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IN THE ISLAMABAD HIGH COURT, ISLAMABAD

W.P. No. _____ of 2026

Ilyas Khan S/o Juma Khan,

Versus

The Superintendent, Central Prison Adiala, Rawalpindi & Others

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

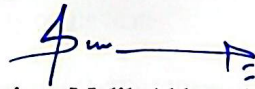
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Petitioner

Through


M Shahrukh Sheikh
LLB (Hons.) (London)
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CC 72315


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Advocate Supreme Court of Pakistan
CC-31457

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IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. ____/2026

Ilham Khan

S/o Juma Khan,

Presently confined at Central Prison, Adiala, Rawalpindi

U/S 302/324, FIR No. 381/2024, Police Station Bani Gala

... Petitioner

VERSUS

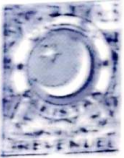
1. **The Superintendent,**
Central Prison Adiala,
Rawalpindi
2. **The Chief Commissioner,**
Islamabad Capital Territory,
Islamabad
3. **The Inspector General of Prisons, Punjab,**
Lahore.
4. **Home Department,**
Government of Punjab, Civil Secretariat,
Lahore

... Respondents

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

Respectfully Sheweth:

- 1) That the Petitioner is an undertrial prisoner who has been confined in Central Prison, Adiala, Rawalpindi, in connection with FIR No. 381/2024, registered under Sections 302/324 of the Pakistan Penal Code, 1860, at Police Station Bani Gala. The Petitioner remains in the custody of the State.



- 2) That the Petitioner, notwithstanding his incarceration, continues to enjoys the protection of the fundamental rights guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973, subject only to lawful restrictions necessarily arising from his imprisonment.

- 3) That during his incarceration, the Petitioner has recently been diagnosed with "Hemophilia A, complicated by upper gastrointestinal (GI) bleeding and hypovolemic shock", a serious and potentially life-threatening disease, as evidenced by the medical investigations.

Filed by
D No. 18475
22-8-26

Copy of Medical Reports are attached as Annexure A

- 4) That the medical condition of the Petitioner requires specialized investigation, haematology/gastroenterology consultation, continuous monitoring and appropriate treatment by qualified specialists, which facilities are not adequately available at the prison hospital.
- 5) That after developing the aforesaid serious medical condition, the Petitioner approached the medical authorities at Central Prison Adiala and sought appropriate medical attention and treatment.
- 6) That owing to the seriousness of his disease and the absence of adequate specialized treatment facilities inside the prison, the Petitioner submitted an application to Respondent No. 1, the Superintendent, Central Prison Adiala, requesting that he be transferred to a suitably equipped hospital, including a private hospital Shifa International Hospital, where necessary, for specialized treatment.

Copy of application is attached as Annexure-B

- 7) That the said application was rejected by Respondent No. 1 vide Office Order dated 11.07.2026, mainly on the ground that arrangements for treatment of prisoners are available through Government Hospitals under the Pakistan Prison Rules, 1978, and that permitting treatment through a personal physician or private hospital of the prisoner's choice would be contrary to the prevailing law and rules.

*Copy of Impugned Office Order is attached as Annexure-C*

- 8) That the continued confinement of the Petitioner without access to necessary specialized treatment exposes him to serious deterioration of his health and creates a real and substantial risk to his life.
- 9) That the Pakistan Prison Rules, 1978 specifically recognize the obligation of prison authorities to provide medical care to prisoners. Rule 787 requires provision of a prison hospital for sick prisoners, while Rule 788 requires a

prisoner complaining of illness to be examined by the Medical Officer and dealt with according to his medical condition.

- 10) That Rule 777 further recognizes the obligation of the prison medical administration to properly classify and record the health condition of prisoners requiring medical treatment, while the medical administration provisions contained in Rules 776–809 impose a comprehensive duty upon the prison authorities concerning the health and treatment of prisoners.
- 11) That Rule 795 further recognizes the seriousness of a prisoner's medical condition by requiring intimation to relatives when a prisoner becomes seriously ill.
- 12) That the Petitioner respectfully submits that imprisonment is a restriction upon liberty and not a sentence to suffer preventable medical neglect or deprivation of necessary healthcare.
- 13) That Article 4 of the Constitution guarantees the right of every citizen to be treated in accordance with law and protects life, liberty, body, reputation and property in accordance with law.
- 14) That Article 9 of the Constitution guarantees the security of person and life. The protection afforded by Article 9 does not cease merely because a person is detained and imprisoned. The State, having assumed complete custody and control over the Petitioner, is under a corresponding obligation to safeguard his life and physical well-being.
- 15) That Article 14 of the Constitution guarantees the inviolability of dignity of man. Denial or unreasonable withholding of necessary medical treatment to a seriously ill prisoner is inconsistent with the constitutional guarantee of human dignity.



- 16) That the constitutional guarantee of dignity and security of person must be read together with the Pakistan Prison Rules, 1978, which specifically prescribe the medical responsibilities of prison authorities.
- 17) That, consequently, the failure to provide or arrange necessary specialized treatment cannot reasonably be attributed to the Petitioner, and the Respondents are legally obliged to take effective measures for his medical treatment.
- 18) That the Hon'ble Courts have recognized that lawful incarceration does not extinguish a prisoner's entitlement to necessary medical treatment and that the State remains responsible for the health and well-being of persons in its custody.
- 19) That the Petitioner is not seeking release from lawful custody through the present petition. Rather, the limited relief sought is specialized medical treatment while remaining in lawful custody, subject to such security arrangements as may be prescribed by the competent authorities.
- 20) That the Petitioner is willing to remain under the custody of the prison authorities during his treatment and undertakes to comply with all lawful security requirements, including police escort and other security arrangements prescribed under the Prison Rules.
- 21) That the matter, therefore, warrants urgent intervention by this Honourable Court to ensure the effective protection and enforcement of the Petitioner's constitutional and statutory rights, *inter alia*, on the following:



GROUND

- A. That the impugned inaction and failure of the Respondents to arrange appropriate specialized medical treatment is contrary to Article 4 of the Constitution, which requires that a person be dealt with in accordance with law.
- B. That continued denial/delay of necessary medical treatment to a prisoner suffering from a potentially life-threatening disease constitutes an infringement of

the Petitioner's fundamental right to life and security of person guaranteed under Article 9 of the Constitution.

- C. That the Petitioner's right to human dignity under Article 14 of the Constitution remains fully applicable during incarceration.
- D. That the Petitioner is entitled to equal protection of law under Article 25 of the Constitution, and his status as an undertrial prisoner cannot justify deprivation of medically necessary treatment prescribed by competent medical specialists.
- E. That the Honourable 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-D

- F. That in the aforementioned judgment, while dealing with a prisoner's deteriorating health, the Honorable Supreme Court exercised its constitutional jurisdiction and issued explicit interim directions for the prisoner to be immediately shifted to Shifa International Hospital, Islamabad. Furthermore, the Court directed the constitution of a medical board comprising a physician, a general surgeon, an internal medicine specialist, an eye specialist, and a cardiologist, and permitted the prisoner's personal physician and directed the concerned officers to place before it the complete medical record of the prisoner, including all tests, prescriptions, opinions, and treatment details, and further directed the state to furnish details of meetings with family and lawyers.

- G. 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 recent judgment dated 18-08-2026 passed in Crl.A.No.400/2025 and connected matters, to the facts of the present case. The Respondents' impugned inaction is not only contrary to the express constitutional guarantees but also directly defies the clear mandate of the Supreme Court.

- H. That Rule 197 of the Pakistan Prison Rules, 1978 specifically provides a legal mechanism for removing a prisoner to a hospital outside the prison where special treatment cannot conveniently be provided inside the prison. The Rule further provides a mechanism for obtaining the requisite governmental sanction and permits the Superintendent to anticipate such sanction in emergent circumstances.
- I. That the aforesaid Rule 197 is directly attracted to the case of the Petitioner because the Petitioner requires specialized treatment for Hemophilia A and upper gastrointestinal (GI) bleeding which, according to the medical reports and the circumstances stated herein, cannot conveniently and adequately be provided at the prison hospital.
- J. That Rules 777, 787 and 788 of the Pakistan Prison Rules, 1978 require the prison medical administration to assess, classify, examine and provide treatment to sick prisoners and to maintain appropriate hospital facilities.
- K. That the Islamic principle of preservation of life, recognized as one of the fundamental objectives of Shariah, requires that necessary medical treatment be provided where its omission may expose a person to serious harm or loss of life. The International Islamic Fiqh Academy, in Resolution No. 67 (5/7) on "Medical Treatments", expressly declares treatment obligatory where foregoing it may result in self-destruction, loss of an organ or disability. The Petitioner falls squarely within this principle.



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

- L. That the Islamic legal principle of *Hifz al-Nafs* (preservation of life), as recognized by the International Islamic Fiqh Academy in its Resolution No. 67 (5/7) on

"Medical Treatments", requires that medical treatment be pursued where failure to obtain such treatment may endanger human life. The Petitioner's condition constitutes a serious threat to life requiring appropriate medical intervention. His status as a prisoner cannot diminish the obligation to protect his life and health.

M. That the United Nations General Assembly, through Resolution A/RES/70/175 adopting the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the "Nelson Mandela Rules", recognizes that healthcare is a responsibility of the State and that prisoners must receive necessary healthcare without discrimination. Rule 27 specifically requires prompt medical attention in urgent cases and provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or civil hospitals. The Petitioner's condition and documented episode of hypovolemic shock therefore warrant immediate access to a private hospital treatment.

Copy of Nelson Mandela Rules is Attached as Annexure F

N. That Rule 27(2) of the Nelson Mandela Rules further provides that clinical decisions may only be taken by responsible healthcare professionals and may not be overruled or ignored by non-medical prison staff. In the present case, the Petitioner's medical condition involves Hemophilia A, upper gastrointestinal bleeding and hypovolemic shock, requiring decisions based upon medical necessity rather than administrative convenience.



O. That the disease of Hemophilia A, complicated by upper gastrointestinal (GI) bleeding and hypovolemic shock requires specialized medical assessment and treatment, and where the necessary treatment is unavailable inside the prison, the authorities are legally required to make arrangements for treatment outside the prison in accordance with Rule 197.

P. That the Respondents cannot defeat a substantive constitutional right by relying upon administrative inconvenience, lack of facilities, procedural delay or internal departmental correspondence.

- Q. That the Petitioner is entirely dependent upon the Respondents for access to medical specialists, diagnostic facilities, medicines and hospitals due to his incarceration
- R. That the State assumes a heightened duty of care towards a person whose liberty has been taken away by lawful process and who is entirely under State custody.
- S. That failure to arrange timely specialized treatment despite knowledge of a serious and potentially life-threatening disease amounts to arbitrary, unreasonable and unlawful inaction.
- T. That the Petitioner's request is not for preferential treatment but for the medical treatment necessary to preserve his life and health in accordance with the applicable Prison Rules.
- U. That the present matter involves enforcement of fundamental rights and the Petitioner has no equally efficacious and adequate remedy for obtaining immediate constitutional protection against the continuing infringement of his rights.
- V. That the continued delay in arranging specialized treatment may cause irreparable harm to the Petitioner's health and life, for which monetary compensation at a later stage would not constitute an adequate remedy.
- W. That the Respondents are legally bound to act fairly, reasonably and in accordance with the Constitution, the Prisons Act, 1894 and the Pakistan Prison Rules, 1978.
- X. That this Honourable Court is being approached under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking appropriate directions to the public authorities for enforcement of the fundamental rights guaranteed to the Petitioner under Articles 4, 9, 14 and 25 of the Constitution.

- Y. That the present petition concerns enforcement of fundamental rights and seeks directions to public functionaries exercising statutory and governmental functions in relation to the Petitioner's custody and medical treatment.
- Z. That the Petitioner has no other adequate and efficacious remedy for securing immediate protection of his fundamental rights in the circumstances of the present case.
- AA. That the cause of action is continuing in nature, as the Petitioner remains incarcerated and continues to require specialized medical treatment.

PRAYER

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

- A. Declare that the failure/inaction of the Respondents to provide or arrange necessary specialized medical treatment to the Petitioner, despite his diagnosis of Hemophilia A, complicated by upper gastrointestinal (GI) bleeding and hypovolemic shock and the medical reports available on record, is illegal, arbitrary, unreasonable and contrary to the Constitution and the Pakistan Prison Rules, 1978;
- B. Direct the Respondents to immediately arrange a comprehensive medical examination of the Petitioner by a duly constituted Medical Board comprising qualified Haematology and Gastroenterology specialists from Shifa International Hospital and Quaid-e-Azam International Hospital, for assessment of his condition and determination of the appropriate course of treatment;
- C. Direct the Respondents to immediately shift the Petitioner from Central Prison Adiala to a properly equipped private hospital preferably Shifa International Hospital / Quaid-e-Azam International Hospital or any reputable Private Hospital having adequate haematology/gastroenterology facilities;

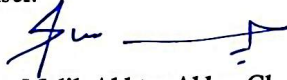


- Direct Respondent No. 1 and other concerned authorities to process and obtain all necessary permissions/sanctions under Rule 197 of the Pakistan Prison Rules, 1978 without unnecessary delay;
- E. Direct the Respondents to provide the Petitioner or his authorized representative/next of kin with copies of his medical record, diagnostic reports, treatment record and medical opinions, subject to law;
- F. Direct the Respondents to ensure that the Petitioner's medical treatment is not delayed on account of administrative formalities;
- G. Grant any other relief deemed just, proper and appropriate in the circumstances of the case.

Petitioner

Through Counsel:


M Shahrulh Sheikh
 LLB (Hons.) (London)
 Advocate High Court
 CC 72315


Barrister Malik Akhtar Abbas Cheena
 Advocate Supreme Court of Pakistan
 CC 31457

Certificate:

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



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 Office of the Advocate General
 Islamabad Capital Territory
 Islamabad

