

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Constitution Petition No.D-3439 of 2024

Date	Order with signature of Judge
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Before:  
Mr. Justice Salahuddin Panhwar  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and Order:- 12.11.2024**

Mr. Ghulam Murtaza Leghari advocate for the petitioner.  
Mr. Ali Hyder Saleem Addl. PG & Mr. Mumtaz Ali Shah APG along with Khadim Hussain Rind, Additional Inspector General Police Sindh, Mushtaque Ahmed Abbasi SP/AIG Legal, Ali Hassan, SIP Zaman Town, SSP Investigation III Korangi, PI Muhammad Ameen, Sajjad Hussain Abbasi PDSP and Dilshad ASI. Mr. Saeed Ahmed Shaikh, Special Secretary Home Department Sindh

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On 23.10.2024 following order was passed:-

*This court ordered the Home Secretary and Additional IG of Sindh Police to explain the different investigation mechanisms in Karachi and other parts of Sindh. The court highlighted that the Sindh Police Act of 2019 requires the creation of SSP investigation posts in all districts. The Sindh Police sent a proposal to the Home Department for creating 37 SSP posts, including 24 for investigation. The Home Department returned the proposal, requesting a more comprehensive plan to utilize existing resources. We have been informed that the Sindh Police has been working on creating a separate investigation wing rather than a cadre in terms of the ratio of the judgment rendered by the Supreme Court in the case of Gul Hassan Jatoi v. Fageer Muhammad Jatoi (2016 SCMR 1254) A committee proposed a plan for this in 2021, and the proposal was sent to the Home Department. While this process was ongoing, the court ordered the police to implement investigation units in interior Sindh. As a temporary measure, 25-30 DSPs were posted as District Investigation Police Officers. The police department is committed to implementing a unified investigation system across Sindh but is awaiting necessary approvals from the government of Sindh. The Sindh government's lawyer admitted that past Standing Orders issued by the Police Inspectors General were not approved by the provincial government and therefore have no legal force and were set at naught by the supreme court in the case of Gul Hassan Jatoi supra. The Sindh Police is a unified force under the Provincial Government. The Inspector General leads the force, which includes various units like training, special operations, investigation, and district police. All officers can be assigned to duties anywhere in the province. In the first instance, the Investigation wing should be formed in Sindh Police to operate in other districts of Sindh, preferably in Sukkur and Larkana districts, subsequently in other districts due to the high and heinous crime rate in the respective districts following the guidelines set by the Supreme Court in the Gul Hassan Jatoi case. Such progress report be furnished to this court for further orders. The Chief Secretary, Home Secretary, and IGP Sindh shall ensure compliance. To come up after two weeks"*

2. Today Mr. Saeed Ahmed Shaikh, Special Secretary Home Department Sindh in compliance with the order dated 15.10.2024 has filed a statement, which reads as under: \_

“That, in the compliance of aforementioned order, SP Investigation District Larkana and District Sukkur have been posted vide Notification No. 16773-85/E-I dated 08.11.2024 (Copy of notification dated 08.11.2024 are annexed herewith as Annexure "A").

3. That, a request has been moved to the Government of Sindh for re-designation of 08 available posts of SP Headquarters (BS-18) as SP Investigation (BS-18), vide letter No. 16391-94 dated 31.10.2024. (Copy of letter dated 31.10.2024 are annexed herewith as Annexure "B")

4. That, in order to further segregate watch and ward from the investigation wing, 03 SsP (BS-18) have been posted to oversee the investigation at Range level in Hyderabad, SBA and Sukkur Range, vide this office notification No.16353-76/E-1 dated 31.10.2024. (Copy of Notification dated 31.10.2024 are annexed herewith as Annexure "C")

5., Since the last order, five DSPs have been posted as DSP/Investigation in the districts of Dadu, Jamshoro, Mirpurkhas, Shikarpur, and Larkana, according to order No. 16556-72, dated 04.11.2024. Additionally, 06 DSPs/Investigation are already actively working in various ranges across Sindh. (Copies of the order dated 04.11.2024 and the list of the 11 DSPs/Investigation are annexed herewith as Annexures "D" and "E" respectively).

6. furthermore, in pursuance of Article 18 of the Sindh (Repealed of the Police Act 1861 & Revival of Police Order 2002) (Amended) Act 2019, SSP Investigation have been posted in each district of Karachi. For specialized investigation, SP SIU, SP AVCC, and AVLIC are working under the supervision of DIG CIA in Karachi Other districts of Sindh have a low annual crime rate. Therefore, considering the lack of human and other resources, a separate SP Investigation in other districts of Sindh with an annual crime rate lower than 3000 cases would not be administratively practicable. However, DSP investigations are being posted in all districts of Sindh to ensure proper supervision of the Investigation.

7., it is submitted that the Sindh Police has taken many other steps towards implementation of Article 18 of the Sindh (Repealed of the Police Act 1861 & Revival of Police Order 2002) (Amended) Act 2019. A few measures are briefly stated below:

- a. Recently, 1466 police officers from all Ranges, except Karachi, have been notified as Investigation Officers on a functional basis. Some of these officers have also been certified through a rigorous process. (Copy of order dated 24.10.2024 is annexed herewith as Annexure "F")
- b. The capacity building and performance of Investigating Officers are being linked with incentives like one additional basic salary and reward on conviction for certified/notified Investigators for their encouragement and retention in Investigation.
- c. The performance of the Investigating Officers is being monitored through a Centralized Crime Monitoring And Evaluation Branch working under the DIG Crime & Investigation Sindh.

8. That the Sindh Police is committed to adhering to the orders passed by this Honorable Court regarding the separation of the investigation wing from watch & ward duties.”

3. It appears that the Sindh Police has initiated steps to separate investigation from watch and ward duties as ordered. This includes appointing DSP Investigations rather than SP

investigations, perhaps due to certain reasons, re-designating posts, and posting specialized officers. Additionally, they are training and incentivizing investigation officers and monitoring their performance. Prima facie, the police department is committed to fully implementing the relevant law on the subject issue as well as orders passed by this court in its letter and spirit. However, this needs more to be done in terms of the decision dated 14.3.2023 passed by this court in C.P No.D-79 of 2023.

4. In the cited case this court directed the Inspector General of Police Sindh (IGP) to take strict action against criminals and their facilitators. This includes deploying the Rapid Response Force (RRF), conducting joint operations with military personnel, and breaking the chain of informers within the police department.

5. This court emphasizes the importance of modern investigation techniques and the need for well-trained law graduate investigators in the entire Sindh to investigate the crime at their respective police stations. It also calls for improved prosecution practices. To improve investigations, Sindh Police should establish a separate investigation wing, train officers rigorously in law, investigation techniques, and forensic science, make police station registers public online, create dedicated crime scene investigation teams, and equip officers with modern tools and techniques with budgetary allocations. These reforms will enhance investigation capabilities, public trust, and crime-fighting efforts. The IGP is directed to implement these measures as directed in the subject case and submit a report on the progress made so far till date.

6. So far as the law and order situation is concerned, Article 9 of the Constitution of Pakistan guarantees the right to life and liberty. This right encompasses not only physical existence but also the ability to live with dignity. The government/state is obligated to protect the life and property of its citizens of this province. The Provincial government is primarily responsible for maintaining the law and order situation in the Province of Sindh. However, due to insufficient force deployment and improper recruitment, law enforcement is hindered and has been politicized from time to time which practice needs to be curbed and IGP Sindh shall ensure their emancipation from political hierarchy.

7. The Special Security Unit (SSU) force initially intended for public safety, is currently used primarily for VVIP security.
8. To address these issues, the IGP should remove SSU commandos from VVIP security duties (except foreign dignitaries and embassies) and deploy them for public safety in Sindh, implement a transparent and merit-based recruitment process to eliminate political influence and nepotism, provide comprehensive training to all police personnel, from constables to DSPs, to enhance their skills and capabilities, implement a robust attendance system, such as biometric attendance with real-time location tracking, to improve discipline and accountability by providing them shoulder cameras.
9. The police are responsible for protecting citizens and responding to their complaints. However, they often delay or avoid registering FIRs, especially in cases against influential individuals. To address this issue, the Supreme Court has outlined a mechanism for FIR registration, as detailed in the *Haider Ali case* reported in **2015 SCMR 1724**. This mechanism aims to ensure prompt and impartial FIR registration.
10. Primarily, Courts play a crucial role in dispensing justice. When an FIR is lodged, the police are responsible for investigating the crime. However, often due to poor investigation, real culprits are acquitted along with innocent individuals. This failure of the police contributes to the persistence of crime in society at large. The principles outlined in the *Muhammad Bashir case* reported in **PLD 2007 SC 539**, should be strictly followed. No one should be arrested without sufficient/concrete evidence. Unjust arrests can lead to compensation claims against the responsible police officers.
11. The IGP should establish criteria for FIR registration based on Supreme Court guidelines. Corrupt officers involved in criminal activities, false FIRs, illegal confinement, drug/gambling connections, and leaking information should be removed from service by adopting proper proceedings and they shall face legal/criminal action. SSPs of the concerned Districts must ensure strict compliance, conduct regular public hearings, and monitor SHO performance in FIR registration and resolution of the grievances of the public at large.

12. This court notes that approximately 40,000 absconders are at large, and the police have failed to apprehend them. The IGP has identified 275 outlaws with a total bounty of 58 crores in the cited case. The Home Secretary is directed to initiate the process of transferring these funds to a separate Sindh Police account, with a compliance report to be submitted within a month.

13. The government to ensure the District Public Safety & Police Complaint Commissions, meet regularly under the command of the IGP Sindh and submit monthly progress reports to the Member Inspection Team of this court for monitoring and evaluation.

14. This court orders the Sindh Police to improve law and order by deploying SSU for public safety, reforming recruitment and addressing corruption, establishing a separate investigation wing as directed, following FIR registration guidelines, apprehending absconders and outlaws, activating district committees. The IGP and Home Secretary must submit quarterly progress reports.

To come up after one month.

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