

In the Supreme Court of Pakistan
 (Original Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali, HCJ.

Mr. Justice Amir Hani Mulim

Mr. Justice Khilji Arif Hussain

S.M.C No.16/2011 & 07/2016.

Crl.O.P No.29/213, C.M.As No.54, 71-K, 48-K, 53-K, 79-K, 61-K, 75-K, 272, 82-K, 207-K, 208-K, 1075, 225-K, 2166, 2420, 2711 to 2713, 4142, 2623, 481-K, 482-K, 527-K to 530-K, 536-K, 545-K, 546-K, 555-K, 561-K, 597-K, 608-K, 610-K, 611-K, 825-K, 827-K, 831-K887-K, 891-K of 2013.

Crl.M.A No. 796, 797, 798 of 2012, 66-K, 68-K OF 2013

C.M.A No.106-K, 115-K, 127-K, 300-K, 328-K of 2014 & 254-K/2016.

(*Suo motu action regarding Karachi Law and order situation*)

In attendance: Mr. Muhammad Siddique Memon, Chief Secretary.

Mr. Zamir Ghumro, AG. Sindh.

Mr. Adnan Karim, Addl.A.G. Sindh.

Mr. Shahadat Awan, PG Sindh.

Mr. A.D Khawaja, IGP Sindh.

Mr. Mushtaq Mehr, Addl. IGP.

Mr. Munir Ahmed Sheikh, DIG South.

Dr. Kamran Fazal, DIG East.

Mr. Zulfiqar Ali Larik, DIG West.

Mr. Sultan Khawaja, DIG CIA.

Dr. Ghulam Sarwar Jamali, DIG (Admn.)

Dr. Muhammad Farooq Ahmed, SSP South.

Mr. Ghulam Shabbir Memon, AIGP (Legal).

Dr. Saeed, A. Qureshi, Focal Person to C.S.

Mr. Amanullah Zardari, Focal Person to Home Secy.

Mr. Saleem Raza Abbasi, Director (Parole).

Date of hearing: 4.7.2016.

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ORDER

Keeping in view several earlier orders passed in these proceedings with particular reference to the orders dated 08th and 10th of March, 2016, we have fixed the hearing of this *Suo Motu* case today. In the first place, we have inquired from IG Sindh as regards progress about the

remaining untraced cases out of 408 cases, as noted in the order dated 10.3.2016. He submits that some more cases have been traced out, but right now he is not in a position to submit exact details before the Court. At his request, two weeks' time is allowed to submit such report alongwith report of 81 other untraced cases, which were registered during the period 01.1.2016 to 31.5.2016. It will be better that such report is submitted upto the period 30.6.2016.

2. We have thereafter taken up the issue of release of four convicts who were statedly involved in heinous crimes, as mentioned in paragraph-2 of the order dated 08.3.2016. In this regard, a report has been submitted on behalf of the Advocate General, Sindh, which reveals that it pertains to only three persons i.e. Khalid Aziz, Abdul Rasheed, and Junaid Ansari, while the reasons assigned for their release on parole are entirely unsatisfactory. However, we have been informed that all three of them have been arrested on 09.4.2016 and sent to Central Prison, Karachi to serve out their remaining period of sentences.

3. As regards non submission of report about convict Muhammad Khan, there is no plausible explanation offered by Mr. Saleem Raza, Director (Parole), who is statedly holding such position for a period of last ten years. From the record we have noticed that Muhammad Khan will serve out his sentence on 8.9.2016. Therefore, in these circumstance, we would not order his arrest for serving out his remaining sentence which is hardly two months.

4. When we have inquired about the presence of Mr. Niaz Abbasi, the then Home Secretary, during whose term of office these four persons were admitted to parole, the worthy Chief Secretary Sindh has informed that he has proceeded to Saudi Arabia for performing umra. Mr. Niaz Abbasi is directed to be present in Court on the next date of hearing to explain his position as regards release of these four persons on parole. Moreover, the Chief Secretary Sindh is directed to look into the conduct of Mr. Saleem Raza, Director (Parole) as well as other members of the Parole Committee, who have, *prima facie*, acted in a negligent manner in recommending release of these four convicts on parole, despite being convicted for heinous crimes and for no valid reasons.

5. When we have taken up the proceedings in *Suo Motu Case* No.07/2016 alongwith this case. We have noticed with grave concern the casual attitude of SSP (South) Dr. Muhammad Farooq in response to our queries. He inspite of the information of kidnapping, which he received well in time, has taken no steps to trace the culprit nor did he intimate his high ups for which he would not offer any plausible explanation. Looking to all this before tea break, we have asked the learned Advocate General, Sindh to seek necessary instructions from the Sindh Government as regards his posting to such an important position. We have been informed by the Advocate General, Sindh that the Sindh Government will immediately order him to report to S&GAD. We expect that conduct of said police officer shall be looked into departmentally and proper action, if necessary, will be taken against him, which report shall be submitted to this Court within two weeks.

We further expect that in the posting of new SSP (South), due weightage will be given to the recommendation of IG Sindh, who is supposed to deal with the overall law and order situation in Sindh in extraordinary circumstances.

6. Besides, other issues relating to law and order situation at Karachi, such as fitness of vehicles, land grabbing, kidnapping, terrorism in the town, increase in street crimes, safety and security of the citizens in Karachi and steps taken by the Police and other agencies, will also be taken up on the next date of hearing.

7. The compliance reports, statements and replies etc pending vide CMAs No.54/2013, 71-K/2013, 48-K/2013, 53-K/2013, 79-K/2013, 272/2013, 82-K/2013, 207-K/2013, 208-K/2013, 225-K/2013, 2166/2013, 2420/2013, 2711/2013, 2712/213, 2713/2013, 4142/2013, 2633/2013, 481-K/2013, 482-K/2013, 527-K/2013, 528-K/2013, 529-K/2013, 530-K/2013, 536-K/2013, 545-K/2013, 546-K/2013, 561-K/2013, 597-K/2013, 608-K/2013, 610-K/2013, 611-K/2013, 825-K/2013, 827-K/2013, 831-K/2013, 887-K/2013, 891-K/2013, 106-K/2014, 115-K/2014, 127-K/2014, 300-K/2014, 328-K/2014 and 254-K/2016, filed in year 2013 to 2016 on the law and order situation by the Government functionaries which have been registered as Civil Misc. Applications by the office stand disposed of as they have become infructuous.

8. Office to relist this case on 15.7.2016 at Karachi Branch Registry.

9. A copy of this order be faxed to the Advocate General, Chief Secretary, Home Secretary and IG Police for their information and compliance.

Karachi, the
04th July, 2016

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