

**ORDER SHEET**

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Constitution Petition No. D- 872 of 2026  
(Mansoor Ali Panhwar Vs P.O Sindh & others)**

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**Before;**

***Adnan-ul-Karim Memon, J;***  
***Abdul Hamid Bhurgari, J;***

Petitioner Mansoor Ali Panhwar in person.  
Mr. Israr Ahmed Shah, Assistant Advocate General, Sindh.

**Date of hearing and order: 16-06-2026.**

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner prays that this Court grant appropriate directions by declaring the failure of the Respondents to establish and operationalize an independent Investigation Wing in Sindh as illegal, unconstitutional, and violative of fundamental rights. It is further prayed that the Respondents be directed to forthwith establish and fully operationalize an independent Investigation Wing across the Province of Sindh in strict accordance with the Police Order, 2002, as amended by the Sindh Amendment Act, 2019, ensuring complete functional separation of investigation from law and order duties. This includes provision of an independent command structure, dedicated investigative staff, specialized training arrangements, and separate budgetary allocations. The petitioner also seeks directions for the formulation and notification of proper Rules and SOPs for the effective functioning of the Investigation Wing, along with the constitution of a monitoring mechanism or commission to oversee the implementation of the relevant statutory provisions of the 2019 Amendment Act. It is further prayed that the Respondents be directed to submit an undertaking regarding the establishment of Investigation Wings throughout Sindh and to ensure implementation of the statutory scheme in its true spirit, including Article 38 of the Amendment Act. The petitioner also requests that the Respondents be directed to strictly follow the guidelines laid down by the Honourable Supreme Court in *Haider*

*Ali (2015 SCMR 1724)* regarding FIR registration, and in *Muhammad Bashir (PLD 2007 SC 539)* regarding arrest standards, ensuring that no person is arrested without sufficient evidence and that investigations remain fair, independent, and unbiased. Lastly, it is prayed that the Respondents be directed to implement the 2019 Amendment Act in letter and spirit without further delay, along with any other appropriate relief this Honourable Court may deem just and proper in the circumstances of the case.

2. The petitioner, a practicing lawyer appearing in person, has invoked the constitutional jurisdiction of this Court through the present Public Interest Litigation, seeking enforcement of fundamental rights of the general public, particularly the right to fair, independent, and unbiased investigation guaranteed under the Constitution. He submits that despite the clear mandate of The Sindh (Repeal of the Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019, the Respondents have failed to establish and operationalize separate Investigation Wings across the Province of Sindh. According to him, the law expressly requires structural separation of investigation from law and order duties, yet the existing police framework continues to function in a combined manner, resulting in compromised and inefficient investigations. It is further contended that investigation is the backbone of the criminal justice system, and fair trial rights under Article 10-A of the Constitution cannot be ensured unless evidence is collected by trained, independent, and professionally equipped investigating officers. The petitioner maintains that due to a lack of specialization, inadequate training, and institutional dependence on law and order hierarchy, investigations are often defective, influenced, and non-professional, which ultimately leads to acquittals, miscarriage of justice, and loss of public confidence. He submits that the continued failure of the Respondents to implement the statutory scheme of the 2019 Amendment Act amounts to a violation of Articles 4, 9, and 10-A of the Constitution, and reflects an arbitrary and unlawful exercise of authority. He further submits that investigations in criminal cases are frequently affected by external pressures, weak supervision, and the absence of modern forensic and procedural standards, which further aggravates the situation. The petitioner also

emphasizes that despite judicial directions in various cases of the Honourable Supreme Court and this Court regarding the separation of investigation from watch and ward duties, effective implementation has not been ensured throughout the province. He contends that partial or ad hoc measures are insufficient, and a fully independent, properly resourced, and institutionally autonomous Investigation Wing is required in each district. In view of these circumstances, the petitioner prays that this Court declare the inaction of the Respondents as unlawful and unconstitutional, and direct them to forthwith establish and operationalize independent Investigation Wings across Sindh, ensure complete separation of investigation from law and order functions, frame necessary rules/SOPs, and implement judicial guidelines for fair investigation and criminal procedure in their true letter and spirit.

3. The learned Assistant Advocate General (AAG), while opposing the petition, without filing comments, submits that the relief sought is misconceived, premature, and based on an incorrect appreciation of both law and factual position on the ground. It is contended that the Sindh Police has already initiated substantial and meaningful steps towards compliance with the Sindh (Repeal of the Police Act, 1861 and Revival of Police Order, 2002) (Amendment) Act, 2019. He prayed to dismiss the petition.

4. We have heard the petitioner, as well as learned AAG, and perused the record with their assistance.

5. This Court is of the considered view that the grievance raised by the petitioner, though rooted in an important aspect of criminal justice administration, does not presently call for the sweeping declaratory or mandatory reliefs sought in the present form.

6. It is an admitted position on record that the subject of separation of investigation from watch and ward duties is not only under active consideration but is already the subject of ongoing administrative implementation by the Police Department and the Home Department, which process needs to be expedited and implemented as per mandate of law, without fail.

7. We have been informed that concrete steps have been taken, including postings of dedicated investigation officers at various

tiers (SPs, SSPs, and DSPs), creation of functional investigation units in different districts and ranges, establishment of specialized units in Karachi, and initiation of capacity-building, training, and performance monitoring mechanisms. These measures, though not complete in ideal terms, clearly demonstrate that the process of institutional restructuring is in motion rather than absent, the same should be implemented in entire Districts of Sindh as per law.

8. It is a settled principle of constitutional law that while Courts may judicially review executive inaction or illegality, they ordinarily do not substitute themselves for the executive in matters involving policy formulation, administrative restructuring, deployment of personnel, and allocation of financial and institutional resources, unless a clear case of patent illegality, mala fide, or complete abdication of statutory duty is established.

9. In the present case, the material placed before the Court reflects ongoing compliance efforts in Constitution Petition No. D-3439 of 2024, rather than total non-implementation or deliberate defiance of the law. However, we make it clear that decision already made by this Court needs to be implemented in letter and spirit if not earlier set at naught by the Supreme Court.

10. The statutory framework under the Police Order, 2002 (as amended in 2019) indeed contemplates functional separation of investigation; however, the mode, pace, and manner of its operationalization fall within the administrative domain of the provincial executive, which is required to balance legal mandates with practical constraints, including availability of trained human resources, financial allocation, and differential crime profiles across districts. This Court cannot, in exercise of constitutional jurisdiction, prescribe a rigid and uniform institutional design or impose immediate structural transformation across the entire province without regard to these administrative realities, but at the same time, if the directions are already in the field the same should be implemented accordingly.

11. Furthermore, the constitutional guarantees under Articles 4, 9, and 10-A, though fundamental in nature, are not shown to have

been negated in their entirety. Rather, the grievance pertains to the quality and efficiency of investigation mechanisms, which are being progressively addressed through ongoing reforms. Judicial precedents relied upon by the petitioner primarily relate to safeguards in investigation, arrest, and FIR registration, and do not mandate immediate creation of a fully independent parallel institutional structure in a manner divorced from administrative feasibility, however, this observation is subject to direction already given by this Court.

12. In light of the above, this Court is of the view that the matter falls within the category of continuing administrative reform where judicial oversight is limited to ensuring compliance and progression rather than issuing rigid structural mandates. The material available shows substantial, though evolving, compliance with statutory requirements and earlier judicial observations.

13. Accordingly, while reiterating the importance of strengthening investigation mechanisms, ensuring professionalism, and upholding fair trial rights, this Court is not persuaded to grant the declaratory and mandatory reliefs in the sweeping terms prayed for. However, the Respondents are expected to continue and accelerate the ongoing reform process in accordance with law, statutory mandate, and earlier judicial directions, vide order dated 12.11.2024 passed in Constitution Petition No. D-3439 of 2024 wherein the Home Secretary and the Additional IGP Sindh were directed to explain the existing investigation mechanisms in Sindh and to implement structural reforms, particularly the establishment of SSP-level investigation posts across districts. The Court also referred to earlier proposals of the Police Department, including the creation of investigation posts and the temporary deployment of DSPs as District Investigation Officers, as well as observations that the investigation system must be separated from watch and ward duties in line with the judgment in *Gul Hassan Jatoi v. Fageer Muhammad Jatoi* (2016 SCMR 1254).

6. The Home Department and IGP are directed to ensure continued compliance and submit progress reports in terms of the order dated 12.11.2024, passed in Constitution Petition No. D-

3439 of 2024, particularly regarding the implementation of investigation reforms and law enforcement improvements across Sindh.

7. This Petition stands disposed of in the above terms.

Let copy of this Order be communicated to the Home Secretary Sindh, IGP Sindh for compliance in time.

**Judge**

**Judge**

Nasim/P.A