



4. In all cases where the allegations of corruption are established beyond doubt against the delinquent officer(s) by the inquiry officer, the competent authority (SSP, DIGP or Addl. IGP as the case may be) should award major punishment. Any lenient view by the competent authority should be construed as misconduct on the part of the competent authority.

5. Annual Asset Declarations of police officers of ranks These should also made conditional various courses (lower, inter and upper) well as promotions.

6. Monthly performance report C&IAB should displayed the first week every month. This would help regain public trust confidence the complaints and accountability mechanism of Sindh Police and would serve as deterrent for errant police officers.”

Accordingly, IGP Sindh shall ensure that these recommendations are made part of practice and shall place on record fate of the departmental proceedings against delinquent officers/officials as per annexure “C”.

2. With regard to the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of *Gutka* and *Mainpuri Act* 2019, the Committee has suggested amendments to curb the illegal sale of this hazardous food; same are that :-

“The committee proposes amendments in the Act to:

- i. Treat fungus-infected betel nut at par with *Gutka*, *Mawa* and *Manpuri* injurious to human health, and
- ii. Enhance punishment and fine.

The Provincial Government can either notify 'substandard chalia' (betel nut) as a substance posing a serious threat to the health of people in the official Gazette, in exercise of the powers conferred under clause viii(b) of section 2 of the Act, or a new clause (xiii) under section 2 may be inserted defining 'substandard chalia' and mentioning the clause in the prohibitory sections 3, 4 and 5 of the Act.

Amendments of Section 2 of the Act, *ibid* definitions; -

1. After the clause (xii) of Section 2 following clause shall be inserted namely: -

- (xiii) "Substandard Chalia (betel nut)" means betel nut which is injurious to health and is not fit for human

consumption within the meaning of section 5 of the Sindh Pure Food Ordinance, 1960 and is also in contravention to the provisions of rule 11 of the Sindh Pure Food Rules, 1965;

2. Section 3 shall be amended as follows:

- No person shall produce, prepare or manufacture any mixture or substance as defined in clause (vi), (viii) and (xiii) of Section 2.

3. Section 4 shall be amended as:

- No person shall possess, offer for sale, distribute or deliver on any term whatsoever, any substance as defined in clause (vi), (viii) and (xiii) of Section 2.

4. Section 5 shall be amended as:

- No person shall import, export or transport and dispatch any substance as defined in clause (vi), (viii) and (xiii) of Section 2.

5. Amendments of Section 8 related to provision of Punishments of the ibid Act-

- In sub-section (1) of Section 8 for the expression "three years but shall not be less than one year and shall also be liable to fine which shall not be less than two lacs (two hundred thousand) rupees", following shall be substituted namely; -

"Five years but shall not be less than three years and shall also be liable for fine which shall not be less than 5 lacs (Five hundred thousand) rupees".

3. Besides above amendments, the Act also needs an amendment with regard to Section 14 (1) of the Act which provides search and investigation not below the rank of Sub-Inspector. Hence this section also needs amendment in the manner that the word "**Sub-Inspector**" be substituted with "**Inspector**".

4. After promulgation of the Act, thousands of FIRs have been registered under the penal sections of the Act but the fate of the FIRs is acquittal of the accused. The perusal of the judgments passed by the trial Courts show the reasons of acquittal of the accused are defective investigation and inconsistent and contradictory evidence

on part of the prosecution. Hence it is the need of the time to make the Act more effective to curb the menace of *Gutkas*, *Manpuries* and its related items. Hence the Committee is advised that a new section be added in the Act as Section 18 and Sections 18, 19, 20 and 21 may be substituted as sections 19, 20, 21 and 22.

**18. Punishment for defective investigation and giving inconsistent and contradictory investigation.** (1) If the trial Court or [a High Court] comes to the conclusion during the course of or at the conclusion of the trial that the investigating officer, or other concerned officers have failed to carry out the investigation properly or diligently or have failed to pursue the case properly and in breach of their duties, or the officers and officials give inconsistent and contradictory evidence with regard to the events held during investigation, it shall be lawful for such Court or, as the case may be, [High Court] to punish the delinquent officers with imprisonment which may extend to two years or with fine or with both by resort to summary proceedings.

5. After amendment in Section 14 (1) *ibid* the Section 19 of the Act would remain same but the Home Department would issue a fresh notification in the official Gazette with regards to the authorization of “**Inspector**” instead of “**Sub-Inspector**” as Authorized Officer under this Act.

6. Hence this report shall be transmitted to the Secretaries, Law Department and Home Department, Government of Sindh, for further action after completing all legal and codal formalities, preferably within two months.

7. Perusal of report submitted today, reflects same is prepared with hard work thus this Court appreciates Pir Muhammad Shah and Mr. Khadim Hussain Rind, DIGPs and Mr. Abbadul Hasnain advocate.

To come up on 26.10.2022, for further directions.  
Attendance of police officers is dispensed with however focal person(s)  
of Law and Home Departments shall be present to apprise this court  
about compliance.

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**J U D G E**