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IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. _____ of 2026

Awais Altaf

Petitioner...

VERSUS

The Superintendent, Central Prison Adiala, Rawalpindi & Others

Respondents...

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISTAN, 1973

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Petitioner...



Through Counsel

Syed Jaffer Hussain

Advocate High Court

CC NO: 85030

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. ____ of 2026

Awais Altaf, S/o Altaf,
Presently confined in Central Jail, Adiala, Rawalpindi,
In FIR No. 854/2025, Offence U/S 489-F

PETITIONER

VERSUS

1. The Superintendent, Central Jail, Adiala, Rawalpindi.
2. The Federation of Pakistan, through Secretary, Ministry of Interior, Islamabad.
3. The Government of Punjab, through Chief Secretary, Lahore.
4. The Inspector General of Prisons, Punjab, Lahore.
5. The Secretary, Primary & Secondary Healthcare Department, Government of Punjab, Lahore.
6. The Medical Officer/Senior Medical Officer, Central Jail, Adiala, Rawalpindi.

RESPONDENTS

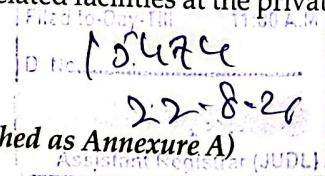
WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully Sheweth:

1. That the Petitioner is presently confined in Central Jail, Adiala, Rawalpindi. The Petitioner is an undertrial prisoner under Section 489-F of the Pakistan Penal Code, 1860, in FIR No.854/2025, Police Station Ramna. The present petition concerns the failure and refusal of the Respondents to provide medically necessary and specialized treatment.
2. That the petitioner requires specialized rheumatology treatment and related intervention. Medical assessments at PIMS and Rawalpindi Institute of Cardiology recorded history of rheumatic fever since 2009, current lower back pain non-radiating to legs with numbness, polyarticular joint pains, arthritis of large joints, elevated ASO titre of 845, elevated ESR and CRP, with advice for MRI pelvis for sacroiliitis and specialized rheumatology care. Cardiology assessment showed good LV systolic and diastolic function with ejection fraction of 65%. The Petitioner accordingly seeks treatment at a reputable Private Hospital capable of providing the required specialist rheumatology and related facilities at the private hospital.



(Medical, Test & Prescription Reports are attached as Annexure A)



3. That the said reports and laboratory tests also revealed elevated uric acid of 8.95 mg/dL, and multiple visits to Rheumatology, Neurosurgery and Cardiology OPDs in May and June 2026. The medical record records history of rheumatic fever, current joint and back pain, elevated ASO titre of 845, elevated ESR of 24.57 mm/hr and CRP. Further investigations included advice for MRI pelvis for sacroiliitis (STIR) and X-rays of LS spine and pelvis. The continued need for specialist rheumatology treatment is therefore supported by repeated investigations and specialist assessments.
4. That the Petitioner was assessed by specialists in Rheumatology and Cardiology with complaints of joint pains, lower back pain, fever and weakness and was diagnosed with history of rheumatic fever, ongoing inflammatory arthritis and elevated inflammatory markers (ASO, ESR, CRP), with advice for specialized rheumatology treatment and further imaging. The specialists also prescribed medicines including anti-inflammatory and other relevant treatment for the relevant treatment period.
5. That the Petitioner underwent laboratory investigations including renal and liver function tests, complete blood count showing elevated ESR, and serological tests showing markedly elevated ASO titre. These investigations form part of the Petitioner's medical record and demonstrate the extent of the investigations undertaken in connection with his overall medical condition.
6. That a coagulation profile was performed and the said test report is part of the Petitioner's subsequent medical record and further demonstrates the need for continued medical supervision and specialist assessment.
7. That the Petitioner approached the concerned authority/Respondent No. 1 and requested specialized treatment and transfer to reputable private hospital. The request was considered by the Superintendent, Central Jail Rawalpindi, and was rejected through an Office Order announced on 02.08.2026. The rejection has left the Petitioner without the specialized treatment sought and has necessitated the present constitutional petition.

(Copy of Application & Office Order Dated 02.08.2026 is attached as Annexure B)

8. That having no other alternate and efficacious remedy, the petitioner seeks to invoke constitutional jurisdiction of this Honorable Court, inter-alia on the following:

GROUND

A. That the Article 9 of the Constitution protects the life of every person and does not cease to operate merely because such person has been lawfully incarcerated. Where the State has exclusive physical custody of a seriously ill prisoner, it assumes a corresponding positive obligation to take reasonable measures for preservation of his life and physical integrity. Failure to provide treatment which is medically indicated therefore constitutes an infringement of the Petitioner's fundamental right to life. The Honorable Supreme Court of Pakistan, in its recent Order dated 18.08.2026 passed in CrI.A.No.400/2025 and connected matters, has categorically held that a prisoner does not, by reason of his incarceration, cease to be entitled to humane treatment and necessary medical care. The Apex Court observed:

"We are mindful of the constitutional and legal obligation of the State, and consequently of the Court, to safeguard the life, health, dignity and security of persons in custody. A prisoner does not, by reason of his incarceration, cease to be entitled to humane treatment and necessary medical care."

(Order dated 18-08-2026 passed by the Honorable Supreme Court is attached herewith as Annexure-C)

B. That the Article 14 declares the dignity of man to be inviolable and the said guarantee remains fully applicable to persons confined in prisons. A prisoner does not become a person without constitutional dignity. Subjecting a seriously ill prisoner to avoidable pain, medical neglect or deterioration, when appropriate treatment can reasonably be arranged, is inconsistent with the constitutional conception of human dignity.

C. That the Respondents are bound by the Rules 788, 977 and 981 of the Pakistan Prison Rules, 1978 to provide proper medical examination, supervision and treatment to prisoners. These provisions impose substantive obligations upon prison authorities and medical officers rather than merely conferring discretionary privileges upon prisoners. Where the Petitioner's diagnosed condition requires specialized treatment beyond the capacity of the prison hospital, the Respondents are required to take appropriate steps for securing such treatment through Private Hospital.



D. That the Rule 197 of the Pakistan Prison Rules, 1978 specifically recognizes the removal of a prisoner to a hospital outside the prison where operative or other special treatment cannot conveniently be provided within the prison. The rule therefore establishes that continued custody and outside medical treatment are

legally compatible concepts. The Petitioner's request for treatment at a specialized private hospital consequently does not constitute a request for unlawful release or relaxation of his sentence. The Respondents are required to consider and implement the mechanism provided by the Prison Rules where the medical circumstances so warrant.

- E. That the Islamic principle of preservation of human life further requires that necessary medical treatment not be withheld from a person merely because he is in custody. The International Islamic Fiqh Academy, in its Resolution No. 67 (5/7) on "Medical Treatments", recognized preservation of life as one of the universal objectives of Shariah and affirmed the legitimacy of medical treatment on that basis. The Petitioner's request for specialized cardiac treatment is therefore supported by the fundamental Shariah objective of preservation of life, particularly where failure to obtain such treatment may expose him to serious and avoidable harm.

(Copy of Resolution No. 67 (5/7) is Attached as Annexure D)

- F. That the United Nations General Assembly, by Resolution A/RES/70/175 adopting the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the "Nelson Mandela Rules", has recognized that the provision of healthcare to prisoners is a responsibility of the State and that prisoners should enjoy the same standards of healthcare available in the community. Rule 27 further provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or civil hospitals. The Petitioner's request for specialized cardiac treatment outside the prison is therefore consistent with these internationally recognized standards.

(Copy of the Nelson Mandela Rules is Attached as Annexure E)

- G. That Article 10(1) of the International Covenant on Civil and Political Rights, to which Pakistan is a State Party, requires that all persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person. Read together with the Nelson Mandela Rules, particularly Rules 24 and 27, the said international standard requires the State to ensure appropriate and timely medical care to prisoners, including transfer to specialized or civil hospitals where necessary. The continued denial of medically necessary specialized treatment is therefore inconsistent with the internationally recognized obligation to protect the dignity and health of persons deprived of liberty.

(Copy of ICCPR is Attached as Annexure F)



H. That the Honorable Supreme Court of Pakistan, in its Order dated 18.08.2026 in Crl.A.No.400/2025, recognizing the primacy of medical necessity, directed the immediate shifting of a prisoner to Shifa International Hospital for specialized treatment and permitted the prisoner's personal physician and sister to remain associated with his medical examination and treatment, thereby affirming that medical necessity overrides administrative convenience. The Petitioner's request is founded upon medical necessity supported by medical documentation and not upon personal preference.

I. That a prisoner in State custody cannot independently access medical treatment, select a hospital, arrange transportation or consult a specialist without authorization from the prison administration. The State's control over the Petitioner's liberty therefore creates a corresponding duty to safeguard his health while he remains in custody. The Respondents cannot rely upon the Petitioner's incarceration as a justification for withholding treatment which would ordinarily be available to a person at liberty.

J. That the Honorable Supreme Court of Pakistan, in its Order dated 18.08.2026 in Crl.A.No.400/2025, emphasized that the law promotes and requires a 'culture of justification' whereby judicial and administrative orders must disclose the reasons forming the basis of the decision. The impugned Office Order, which summarily rejects the Petitioner's request without proper consideration of the medical evidence, falls foul of this principle of reasoned decision-making. The failure to make effective arrangements for treatment of a seriously ill prisoner, despite knowledge of his medical condition and availability of a lawful mechanism for outside Private hospitalization, is arbitrary and unreasonable.

K. That the Petitioner's medical grievance gives rise to a continuing cause of action and involves a real possibility of irreparable injury, deterioration of a serious medical condition, permanent disability, complications or loss of life, for which subsequent compensation or reversal cannot provide an adequate remedy. The constitutional jurisdiction of this Honorable Court is therefore properly invoked to prevent rather than merely compensate for such injury. The urgency of medical treatment warrants priority consideration and immediate protective directions.



L. That the lawful imprisonment does not mean that the State may reduce medical care to the mere provision of routine medicines regardless of the prisoner's actual medical condition. The obligation of the prison administration is to provide

treatment reasonably commensurate with the illness suffered by the prisoner. Where specialist treatment is required, an appropriate specialist must be consulted and, where necessary, the prisoner must be transferred to an outside Private facility capable of providing such treatment.

M. That even if the Respondents consider that security or custodial concerns arise from taking the Petitioner outside the prison, such concerns can be adequately addressed through escort, police/prison guards, restricted movement, hospital security and other appropriate conditions. It is therefore unnecessary and disproportionate to deny specialized treatment altogether merely because it requires the Petitioner's temporary presence outside the prison. Constitutional rights should not be impaired where a reasonable and less restrictive arrangement is available.

N. That where any dispute exists regarding the severity of the Petitioner's condition or the necessity of treatment at a private hospital, the appropriate course is to obtain an objective assessment from an independent Medical Board comprising specialists in the relevant field. Such a Board can determine the diagnosis, prognosis, treatment required, urgency and availability of appropriate facilities within the prison. The Honorable Supreme Court of Pakistan, in its Order dated 18.08.2026 in Crl.A.No.400/2025, has also directed the constitution of a medical board comprising a physician, general surgeon, internal medicine specialist, eye specialist and cardiologist for comprehensive examination of a prisoner, which reinforces the necessity of independent, multi-specialist medical assessment in cases of serious illness, exactly as sought by the Petitioner.

O. That the Respondents are public authorities performing functions under the law and the impugned omission concerns failure to discharge constitutional and statutory duties. Article 199 empowers this Honorable Court to issue appropriate directions where a public authority has failed to perform a duty imposed by law and where fundamental rights have been infringed. The present matter involves Articles 4, 9 and 14 and therefore falls within the protective jurisdiction of this Honorable Court.



P. That this Honorable Court, being subordinate to the Supreme Court in the judicial hierarchy, is constitutionally obligated under Article 189 to apply the principles enunciated in the Order dated 18-08-2026 passed in Crl.A.No.400/2025 and connected matters, to the facts of the present case. The circumstances of the present case involve an urgent medical condition and a continuing threat to the

Petitioner's health and life, for which ordinary remedies may neither be sufficiently expeditious nor efficacious.

Q. That the relief sought by the Petitioner is carefully confined to medical examination, Private hospitalization and treatment and does not seek unconditional release from custody. The Petitioner is willing to remain under the control of the prison authorities and to comply with all security measures imposed for transportation and hospitalization. The grant of such relief would therefore neither prejudice the criminal proceedings nor defeat the sentence, if any, imposed upon the Petitioner.

PRAYER

In view of the facts and grounds stated hereinabove, it is most respectfully prayed that this Honorable Court may graciously be pleased to:

- I. declare that the failure and omission of the Respondents to provide the Petitioner with medically necessary and specialized treatment is unlawful, arbitrary and violative of Articles 4, 9 and 14 of the Constitution of the Islamic Republic of Pakistan, 1973;
- II. Direct the Respondents to immediately constitute an independent Medical Board comprising qualified specialists from Shifa International Hospital and Quaid-e-Azam International Hospital to conduct a comprehensive medical examination and assessment of the Petitioner's disease and overall medical condition, and to recommend appropriate treatment accordingly;
- III. direct the Respondents to produce before the said Medical Board the complete medical record of the Petitioner, including all previous reports, investigations, prescriptions, treatment history and prison medical records;
- IV. direct the Medical Board to determine the nature and severity of the Petitioner's illness, the treatment immediately required, the urgency thereof;
- V. Direct the Respondents, in terms of Rule 197 of the Pakistan Prison Rules, 1978, to immediately transfer and admit the Petitioner to a suitably equipped Private Hospital, Preferably Shifa International Hospital or Quaid-e-Azam International Hospital;



- VI. direct the Respondents to ensure that the Petitioner receives all necessary consultations, investigations, procedures, medicines, surgery/intervention and follow-up treatment as recommended by the concerned specialists;
- VII. direct the Respondents to submit a comprehensive medical report before this Honorable Court regarding the Petitioner's condition and treatment within such period as may be fixed by this Honorable Court;
- VIII. grant any other relief which this Honorable Court may deem just, proper and appropriate in the circumstances of the case.

PETITIONER

Through Counsel


Syed Jaffer Hussain
Advocate High Court
CC 85030

Certificate:

This is the first Writ Petition filed by the Petitioner on the subject matter before this Honorable Court.

