

Form No: HCJD/C-121  
**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

Writ Petition No. 460 of 2020

M/s Zindagi Trust through its President  
Vs

The Government of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01. 13-02-2020. Mr. Shahab Uddin Usto, Advocate for the petitioner.

The Petitioner Trust has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamabad Republic of Pakistan, 1973. The petition is in the nature of raising an important public interest matter relating to subjecting children in schools to corporal punishment.

2. The learned counsel has, inter alia, contended that corporal punishment is being used to discipline children in the schools. He has argued that corporal punishment in any form is in violation of the fundamental rights guaranteed under Articles 14 and 9 of the Constitution. The learned counsel has argued that use of corporal punishment affects the child physically as well as emotionally and

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Islamabad High Court  
Islamabad

thus causes irreversible damage to the victim. It exposes them to fear, anger and depression. The learned counsel has stressed that aggressive and degrading treatment in the form of corporal punishment is destructive and has huge impact on the child's psychology besides causing physical harm. The learned counsel has placed reliance on the judgment of this Court, dated 11.06.2018, passed in Criminal Appeal no. 154/2018 titled "Raja Khurram Ali Khan and another vs. Tayyaba Bibi and another" in support of his contention that subjecting children to physical and mental abuse could attract the offence section 328-A of the Pakistan Penal Code, 1860. He has stressed that the Federal Government has yet to fulfill its obligations under Article 19 read with other provisions of the United Nations Convention on the Rights of the Child which the State of Pakistan has ratified. It has been contended that all forms of corporal punishments are a major cause for children who refuse to attend schools.

3. The office is directed to issue notices to the respondents for filing report and parawise comments within a fortnight. Notices are also directed to be issued to the learned Attorney General for Pakistan and the Secretary, Ministry of Human Rights.

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Islamabad High Court  
Islamabad

4. Relist on 05.03.2020.

**C.M. No. 02 of 2020.**

Notice. In the meanwhile, respondent no.5 is directed to ensure that children enrolled in schools under its control are not subjected to any humiliating and degrading treatment which would violate the right of the child's dignity guaranteed under Articles 14 of the Constitution of the Islamic Republic of Pakistan, 1973. It is noted that corporal punishments are not in consonance with the constitutionally guaranteed right of inviolability of dignity notwithstanding section 89 of the Pakistan Penal Code, 1860. Respondent no. 5 is further directed to put in place a mechanism for receiving complaints and redressal thereof against alleged use of corporal punishments within the Islamabad Capital Territory. The Federal Government is also directed to advise the Private Education Institutions Regulatory Authority to issue guidelines to the private schools in the light of the above observations. The Ministry of Human Rights is directed to submit a report regarding status of the compliance with the obligations of the State of Pakistan under the United Nations Convention on the Rights of the Child in relation to the prohibition of corporal punishment.

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Islamabad High Court  
Islamabad

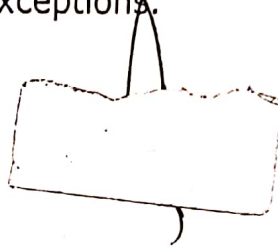


4.

W.P No. 460/2020

**C.M. No. 01 of 2020.**

Exemption sought for is allowed, subject  
to all just and legal exceptions.



**CHIEF JUSTICE**

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**02 MAR 2020**

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Islamabad High Court  
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