

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D-1937 of 2020

Alongwith

C. P. No. D-1236/2013, D-269/2015, D-1267/2016, D-2906/2016, D-8622/2017, D-955/2020, D-1414/2021 and D-3282/2022.

Date	Order with signature of Judge
------	-------------------------------

For hearing of main case.

09.12.2022.

Mr. Aarsal Rahat, Advocate holding brief for Mr. Muhammad Ali Lakhani, Advocate for the Petitioners in C. P. No. D-1937/2020 and C. P. No. D-1414 of 2021 alongwith Mr. Muhammad Najeeb Jamali, Advocate for the Petitioners in C. P. No. D-3282/2022.
Ms. Amna Usman, Advocate for the Petitioner in C. P. No. D-955/2020.
Mr. Rafiq Rajorvi, Addl.A.G. Sindh.
Ms. Leela Kalpana Devi, Additional Advocate General, Sindh.
Mr. Saifullah, Assistant Advocates General, Sindh alongwith Professor Aijaz Qureshi, Educationist and Philanthropist.
Mr. Kazi Abdul Hameed Siddiqui, DAG.
Mr. Sohail Ahmed Rajput, Chief Secretary, Sindh.
Dr. Shireen Narejo, Secretary, Social Welfare Department, Government of Sindh, Asghar Ali Ghangaro, D. G. Sindh Child Protection Authority, Syed Mohsin Shah, Incharge D.G. Sindh Child Protection Authority, Ghulam Akbar Leghari, Secretary, Education, Government of Sindh, Abdul Jabbar Shahani, DS, Law, SEGLD are present in person.
Sher Khan, ASI.

A compliance report has been filed under signature of the Director General, Sindh Child Protection Authority (the “**Authority**”), setting out what has been termed as an action plan for strengthening the working of the Authority, stating *inter alia* stating that integrated helplines are being coordinated through the PTA and that UNICEF has also started to work with the Authority towards development of a Child Protection and Management Information System (“**CPMIS**”). Per the DG of the Authority, who is attendance, field testing of the CPMIS is underway and same would be deployed shortly so as to work in tandem with the helplines being established and thus strengthen the capacity and effectiveness of the Authority and enable better case tracking and management.

The DF submits further with reference to the aforementioned Report that an anti-beggary campaign has been started in District South, Karachi, from 01.11.2022 in coordination with the police and certain children have already been rescued and shifted to a shelter home in Malir. He undertakes that such campaign will be continued and extended. The D.G and the concerned Secretary are directed to update this Court on the next date as to further progress regarding establishment of helplines and development and deployment of the CPMIS, as well as the ongoing anti-beggary campaign, with relevant documents to be placed on record.

A Statement has also been filed by the Secretary Education and Literacy Department, narrating that a plan has been prepared to decrease the number of children who are out of school. He submits that towards that end, certain schools have been reopened and teachers appointed, with further initiatives for upgrading of schools also set to be taken, including procurement of equipment. However, he contends that the Education Departments initiatives are often impeded through litigation brought before the Courts challenging procurements. We are not impressed with that contention, for before moving on to those other aspects, we are for the time being concerned principally with the matter of enrolment and attendance, as to our minds, the foremost considerations are those of ensuring that children who are currently out of the school system are brought into the fold and that the physical attendance of enrolled children is properly ensured, along with the attendance of teachers and administrators. Suffice it to say, in the absence of proper measures to ensure the enrolment of students, as well as their attendance and that of educators alike, the expenditure on equipment and infrastructure would be futile.

On that note, the Education Secretary submits that 1645 teachers have recently been identified as delinquent/absconders and 1481 show cause notices have been issued to date and such proceeding would be finalize by 31.12.2022. He also submits that proceedings have been initiated against 45 ghost employees, who are shown as teachers and are drawing salaries but are actually otherwise gainfully employed as journalists. The Secretary is directed to expeditiously pursue the detected matters to their logical conclusion in accordance with law and continue the process of detection to weed out all such transgressors from the system. On query posed as to how and why such delinquency/absconsion/duplicity was not detected earlier, and only came to the fore after the Orders and initiatives recently made in the captioned Petitions, no proper explanation was forthcoming. When asked as to what modern means were being contemplated for recording the attendance of students and teachers and flagging truancy/delinquency, the Education Secretary and Chief Secretary, Sindh jointly state that they are cognizant of such imperatives and acknowledge that a biometric attendance system is the need of the day. They seek time to prepare a proposal for development of such a system across the public school system along with an integrated information management system for logging attendance and flagging transgressions. They undertake that a proper workable proposal would be placed before this Court on the next date in that regard. They also state that a campaign has already been initiated for creating awareness on the subject of compulsory education and undertake to submit necessary details of such campaign as well as its impact along with the further measures to be taken for inducing student enrollment and attendance. Let all the aforementioned compliances be ensured on the next date accordingly.

In response to notice issued, Professor Aijaz Qureshi, Educationist and Philanthropist, is also in attendance and submits a working paper under the title "Education Improvement Plan", which is taken on record with a copy being provided to the Secretary Education, who seeks time to go through and consider the same.

To come up on 23.12.2022 at 11.00 a.m. when all functionaries in attendance today should ensure their presence along with the requisite reports and information envisaged herein above. Office is directed to place a copy of this order in the Petitions listed above.

CHIEF JUSTICE

JUDGE

Tariq