

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.

23.02.2023

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

M/s. Shafi Muhammad Chandio and Mehboob Ali Wassan, AAGs alongwith Saeed Ahmed Mangnejo, Home Secretary, Sindh, Tanveer Hussain Tunio, SSP Ghotki, Sanghaar Malik, SSP Sukkur, Fida Hussain Solangi, DSP Legal, Shafi Muhammad Khaskheli, DSP Legal, Atta Muhammad Soomro, DSP Legal, Izhar Hussain Lahori, DSP/SDPO Tando Adam

Salahuddin Panhwar, J: Pursuant to order dated **02.02.2023**, Home Secretary Sindh is present submits detailed report. Relevant paragraphs are reproduced as under for the sake of ready reference: -

“STATEMENT

The Honorable High Court of Sindh, Bench at Sukkur, was pleased to pass an order on 02.02.2023 in CP No. D-79 of 2023. The operative part is reproduced below (Annex-I):

'When DIGP Sukkur is controverted with the number of cases, he admits that due to lack of basic facilities and training of police forces, there is a big number of crime and recently police officials are also martyred by the dacoits in District Ghotki; however Government of Sindh has approved budget with regard to purchase of military grade weapons. According to SSP Ghotki, said issue is yet pending due to necessary approval by Federal Interior Ministry. It has further come on record that there is shortage of police mobiles, infrastructure of police stations, vast difference in the salaries of SSU police force and ordinary police, non-availability of armored vehicles. Besides, there is no riverine police teams having speed boats as dacoits get(s) shelter of Indus river, in these circumstances, we have no option (but) to call Home Secretary, Government of Sindh, he shall be in attendance and submit present status with regard to purchasing of Military Grade Weapons; besides he shall also submit details of budgets allocated, released and utilized in last two years along with SOPs. This report shall also include whether use of budget is prerogative of IGP Sindh having separate account.

02. That; Initially the IG Police had taken up the matter for purchase of Military Grade Weapons and Surveillance System to control hardened criminals/gangs operating in Katcha area of District Kashmore, Shikarpur and Ghotki in the 2e Provincial Apex Committee Meeting held under the Chairmanship of Chief Minister, Sindh on 05-01-2023. The relevant part of the Provincial Apex Committee meeting is reproduced below (Annex-II):

*20.1 He (IGP) also requested for incentivization of Investigation Officers, increase in cost of investigation, as well as provisioning of military grade weaponry (Mortars, UCAVs (Unmanned Combat Aerial Vehicles) / Drones with Payload, to Sindh Police. **The Chief of Staff, 5 Corps contended that the proposed weapons systems are classified military grade weapons which require specialized storage, transport and utilization protocols sustained through rigorous training and discipline. Hence, no police (all over the world) use said weapons systems considering the institutional limitations to integrate them safely into the arsenal.***

20.2 The Chair said that the Katcha as a whole is a sprawling area, whereas, a part of that area located between Ghotki, Shikarpur and Kashmore districts is actually problematic. He also said that the area in the riverbed is marshy and having villages on the island within the riverbed. Therefore, either option [either strengthening police or seek Assistance from Armed Forces] can be looked into.

20.3 The Corps Commander, 5 Corps shared his experience of action taken against the gangs in Multan [Rajanpur], and said that the operation shall be initiated after complete [thoughtful] consideration [Action Plan] due to tri-provincial border as well as possibility of weapons snatching from the Police by the dacoits [during the operation].

20.4 Decision. "The Chair directed the IGP Sindh to talk with IGP Baluchistan and IGP Punjab to plan a [synergic and effective] operation [against the criminal elements in the areal".

3. That; again the Inspector General of Police, Sindh had submitted request for allocation of Rs.2,796.184 M outside of current financial year budget for purchase of **Military Grade Weapons and Surveillance System to control hardened criminals/gangs** operating in Katcha area of District Kashmore, Shikarpur and Ghotki (Annex-III). Also, request was made that NOC may be solicited from Ministry of Interior for purchase of the weapons from POF (Annex-IV). Before the matter could be taken-up with the Ministry of Interior, it was required that Government of Sindh should decide whether the Military Grade Weapons can be purchased for Sindh Police. Another important question related to purchase of these weapons is the ability of Sindh Police to handle and store the same with safety & security. The office of IG Police, responding to Home Department's query in this regard, submitted that 'There are trained personnel in the units of SSU and RRF. Further, training will be imparted by the POF once the procurement is finalized' (Annex-O)

4. That; Home Department has however initiated a Summary for Chief Minister Sindh on 16.02.2023 regarding procurement of Military Grade Weapons and Surveillance Equipment as requested by the IG Police with the proposal to place the matter before the Provincial Cabinet for due deliberations and consideration (Annex-VI)".

[Emphasis added]

Heard, record perused.

Perusal of report reflects, contention of the responsible Police officials, suggest the state of affairs pathetic, un humane, hoarer and gruesome. However, report is focused on purchase of sophisticated military grade weapons only, except line of action to control the prevailing state of affairs to save the public at large. Whereas, with regard to purchase of military grade weapons and surveillance system to control hardened and desperate criminal gangs in Katcha areas of Kashmore, Shikarpur and Ghotki, NOC is required from Ministry of Interior, Government of Pakistan, Islamabad. It is further surfaced that matter was taken up with Ministry of Interior and they have shown their concern that **Sindh Police is not in a position** to handle and store the same with safety and security. However, IGP Sindh has responded with query that **"There are trained personnel in the units of SSU and RRF. Further training will be imparted by the POF once the procurement is finalized."**

According to Home Secretary, summary has been re-floated to Worthy Chief Minister Sindh and same will be placed before the Provincial Cabinet for due deliberation and consideration.

In such state of affairs, it is pertinent to refer compiled figure of severe crimes annexed with submission report is as under:-

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2020)

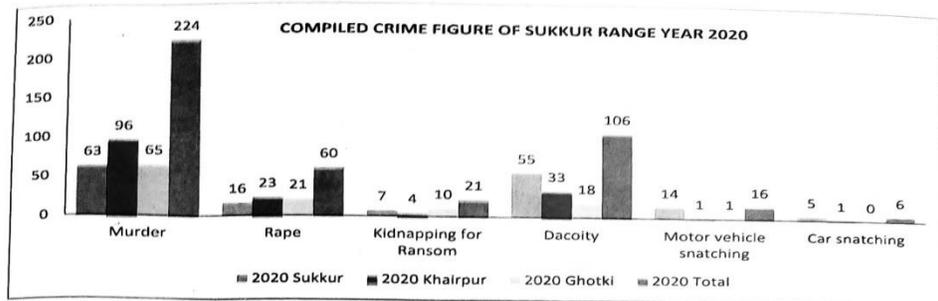
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	224	8	1	9	206	13	72	121
2	Rape	60	0	3	5	52	1	25	26
3	Kidnapping for Ransom	21	01	01	02	17	-	08	09
4	Dacoity / Robbery	106	12	4	13	77	1	38	38
5	Motor Vehicle Snatching	16	06	-	01	09	-	06	03
6	Car Snatching	06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

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2021)

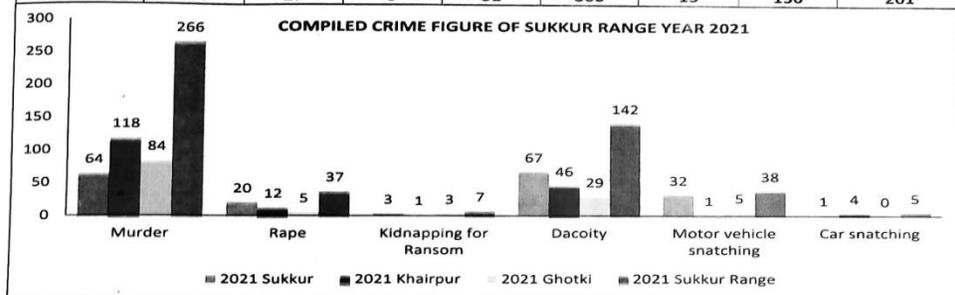
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	266	13	3	12	238	13	61	164
2	Rape	37	01	03	08	25	-	12	13
3	Kidnapping for Ransom	07	02	-	-	05	-	02	03
4	Dacoity / Robbery	142	18	6	13	105	0	43	62
5	Motor Vehicle Snatching	38	12	-	04	22	-	13	09
6	Car Snatching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

COMPILED FIGURE OF SUKKUR RANGE (YEAR 2022)

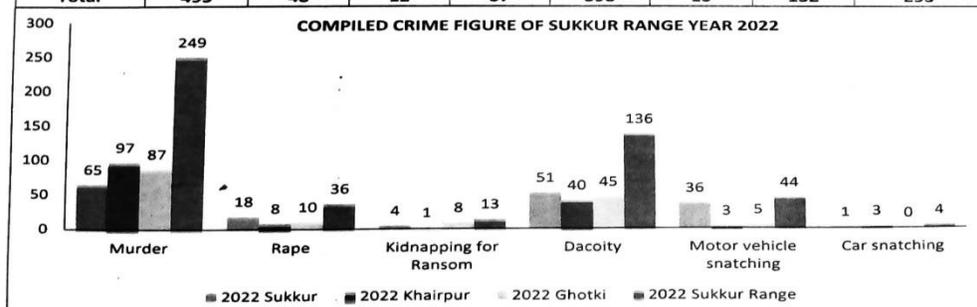
S #	Head	Reported	A Class	B Class	C Class	Challan	Convicted	Acquitted	Pending Trial
1	Murder	249	8	1	10	230	14	49	167
2	Rape	36	1	0	7	28	3	7	18
3	Kidnapping for Ransom	13	02	-	-	11	-	01	10
4	Dacoity / Robbery	136	34	6	9	87	0	30	57
5	Motor Vehicle Snatching	44	19	01	02	22	-	13	09
6	Car Snatching	04	01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



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
Total	433	27	9	31	366	15	150	201



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
Total	495	48	12	37	398	13	132	253



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
Total	482	65	10	28	379	17	100	262

On query, SSP Ghotki and SSP Sukkur present contends that many police officers and sepoy are martyred by the dacoits, who equipped with military grade weapons and without providing sophisticated weapons and surveillance equipment, they are unable to crackdown the activities of dacoits. According to SSP Ghotki, in case of abduction for ransom, new trend by dacoits used to receive ransom as well as ***compelled the abductees to provide their womenfolk as commission of ransom, they also commit sodomy with abductee and torturing them in brutal manner and capturing their videos of gang rapes with the families of abductees and flash the same in media.*** Whereas, the social media accounts of the dacoits are active and they are posting their videos to create terror. It has also come on notice that lot social media i.e Facebook accounts are being run by the dacoits, to entice the people with lucrative offers of sale vehicles, motorcycle or trap the innocent people with fake calls in the women voice and there is great room to curb such kind of crime by investigating the crime scientifically, by taking assistance FIA, but there is no effort is in sight.

It is germane to mention, that the number of crimes and manner of crimes is very crucial and this crime is against humanity and cannot be allowed by any authority. In case, if concerned authorities are reluctant to provide military grade weapons to Sindh Police on the pretext, that they are unable to handle or store them in safety and security. They will be rescued by the other paramilitary forces like Rangers *deployment* on sensitive areas through check post and round the clock patrolling. SSP Sukkur submitted his recommendations. Being conducive, the same are reproduced hereinbelow:-

“ PROCUREMENT OF WEAPONS:

purchase of latest sophisticated weapons to launch massive operations against dacoits / criminals.

The acquisition of advanced weaponry for law enforcement purposes is a complex issue and various ethical, legal, and practical implications. Before making such a decision, **it is important to consider factors such as the potential impact on human rights, the training and preparation of law enforcement personnel, and the effects on community relations.** Additionally, **the deployment of military-grade weapons for policing purposes should be consistent with international human rights standards and domestic laws.** It may also be necessary to consult with relevant stakeholders, such as human rights

organizations and community leaders, to ensure that any such weapons are used in a manner that is both effective and responsible.

Directions may be issued to Federal Secretary Interior and Secretary Defense and production for issuance of NOC to purchase the military grade, latest sophisticated weapons as such request, moved by the IGP Sindh is still under process with the aforementioned departments, since last few months.

POSTING OF HOME SECRETARY:

- ❖ Police Officer Should be posted at Home department, who knows better about Police Reforms.

UTILIZATION / ALLOCATION OF OPERATIONAL BUDGET:

IGP Sindh may be allowed to act as Secretary for allocation / operational utilization of operational budget / funds like as other Provinces. .

Requisition of 3G/4G locator at District level:

To provide the 3G/4G Locator in each district for technical assistance in order to trace out the crime as there is only one locator has been allocated to Sukkur Range, which covered three districts i.e Sukkur, Ghotki and Khairpur. Due to which lot of problems are being faced to detect the Crime by tracing out the culprits.

POLICE CULTURE:

Police culture must be changed by enhancing their salaries and basic facilities in consistence may be given 100% financial powers so that it may ease of the red-tapism and expedite to major policing challenges catered individual for better service deliveries.

- ❖ 30% of Total Strength may be Appointed / posted directly SIP and Inspector.
- ❖ 10% of women Police may be posted at each Police Station”.

This Court has no concern with regard to mechanism to curb the dacoits by Province of Sindh and in these circumstances, when Sukkur, Ghotki, Kashmore, Kandhkot and Shikarpur are bordering areas of Punjab and Balouchistan, there is claim of the police officials that due to borders, weapons smuggling, transfer of abductees, is easy for dacoits, in this regard Federation is required to indulge into issue and shall come in support of Sindh Government and take joint actions. However, such state of affairs *portrayed* by the senior Police officials suggest their incapacity to deal with heinous nature of crime. Whereas, there is nothing brought on record regarding on going efforts to curb the *menace of lawlessness*, nor able to satisfy their helplessness to minimize crime in available resources. It has also come on record that there is no home minister in the Sindh and the Portfolio being dealt by the Worthy Chief Minister, who is already preoccupied in different chief Minister level tasks, *therefore* a report needs to be called *regarding* lack of dedicated Minister for the department otherwise Worthy Chief Minister will be called in person and explain the reason of *lawlessness* under his control.

Nonetheless, there is no excuse for the officials performing their duties in prevailing state of affairs except to maintain law and

order by utilizing available resources, least shift burden on each other. There is no valid reason for utilization of the available funds and weapons solicited. However, judicial propriety demands, that a **notice** be **issued** to **Attorney General** of Pakistan and **Secretary** (Interior) and **Cabinet Secretary**, to appear in person before this Court on next date of hearing with consultation and solution of I.Gs of the provinces bordering with Sindh, with comprehensive report on the next date without fail, with direction to come up with short term and long-term policies to *eradicate* once for all the underworld of dacoits, their supporters, master minds, and ultimate white collar beneficiaries roaming around vis a vis **black sheep** within the Police department. Secretary (Home), Government of Sindh, shall pursue the summary and appraise the severity of the issues as highlighted by the police officials with the Cabinet and ensure purchase of military grade weapons; however precautionary measures be taken and refusal on the plea of handling and storing with safety is not justified. IGP Sindh shall appraise the Cabinet and shall ensure that military grade weapons are purchased by Sindh Government and will remain safe and utilized to curb dacoits activities.

Besides, **this Court takes cognizance regarding high number of crimes, therefore, Home Secretary, Government of Sindh, is hereby directed to constitute JITs at district levels of Sukkur, Shaheed Benazirabad and Larkana Regions under the chair of SSP with participation of other law enforcement agencies. Secretary (Interior) Government of Pakistan shall ensure that every assistance is provided, examine the issues and submit joint operation plan.**

IGP shall also submit mechanism and SOPs regarding investigation as one of the primary roles of the Police to prevent and investigate crime in an effective, efficient and fair manner. This function is an essential part of the wider role of the Police to ensure the community safety of all its citizens. In order to deliver an effective and efficient investigative function, the Police needs to have and work to a structured and documented operational procedure that is standardized, is in accordance with the laws governing the

investigation of crime, is human rights compliant and reflects international best practice; besides investigator should be an experienced officer who has a primary responsibility to investigate reported crime by using modern devices so that crime could be surfaced.

Thusly, the matter is **adjourned**; to come up on **02.03.2023**; to be taken up at **09:30 a.m**, when **Federal Secretary Cabinet, Secretary Home Department Sindh, IGP Sindh, DIGP Larkana as well as SSPs concerned of abovementioned regions shall be in attendance on the next date to submit progress report, failing which worthy Prime Minster of Pakistan, Chief Minister of Sindh and Federal Interior Minister ought to appear.**

JUDGE

Faisal Mumtaz/PS

JUDGE