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In the Supreme Court of Pakistan
(Original Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali
Mr. Justice Khilji Arif Hussain
Mr. Justice Sarmad Jalal Osmany
Mr. Justice Amir Hani Muslim
Mr. Justice Gulzar Ahmed

Suo Motu Case No.16 of 2011

On Court notice:

Mr. Abdul Fateh Malik, Advocate General, Sindh
Mr. Shahadat Awan, Prosecutor General, Sindh
Mr. Jawaid Farooqui, Dy. Attorney General
Mr. Adnan Karim, Asstt: Advocate General, Sindh
Raja Abbas, Chief Secretary, Sindh
Mr. Waseem Ahmed, Home Secretary, Sindh
Mr. Fayyaz Ahmed Leghari, IGP, Sindh
Mr. Iqbal Mehmood, Addl: IGP, Sindh
Mr. Manzoor Mughal, DIG, CIA
Mr. Mushtaq Maher, DIG, South
Mr. Shahid Hayat, DIG East
Mr. Aamir Farooqi, Acting DIG, West
Mr. Ali Sher Jakhrani, AIG (Legal)
Mr. Saleem Ahmed, ADIG (Legal)
Mr. Naeem Ahmed Shaikh, AIG Operation.
Mr. Khaliq-ur-Rehman, Dy. Director, NADRA
Mr. Ghulam Mustafa Phul, Member (L.U.) BOR
Mr. Waheed Ahmed Director, Anti-encroachment, BOR
Ms. Kausar Sultana Hussain, MIT-II, H.C. of Sindh
Mr. Atta-ur-Rehman,
Regional Election Commissioner, Hyderabad.
Mr. Tanveer Zaki,
Regional Election Commissioner, Karachi.
Mr. Abdullah Hanjrah, Law Officer, E.C. Sindh
Mr. Umar Farooq, Director Settlement Survey & L.R.
Mr. Ahmed Pirzada, Special Counsel, BOR
Mr. Asadullah Khan Dharejo, Acting Sr. Mem., BOR
Mr. Manzoor Hussain, A.D. (R&P), Prisons.
Mr. Ali Hassan Brohi, Spl. Secy. Prisons.
Mr. Zafar Abbas Bokhari, I.G. Prisons
Syed Nayab Hassan Zaidi, Dy. Director, FIA
Syed Israr Ali, Addl. Director, FIA
Mr. Azad Khan, Addl. Director, FIA

Date of hearing: 31.10.2012

Order

1. Today, while dealing with the implementation of judgment in Suo Motu Case No.16 of 2011 and Constitutional Petition No.61 of 2011 (Watan Party Case) (PLD 2011 S.C. 997), we have first taken up the issue

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of survey of un-surveyed (Na Class) Government lands in Sindh, regarding which, on the last date of hearing, show cause notices were also issued to the Chief Secretary, Government of Sindh, Senior Member, Board of Revenue Sindh and Director, Settlement and Land Record Department, Government of Sindh. In response to it, written replies have been received from the Chief Secretary, Government of Sindh, Senior Member, Board of Revenue Sindh and Director, Survey and Land Record Sindh. These replies are taken on record. Perusal of reply submitted by the Chief Secretary, Government of Sindh reveals that he has now urgently obtained approval of such summary from the Chief Minister Sindh to the extent of survey of 93 dehs of Karachi, which are still un-surveyed and for this purpose a work plan has been drawn and approval of requisite finances has also been obtained. Keeping in view the urgency for much needed survey of un-surveyed (Na Class Government lands) all over the Sindh and request for time made by the concerned quarters, particularly, the Chief Secretary, Government of Sindh, three months time is allowed for completion of this whole exercise, as well as computerization of all the revenue record in Sindh.

2. In response to our directions regarding release of convicts/prisoners on parole, a report has been submitted by the Director, Reclamation & Probation, Sindh, showing names and some other particulars of 193 prisoners, who have been extended the benefit of parole in terms of 'Good Conduct Prisoners Probational Release Act, 1926 and Rules 2001' framed by the Government of Sindh, during the period from 1.1.2008 to 30.10.2012. We are not satisfied with such list of released prisoners on parole. Accordingly, the concerned officer is directed to submit complete list of all the convicts/prisoners, who have been released on parole by the Government of Sindh. More over, at the request of learned Advocate General, Sindh one day's time is allowed to him to justify release of those prisoners on parole, who were either

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convicted in heinous crimes i.e: under section 9(c) of the Control of Narcotic Substances Act 1997, under section 365-A PPC or by the Anti-Terrorism Court.

3. During the proceedings of this matter, an anonymous complaint has also been received by this Court disclosing therein purported threat to the citizens of Karachi due to the influx of 'talbans' in thousands, duly armed with sophisticated weapons, within the city of Karachi. Copy of such anonymous complaint has been delivered to the learned Advocate General, Sindh, who shall in this regard obtain instructions from the concerned police officials and Government functionaries and submit his reply before the Court by tomorrow.

4. With reference to serious inconvenience faced by the citizens of Karachi due to repeated traffic jams, chaos in smooth flow of traffic; lack of proper registration of vehicles, use of fake number plats on motorbike/other vehicles; poor fitness level of vehicles used in public transport, lack of transparency in the issuance of driving licenses, and other related issues, which are also contributing factors for deteriorating and poor law and order situation in the city of Karachi. We have also taken up these issues for detailed hearing on the next date of hearing, when DIG Driving Licenses, Director Excise and Taxation (motor registration wing), DIG Traffic as well as concerned officials from the motor vehicles fitness certificate granting authority of police department shall be present in Court to answer relevant queries in this regard.

5. Mr. Fayyaz Ahmed Leghari, IGP, Sindh has placed on record list of fifteen deceased police officials, who were, one way or the other, engaged in the police operations during the days of 1992 and 1996, but no compensation was paid to their bereaved families. In this regard he has pointed out that family of one of the victim Zulfiqar Qaimkhani has

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already been paid compensation, while the cases of two other victims PC Ayub Bench and HC Habib for the purpose of compensation are to be dealt with by their respective departments i.e. Prison Police and Intelligence Bureau. He has further stated that cases of remaining twelve police officials are under reconsideration at the highest level for payment of compensation and its outcome will be placed before the Court within some short time.

6. The issue as regards non-duty paid vehicles and unregistered vehicles, which are plying and available in the City of Karachi in huge number is also taken up and it is decided that this issue will also be taken up tomorrow for further consideration.

7. In compliance of our directions, IGP Sindh has further placed on record zone, division and police station-wise maps of Karachi, which are taken on record. Further proceedings are adjourned for tomorrow i.e. 1.11.2012.

Karachi the
31st October, 2012
Riaz

