

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, D-6969/2021 and D-3282/2022.

Date	Order with signature of Judge
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Hearing of cases

1. For order on CMA No.33251/2022
2. For hearing of main case.

06.03.2023.

Syeda Safa Wasim, Advocate for the Petitioners in C. P. No. D-1937/2020 and C. P. No. D-1414 of 2021; Ms. Amna Usman, Advocate for the Petitioner in C. P. No. D-955/2020 and D-269 of 2015; Mr. Muhammad Amjad Ibrahim, Advocate holding brief for Mr. Muhammad Haseeb Jamali, Advocate for the Petitioners in C.P No. D-3282/2022.

Dr. Shahnawaz alongwith Fozia M. Murad, Advocate for the respondent in C.P No. D-955/2020

Ms. Rabia Khan, Advocate for the Petitioner in C.P No. D-3282 of 2022

Mr. Hassan Akbar, Advocate General, Sindh alongwith Mr. Muhammad Jawad Dero, Addl. A.G and Mr. Saifullah, AAG.

Dr. Sohail Ahmed Rajput, Chief Secretary, Sindh alongwith Dr. Liaquat Ali Abro, Consultant Law to Chief Secretary, Govt. of Sindh.

Dr. Shireen Mustafa, Secretary, Social Welfare Department, Government of Sindh, Asghar Ali Ghangaro, D. G. Sindh Child Protection Authority, Ghulam Akbar Leghari, Secretary, Education, Government of Sindh, Asif Ikram, Secretary, Information Science and Technology Department are present in person.

In view of the Order made on the preceding date, the Secretary, IT, has filed a statement along with certain documents purporting to show the features and functionality of the NITB App that has been deployed on a trial basis across seven Districts of Sindh for recording the attendance of teachers. We are dismayed to note that the very first document appended with the statement is a graph reflecting the attendance as of today (i.e 2023-03-06 11:19:56), which shows that 12422 teachers were

present whereas 16324 were absent with 0 being on leave. The figure is alarming to say the least. When the same was put to the Secretary Education, he sought to explain it away as an anomaly arising out of non-adherence on the part of the teachers in the concerned District in signing-in to the App so as to reflect their attendance. Needless to say, such statement scarcely affords a proper explanation in the matter, for if the App is being trialed in the concerned District and has been deployed as we are given to understand over the past several weeks, adherence on the part of teachers ought to have been ensured and in the event of non-compliance proper action ought to be initiated. Furthermore, moving beyond the aforementioned chart, when we asked the Secretary, IT in which district(s) the concentration of reflected absence lay and to show us the pictorial breakdown on a district wise basis, he submitted that such pictorial representation was only available in overall terms and not per district. However, he stated that the attendance could be checked school wise and employee wise. To our minds, this is a serious gap in the system, as the District-wise position ought to be available pictorially on the dashboard for ready reference. The Secretary Education and Secretary IT also conceded that such a feature was necessary and that the same would be incorporated and implemented through engagement with the NITB. Additionally, the Secretary I.T submitted that the App would also be made functional so as to track the attendance history and create relevant alerts in the event of delinquency. As for the direction given on the preceding dates for the attendance from 13.02.2023 to 17.02.2023 to be placed on record, he seeks time to do so and undertakes that compliance would be ensured on the next date.

On the subject of Child Protection, a compliance report has been submitted under the signature of the Secretary, Social Welfare Department stating inter alia that of the 8 unregistered Darul Atfals, mentioned in the previous hearing, it surfaced that one is no longer functional, whereas another has requested for time of three months for completion of required document towards registration. Of the six

remaining facilities, the same are being run by Edhi Foundation, with only one facility namely Edhi Child Home coming under the control of Sindh Darul Atfal (Supervision & Control) Act, 1976 and its registration is under process, whereas the other five facilities are being shown by Edhi foundation as temporary shelter homes rather than Darul Atfals, hence their registration is being resisted and has not taken place. The Secretary undertakes that the matter would be properly looked into and addressed in accordance with law. On the subject of the protocol to be followed in respect of determination children qualifying as a “Child in need of special protection measures”, the D.G Child Protection Authority is even today unable to assist properly in that regard, which creates some doubt as to the proper functioning of the Authority. Needless to say, the subject of Education, Social Welfare, and Child Protection are paramount for the proper development of society and it is necessary that only the most capable and dedicated officers be posted/appointed to head those departments/ institutions. Be that as it may, it is expected that proper assistance and information would be available on the next date. To come up on 20.03.2023 at 01.00 p.m. Let a copy of this order be communicated to the aforementioned Secretaries and D.G of the Authority as well as learned Advocate General, Sindh for their record and necessary action in the matter. The office is directed to place a copy of this order in the Petitions listed above.

CHIEF JUSTICE

JUDGE