

IN THE HIGH COURT OF SINDH AT KARACHI  
CP. No. S--202 of 2025  
(Muhammad Sarwar v Province of Sindh & others)

Date	Order with signature of Judge
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**Date of hearing and Order: 07.04.2024**

Sardar Shabraiz Khan advocate for the Petitioner along with petitioner.  
Mr. Ali Safdar Depar, AAG  
Mr. Qamaruddin Nohri DPG along with SI Nawaz PS Sachal Karachi,  
PI Hasnain Raza, PS Bhatti Karachi, PI Waqar Azeem, SHO  
PS Soldier Bazaar, Karachi, Inspector Adnan Asmat, PS Defence,  
Inspector Muhammad Ibrahim, PS Jamshed Quarters, SI Muhamm,  
SIP Rizwan, P.S Malir City, Raza Mian DSP Legal-II, CPO, SI Nizamullah,  
PS Ferozabad, SI Sultan, PS Malir Cantt, SI Muhammad Javed,  
PS Zaman Town, SI Mazhar Ali , PS Baloch Colony Karachi

**ORDER**

**Adnan-ul-Karim Memon, J:** The Petitioner is the owner of water tankers and holds the position of Secretary General of the Water Tankers Owners Welfare Association in Karachi. These tankers are engaged in supplying water to the areas of Defence Housing Authority (DHA) and Clifton specifically and Karachi generally. It is averred that officials of various Police Stations have subjected the Petitioner to victimization, harassment, and unlawful seizure of his tankers, despite a prior letter issued against such actions (Annexure P to P-9). The Respondents and their officials have engaged in a continuous pattern of harassment and victimization of the Petitioner. Specifically, during public demonstrations, the respondents seized the petitioner's tankers and retained them for extended periods without any compensation, resulting in significant financial losses to the Petitioner. The petitioner asserts a constitutionally guaranteed right to conduct his business without undue hindrance. Despite repeated complaints lodged with the police authorities regarding the aforementioned actions, no lawful redress has been provided. It is contended that the respondents possess no legal authority to seize the petitioner's tankers without due notice or compensation. The Petitioner submits that the actions of the respondents are illegal and unlawful, warranting an order of restraint against the seizure of his tankers. It is averred that the right to conduct lawful business is a fundamental right of the petitioner. Applications were submitted to respondents No. 2 and 3 seeking action against Respondents No. 4 to 12; however, no action has been taken to date. The actions of the respondents against the petitioner are illegal, unlawful, and without lawful authority, exceeding their statutory jurisdiction. The Respondents' actions are curtailing the Petitioner's fundamental rights to freedom and liberty. The Respondents are acting in violation of constitutional provisions and illegally and unlawfully harassing the Petitioner with malafide intentions. The Respondents have committed offenses under the law through illegal harassment and threats

against the Petitioner. Respondents Nos 2 and 3 are duty-bound to initiate departmental and legal action against Respondents Nos 4 to 17 following the law. The Petitioner averred that the impugned acts of the Respondents are ultra vires the legislative framework, inoperative, void, unconstitutional, and unreasonable. He prayed for allowing the petition.

2. The Station House Officer (SHO) at Police Station Sachal states that during his tenure, no water tanker driver has been subjected to victimization or harassment, nor has any water tanker been unnecessarily seized or used for any unauthorized purpose. The allegations leveled against him are baseless and incorrect. Previously, in response to a written communication from Sardar Abdul Hameed, President of the Karachi Water Tanker Welfare Association, the office of the Deputy Inspector General of Police (DIGP), East Zone, issued directives vide letter No. DIGP/East zone/ Z1B/2778 dated May 16, 2024, outlining Standard Operating Procedures (SOPs) in this regard. This letter is on record at the Police Station, and compliance with the directives therein will be ensured as required.

3. I have heard the parties present in court and perused the record with their assistance.

4. This case, according to the petitioner, involves harassment by the police working with private respondents. The word "harass" signifies "to injure and injury," terms with extensive common and legal interpretations. However, "harass" is considered separate from the direct meaning of "injure" or "injury." Its synonyms, such as weary, tire, perplex, distress, tease, vex, molest, trouble, and disturb, all point to mental disturbance. The Oxford Dictionary of New Words defines "harassment" as the act of subjecting someone to aggressive pressure or intimidation, implying a potentially significant negative impact on the victim that goes beyond typical worry, trouble, discomfort, or unease, except in extreme cases.

5. The main objectives of the police is to apprehend offenders, investigate crimes, and prosecute them before the court, also to prevent the commission of crimes, and above all, ensure law and order to protect citizens' lives and property.

6. The law enjoins the police to be scrupulously fair to the offender, and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts, but they have failed to have any corrective effect on it. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. The presence of this power casts an obligation on the police, and it must bear in mind,

as held by this Court, that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated.

7. The learned Assistant Advocate General (AAG) assured the court that the petitioner would not be harassed. Accepting this statement, the petition is disposed of accordingly. However, this court emphasizes that any police officials found to have overstepped their authority must be held accountable. The relevant Deputy Inspector General of Police (DIGP) is directed to hear all parties and take swift action if police officers are involved in unlawful activities such as seizure, as they have to protect, not abduct. The local police are responsible for ensuring the petitioner faces no harassment while operating within the law. Conversely, the petitioner and their association are expected to conduct their business lawfully and adhere to Standard Operating Procedures (SOPs). If no such SOPs exist, the Additional Inspector General of Police (AIGP) Karachi must establish them. Furthermore, the AIGP Karachi shall ensure the equitable supply of water to Karachi residents, whether through the petitioner's association or other means, at a reasonable cost. Any violations will result in immediate action against the responsible parties.

8. The police officials of the concerned area are directed not to harass the petitioner, provided they act per the law.

9. Consequently, this petition is hereby disposed of on these terms. A copy of this order be communicated to the Additional Inspector General of Police Karachi and the relevant Deputy Inspector General of Police for compliance.

JUDGE

Shafi