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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 Muhammad Ather Saeed

Suo Motu Case No.16 of 2011

On Court notice:

Mr. Abdul Fateh Malik, Advocate General, Sindh
Mr. Shahadat Awan, Prosecutor General, Sindh
Syed Ashique Raza, Dy. Attorney General
Mr. Adnan Karim, Asstt: Advocate General, Sindh
Mr. Raja Abbas, Chief Secretary Sindh.
Mr. Waseem Ahmed, Home Secretary, Sindh
Mr. Iqbal Mehmood, Addl: IGP, Sindh
Mr. Mushtaq Maher, DIG, South
Mr. Shahid Hayat, DIG East
Mr. Ali Sher Jakhrani, AIG (Legal)
Mr. Saleem Ahmed, ADIG (Legal)
Mr. Khurram Gulzar, DIG Traffic
Ms. Nasreen Ara, S.P. Traffic
Mr. Atta-ur-Rehman,
Regional Election Commissioner, Hyderabad.
Mr. Tanveer Zaki,
Regional Election Commissioner, Karachi.
Mr. Abdullah Hanjrah, Law Officer, E.C. Sindh
Mr. Saleem Raza Abbasi, Director Parole.
Mr. Manzoor Hussain, A.D. (R&P), Prisons.
Mr. Ali Hassan Brohi, Spl. Secy. Prisons.
Mr. Zafar Abbas Bokhari, I.G. Prisons
Maj. Ashfaq Ahmed, Deputy Assistant Judge
Advocate General, Pakistan Rangers(Sindh)
Mr. Shahzar Shamoon, Sr. Member, Board of
Revenue Sindh.
Mr. Umar Farooq Bullo, Director Settlement
Survey & Land Record, Hyderabad.

Date of hearing: 26.11.2012

Order

Reference to our earlier orders, today we have again taken up this case to consider the progress of compliance of various directions/observations contained in the judgment in the case of Watan Party (**PLD 2011 S.C. 997**).

2. As regards reconstruction of Revenue record and its computerization in Sindh, particularly, to save the state land from going into the hands of land mafia/grabbers, today we have specifically enquired from the Senior Member, Board of Revenue, Province of Sindh that so far what steps have been taken by his department in this regard. In reply, he has not been able to give any satisfactory explanation to our queries regarding the bogus and fraudulent entries kept in the revenue record to facilitate land grabbing of valuable State land in different revenue districts of the Province. As his explanation is found totally unsatisfactory, therefore, he is directed to submit a detailed report about up-to-date reconstruction of revenue record in Sindh, after the incident of assassination of Mohtrama Benazir Bhutto on 27th December, 2007, and various earlier judgments of the High Court of Sindh, particularly, in relation to the record which was allegedly burnt or taken away in different revenue Districts and talukas. Such report is to be submitted in Court within two days.

3. As regards the issue of arms licenses and their computerization, the Home Secretary, Government of Sindh has placed on record copy of proposed notification, whereby, according to him, efforts have been made by the Government to streamline the process of issuance, renewal and transfer of arms licenses in Sindh. During discussion, for better implementation, certain suggestions have been given to the Home Secretary, Government of Sindh, which he has promised to examine before the said notification is submitted to the Chief Minister, Government of Sindh for his approval, and its implementation. We expect that in this regard some positive statement will come on record on the next date of hearing.

4. Reference to various earlier reports of the Commissions formed in Sindh from time to time, Home Secretary, Government of Sindh is directed to trace out and submit the two reports regarding the incidents of Sukkur jail breaking and Dadu jail breaking in Sindh, for which Commissions were constituted and their reports were submitted to the Government of Sindh.

5. About the admission of 35 accused/under trial prisoners on parole, as referred to in the earlier order, today, Mr. Shahadat Awan, learned Prosecutor General Sindh has submitted District-wise break-up details upto 20.11.2012, which shows that out of 70 criminal cases, wherein these 35 accused/under trial prisoners were stated to be involved, acquittal has been recorded in 34 cases, 9 cases have been withdrawn and record of 16 other cases has not yet been traced out. Learned Prosecutor General Sindh has also placed on record another statement on behalf of Home Department, Government of Sindh to show that not 35 but 70 accused were admitted to parole, who were involved in 177 cases. He has also submitted another list of 25 criminals, who, according to the Home Department, Government of Sindh, are on parole. To our further queries with reference to these 25 criminal/convicts Mr. Shahadat Awan, learned Prosecutor General Sindh has requested for some more time to submit further details, furnishing justifications for their admission on parole. The report submitted by the Inspector General Prisons Sindh, containing the list of 70 accused involved in 177 cases, who have been admitted to parole, is taken on record.

6. On behalf of Pakistan Rangers (Sindh) Maj. Ashfaq Ahmed, Deputy Assistant Judge Advocate General, Pakistan Rangers (Sindh)

has filed a statement showing the figure of operations conducted and apprehensions made by Pakistan Rangers (Sindh) from 24th October, 2012 to 26th November, 2012. This statement is lacking in other material particulars, therefore, he is directed to submit a comprehensive report unfolding therein all the relevant details regarding these raids and the arrest of criminals during such operations. Director General Pakistan Rangers (Sindh) is also expected to be present in Court on the next date of hearing.

7. As regards the exercise of delimitation to be undertaken by the Election Commission of Pakistan, in compliance of the directions/ observations contained in the judgment of Watan Party (*supra*), we have heard the point of view of Mr. Atta-ur-Rehman, Regional Election Commissioner, Hyderabad, which is highly unsatisfactory. This being the position, the Secretary Election Commission of Pakistan is directed to appear in person in the Court on the next date of hearing to answer our queries regarding non-compliance of the requisite directions upto now.

8. Adjourned, to come up on 28.11.2012.

Karachi the
26th November, 2012
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