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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. Kamran Fazal, DIG, CID  
Mr. Manzoor Mughal, DIG, CIA  
Mr. Mushtaq Maher, DIG, South  
Mr. Shahid Hayat, DIG East  
Mr. Bashir Ahmed Memon,  
Acting Addl: IGP, Crimes.  
Mr. Aamir Farooqi, Acting DIG, West  
Mr. Ali Sher Jakhrani, AIG (Legal)  
Mr. Saleem Ahmed, ADIG (Legal)  
Mr. Rizwan Akhtar, D.G. Rangers  
Maj. Ashfaq, Law Officer, Pakistan Rangers  
Mr. Javeed Iqbal, D.G. NADRA  
Mr. Ghulam Mustafa, 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. Muhammad Ashraf Samoo,  
President, Malir District Bar Association  
Mr. Muhammad Aqil, Ex-President, KBA  
Mr. Javed Haleem, complainant, in person

Date of hearing: 24.10.2012

Order

This order is to be read in continuation of our earlier order

dated 23.10.2012.

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2. Today, dealing with observation (a), Mr. Abdul Fateh Malik, learned Advocate General, Sindh has again made request for a short adjournment so that a comprehensive report, accompanied with requisite maps/sketches, may be submitted in Court in compliance of our earlier order. Mr. Tanveer Zaki, Regional Election Commissioner, Karachi has also made similar request so that a written reply as regards compliance or otherwise of such observation of this Court may be submitted.

3. As regards observation (b), Mr. Javeed Iqbal, D.G. NADRA has appeared before this Court in response to our notice. He has confirmed the statement of the Home Secretary, Government of Sindh about entering into an agreement with them for providing necessary assistance by their institution in preparing and maintaining a complete and transparent record of all the arms licenses earlier issued by the Government of Sindh as well as the arms licenses currently being issued by the Government. He has further disclosed that currently only one office of NADRA, located in Sindh Secretariat Building, is functional for this purpose, however, upto 31.12.2012, seven other model offices will become functional in Sindh for this purpose to cater the need of arms license holders, who need to get their arms licenses computerized through such process. To our query, D.G. NADRA stated that he is unable to give any specific timeframe during which this exercise will be completed to the extent of arms license holders, who have already been issued licenses by the Government of Sindh. Keeping in view the importance and urgency of this issue, we have asked the Chief Secretary, Government of Sindh to take immediate steps for wide circulation through electronic media

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and newspapers about the opportunity being provided to all the arms license holders in Sindh to get, in the first stage, their arms licenses computerized through NADRA, within a specified timeframe; thereafter during some further specified timeframe, upon payment of some reasonable amount as penalty and then to notify the cut off date, whereafter all those arms licenses which are not got computerized will stand automatically cancelled. In response, the Chief Secretary, Government of Sindh has made request for some short time so that in this regard some policy decision may be taken by the Government and implemented accordingly. He, as well as Home Secretary, Government of Sindh have further assured that they will render full assistance to NADRA to ensure that this whole exercise is completed within some reasonable timeframe. Dealing with the subject of computerization of arms licenses, we have further directed the Home Secretary and the Advocate General Sindh to place on record the policy criteria laid down by the Government of Sindh for issuing arms licenses to the citizens and also the format of procedure undertaken/followed by the concerned Government officials for this purpose.

4. As regards observation (c), Mr. Abdul Fateh Malik, learned Advocate General, Sindh placed on record copy of notification dated 6.2.2012 to show that after promulgation of Sindh Act III of 2012, "which is the Sindh Public Property (Removal of Encroachment) (Second Amendment) Act, 2011", one Tribunal has been notified in accordance with law and is now functional at Karachi. He, however, did not dispute that despite specific observations of this Court regarding the need for fresh comprehensive law to eliminate and

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punish the land grabbers and encroachers, no such legislation has yet been introduced by the Government of Sindh.

5. As regards observation (d), Mr. Shahadat Awan, learned Prosecutor General, Sindh submitted that the Government of Sindh is making untiring efforts to ensure that all shortcomings in the functioning of ATC Courts, relating to financial constraints, shortage of staff, security of the Presiding Officers etc., are addressed within shortest time. In this regard, in response to our notice, MIT-II, High Court of Sindh has also appeared before the Court. She has submitted two reports: one, regarding pendency and disposal of cases and ratio of conviction etc., another relating to the disposal of cases before the ATC Courts since the year 2002 till 30<sup>th</sup> September, 2012. In these reports she has also disclosed some of the problems faced by the Presiding Officers of the ATC Courts, which are resulting in delay in the disposal of cases and acquittal of accused in many cases. In addition to it, she has also brought to our notice difficulties as regards accommodation, conveyance and inadequacy of staff in ATC Courts. Copies of such reports have been supplied to the Secretary, Home Department, Government of Sindh, who has requested for time to go through these reports and submit his reply as well as to take necessary steps to address these shortcomings and grievances.

6. Mr. Rizwan Akhtar, D.G. Rangers has also appeared in Court today in response to our notice. He, while addressing the Court, has highlighted the steps taken by the forces under his command to provide protection to the business community in Karachi; clear classical no-go-areas and to meet the challenge of unauthorized

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shutter down strikes in the city of Karachi. He also disclosed some of the difficulties faced by the forces under his command, while taking action against the criminals with or without assistance of police so that they are properly and legally brought to justice before the Courts of law.

7. As to the observation (d), Mr. Abdul Fateh Malik, learned Advocate General Sindh and Raja Abbas, Chief Secretary Sindh have brought to our notice that the issue regarding payment of compensation at the rate of Rs.5,00,000/- each to the bereaved families of the remaining deceased lawyers, as detailed in paragraph No.76 of the judgment, will be resolved during the course of the day by issuance of requisite cheques and such compliance report will be submitted in Court by tomorrow.

8. With the above noted proceedings in this case, further hearing is adjourned to 25.10.2012.

Karachi the  
23<sup>rd</sup> October, 2012  
Not approved for reporting.  
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