

T95

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali HCH  
Mr. Justice Amir Hani Muslim  
Mr. Justice Mushir Alam  
Mr. Justice Faisal Arab  
Mr. Justice Khilji Arif Hussain

SMC No.16 of 2011 and 07 of 2016 etc  
(Suo Moto Action regarding Karachi Law and Order situation)

In attendance: Mr. Ashtar Ali Ausaf Attorney General of Pakistan.  
Mr. M. Aslam Butt, Deputy Attorney General.  
Mr. Zamir Ghumro A.G. Sindh.  
Mr. Adnan Karim Addl. A.G. Sindh.  
Mr. Shahadat Awan P.G. Sindh.  
Barrister Gh. Mustafa Mahesar AAG Sindh.  
Ch. M. Farooq Law office NADRA  
Mr. Arif Ahmed Khan Secretary Interior.  
Mr. Siddique Memon Chief Secretary Sindh.  
Mr. Riaz Soomro Home Secretary.  
Mr. A.D. Khowaja I.G. Police Sindh.  
Mr. Mushtaq Mehar Additional I.G.P.  
Mr. Sanaullah Abbasi DIG.  
Mr. Munir A. Shaikh DIG South.  
Mr. Kamran Fazal DIG East.  
Mr. Sultan Khawaja DIG CIA.  
Mr. Ghulam Shabbir Memon AIG Legal.  
Dr. Saeed A. Qureshi focal person to Chief  
Secretary.  
Mr. Amanullah Zardari Focal person to Home  
Secretary.  
Dr. M. Ismail Shah, Chairman PTA with Mr. Ali  
Akbar Sehto Law Officer PTA.

Date of hearing: 28.07.2016

ORDER

Anwer Zaheer Jamali C.J.- This order may be read in

continuation of our earlier order dated 21<sup>st</sup> July, 2016.

2. Today when this case has been taken up for further proceedings Mr. Aslam Butt Deputy Attorney General has filed a statement in writing accompanied with a report on behalf of Ministry of Interior regarding compliance of earlier order which is accompanied with certain documents. This report is taken on record.

3. The Advocate General Sindh has also placed on record report of the Chief Secretary Government of Sindh being report No.79-K of 2016 as well as additional report submitted by the Section Officer Government of Sindh containing copy of letter dated 25<sup>th</sup> July 2016 which are taken on record.

4. The earlier report submitted by Mr. Sajid Ilyas Bhatti, D.A.G. is also taken on record.

5. The learned Advocate General Sindh submits that for compliance of directions contained in paragraph 1 of the last order dated 21<sup>st</sup> July 2016 report has been finalized which will be submitted before the Court for perusal within a week's time. He states that this report is only confined to the release of four persons on parole as named in the earlier order dated 08.03.2016. The learned Advocate General Sindh and the Chief Secretary are directed to submit further detailed report providing particulars of all persons who have been released by the Sindh government on parole after the order under implementation passed in Watan Party Vs. Federation of

Pakistan (PLD 2011 SC 997). They shall also submit details of all the accused/convicts, who have escaped from different jails of Sindh during the same period, within two weeks. The respective requests of the Chief Secretary Sindh and the I.G. Sindh for submission of compliance report in respect of paragraphs 2 and 3 of the earlier order are also granted and two weeks further time is allowed.

6. We have perused the report, numbered as 79-K of 2016 filed by the Chief Secretary Sindh. The report reflects that different agencies including Sindh Government had installed CCTV Cameras, but the Cameras installed by the Sindh Police are not functional since years together. Out of 820 CCTV Cameras of 2 Mega Pixel only 17 are functional. The Chief Secretary Sindh in his report has stated that the Cameras were installed at the recommendation of Technical Evaluation Committee but it did not recommend maintenance after installation and therefore, they are not functional for the last several years. It is pathetic state of affairs. The Sindh Government according to the Chief Secretary has now decided to maintain/repair these Cameras, which according to the I.G. Police cannot identify the persons as they do not have the capability besides it they have very poor vision. Spending any amount on maintenance of these CCTV Cameras would be sheer waste of public money. On the last date of hearing, the Chief Secretary Sindh has made a statement that for the purpose of upgradation of the CCTV Cameras, the Sindh Government

has placed funds at the disposal of the I.G. Police Sindh. Today I.G. Police making reference to the provided funds to the Sindh Police submits that the funds made available are meant only for the purpose of providing better transport, arms and ammunition to the police force and not for the purpose of upgradation/installation or maintenance of the CCTV Cameras. He further states that the force under his command lacks technical skills required for the purpose of purchase of CCTV Cameras. Therefore, it will be appropriate that proper working shall be made by the Sindh Government to meet the challenges, in this regard either by hiring services of private enterprises or by induction of duly skilled staff in the police force.

07. We therefore, direct the Chief Secretary Sindh to ensure that funds are made available for the purchase of high powered new CCTV Cameras.

8. We direct the Chief Secretary Sindh to take immediate steps for allocation of funds for purchasing high powered CCTV Cameras forthwith. The Chief Secretary Sindh Shall report back the steps to be taken by Sindh Government to save the lives and properties of the residents of Karachi at large.

9. We have noticed that Madadgar-15 which is meant for immediate response to the public complaints has failed to deliver and there seems to be no accountability in the Wing. We are further

J:

informed that Madadgar-15 is supervised by Special Security Unit (SSU). We enquired from the Chief Secretary Sindh as to why Madadgar-15 which is a technical wing, has <sup>been</sup> placed under the supervision of SSU, when this wing has no nexus with the field force, he could not offer any plausible explanation. He however, stated that the Sindh Government will have no objection if Madadgar-15 is placed under the command of CCPO Karachi and CCPO with the assistance of technical staff in police will make it effective. With the consent of Chief Secretary Sindh and the I.G. Police, Madadgar-15 shall be part of Karachi police under the command of CCPO Karachi, who in turn shall make it effective by upgrading it and providing technical staff to improve its working. Such Notification shall be issued by the Chief Secretary Sindh forthwith.

10. In response to the directives contained in the judgment reported in Watan Party and another vs. Federation of Pakistan and others (PLD 2011 S.C 997), an evasive report has been submitted by the Sindh Government. We are of the considered view that no concrete steps have been taken by the Sindh Government to address the issues detailed in the judgment. We enquired from the Chief Secretary Sindh as to the steps the Sindh Government has taken in raising the police force. He informed us that the Sindh Government has sanctioned 20,000 vacancies of police personnels. According to him police personnel are being recruited through proper and

transparent procedure by inviting applications through public notice.

He submitted that advertisements in this respect have appeared in the print media. The I.G. Police says that recruitment process in Karachi did start but on account of administrative ban imposed by the Sindh Government it has been kept in abeyance. The Chief Secretary Sindh disputes and states that the administrative ban is not extended to the recruitment process in the Sindh police. The I.G. Police states that after this clarification of the Chief Secretary Sindh in Court, the recruitment process of the police personnel shall be completed within one month in Karachi whereas, recruitment process outside Karachi Zone shall be completed within three months.

11. We direct I.G. Police to complete the aforesaid recruitment process in the Sindh police, which is need of the day, in the shortest possible time on merits and in a transparent manner. The Chief Secretary Sindh has already given assurance that the Sindh Government shall facilitate I.G. Police to complete proposed recruitment in Sindh Police.

12. The Attorney General for Pakistan who has remained present during the whole proceedings of this case has assured that in order to address the grievance of law enforcing agencies in Sindh in the context of geo-fencing and locators etc. a high level meeting will be arranged so that these issues and other ancillary issues are decided

191

amicably between the federal and provincial agencies and the two governments. He has requested for two weeks' time for this purpose which is allowed.

Office is directed to relist this case on 11<sup>th</sup> August, 2016.

---

Sd/= Anwar Zaheer Jamali, HC  
Sd/= Amir Hani Muslim, J  
Sd/= Mushir Alam, J  
Sd/= Faisal Arab, J  
Sd/= Khilji Arif Hussain, J

Karachi  
Dated 28<sup>th</sup> July,  
(Farooq)