

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
C.P. No.D-79 of 2023

Date	Order with signature of Judge
1.	For orders on office objections
2.	For hearing of main case.

**Date of hearing 02.02. 2023, 23.02.2023 & 02<sup>nd</sup> March 2023**

**Date of order: 14<sup>th</sup> March 2023**

M/s. Qurban Ali Malano, Ali Gul Abbasi, Nisar A. Bhanbharo, Muhammad Azam Abro, Muzafar Ali Dehraj, Niazuddin Memon, Sheeraz Fazal, Muhammad Zuhaib Rajput, Amjad Ali Panhwar, Hajjan Shah, advocates for the Petitioner

Mr. M. Hassan Akber, Advocate General, Sindh

M/s. Shafi Muhammad Chandio, Addl. AG, Zahid Farooq Mazari, Mehboob Ali Wassan & Ali raza Balouch, AAGs, Muhammad Nisaar Abro, DAG alongwith Ghulam Nabi Memon, IGP Sindh, Irfan Shaikh, DIG Larkana, Javed Soonharo Jiskani, DIGP Sukkur, Saeed Ahmed Mangnejo, Home Secretary, Sindh, Muhammad Fahim, Section Officer, General Services Section Cabinet Division, Karachi, Tanveer Hussain Tunio, SSP Ghotki, Sanghaar Malik, SSP Sukkur, Mir Rohail Khan Khoso, SSP Khairpur, Dr. Faizan, SSP Shikarpur, Dr. Imran Pathan, SSP Larkana Fida Hussain Solangi, DSP Legal, Shafi Muhammad Khaskheli, DSP Legal, Atta Muhammad Soomro, DSP Legal, Izhar Hussain Lahori, DSP/SDPO Tando Adam & Muhammad Ashfaq, SDPO Kandiaro on behalf of SSP N. Feroze and DIG SBA

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**Salahuddin Panhwar, J:** Rule of law refers to an end state in which all individuals and institutions, both public and private, as well as the state itself are held accountable to the law, which is supreme and said functions of the state, are to be run by state functionaries, as laid down in **Salahuddin's case<sup>1</sup> wherein August Bench of Supreme Court held that:-**

**"What is meant by the phrase "performing functions in connection with the affairs of the Federation or a Province" It is clear that the reference is to governmental or state functions, involving, in one form or another, an element of exercise of public power. The functions may be the traditional police functions of the State, involving the maintenance of law and order and other regulatory activities; or they may comprise functions pertaining to economic development, social welfare, education, public utility services and other State enterprises of an industrial or commercial nature. Ordinarily, these functions would be performed by persons or agencies directly appointed, controlled and financed by the State, i.e., by the Federal Government or a Provincial Government.**

[Emphasis Supplied]

<sup>1</sup> **Salahuddin and 2 others v. Frontier Sugar Mills and Distillery Ltd**, reported as (1975 PLD 244)

2. Moreover, the Laws must be *consistent* with international **human rights** norms and *standards*, legally certain, *transparent*, and drafted with procedural transparency and publicly promulgated. This end state *requires* equal **enforcement** and equality before the law, independent adjudication of the law, fairness in the application of the law, and avoidance of arbitrariness.

3. **Whereas, the role of the judiciary in society is to be a custodian of the constitution and a guarantor of the fundamental rights of the people enshrined therein. The institution is considered a sanctimonious pillar of the state, and its independence remains most necessary to ensure social amity, political development, peace and progress in any society.**

4. **Succinct facts** of present case are with regard to law and order situation prevailing in upper Sindh particularly in Sukkur Region, where the **life** and **liberty** of **citizens** are in *imminent danger* due to *inefficiency* of the **Police**; besides increasing ratio in heinous crime i.e. *kidnapping, abduction, robberies, dacoity*, theft *Karo Kari*, tribal clashes as well as narcotics, which makes the atmosphere **terrible** for its' residents. It is further contended that **crime rate** in upper Sindh is at its peak and the police have *completely* failed in their prime duty to prevent crime and **maintain law** and order situation. Furthermore, routine acts with regard to theft of cars and motorcycles are being happening *frequently* and no action whatsoever has been taken by the police regarding **recoveries**; due to lethargic and *unprofessional* attitude and behavior of the Police towards the public, created extreme *disappointment*, hopelessness and sadness among the general public.

5. **SSP Ghotki** also added a very sorry state of affairs, that included receiving ransom, the dacoits compelled abductees to provide their *womenfolk* as a commission of **ransom**, they also commit unnatural offence with the *abductees* and torture them in a brutal manner and capture their videos of gang rapes with the families of abductees and flash the same in the media. Such disclosure on the part of a responsible police officer is shocking and alarming for the whole society, where such sorts of crimes are

happening as the same are against humanity and sovereignty. Besides that, it will create a wicked and immoral impression upon the society and such actions shall not be allowed by any authority. On query with regard to elimination of such dacoits, **SSP** Ghotki submits that they possess military-grade weapon of a wide range and Sindh Police is unable to eliminate them due to their hideouts in **Katcha** areas, which lack proper road.

6. Above submissions of **SSP Ghotki**, arise eyebrows and question i.e *whether the proper roads are the only way to reach the hideouts of the criminals in Katcha areas? Despite shocking and alarming condition in cases of kidnapping, whether any effort has been taken to get help from other law enforcing agencies and forces? Admittedly*, the answer is “**no**” as statement of IGP and Home Secretary is sufficient in this regard. It shows that Sindh Police is not capable to take strict and practical action against the dacoits/criminals and has surrendered prior to entering in the field. Besides, it has been contended by the SSP Ghotki that this abduction has become industry of two billion in upper Sindh; however, these dacoits can be eliminated if Sindh Police is provided **Military Grade Weapons**.

7. At this juncture, it will be pertinent to refer **severe crimes** in Sukkur, Larkana & Shaheed Benazirabad Regions with submission reports are as under:-

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2020)

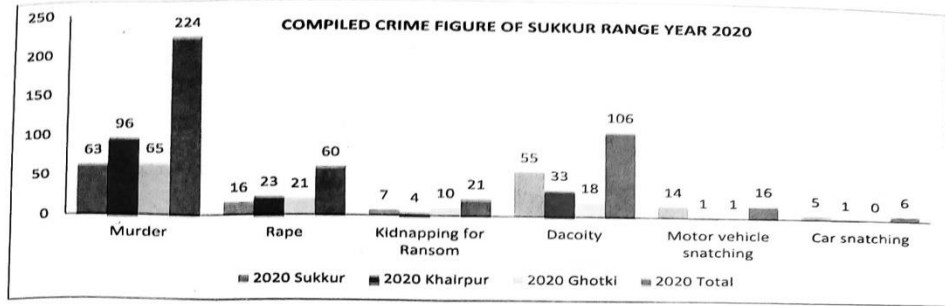
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	224	8	1	9	206	13	72	121
2	Rape	60	0	3	5	52	1	25	26
3	Kidnapping for Ransom	21	01	01	02	17	-	08	09
4	Dacoity / Robbery	106	12	4	13	77	1	38	38
5	Motor Vehicle Snatching	16	06	-	01	09	-	06	03
6	Car Snatching	06	-	-	01	05	-	01	04
	<b>Total</b>	<b>433</b>	<b>27</b>	<b>09</b>	<b>31</b>	<b>366</b>	<b>15</b>	<b>150</b>	<b>201</b>

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2021)

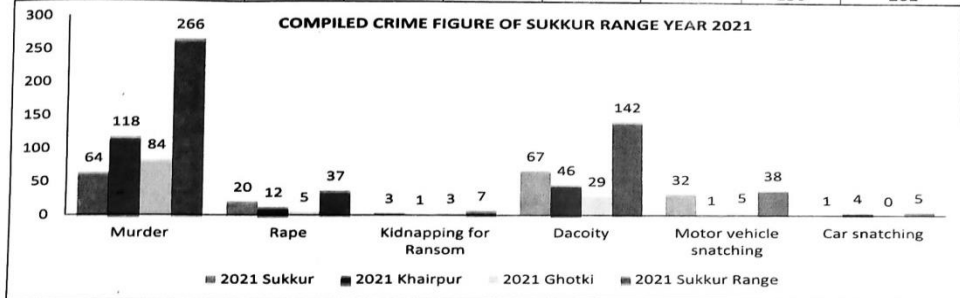
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	266	13	3	12	238	13	61	164
2	Rape	37	01	03	08	25	-	12	13
3	Kidnapping for Ransom	07	02	-	-	05	-	02	03
4	Dacoity / Robbery	142	18	6	13	105	0	43	62
5	Motor Vehicle Snatching	38	12	-	04	22	-	13	09
6	Car Snatching	05	02	-	-	03	-	-	03
	<b>Total</b>	<b>495</b>	<b>48</b>	<b>12</b>	<b>37</b>	<b>398</b>	<b>13</b>	<b>131</b>	<b>254</b>

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2022)

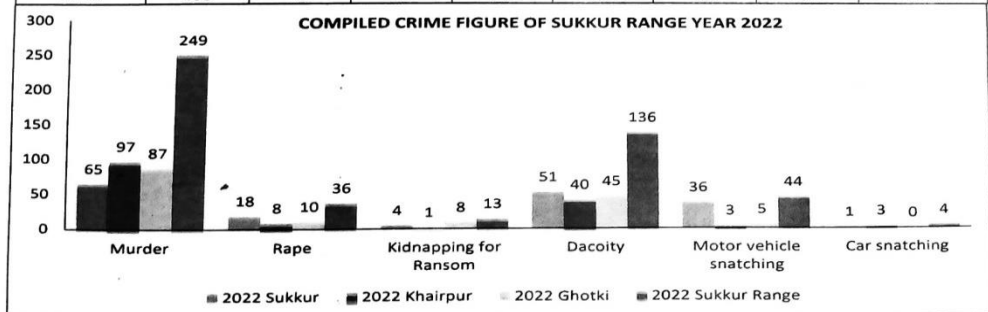
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	249	8	1	10	230	14	49	167
2	Rape	36	1	0	7	28	3	7	18
3	Kidnapping for Ransom	13	02	-	-	11	-	01	10
4	Dacoity / Robbery	136	34	6	9	87	0	30	57
5	Motor Vehicle Snatching	44	19	01	02	22	-	13	09
6	Car Snatching	04	01	02	-	01	-	-	01
	<b>Total</b>	<b>482</b>	<b>65</b>	<b>10</b>	<b>28</b>	<b>379</b>	<b>17</b>	<b>100</b>	<b>262</b>



District	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
Sukkur	160	16	3	20	121	9	61	51
Khairpur	158	9	3	2	144	4	38	102
Ghotki	115	2	3	9	101	2	51	48
<b>Total</b>	<b>433</b>	<b>27</b>	<b>9</b>	<b>31</b>	<b>366</b>	<b>15</b>	<b>150</b>	<b>201</b>



District	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
Sukkur	187	32	4	27	124	10	65	49
Khairpur	182	10	5	7	160	2	32	126
Ghotki	126	6	3	3	114	1	35	78
<b>Total</b>	<b>495</b>	<b>48</b>	<b>12</b>	<b>37</b>	<b>398</b>	<b>13</b>	<b>132</b>	<b>253</b>



District	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
Sukkur	175	35	6	14	120	14	54	52
Khairpur	152	10	2	3	137	-	18	119
Ghotki	155	20	2	11	122	3	28	91
<b>Total</b>	<b>482</b>	<b>65</b>	<b>10</b>	<b>28</b>	<b>379</b>	<b>17</b>	<b>100</b>	<b>262</b>

(01.01.2020 UPTO 31.12.2020)

Arrested	Larkana		Qamber		Shikarpur		Jacobabad		Kashmore		Larkana Range	
	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs
	516	1443	454	588	1666	1076	276	1351	669	634	3581	5092

**PROCLAIMED OFFENDERS & ABSCONDERS**

(01.01.2021 UPTO 31.12.2021)

Arrested	Larkana		Qamber		Shikarpur		Jacobabad		Kashmore		Larkana Range	
	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs
	629	1181	473	1051	1391	1061	1049	2920	3217	1973	6759	8186

**PROCLAIMED OFFENDERS & ABSCONDERS**

(01.01.2022 UPTO 31.12.2022)

Arrested	Larkana		Qamber		Shikarpur		Jacobabad		Kashmore		Larkana Range	
	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs
	256	888	356	1113	979	585	1011	1974	1851	1367	4453	5927

**PROCLAIMED OFFENDERS & ABSCONDERS**

(01.01.2020 UPTO 31.12.2022)

Arrested	Larkana		Qamber		Shikarpur		Jacobabad		Kashmore		Larkana Range	
	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs	POs	Abs
	1401	3512	1283	2752	4036	2722	2336	6245	5737	3974	14793	19205

RECOVERY OF NARCOTICS  
(01.01.2020 upto 31.12.2020)

S. #	District	Heroin		Ice		Chars		Bhang		Opium		Gutka		Wine (litres)
		Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	
1	Larkana	0	578	0	0	157	476	854	200	0	700	259	500	205
2	Qamber	0	164	0	0	173	630	462	500	1	800	21919	200	101
3	Shikarpur	0	40	0	0	255	209	56	0	30	0	996	0	241
4	Jacobabad	3	65	0	100	1828	0	29	500	72	550	51000	0	7111
5	Kashmore	0	0	0	0	14	910	0	0	0	0	0	0	207
Larkana Range		3	847	0	100	2427	2225	1401	1200	103	2050	74174	700	7865

RECOVERY OF NARCOTICS  
(01.01.2021 upto 31.12.2021)

S. #	District	Heroin		Ice		Chars		Bhang		Opium		Gutka		Wine (litres)
		Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	
1	Larkana	0	619	0	154	276	740	809	285	0	369	305	0	209
2	Qamber	0	120	0	0	531	600	158	0	2	200	2530	0	31
3	Shikarpur	3	70	0	0	1031	141	140	500	0	0	1939	0	16
4	Jacobabad	0	27	2	0	1324	0	11	500	2	300	31412	0	2001
5	Kashmore	0	0	0	0	69	755	0	0	0	0	0	0	266
Larkana Range		3	836	2	154	3231	2236	1118	1285	4	869	36186	0	2523

RECOVERY OF NARCOTICS  
(01.01.2022 upto 31.12.2022)

S. #	District	Heroin		Ice		Chars		Bhang		Opium		Gutka		Wine (litres)
		Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	
1	Larkana	3	378	0	159	476	920	354	0	0	7	1002	0	79
2	Qamber	0	0	0	0	510	0	56	0	20	500	325	254	146
3	Shikarpur	0	0	0	900	560	91	25	0	0	0	32	80	23
4	Jacobabad	0	0	1	0	1266	600	13	0	1	0	1079	0	2574
5	Kashmore	0	0	0	0	69	540	0	0	0	0	0	0	114
Larkana Range		3	378	1	1059	2881	2151	448	0	21	507	2438	334	2936

RECOVERY OF NARCOTICS  
(01.01.2020 upto 31.12.2022)

S. #	District	Heroin		Ice		Chars		Bhang		Opium		Gutka		Wine (litres)
		Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	Kgs	gms	
1	Larkana	3	1575	0	313	909	2136	2017	485	0	1076	1566	500	493
2	Qamber	0	284	0	0	1214	1230	676	500	23	1500	24774	454	278
3	Shikarpur	3	110	0	900	1846	441	221	500	30	0	2967	80	280
4	Jacobabad	3	92	3	100	4418	600	53	1000	75	850	83491	0	11686
5	Kashmore	0	0	0	0	152	2205	0	0	0	0	0	0	587
Larkana Range		9	2061	3	1313	8539	6612	2967	2485	128	3426	112798	1034	13324

KIDNAPPING FOR RANSOM  
2020, 2021 & 2022

Distt:	KFR (365A) cases registered in the year	Case Registered	No. of persons kidnapped in registered cases	No. of persons recovered	Kidnapees not recovered
Larkana	2020	3	3	3	0
	2021	2	2	2	0
	2022	3	3	2	1
District Total		8	8	7	1
Qamber	2020	1	1	1	0
	2021	0	0	0	0
	2022	0	0	0	0
District Total		1	1	1	0
Shikarpur	2020	3	5	5	0
	2021	13	19	19	0
	2022	5	6	6	0
District Total		21	30	30	0
Jacobabad	2020	0	0	0	0
	2021	3	4	4	0
	2022	1	1	1	0
District Total		4	5	5	0
Kashmore	2020	22	30	30	0
	2021	7	10	10	0
	2022	12	17	17	0
District Total		41	57	57	0
Larkana Range	2020	29	39	39	0
	2021	25	35	35	0
	2022	21	27	26	1
Range Total		75	101	100	1

**RECOVERY OF ARMS / AMMUNITIONS**  
(01.01.2020 upto 31.12.2020)

S. #	HEADS	Larkana	Qamber	Shikarpur	Jacobabad	Kashmore	Larkana Range
1	Cases Reported	251	213	235	206	202	1107
2	Persons Arrested	251	212	235	206	202	1106
1	K. Koves / SMGs	3	6	18	4	15	46
2	Shot Guns / Repeaters	46	49	63	44	80	282
3	Rifles	2	3	12	6	5	28
4	Pistols	147	153	146	145	149	740
5	Revolvers	54	6	1	8	1	70
6	H.Gernade	0	2	0	0	0	2
7	Ammunition	721	747	1128	595	835	4026

**RECOVERY OF ARMS / AMMUNITIONS**  
(01.01.2021 upto 31.12.2021)

S. #	HEADS	Larkana	Qamber	Shikarpur	Jacobabad	Kashmore	Larkana Range
1	Cases Reported	213	215	197	180	101	906
2	Persons Arrested	213	215	197	180	100	905
1	K. Koves / SMGs	13	11	26	10	5	65
2	Shot Guns / Repeaters	37	51	90	34	31	243
3	Rifles	5	4	4	0	1	14
4	Pistols	131	145	110	136	70	592
5	Revolvers	35	6	0	3	0	44
6	H.Gernade	1	3	0	0	0	4
7	Ammunition	610	648	2173	597	376	4404

**RECOVERY OF ARMS / AMMUNITIONS**  
(01.01.2022 upto 31.12.2022)

S. #	HEADS	Larkana	Qamber	Shikarpur	Jacobabad	Kashmore	Larkana Range
1	Cases Reported	293	166	161	176	85	881
2	Persons Arrested	293	167	161	176	85	882
1	K. Koves / SMGs	7	0	5	6	5	23
2	Shot Guns / Repeaters	51	34	60	25	25	195
3	Rifles	3	1	2	2	0	8
4	Pistols	179	123	104	143	61	610
5	Revolvers	53	8	0	4	0	65
6	H.Gernade	2	0	0	0	0	2
7	Ammunition	801	403	582	572	401	2759

**RECOVERY OF ARMS / AMMUNITIONS**  
(01.01.2020 upto 31.12.2022)

S. #	HEADS	Larkana	Qamber	Shikarpur	Jacobabad	Kashmore	Larkana Range
1	Cases Reported	757	594	593	562	388	2894
2	Persons Arrested	757	594	593	562	387	2893
1	K. Koves / SMGs	23	17	49	20	25	134
2	Shot Guns / Repeaters	134	134	213	103	136	720
3	Rifles	10	8	18	8	6	50
4	Pistols	457	421	360	424	280	1942
5	Revolvers	142	20	1	15	1	179
6	H.Gernade	3	5	0	0	0	8
7	Ammunition	2132	1798	3883	1764	1612	11189

**8. DIGP Larkana** has also submitted a report, annexed with a **bulk** of documents, in compliance of referred order passed by this Court on the last date regarding **measures** taken in order to curb the crime in Larkana Division, which is taken on record. Moreover, showing **compelling circumstances**, the **Larkana** Range is very sensitive, owing to multiple reasons i.e its border **geographic** proximity with **Balouchistan** on western, **Punjab** on Northern; besides the huge **Katcha** area bordering the Indus River on its Eastern and Hyderabad Range on the Southern border. He further contends that nowadays, **dacoits**/criminals have *changed* their pattern to commit the heinous crime of kidnapping e.g., forced kidnapping, **kidnapping** for ransom, honey **trap** and **offer** trap; however, the prime duty of police is to protect and serve others, therefore, it can not be absolved from performing such duty, how high worst or compelling state of affairs, but the same is not worse

than the tribal areas of KPK and Baluchistan which are under constant threat of terrorism.

**9.** Needless to mention, that the **law and order situation** arises when there is *insecurity*, the threat of *violence* or *violence* arising due to a host of factors disturbing the ordinary conduct of life and *businesses* in society. If the law and order situation runs *smoothly*, everyone play smoothly, consequently, result stable economy of the country. Undoubtedly, the **Police**, being primarily front **force**, are responsible for **maintaining** public order and safety as well as enforcing the law. They also *prevent, detect, and investigate* criminal activities. A vital role of a police officer is to serve the public to ensure protection of persons and property; besides responsible for patrolling their designated area, safeguarding those nearby, and providing emergency services and rapid response during times of need.

**10.** It will be also out of context to mention, that the **right to security requires** the **country** to provide **reasonable** and appropriate **measures**, within the scope of those available to public authorities, to protect a person's *physical* security, whether or not the person is in **detention**. This obligation arises when public authorities know or ought to know of the **existence** of a real and imminent risk to the physical security of an identified individual or group of individuals from the criminal acts of another party.

**11.** Accordingly, by order dated **23.02.2023**, while addressing this issue directed IGP Sindh to appear in person, according which severeness of this law and order situation. Inspector General of Police, Sindh (IGP) has *submitted* his submissions regarding **short term** and **long-term** measures for the *effective* **policing** in upper Sindh. It shall be advantageous to *reproduce* the same as under:-

**"Submission of Report**

**Most respectfully it is submitted that as per the directions received from the honorable court during today's court proceeding in the instant petition. Following are the short term and long term measures for the effective policing in upper Sindh.**

**Short Term Measures:**

- 1. FIR is mandatory in every case of kidnapping for ransom. FIR will be registered under state's complaint if the family of the victim is**

unwilling to lodge the same. AIG Operations to issue instruction to each District SP to ensure free registration of crime.

2. Rapid response Force (RRF) will be deployed in Larkana and Sukkur Ranges; 500 each. The manpower of RRF will be raised from the local districts subject to availability of suitable men as per the criteria of RRF.
3. Construction of Police Base Camps in advance Katcha Area; 10 in Ghotki, 8 in Kashmore, 5 in Shikarpur, 3 in Sukkur, 1 each in Khairpur, Larkana and Naushero Feroze respectively in order to make police easily available for raids against dacoits. Each base camp shall have deployment of at least 50 armed police personnel with proper protective gear and ample ammunition.
4. Development of motorable paths deep inside the Katcha area, and for this purpose, request has to be made to Agriculture Department to make available bulldozer for construction of the Katcha Tracks.
5. There are two types of kidnappings; firstly, Forced Kidnapping, second Trap kidnapping, which in turn has two types such as Honey Trap and Offer Trap. Forced kidnapping is no longer very frequent, however, trap kidnapping is new form of kidnapping adopted by the dacoits. This is being done through informers and facilitators. DIG/SSP shall figure out such suspects along with black sheep within police department to break the network in order to isolate the dacoits.
6. The collection of information is very important to unearth the gangs of Kidnapping for Ransom, for which the range DIGS and SPs are directed to have close liaison with the sister agencies with reference to crime and prepare a log so as to accumulate data to assist Intelligence Based Operations.
7. To establish a Sniper Training School at Sukkur, in which 20 specialized firers will be trained from each District of these two ranges by SSU Sniper Experts. SSP Sukkur will ensure the firing arrangements and the provision of firing range.
8. Locators will be provided to Ghotki, Sukkur, Khairpur, Kashmore, Shikarpur, Larkana and Nausheroferoz districts on priority basis.
9. Joint operation with Army, Rangers and Air Force will be conducted to apprehend/eliminate the criminals from their hideouts. In this regard the IGP will write to Sindh Government under relevant laws to seek such support for offensive operation against criminals.
10. CTD has mandate to unearth the racket of illegal weapons. Additional IG CTD shall make a focused approach to unearth the supply chain of arms to dacoits of Katcha area. Besides, the district SP under the Range DIGP will also make best efforts to unearth such network of illegal weapons supply chain. The Additional IGP CTD, DIGP Sukkur and Larkana shall submit the progress report so that firepower of dacoits may be minimized.
11. SSP Kashmore shall deploy effective force at Ghotki-Kandhkot bridge to ensure its safety for early construction so that this criminal infested area is opened up.



12. The mandate of the district CIA police in Ghotki, Sukkur, Khairpur, Kashmore, Shikarpur, Larkana and Nausheroferoz shall be revamped to deal with the cases of Kidnapping for Ransom only as a Specialized team. The District SP shall put in the best Financial and HR resources to make this branch more effective against this crime.
13. It has been observed that accused involved in tribal disputes are involved in kidnapping for ransom cases. Arrest of such proclaimed offenders/Absconders shall be the priority of the District Police. The list of such criminals shall reach CPO within seven days. District Ghotki, Sukkur, Khairpur, Kashmore, Shikarpur, Larkana and Naushero feroz shall make all-out efforts for apprehension of such proclaimed offenders/absconders and submit weekly progress report to CPO without fail. Two additional B7 armored vehicles shall be provided to Ghotki and Kashmore Districts each.
14. Following number of new police pick-ups will be allotted to districts as shown against each. The vehicles will be provided within 07 days.

District Ghotki	16
District Sukkur	09
District Khairpur	11
District Kashmore	16
District Shikarpur	15
District Larkana	13
District Nausheroferoz	05

14. An effective Tri-Border Management has started between Sindh, Punjab and Baluchistan. In this regard, two Tri-Border meetings have been held at Rahim Yar among the stakeholders under the leadership of Additional IGP South Punjab. This coordination shall be improved to carry out joint action against the dacoits.
15. The blockage of Sims used by dacoits be ensured. PTA will be requested to entertain the request on priority.
16. False propaganda by the criminals on social media need to be prevented and for that, coordination with Federal Investigation Agency shall be made.
17. Sindh government may release the funds PKR- 2.79 billion for the purchase of sophisticated weapons/Equipment. The conventional weapons and equipment shall be purchased at the earliest since the procurement does not require any NOC. I-lower, the federal government shall be requested to accord its NOC for the purchase of restricted weapons/ equipment as soon as the capacity of the local police for handling, use and storage is increased.

#### **Long-term Measures:**

1. There is a need to bridge gap between the four pillars of the criminal justice system. Sindh Government may be requested to

constitute a commission comprising of Elected Representatives, Retired Judges, Police Officers, Prosecutor General, Representative of Sindh Bar Council, Senior officers of Prisons Department, and representatives of all other relevant segment of society to improve the working of the criminal justice system.

2. PTA shall be approached through the government of Sindh for downgrading of Mobile Towers from 4G, 3G to 2G in the affected areas in order to make intelligence agencies capable to collect secured information.
3. Metallic roads be constructed deep inside the Katcha Areas to make the areas accessible. Such scheme is already approved by the Sindh Government. Funds may be released on priority.
4. Sanctioned strength of Ghotki, Sukkur, Khairpur, Kashmore, Shikarpur, Larkana and Nausheroferoz districts shall be revised. The District SSPs shall submit their proposal based on crime statistics at the earliest to CPO for the approval from Sindh Government.
5. The infrastructure of the following Katcha Police Stations may be improved to facilitate the Police working in these police stations. DIG Sukkur and DIG Larkana shall prepare a proposal in this regard in one month.

a.	PS Wasti Jeevan Shah	District Ghotki
b.	PS Belo Mirpur	District Ghotki
c.	PS Andal Sundarani	District Ghotki
d.	PS Katcho bhindi-2	District Ghotki
e.	PS Gudpur	District Sukkur
f.	PS Sadhuja	District Sukkur
g.	PS Razagoth	District Sukkur
h.	PS Kadhehri	District Sukkur
i.	PS Qadirapur	District Sukkur
j.	PS Mehboob Kalhoro	District Khairpur
k.	PS Katcho Keli	District Kashmore
l.	PS Haji Khan Shar	District Kashmore
m.	PS Gheal Pur	District Kashmore
n.	PS Gublo	District Kashmore
o.	PS Miani @ Badani	District Kashmore
p.	PS Kot Shaho	District Shikarpur
q.	PS Abad Mellani	District Shikarpur
r.	PS Bachal Bhayo	District Shikarpur
s.	PS PS Ketu Mumtaz	District Larkana
t.	PS Kamal Dero	District Nausheroferoz

No doubt the report submitted by the **IGP** is *comprehensive* and *appreciated*. However, simultaneously we feel great pain that the same has come in sight, in compliance of the order dated **02-02-2023, to** deal with the *crimes* and **criminals** in the manner proposed in the report. Surprisingly prior to it, from top to bottom were in a *deep sleep* and had no care of *safeguard* and security of the public, their properties and *running* the affairs in casual manner, but it is better late than never.

12. On previous date, the Home Secretary Sindh submitted a detailed report. The relevant para(s) of the same, were reproduced for ready reference. A bare perusal of the report shows that most of the aspects are based on *deficiencies* and *non-allocation* of funds, which may be one of the reasons, but the same is a lame excuse for the responsibilities and performance of the Police and Home Department, which is not appreciated, because it is the time to enter in the field practically to curb the situation not to hide behind inappropriate explanations. Accordingly, Home Secretary shall pursue the summary with regard to purchase of military grade weapon(s) for Sindh Police positively.

13. *However*, in view of the aforesaid submissions, the **IGP** is directed to ensure strict compliance with regard to the initiation of **short-term and long term** *measures* and *submit* a **monthly report** to the Additional Registrar of this Court **without fail**; besides all the institutions will be in aid with the police to maintain the law and order situation as and when requires. It needs to be iterated that it is very essential and obligatory to cure the disease permanently, rather than prevent it for a while, hence a proper and permanent solution is required for its cure. Mere elimination is not sufficient, and the hidden hands involved in their *ascending* and *emerging* structure, ought to be capped permanently.

14. **Primarily**, it is the *responsibility* of the Provincial **Government** to **maintain** the *law and order* in the territories of the respective Provinces for the purpose of smooth running of **economic** and **social** life without *disturbance* in daily affairs. Because if the life and liberty of the citizens are, in any part of a Province is at stake, *highhandedness* continues to remain unabated; atrocious acts like kidnapping for ransom, illegal detention, physical torture, extortion, etc., become the order of the day, *resultantly* neither the Provincial Government can discharge its duties, nor the people consider themselves **safe** and **protected**.

**Virtually**, in that case, discomfort painfully envelops the whole Province and decay soon creeps in breaking the very fabric of human life of the citizens. It has come on record that due to **short deployment** of the required force in sensitive areas, they are unable to maintain law and order situation. On query with regard to deployment of **SSU**, the **IGP** submits that the **SSU** Force is available in Karachi City and their deployment is only for the protection of **VVIPs**, but the same was not/is not the spirit of establishing the **SSU** Unit. Conversely, the deployment of **SSU** in sensitive areas will be helpful to curb the crimes. Thus, the **IGP** shall ensure deployment of **SSU Force** for public safety as the same is a discipline force, having expertise to maintain law and order situations. Hence, *firstly* the **IGP** shall ensure removal of **SSU** commandos deputed for securities of **VVIPs**, except foreign dignitaries and embassies, *secondly* shall ensure their *deployment* for public safety and eradication of **heinous crimes**.

15. Here arises a question as to why common police officials (*Police Constable and Head Constable*) are incapable to provide public safety against heinous crimes. In our opinion, the reason is improper and unfair recruitment under the political influence and nepotism even **uneducated** police **personnel(s)** are being appointed under the political influence, nepotism, and improper training of the recruits. Even those police officials are serving in the police department, despite physically and medically unfit for serving in the police department. Consequently, those unfit and untrained police personnel(s) are one of the reasons of weak/low progress of the police department and most of them proceed on unsanctioned leaves, *commonly know on visa*. Therefore, the **IGP** Sindh should look into the matter *carefully, deeply* and **minutely** and eliminate these factors from the police department especially in the recruitment process. It is made clear that police officials who have appointed under disable quota will not be affected from this elimination. The **IGP** Sindh should also ensure **special training** for police officials throughout the entire province (*from a constable upto DSP level*) in different fields and it should also be ensured that after special training, a common police constable should not be less skilled than police personnel of **SSU** and **RRF**. Besides, design effective mechanism to ensure their presence on duty e.g biometric attendance with real-time location of official.

16. Needless to emphasize that **Article 9** of the Constitution provides that **no person shall be deprived of life or liberty** save in accordance with law. The word "**life**" is very *significant* as it covers all facets of human existence; besides includes all such amenities and facilities which a person born in a free country is entitled to enjoy with *dignity*, legally and constitutionally. The word '**life**' in the Constitution has not been used in a limited manner; a wide meaning should be given to *enable* a man not *only* to **sustain** life but-to **enjoy** it. The State is duty bound to protect the life and property of its citizens in accordance with law.

17. It is pertinent to mention here that this Court has already **directed** with regard to curb such hardened and desperate criminals/dacoits. In this regard, the **Inspector General** of Police contends that the Rapid Response Force (**RRF**) will be *deployed* in Larkana and Sukkur ranges; nevertheless, he undertook that measures regarding **joint operations** with **Army, Rangers and Air Force** will be conducted under relevant laws to apprehend/eliminate the criminals from their hideouts permanently. **Needless to mention that the requirement of situation and time is that the joint operation need not be planned but "should be conducted without delay."** Besides, there is a chain of informers and facilitators including bad cops, still existing within the police department, which needs to be broken to isolate the dacoits. **We are astonished that the police department is unable to identify the informers and facilitators of the dacoits serving in the police department. We are feeling discomfit on this submission of the IGP because in this modern time, it is not a hard task. Admittedly, these facilitators and informers of the dacoits will not come into physical contact with the dacoits and criminals, but their source of information is cellular phones.** It goes without saying that unless such informers and facilitators, in any shape or authority, are arrested, such an operation regarding their elimination will not serve purpose, hence this Court has given freehand to **IGP Sindh** to **use all modern techniques, procedures and devices to identify the informers and facilitators of the dacoits/criminals and to take action against such informers and facilitators who are helping hands of dacoits, by arresting and lodging FIRs against them in accordance with law without any fear or favour. Since this task requires confidentiality and without maintaining secrecy, the target cannot be achieved, therefore, the IGP Sindh is directed to prepare**

a mechanism to identify informers and facilitators of the dacoits/criminal and submit such mechanism on next date of hearing in a sealed envelope. Besides, the IGP should dig out the ways of provisions of military-grade weapons to dacoits.

18. When confronted by the IGP Sindh regarding the **figures** of the above referred **crimes**, instead of its' **abolition**, he submitted that due to weakness and failure of criminal justice system, they are unable to curb the crimes. This submission of the IGP Sindh is completely wrong, because the IGP Sindh instead of taking *responsibility* of elimination of crimes is shifting the burden upon weakness of criminal justice system. It is made clear here that the criminal justice system is neither weak nor failed, but its roots/base is weak, starting from the registration of the FIR and then carrying out the investigation. The worst condition of the investigation is not hidden from a common man having a prudent mind and thereby attempting to cover up the inefficiency of the police department. Needless to say that **investigation** is the **backbone** of every Criminal Justice system. Prosecution is responsible to prove guilt of the accused beyond a reasonable doubt and the accused is presumed to be innocent and cannot be convicted in absence of *trustworthy*, confidence inspiring and *unimpeachable* evidence.

19. **Suffice** it to say that major **defects** in Criminal investigation are due to a lack of **knowledge**, proper **training, skills, and** ability of investigators, that results in failure to bring home guilt of accused; besides *impartiality*, which means decisions must be based on sound reasoning and without any undue influence or favor to anyone. Critically, the quality of an investigation and the competency of the investigators will be demonstrated through the manner in which that evidence was *located, preserved, analyzed, interpreted* through modern techniques and **presented**. Besides, Prosecution plays an important role in the administration of criminal justice but despite establishing criminal prosecution department, no major change has come in sight. Because, without successful prosecution, the desired object cannot be yielded. The role of prosecutors not only commences soon after registration of a case but also lasts up to the final verdicts delivered by the criminal court, who ought to be accountable for *firstly* sending up cases based on faulty investigation and *secondly*, for the quality of

evidence being produced in the court. Therefore, the Prosecutor General Sindh also shall arrange proper trainings of prosecutors and mechanism to monitor their performance.

20. Besides this, the above figures of registration of the FIRs, its disposal in different ways, show *inefficiency* of the Police and investigation officers. Surprisingly, in every year, there is a report of “**A**” (un-traceable) class in heinous offences of murder, kidnapping and rape cases submitted. If we will go into deep of **recommendations** of the **investigating officers** and their proposal for disposal of these cases then what will come on record, *we know better*. For instance, if we consider only a single aspect i.e. the investigation of heinous crimes, the investigation officers of cases pertaining to **murder**, kidnapping and rape were not actually found capable to investigate these serious nature of cases, and it will come on surface that a large number of them (I.Os) either are literate up-to the secondary level or less, they do not know the “**I**” of investigation, they are unaware about the process of investigation and related laws and are completely unaware that as to how use the modern techniques and devices, of collecting, securing evidence during an investigation from a crime scene. Even a number of investigation officers are unable to prepare the documents, i.e memos, which are exhibited during trial even they do not know how to prepare the documents. A large number of investigation officers are dependent on **WASIs**, **WHCs** and **WPCs** (*who themselves are not experts in this field and they work beyond their duties*) who prepare the cases of heinous nature without consultation from the investigation officers, resulting fatal contradictions at the time of evidence in the evidence of witnesses and documents *exhibited* and ultimate acquittal of the accused. In other words, police stations are being managed by the **WASIs** and **WHCs** *in this modern time of technology*. Now the IGP Sindh shall ensure to stop this practice. Besides this, it is the matter of record that in hundreds of cases, the prosecution witnesses, *especially* the police officials including the *investigation* officers, at the time of evidence turn down and do not support the case of prosecution, resulting acquittal of accused persons. This is one of the **reasons** of major difference between **acquittal** and **conviction** in heinous offences and failure of **criminal justice** system, which is apparent on the part of the police. Therefore, while entrusting the investigation of an offence of heinous nature, the police

department should consider whether the investigation officer to whom the investigation is being entrusted is capable to carry out the investigation or otherwise and the same shall be *scrutinized* and supervised right from registering FIRs till *preparation* of the final report, by ASPs appointed through competitive examinations, instead of acting as Babu, merely sitting in air condition rooms.

21. In this aspect, Supreme Court of Pakistan in the case of **Saddam Hussain's case**<sup>2</sup> whereby it has been held that, ***“investigation of a crime is a specialized subject in which the investigation officers are required to be fully trained and equipped, and in this regard the Police Training Centre should take services of qualified professionals for imparting professional training to the investigation officers”***. Moreover, in the case of **C. Muniappan's case**<sup>3</sup>, Indian Supreme Court has held that *“there may be highly defective investigation in a case. However, it is to be examined as to whether there is any lapse by the Investigating Officer, and whether due to such lapse any benefit should be given to the accused. If primacy is given to such designed or negligent investigations or to the omissions or lapses by perfunctory investigation, the faith and confidence of the people in the criminal justice administration would be eroded. Likewise, in Dayal Singh's case*<sup>4</sup>, the Indian Supreme Court held that ***“merely because Police have failed to perform their duties in accordance with the requirements of law, and there has been some defect in the investigation, it will not be to the benefit of the accused persons to the extent that they would be entitled to an order of acquittal on this ground”***.

22. Indeed, the solution to cure the defective investigation cannot be described in a single line, yet the entire system needs to be revamped. **Firstly**, the Investigation wing must be separated from the wing controlling law and order situations. **Secondly**, an investigating officer must have rigorous **training courses**, including learning about **law** and **methods** of investigation, understanding of modern techniques of investigation; thorough knowledge of **forensic sciences**; equipped with modern gadgets; understanding of modern information technology, and its use to save and record the evidence and **witnesses'** depositions through audio video

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<sup>2</sup> Saddam Hussain vs The State through A.G. Islamabad *and another* in Criminal Petition No.419 of 2020

<sup>3</sup> C. Muniappan and Others Vs State of Tamil Nadu, 2010

<sup>4</sup> Dayal Singh and Others Vs State of Uttaranchal, 2012



recording. **Thirdly**, the **registers of Police Stations** must be **converted** to an **online system**, and **the same must be available to the public all time**, so that inconsistencies and discrepancies may be abolished and everyone gets information regarding registration of their complaint. **Fourthly**, constitute Crime Scene Investigation Teams other than Police Officials in line with Punjab Forensic Science Agency,<sup>5</sup> and the **CSI** must have the ability to collect **forensic evidence**, i.e fingerprints, Photography, Sketching, Documentation, Audio Recording, Video Recording, Physical evidence, Biological Evidence, Trace Evidence, Impression Evidence, Packaging and sealing of evidence, Maintaining Chain of Custody forms. In death cases, investigate the case of determination of the Cause, Manner and Mechanism of Death, Photographing and Documenting the body. The **CSI PFSA** also **reconstructs the Scene through**, Blood Spatter Analysis, Projectile Trajectory Determination, creating a replica of the crime scene in Lab to test hypotheses, determining the number of people involved and determining the sequence of events. In that regard, **IGP Sindh** shall ensure establishment of separate investigation wing where competent, honest, diligent and well-trained officers not below the rank of **Inspectors** should be posted, who shall investigate the crime with due impartiality; besides ensure availability of police station register to the public all time through the **online** system. At the same time we are **sanguine**, that the **IGP Sindh** shall take all measures to improve the capacity and quality of working of Sindh Police, overall in general and in the matter of investigation, in particular. He shall also ensure that proper law and order situation prevails in all over Sindh, particularly in upper Sindh, and the life and properties of the people are **safeguarded** and **protected**, and the criminals are taken to task in accordance with law.

23. It is pertinent to mention here, that the Police have been entrusted under law to protect the **life** and **property** of citizens of the country; besides, persons aggrieved of **highhandedness** approach the police for legal protection and redressal of their grievances. This means that the police must have great respect for, and an understanding of people of all different backgrounds, cultures, attitudes, opinions, and beliefs; however, it has been observed and usually complained about that the Police avoid registering the crime of a cognizable offence when reported and usually delay the registration of FIR, especially against inflectional or to hide actual ration crime. The delay in registration of FIR is due to a number of reasons, the foremost being **non-willingness**

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<sup>5</sup> ([https://pfsa.punjab.gov.pk/crime\\_death\\_scene\\_department](https://pfsa.punjab.gov.pk/crime_death_scene_department))

on the part of police and other reasons may include extraneous pressures and corruption. In this aspect, Apex Court has already given a proper **mechanism** with regard to **lodgment** of **FIR** in **Haider Ali's**<sup>6</sup> case, wherein it has elaborately been held in **paragraph No.7** as under:-

*“7. It may be useful at this stage, to refer to some of the key issues which were highlighted before us. For ease of reference, we have categorized the issues based on whether they relate to: (i) pre-investigation stage (registration of FIR); (ii) investigation stage; (iii) prosecution and trial; and (iv) accountability and transparency.*

#### *A. Pre-investigation stage (registration of FIR)*

*Any person familiar with the workings of a police station in Pakistan knows that the provisions of section 154, Cr.P.C. are flouted and misused. Section 154, Cr.P.C. provides, inter alia, that every information given to an officer in charge of a police station relating to the commission of a cognizable offence, whether given in writing to him or reduced in writing by an officer in charge of a police station, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf. While this provision is mandatory in nature, often the concerned police station refuses to register the FIR even if the information provided to it relates to the commission of a cognizable offence. Khawaja Haris, learned Senior Advocate Supreme Court, noted in his report that in the year 2011 alone, out of 419,365 FIRs lodged in the Province of the Punjab, 28,787 (approximately 7%) were registered pursuant to orders of the Justices of Peace under section 22-A(6) of the Cr.P.C. What is astonishing is that despite orders of the Justices of Peace, FIRs were not registered in 554 (approximately 2%) cases. It is thus clear that a number of persons suffer and are pushed into litigation because of failure of the police to register the FIR. Litigation too, it seems, does not guarantee relief. The Justice of Peace cannot issue coercive process for compliance of his orders. At best, learned Senior Advocate Supreme Court submits, the Justice of Peace can refer the matter to the higher officials of police for taking actions against the defaulting SHO under Article 155 of the Police Order, 2002, but such a direction to proceed against the official for misconduct is rarely implemented. Another issue at this stage is the registration of false or vexatious complaints to pressurize and harass people. While, the Pakistan Penal Code provides for measures through Sections 182 and 211 to discourage and punish false complaints, it is common knowledge that very few cases involving such offences are filed and prosecuted. This must be unacceptable, especially given that section 154 of the Cr.P.C. requires mandatory registration of FIR. If the Police therefore has no discretion in registering an FIR, action must be taken against those who abuse this provision of law and use the police as an instrument for their designs.*

#### *B. Investigation stage*

*While the registration of a FIR is mandatory, initiating investigation is not. Reading section 156 Cr.P.C. with section 157, Cr.P.C. it appears that the officer in charge of a police station shall proceed to initiate*

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<sup>6</sup> 2015 SCMR 1724

*investigation of a case only where, inter alia, from information received, he has reason to suspect the commission of an offence. This interpretation is further fortified when we read clause (b) of the proviso to subsection (1) of section 157, Cr.P.C., which provides that "if it appears to the officer in charge of a police station that there is not sufficient ground for entering on an investigation he shall not investigate the case." Yet, what we often find is that on registration of a FIR, the relevant police officer without application of mind directly proceeds to arrest the accused.*

*We have held time and again (see for instance Muhammad Bashir's case (PLD 2007 SC 539), that the police should not move for the arrest of the accused nominated in the FIR unless sufficient evidence is available for the arrest. Yet to our dismay we have to deal with such matters on a daily basis. Perhaps, as some of the reports referred to above point out, the issue lies in the fact that there are no real guidelines available to the police which would channel their discretion and judgment. This coupled with their lack of training, makes defective investigation almost a near possibility. In this regard, it is instructive to note the following observations of Khawaja Haris, learned Senior Advocate Supreme Court in his report:*

*"It is indeed a fact that even today an officer investigating a case of murder has no concept of (1) securing the scene of the crime so that the place where the occurrence has taken place as well as the surrounding area is not trampled or invaded by the general public before the investigation officer has had an opportunity to collect evidence from the place of occurrence, (2) how to secure incriminating articles, likes pieces of cloth, blood, fiber or hair etc from the place of occurrence and its surrounding area, (3) how to lift and secure fingerprints from various articles found inter alia at the scene of the crime and to get them examined and matched for purposes of investigation, (4) how to ensure that all incriminating articles are properly secured from the spot and delivered promptly and intact to a forensic laboratory and/or fingerprints expert in safe custody and without being tampered with, and to expeditiously obtain the results from the forensic laboratory so as to be credibly admitted in evidence during the trial."*

*The lack of training and emphasis on the development of specialized investigation officers and facilities, is perhaps indicative of the wider issue in policing: the police it appears is still largely used to secure the interests of the dominant political regime and affluent members of society, rather than furthering the rule of law. As a result, where, even in this debilitating environment, an honest and competent investigation officer is found, his work is thwarted at one juncture or another.*

### *C. Prosecution and trial*

*In our order dated 15-1-2015, we noted how at least in the Punjab more than 65% of criminal cases do not result in conviction. The learned Prosecutor General Punjab also stated that in even those cases where a person has been convicted by the trial court, a substantial number are acquitted by the appellate forums. These figures are indicative of weak investigation and gathering of evidence which we noted above, but are also a result of serious deficiencies in our prosecution system. The following issues among others were highlighted by the various parties in this respect:--*

*(i) Lack of cooperation between the police and prosecution at the investigation stage: there appears to be no standardized SOPs which guide the relationship between prosecutors and police officers and allow them to aid each other in the fair and timely investigation of the case.*

*(ii) Lack of training and competent prosecutors: prosecutors are not provided proper training and facilities. In addition, competent prosecutors because of lack of incentives resign from their service for better opportunities. There also appears to be no effective quality review system in place to check under performing prosecutors. As a result, the best prosecutors are not being retained in service.*

*(iii) Protection of witnesses: we have been informed that in many cases the prosecution's case is damaged as key witnesses resile from their stated position because of pressure from the accused.*

*(iv) Adjournment requests by lawyers and delay in fixation of cases by judiciary: the defendant's lawyer deliberately at times delays resolution of cases. Delays and injustice is also caused as a result of backlog in the judicial system and frequent transfers of presiding judicial officers.*

#### **D. Accountability and transparency**

*During the course of the proceedings, we directed the Inspector General of Police Punjab to submit figures relating to actions taken against delinquent police officials. As a result, various reports were submitted regarding actions taken against delinquent police officials on the recommendation of the prosecution department. An overview of these reports would make two things clear. First, we noted that the figures submitted in these reports kept changing. We assume that such changes were made in good-faith to present the correct position before this court. But this exercise at the very least lays bare the attention which senior police officials place towards delinquents within their ranks: they did not even have for ready reference an accurate collation of complaints against police officials! Second, even if we accept the most conservative figures of complaints submitted before us, we note that in only 20 cases was some form of major punishment (reduction in rank and pay) awarded to delinquent officers (in another report this figure was stated to be 10). We must therefore ask whether sufficient measures are being taken by senior police officials to deter delinquent behavior and misconduct by police officials. It was also noted by us that the systemic accountability forums which were created pursuant to the Police Order, 2002, in the form of National and Provincial Public Safety Commissions and Police Complaints Authority are either inactive or not operational.*

*Transparency in policing activities is another major issue. Public money is used to finance the police, which in turn is supposed to deliver services to the public. At present however information regarding funds allocated to the police, police plans and annuals performance reports are not publicly available. How then are the public and state functionaries supposed to properly examine (and if required make changes to) the delivery of this important public service, if the relevant facts and figures are not available to them?"*

24. Needless to mention that **Courts' role** remains stern and constant when it comes to the resolution of any public matter, as it has to apply relevant laws to specific cases and settle disputes. It's the most important and significant role is to provide justice to the

masses. Whenever a First Information Report (**FIR**) is lodged for a cognizable offence, the police *representing* the state start investigating the matter, but often fail to do so properly. **No doubt, culturally there is a trend of indicting the whole family in a criminal case to avenge the victim; yet this trend too is the result of defective investigation. For this reason, the courts sometimes have to acquit real culprits along with innocent accused persons. This burden falls on the shoulders of the investigating agency, the police. Resultantly, crime in our society never decreases.**

25. Further, the principles laid out in **Muhammad Bashir's**<sup>7</sup> case should be **strictly** followed and no person should be arrested unless there is sufficient evidence available with the police to support such arrest. Where a person is *unjustly* deprived of his liberty, **compensation** will be required to be paid to him or her by the delinquent police officer. The affected person may approach the civil courts for appropriate remedy in this regard.

26. The **IGP** shall ensure the **implementation** of directives issued with regard to mechanism for lodging of FIRs as well as investigations; besides shall ensure the strict implementation of the judgment passed by Apex Court in **Watan Party**<sup>8</sup> case in its true letter and spirit as every citizen must be treated equally, the dignity of human life should be maintained and the liberty of life and honour must be guaranteed as envisaged in the **Arts. 9, 14** and **25** of the **Constitution**; besides the constitution assures the inalienable right of every citizen, wherever they may be, and of every other person for the time being within Pakistan and in particular no action detrimental to the life, liberty, body, reputation or property of any person would be taken except in accordance with law.

27. The **IGP** shall also make **criterion** in view of guidelines settled by the Apex Court in **Haider Ali** *ibid* case. Besides; concerned SHO/In-charge, who are indulging in criminal activities, lodging false and factitious FIRs, which act will ruin the life, respect and future of innocent person, illegal confinement, allow drugs and gambling, and even having connections with criminals

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<sup>7</sup> PLD 2007 SC 539

<sup>8</sup> PLD 2012 SC 292

to permit them to do as they want and pass them information regarding any action taken by State, hence surveillance of concerned officers shall be made and if any **official(s)/Officer(s)** is involved in such dishonesty, they must be removed **forthwith** from their service instead of being suspended and FIRs in this regard shall also be registered so that the dignity and respect of this august department must be taken higher place in society in comparison with other investigation agencies. **SSPs** shall also ensure strict compliance in this regard and take serious **action** against such **delinquent officer(s)** without fail, which act will wholly change the *Thanna Culture* and the complainant will seek justice as he thinks. Besides, concerned SSPs shall conduct **Khuli Katcheries** in every taluka within **15** days regularly by inviting people through electronic, print and social media and to redress the grievances of the public; besides call weekly reports from concerned **SHOs** regarding registration of **FIRs/NCs** in the manner that either resolved or otherwise.

28. It has also come in notice of this court that approximately 40,000 absconders are roaming free and no pragmatic efforts have been made by the Police, and there is complete failure on the part of police officials to bring them before the law, despite the issue being addressed in **Nasrullah's<sup>9</sup> case** wherein a comprehensive mechanism and recommendations were provided to cope up such situations, which was further directed vide order dated 22.06.2018 in W.P No.778 of 2018 Hyderabad Bench. Moreover, as per IGP Sindh there are **275** outlaws and proclaimed offenders are also roaming around having **bounty** (head money) of approximately **58** crores, and the amount ought to be transferred in separate account to be maintained by the Sindh police, hence, the Home Secretary shall float summary in this regard, and **Finance Department**, shall **release** the same in a **month** with compliance report through Additional Registrar of this Court.

29. It may be observed here that the **Police Order 2002**,<sup>10</sup> provides the mechanism for public safety by constituting District Public Safety & Police Compliant Commission under **Article 37** and its composition is provided under **38**, which includes the District & Sessions Judge as a Member. However, the district level

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<sup>9</sup> Nasrullah V.s Station House Officer, Police Station Jacobabad and 6 others (PLD 2016 Sindh 238)

safety commissions have not been notified, for want of nomination by the High Court, nevertheless, every District & Sessions Judge by virtue of his designation in the district be made its member, but so far, the commission has not been found functional, therefore, the Government shall notify it forthwith to redress grievances of the people against the Police and monitor the law and order situation district wise. **Besides**, the Police Order also provides **District Justice Co-Ordination Committees** to be constituted under Article 109, for reviewing the operation of the criminal justice system at the district level and working for its improvement; and its composition is provided Under Article 110 of Order, but there is no major change has come insight. Therefore, the **District & Sessions Judges** of Sindh are directed to make committee effective and shall not hold such meetings as *formality or routine*, but in accordance with its sprit in view of **Article 111** of the order and shall submit monthly progress report to the Member Inspection Team of this court, who shall scrutinize the same and monitor performance of Sessions Judges and prepare a report accordingly for action in case of any slackness on their part or its members i.e Police (c) District Public Prosecutor (d) District Superintendent Jail (e) District Probation Officer (f) District Parole Officer (g) Head of Investigation (Secretary).

30. In view of above discussion and directions, instant petition stands disposed of. We, however, for easy compliance of all directives, reiterate the same in brief, as under:-

- (i) IGP Sindh shall ensure strict implementation of short term and long term measures immediately in view of statement without further delay and such compliance report shall be filed quarterly through Additional Registrar of this Court without fail;
- (ii) Home Secretary shall ensure summary is approved with regard to purchase of military grade weapons for Sindh Police;
- (iii) IGP Sindh shall ensure law and order situation in the territories of the province for the purpose of smooth running of economic and social life without disturbance in daily affairs; besides SSU Force shall be deployed for public safety and ensure removal of SSU commandos deputed for securities of VVIPs except foreign dignitaries and embassies;

- (iv) IGP Sindh shall ensure proper and fair recruitments without political influence and nepotism; besides take strict action against informers and facilitators of the dacoits outside the police as well as bad cops still existing in police department if their availability exists, such action(s)/order(s) will never be executed. Such mechanism regarding their elimination will be submitted through sealed envelope including dig out ways of provisions of military grade weapons to dacoits;
- (v) With regard to curb the crimes in upper Sindh, IGP Sindh shall ensure establishment of investigation wings facilitated with modern devices where competent, honest, diligent and well-trained officers not below the rank of **Inspectors** should be posted; besides ensure availability of police station register to the public all time through the **online** system.
- (vi) IGP shall ensure proper mechanism of lodging of FIR in the light of directives issued by Apex Court in the case of **Haider Ali** supra; besides principles as laid out by Apex Court in **Muhammad Bashir** case be strictly followed;
- (vii) IGP shall take strict action against SHOs / Incharges or any other officer of any rank, who are indulging in criminal activities, lodging false and factitious FIR on the stance of influential persons; involved in supporting drugs and gambling mafia, they shall be removed forthwith instead of suspension;
- (viii) SSPs shall conduct **Khuli Katcheries** via **live streaming** in every taluka within **15** days regularly without fail by inviting common public through electronic, print and social media for redressal of their grievances; besides call weekly reports from SHOs within their territorial jurisdiction regarding registration of FIRs/NC in the manner that either resolved or otherwise;
- (ix) Home Secretary shall float summary regarding head money and Finance Department shall release the same in a month with compliance report through Additional Registrar of this Court.



- (x) Home Secretary shall immediately notify District Public Safety and Police Complaint Commission under Article 37 and its composition is provided under Article 38;
- (xi) All District and Sessions Judge(s) of Sindh are directed to make committee effective and shall not hold such meetings as *formality or routine* and shall submit monthly progress report to Member Inspection Team, who shall scrutinize and monitor performance of Sessions Judges and prepare a report accordingly for action in case of any slackness on their part on its members i.e. Police, District Public Prosecutor, District Superintendent Jail, District Probation Officer and Head of Investigation (Secretary);

31. Taking stock of the above discussion and directions, let copy of this order be **communicated** to all concerned, including **Worthy Chief Minister**, Sindh, **Secretary** Provincial as well as Federal Cabinet, Federal Ministry of Interior and **Principal Secretary** to **Prime Minister** of Islamic Republic of Pakistan, **IGP Sindh** Member Inspection Team, & Additional Registrar of this Court, for strict compliance. Besides, copy of this **order** be **translated** into **Sindhi** and **Urdu** for information of general public through electronic as well as print media.

JUDGE

Faisal Mumtaz/PS

JUDGE

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<sup>10</sup> The Sindh (repeal of police act, 1861 and revival of police order 2002) (amendment) act, 2021 Sindh act no. Xviii of 2021