

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

**PRESENT**

**Mr. Justice Iftikhar Muhammad Chaudhry, HCJ**

**Mr. Justice Jawwad S. Khawaja**

**Mr. Justice Khilji Arif Hussain**

**Mr. Justice Amir Hani Muslim**

**Mr. Justice Sh. Azmat Saeed**

**Suo Moto Case No. 16 of 2011 etc.**

(Implementation proceedings of judgment  
of this Court reported as PLD 2011 SC 997)

For the petitioners: Mr. Ghulam Qadir Jatoi, AOR (In CrI. O. P. 96/12)  
Barrister Zafarullah Khan, ASC (In CrI. MAs 66-K to 68-K/2013)

For the applicants: Mr. Rasheed A. Rizvi, Sr. ASC (In CMA2664/13)  
Raja Muhammad Irshad, Sr. ASC (In CMA589-K/13)  
Mr. Tariq Asad, ASC (In CMA 1075/13)  
Mr. Yasin Azad, ASC (In CMA 149-K/13)  
Syed Jamil Ahmed, ASC (in CMA 4141/13)  
Dr. M. Farough Naseem, ASC (In CMA 2033/13 etc)  
Ms. Sofia Saeed Shah, ASC (In CMA 4017/13 etc)  
Mr. Salman Akram Butt, ASC (In CMA 532/2013)  
Mr. Mazhar Ali B. Chohan, AOR (In CMA 2263/13 etc)  
Mrs. Sheraz Iqbal Chaudhry, AOR (In CMA 3820/13)  
Mr. K. A. Wahab, AOR (In CMA 3372/13 etc)  
Mr. Shoaib Faridi, in person (in CMA 3282/13)  
Syed Mehmood Akhtar Naqvi, in person (in CMA2460/13 etc.)  
Mr. Saleh Muhammad, in person (In CMA 3576/13)  
Mst. Hajani Zar Malik, in person (In CMA 464-K/13)  
Syed Adil Gilani, in person (In CMA 534-K/13)  
Mother & Sister of Juma Sher Pathan (In CMA 229-K/13)

**On Court's Notice:**

For the Federation: Mr. Muneer A. Malik, AGP  
Mr. Ashiq Raza, DAG assisted by  
Mr. Faisal Siddiqui, Adv.

For Govt. of Sindh: Mr. Khalid Javed Khan, AG  
Mr. Shahadat Awan PG  
Mr. M. Sarwar Khan, Addl. A.G.  
Mr. Muhammad Ejaz Chaudhry, CS  
Syed Mumtaz Shah, Home Secretary.  
Mr. Nusrat Hussain, IG Prisons.  
Mr. M. Shoaib Siddique, Commissioner.

For Sindh Police: Mr. Shahid Nadeem Baloch, IGP  
Mr. Zakir Hussain, Addl. IGP Special Branch

	Mr. Shahid Hayat, Addl. IGP Karachi Mr. Abdul Khalique Sheikh, DIG South Mr. Javed Odho, DIG West Mr. Muneer Shaikh, DIG East Mr. Ali Sher Jakhrani, AIG (Legal) Mr. M. Saleem, ADIG Legal Mr. Sultan Khawaja, DIG CIA
For DG Rangers:	Mr. Shahid Anwar Bajwa, ASC Maj. General Rizwan Akhter, DG Major Ashfaq Ahmed, DA JAG
For Board of Revenue:	Mr. Yawer Farooqui, ASC Syed Zulfiqar Ali Shah Member Mr. Nazar Muhammad Laghari, Consultant
For the KPT:	Mr. Shaiq Usmani, Sr. ASC
For Frontier Constabulary:	Nemo
For Customs Deptt:	Raja Muhammad Iqbal, ASC Mrs. Masooda Siraj, ASC Mr. Muhammad Yahya, Chief Collector, Enforcement Mr. Nasir Masroor, Chief Collector of Customs Mr. Khawar Fareed Manika, DG Afghan Transit.
For Pakistan Maritime Security Agency:	Mr. Umar Hayat Sandhu, ASC Rear Admiral Ather Mukhtar, DG PMSA Lt. Cdr. Muhammad Afzaal, DI (L)
For Pakistan Coastal Guards:	Brig. Shehzad Akhtar, DG PCG Maj Shehzad Saleem Khan, LO
For the AGP:	Mr. Shoaib Zafar, AAO (In Const. P. 19/13)
For the ECP:	Mr. Attaur Rehman, Regional Election Commissioner.
Dates of hearing:	20.9.2013.

## **ORDER**

**Iftikhar Muhammad Chaudhry, CJ.-** For the last few years a critical, serious and dismal condition of law and order is prevailing in the Karachi city. Unscrupulous persons have certainly made the life of the citizens difficult in all walks

of life by indulging in nefarious criminal activities i.e. target and sectarian killing, kidnapping for ransom, extortion (*bhatta*), drug peddling land grabbing, causing disturbances thereby effecting citizens, who earn their livelihood on a daily basis. Thus, day by day it has become very hard for the citizens of Karachi to lead a peaceful life because of the reasons mentioned hereinbefore and for so many other factors.

2. The only satisfactory aspect of the case is that a Democratic set up through an elected government continued. Now after fresh elections held on 11<sup>th</sup> May, 2013, a duly elected provincial government has been installed. Of course, there would be election complaints and in terms of the Constitution the forums set up thereunder have already taken cognizance on the requests of aggrieved persons but as far as law and order situation prevailing in the city is concerned, there is no second opinion except as noted hereinabove. For the last few years the law and order situation has deteriorated day by day. What could be more disappointing to the citizens than receiving the dead bodies of their nears and dears ones. At times in the target killing the law abiding citizens are brutally murdered or subjected to other heinous crimes. As far back as in the month of August, 2011 this Court in the case of Watan Party and

another v. Federation of Pakistan and others (PLD 2011 SC 997) took cognizance of the situation prevailing even at that time. Arguments were heard and material produced on record examined and after a lengthy hearing of the case, in which all the stakeholders from different walks of life including the Law Officers of the Federation as well as of the Provincial Government appeared and put forward their viewpoints; a judgment was delivered in the above case, wherein *inter alia* it was observed that violence in Karachi during the current year and in the past is not ethnic alone but it is also a turf war between different groups having competing economic, socio-political interests who wish to strengthen their position/control, based on the phenomenon of "tit for tat" with political, moral and financial support or endorsement of political parties which claim representation on behalf of the public of Karachi, including components and non-components of the Provincial Government and in this context further observations and directions were passed. As per one of the directions, the Chief Justice of the learned High Court of Sindh, was to monitor on a monthly basis as to whether the observations and the directions made by this Court in exercise of powers under Article 184(3) of the Constitution of the Islamic

Republic of Pakistan, 1973, have been implemented or not? Despite of monitoring by the learned High Court no satisfactory result was achieved, as a consequence whereof again, from time to time, the case was fixed for hearing before this Court to ensure the protection of life of the citizens of this country, particularly, in view of the prevailing situation in Karachi, as in terms of Article 9 of the Constitution, it is the duty of the State to ensure the protection of life of all the citizens who are subject of the Constitution.

3. The Court has been trying to make both the Federal as well as the Provincial Government of Sindh realize that they must discharge their obligations of protection to the life and property of the citizens. In the same context, a comprehensive order was passed, particularly, inquiring from the learned Attorney General for Pakistan as well as the learned Advocate General about the steps which are being taken by both the governments in order to fulfill their obligations under the Constitution as well as to comply with the directions and the observations which have already been made in the Watan Party's case (ibid). There were other important observations, which we will be dealing with hereinafter at the appropriate stage. However, in response to the observations which have

been noted hereinbefore, the Sindh Government through the learned Advocate General has filed CMA 585-K/2013, a perusal whereof suggests that in pursuance of meeting dated 04.09.2013 of the Federal Cabinet meeting presided over by the Prime Minister, in coordination with the Provincial Government, major decisions were taken to improve the law and order situation in the city and to provide safe and secure environment to its citizens. In this meeting, it was decided to initiate a targeted operation under the command of Pakistan Rangers, Sindh, assisted by the Sindh Police and supervised by the Chief Minister. Relevant paras of the said CMA are reproduced herein below:

"2. Launch of targeted operation in Karachi as decided during Federal Cabinet Meeting dated 04.09.2013

- i. *The Federal Cabinet meeting was convened at Governor House Karachi under the chairmanship of Prime Minister of Pakistan 4<sup>th</sup> September 2013, in coordination with provincial government. Major decisions were taken to improve the law and order conditions in the city and to provide safe and secure environment for its citizens. It was decided to initiate a targeted operation under the command*

*of Pakistan Rangers (Sindh), which will be assisted by the Sindh Police and supervised by the Chief Minister, Sindh.*

- ii. The operation started from 5<sup>th</sup> September, 2013 and so-far it has yielded positive results in curbing heinous crimes including target killing, extortion (bhatta), kidnapping for ransom and other terrorist activities. Large numbers of operations have been carried out, arms and ammunitions have been recovered, extortionists and target killers have been arrested.*
- iii. During the meeting of Federal Cabinet on 4.9.2013, the matter of bringing existing and new Mobile Phone SIMs on CNICs was taken up by the provincial government. The Federal Government responded extremely positively and shown the resolve to complement the efforts of the provincial administration.*
- iv. Chief Minister, Sindh held a series of meetings to review the progress of targeted operations regarding law & order situation in Karachi in which it was decided to amend various laws for expeditious punishments to the culprits,*

*and enact Witness Protection Act to improve prosecution.*

- v. Pakistan Rangers, Sindh have been facilitated in five Police Stations of Karachi, one in each district of Karachi, to supervise the work of Registration and Investigation of specific cases.*
- vi. A meeting was held on 7.9.2013 with Dig (CIA), and Prosecutor General Sindh, under the chairmanship of Additional Chief Secretary, Home, Sindh to discuss in detail and propose amendments in law, authorizing the Senior Police Officer/SHO to become complainant in cases of Kidnapping for Ransom and Extortion.*
- vii. Progress of Targeted Operation is being monitored personally by Chief Minister and Chief Secretary, Sindh on daily basis. Bottlenecks, if any, are being removed on priority basis to achieve optimum results.*

*To improve coordination between different Law Enforcing Agencies and Intelligence Agencies a joint meeting was also held under the chairmanship of Chief Secretary Sindh on 2<sup>nd</sup> of September 2013.*



3. Curbing the menace of Arms and Ammunition smuggling/proliferation

- i. *Chief Secretary, Sindh held a meeting with Chief Collector Enforcement, Karachi and the Collector Customs, MCC, Gwadar to ascertain the ways and means through which illegal arms and ammunition is smuggled into Karachi curb this menace. It was emerged that due to lack of coordination among the provincial law enforcement agencies and customs authorities, non-communication of credible intelligence information to Customs in advance, and resource constraints, the enforcement mechanism has not been very effective.*
- ii. *Therefore, Chief Secretary, Sindh made a reference to Federal Board of Revenue to take measures for effective enforcement to curb illegal trafficking of arms/ ammunition. Chief Secretary, Sindh also made a reference to Ministry of Interior for timely sharing of intelligence reports with Customs authorities to enable them to efficiently intercept the flow of arms/ammunition smuggled into the city. Ministry of Interior has also been requested to equip the enforcement machinery with modern technological methods to check*

*the movement of arms/ammunition and smuggling of other goods.*

- iii. Chief Secretary, Sindh made a reference to Ministry of Interior and Federal Investigation Agency (FIA) apprising them about the escape of criminal elements abroad or to other provinces after committing crime. It has been requested to facilitate the Government of Sindh by devising a mechanism to forestall the fleeing criminals abroad and into other provinces from Karachi.*
- iv. In pursuance of request made by Secretary, Home and Tribal Affairs Balochistan, a joint meeting was convened by Additional Chief Secretary, Home Sindh regarding construction of police pickets and enhance police patrolling in the bordering areas of Sindh and Balochistan Provinces in order to check the movement of unscrupulous elements while crossing the border. They agreed on sharing of information between Law Enforcing Agencies of both provinces and fortnightly meeting of DC and DPO Lasbella with DC Karachi West and SSP West, Karachi.*

- v. *Chief Secretary, Sindh has also made a reference to Ministry of Interior and Ministry of SAFRON, to formulate a concrete policy and issue directives to National Aliens Registration Authority (NARA) to register all illegal/unregistered afghans, as NARA is presently not mandated to start the registration of Afghans. It has also been requested that new registration should also be linked with existing Afghan. National Databas maintained by NADRA and other databases as well.*
- vi. *On issue of registration of illegal immigrants, Home Department, wrote letters to Ministry of Interior, Government of Pakistan to convene a meeting in Ministry of Interior Inviting all concerned i.e. FIA, Foreign Office, Ministry of Law, NARA, NADRA, Home Department and Sindh Police to prepare a joint action plan/strategy for launching special drive against illegal aliens staying in Karachi.*
- vii *Home Department has entered into an agreement with NADRA regarding issuance of new computerzed arms licenses as well as revalidation of old manual licenses in Home Department*

*and eith districts of Sindh province.  
Implementation of revalidation of one  
million arm licenses in districts will  
be started in October, 2013."*

4. Learned Attorney General for Pakistan has also filed CMAs No.599-K and 600-K of 2013 in sealed envelopes claiming confidentiality of its contents in the public interest. However, learned Attorney General states that, after having gone through the same, if the Court is of the opinion that same has to be made public, he would have no objection. We have opened the sealed envelopes and have gone through the contents of the applications. At this stage, we are of the opinion that both the CMAs alongwith other documents, which are of important nature, are not required to be made public in the interest of implementation of the plan, which has been prepared by both the Federal and the Provincial Governments. We have noted with appreciation that to ensure the protection of life and property of the citizens, both the governments on having realized their commitments and duties under the Constitution had decided to effectively play their role as the Constitution calls for, particularly, the role of the Federation under Article 148(3) of the Constitution. And we may also observe that the actions taken after the 4<sup>th</sup> September, 2013, are

only the beginning and to ensure that writ of the government prevails in the city of Karachi a lot of work is required to be done.

5.            Learned Advocate General on behalf of the Police has submitted a comparative report for the period commencing from 21.08.2013 to 04.09.2013 i.e. before commencement of targeted operation and from 05.09.2013 to 19.09.2013 after the commencement of the action to maintain the law and order. These figures are reproduced herein below:

<i>Heads</i>	<i>15 days Comparative</i>	
	<i>From 05<sup>th</sup> to 19<sup>th</sup> September</i>	<i>From 21<sup>st</sup> August to 04<sup>th</sup> September</i>
<i>Target Killing</i>	10	17
<i>Dacoity/Robbery</i>	02	03
<i>Personal Disputes</i>	13	15
<i>Bomb Blast</i>	-	04
<i>Motives Not Ascertained</i>	35	135
TOTAL	60	174

6.            A perusal of the above comparative table of 15 days makes it clear that there is some progress as far as the

commission of the crime under the headings noted hereinabove are concerned. He has also placed on record a summary of the major achievements during the said period, which is also reproduced herein below:

“MAJOR ACHIEVEMENTS DURING  
4<sup>TH</sup> SEP TO 18<sup>TH</sup> SEPT – 2013

- On 13<sup>th</sup> Sep 2013, Kharadar Police after an encounter arrested accused namely Umair s/o Niaz along with Pistol. During interrogation accused disclosed to have committed target killing of 10 persons.
- On 16<sup>th</sup> Sep 2013, AVCC / CIA arrested 05 kidnappers and recovered kidnappee, namely, Umar Mehmood (FIR No.522/13 u/s 365-A/34 PPC of PS Boat Basin) arrested Kidnappers demanded 1.5 million as Ransom for release of kidnappee.
- SIU Police arrested 5 dacoits, namely, Zahid, Asif, Aijaz, Noor Muhammad and Imran and recovered 1.355 KG gold (Case FIR No.167/2013 u/s 395 PPC of PS Bahadurabad.
- On 17<sup>th</sup> Sep 2013, Mochko Police District West on patrolling tried to stop motorcycle riders who opened fire on police party, on retaliation police party responded resultantly both criminals, namely, (1) Syed Zeeshan Ali s/o Mukhtiar Ali and (2) Muhammad Ibrahim received bullet injuries and expired, 02 TT Pistols recovered from their possession.

- On 18<sup>th</sup> Sep 2013, Bilal Colony Police, District Central arrested 02 Target Killer / Bhatta Collector, namely, (1) Muhammad Amir @ Khushka s/o Noor Muhammad and (2) Zahid @ Mahto s/o Muhammad Ishaq after an encounter and recovered 02 Pistols and 01 motorcycle. Accused wanted in Case FIR No.162/13 u/s 302/324/34 PPC, FIR No.28/13 u/s 302/34 and FIR No.145/13 u/s 384/386/337-B of PS Gulshan-e-Maymar.
- On 18<sup>th</sup> Sep 2013, New Karachi Police District Central arrested 01 Bhatta Collector, namely, Muhammad Abid s/o Muhammad Yousuf after an encounter and recovered 01 Pistol. Accused wanted in case FIR No.529/12 u/s 386/506/25-D Telegraph Act of PS New Karachi. FIR No.344/13 u/s 384/385/34/25-D Telegraph Act of PS New Karachi.
- On 18<sup>th</sup> Sep 2013, in the limits of Baghdadi Police District City during an encounter with criminal of Lyari Gangwar 03 criminals, namely, (1) Noman s/o Iqbal Patani, (2) Imran Chohan s/o Haji Bhai and (3) Abdul Ghafoor s/o Haroon were killed. Police recovered 03 Pistols from their possession.
- South Police with the help of Punjab Police conducted a raid in Lahore and arrested accused Ameen Buledi of Lyari Gang War. He is wanted in 28 cases of kidnapping for ransom and target killing. There are hundreds of complaints of extortion against him and his

gang. The civil society is being contacted to registered cases against him.

- Accused Amir Billa, Nadeem Irfan, Imran, Owais besides 10 others wanted in innumerable cases of target killing and extortion have been arrested by south police from Murree with the help of intelligence agencies and Punjab Police.
- Two accused were apprehended by East Police who were transporting weapons including an LMG.

7. Mr. Shahid Anwar Bajwa, learned ASC has filed a confidential report (CMA No.609-K/2013) contents whereof pertains to the steps being taken by the Rangers and the Police in pursuance of meeting dated 04.09.2013. On having gone through the report, we consider it appropriate not to make its contents public at present in the public interest. Therefore, office is directed to keep the application confidential in a sealed envelope. Both the CMAs filed by learned Attorney General for Pakistan and the report submitted by Mr. Shahid Anwar Bajwa, learned ASC shall only be allowed to be opened, if need be, with the prior permission of the Court.

8. Mr. Shahadat Awan, learned Prosecutor General, Sindh, has also filed a statement, perusal whereof indicates a very alarming situation that there are 110549 absconders/



proclaimed offenders in the 27 Districts of Sindh, out of which 33665 are from the five Districts of Karachi. To substantiate the information so disclosed, a chart has also been appended with the statement according to which such absconders etc. were declared so in different cases during the last five years commencing from 2008 to 2013. One could well imagine why in a city like Karachi is in the grip of criminals who are free to commit crime whenever and wherever they like and the documented/declared numbers of such persons is 33665. The said figures are very difficult to reconcile with and what security and safety a citizen can expect from a police whose files/dockets are full of a large number of accused persons involved in different cases. Has the police force taken upon itself a dedicated commitment to reduce the crime and arrest the large number of absconders? When we inquired this from the Inspector General of Police, he stated that twice campaigns were launched by him to cause the arrest of such persons. The statement so made by him is not acceptable. Had the culprits been brought to book, it definitely would have reduced the crime in the city which is being committed everywhere and not a single corner of the city is protected. It is not the duty of any one SHO rather collectively, the whole police force is

answerable because their basic obligation is to provide protection to the citizens but here the situation is that despite clear directions on the subject neither any serious effort has ever been made for causing the arrest nor there is a future plan, as nothing has been mentioned in the statement, which has been filed by the learned Prosecutor General. No only this, there is another fact which is required to be noted that 6822 absconders/proclaimed offenders are involved in terrorism cases in the Province of Sindh out of which 1486 are from Karachi, detail thereof has also been furnished. As far as the Districts of Karachi are concerned, it is true that the learned Prosecutor General has come out with the correct facts disclosing the number of such persons who are involved in the terrorism cases. During the course of operation which commenced w.e.f. 04.09.2013 to onward such like accused persons who are terrorists or other criminals, are likely to confront the law enforcing agencies, therefore, the police force has to further share the burden by accelerating their efforts to cause the arrest of absconders involved in the ordinary crimes as well as in the terrorism cases including by adopting a strategy under rules 23.22(2) and 23.23 of the Police Rules, 1934.

For their convenience and apprising the senior police officers about their duties, the same are reproduced herein below:

***" 23.22. Register of proclaimed offenders : (1).....***

*(2) In January of each year a statement in English in Form 23.22(2) shall be submitted to the Deputy Inspector General, Criminal Investigation Department, showing the result of action taken against proclaimed offenders during the past year. An abstract of such a statement shall be prepared in the office of the Deputy Inspector-General, Criminal Investigation Department, and published in the Police Gazette. The figures relating to the proclaimed offenders, who are registered members of the criminal tribes, shall be given separately.*

***23.23. Revision of lists of proclaimed offenders:*** (1) Every Superintendent shall carefully revise his list of proclaimed offenders periodically and omit from, therefrom, after consultation with the District Magistrate and the Superintendent of the district, in which such person was proclaimed, the names of persons accused of trivial offences or concerned in cases where, from lapse of time, no sufficient evidence is on record or is procurable.

(2) Due intimation of such omission shall be sent to the officer-in-charge of the police station concerned; intimation shall also be sent to the Deputy Inspector General, Crime Branch, in those cases in which intimation of proclamation was given, or in which a notice issued in the Criminal Intelligence Gazette.

*(3) A separate revised list shall be submitted for proclaimed offenders who are registered members of criminal tribes."*

9. Similarly, the break up of the cases pending before the different Courts under the Arms Ordinance, 1965 etc. have been mentioned details whereof are noted herein blow:-

*"(a) The detail of 14157 cases for the offences under Pakistan Arms Ordinance, 1965 for the period for 6-10-2011 to 31-5-2013 is enclosed herewith as Annexure 'C'.*

*(b) The detail of 1827 cases for the offence under Sindh Arms Act, 2013 for the period from 1-6-2013 to 31-8-2013 is enclosed herewith as Annexure 'D'.*

*(C) The detail of 459 cases for the offence under Explosive Substance Act, 1908 for the period from 6-10-2011 to 31-8-2013 is enclosed herewith as Annexure 'E'.*

11. The learned Prosecute General, Sindh, may place on record the accurate position of the cases, pertaining to the City of Karachi alongwith the names of the Courts where these cases are pending. On receipt of the same, the Registrar shall send this data to the concerned trial Courts with the direction that they are required to conclude the hearing of cases on preferential basis by proceeding on a day-to-day basis without

granting unnecessary adjournments unless they are unavoidable.

12. The learned Advocate General, Sindh, stated that after filing the report on 18.09.2013, the Provincial Government had passed Sindh Witness Protection Act, 2013 (Act of 2013), the copy of the Bill has been placed on record which is likely to be signed by the Governor Sindh.

13. It is to be noted that there was a necessity of having a law for providing protection to witnesses who dare to appear before the Courts in the criminal cases involving heinous crimes because on account of the terror of the accused persons, the witnesses do not feel protected enough to come forward and depose against them as a result whereof they succeed in getting themselves acquitted from the Courts of law. However, we are of the view that by the enforcement of the Act of 2013 in the Province of Sindh, there is a fair chance of producing evidence against the accused persons facing trials before the Special Courts under the Anti-Terrorism Act, 1997 (Act of 1997) and other heinous crimes. However, we may note here that under the Act of 1997, a provision already exists for providing protection to the witnesses. There are cases in which on account of non-providing of protection to the witnesses, despite the

directions by the learned High Court, they have been killed, reference in this behalf, could be made to the case of Wali Khan Babar. We have asked the learned Prosecutor General to produce before us the details of the said case i.e. Wali Khan Babar's matter pointing out as to whether any proceedings have been initiated against the culprits involved in his murder as well as the proceedings against the accused who had killed the witnesses. All the responsible police officers are directed to ensure arrest of all the accused persons involved in all the said heinous offences. Similarly, the Courts seized of the matters may make all necessary efforts through the law enforcing agencies to cause their arrest or to proceed against them in terms of Sections 87 and 88 of the Cr.P.C.

14. It has been informed by the learned Prosecutor General that proceedings in the case of murder of Wali Khan Babar have been concluded and now hearing is fixed for 10.10.2013. Without causing prejudice to the case of the accused persons, the learned trial Court may keep in its mind that such cases are required to be concluded within 7 days under Section 19 of the Act of 1997. However, if a request is made for antedating the hearing, the trial Court shall examine the plea and if allowed the case should be decided at the earliest without

further loss of time. Similarly, the accused persons who have killed the witnesses shall also be dealt with strictly in accordance with law.

15. It may not be out of context to mention that with reference to providing protection to the Judges, Prosecutors and witnesses etc. of the cases pending before the Anti Terrorism Courts relating to the heinous crimes, following the dictates of this Court a meeting was convened at Islamabad. The copy of the minutes of the aforesaid meeting has already been sent to the concerned quarters. It is a matter of satisfaction that the Provincial Government of Sindh had taken the lead in promulgating a law on the subject and we expect from the other Provincial Governments to attend to this issue as well at the earliest.

16. The learned Prosecutor General has produced the following details of the cases of murders of prosecution witness/informers in Wali Khan Babar's case, which is reproduced as under:

"STATEMENT ON BAHALF OF PROSECUTOR GENERAL, SINDH

In Wali Khan Babar Case

*It is respectfully submitted that, as per Police reports, the details for murders of prosecution witness/informers in Wali Khan Babar Case are as under:-*

S. No	FIR	Under Section	Police Station	Name of deceased	Name of Accused	Remarks/ Investigation
01	358/2012	302/34 PPC	Soldier Bazar	Haider Ali S/O Muhammad Ali	Untraced	FRT "A" Class dated 11.12.2012 submitted but with the order of DIG East reopened on 19.09.2013 and under investigation
02.	77/2011	302 PPC	Gulshan-e-Iqbal	Rajab Bangali S/O Abdul Razzaque	Untraced	FRT "A" Class dated 13.03.2012 submitted but with the order of DIG East reopened on 19.09.2013 and under investigation
03	269/2011	302/34 PPC	Gulshan-e-Iqbal	Naveed Ahmed Tanoli S/o Rafique Muhammad Khan	Muhammad Junaid Qureshi S/o Muhammad Naeem Qureshi	Pending trial in the court of ADJ IVth South
04	80/2011	302/34 PPC	Mobina Town	HC Muhammad Arshd Kundi S/o Muhammad Zaffar Khan	Untraced	FRT "A" Class dated 13.06.2012 submitted but reopened and on 30.08.2013 entrusted to SIP Mairaj-ud-din Crime Branch and is under investigation
05.	22/2011	302/34 PPC	Liaquatabad	PC Muhammad Asif S/O Muhammad Rafique	Untraced	FRT "A" Class submitted but reopened and on 29.08.2013 entrusted to SIP Mairaj-ud-din Crime Branch and is under investigation

17. It may be observed that as a result of the targeted operation after the decision by the Federal and the Provincial Governments jointly on 4<sup>th</sup> September, 2013, the prosecution has to remain very vigilant and active to ensure that incriminating evidence according to law is collected against the



culprits who are involved in the commission of offences and are booked to face the trials. If the cases are fall within the schedule of Anti Terrorism Act, 1997, and the cases are submitted before the Special Courts under the ATA, the Presiding Officers are directed to adhere to the provisions of section 19 strictly which requires decisions of such like cases within 7 days and in accordance with the provisions of the Act of 1997 and as mentioned in the case of Sh. Liaqat Hussain and others v. Federation of Pakistan through Ministry of Law, Justice and Parliamentary Affairs, Islamabad and others (PLD 1999 SC 504). The decisions of these cases shall also be communicated to the Incharge Judges of the learned High Courts and the Supreme Court appointed to ensure the expeditious disposal of the cases in accordance with law as per the directions of this Court in the case of Sh. Liaqat Hussain and others (*supra*).

18. It has been informed that from 4<sup>th</sup> September, 2013 to onward, a number of cases have been filed. Without prejudice to the cases of accused persons, we would like to make observation for the expeditious disposal of these cases as it has been earlier noted hereinabove.

19. In the case of Watan Party and another (*supra*), we have specifically observed as follows:

*"Further observe that Karachi is full of arms and ammunition of prohibited and non-prohibited bores including licensed and illicit, therefore, Karachi has to be cleansed from all kinds of weapons by adhering to the laws available on the subject, and if need be, by promulgating new legislation. All licensed arms genuinely required for security concerns and personal safety may be retained but these must also be registered with NADRA. All other licenses, where such need cannot be shown or where multiple licenses have been issued to the same individual (as distinct from security firms) if not justified, or which are used for unnecessary display at ceremonies or elsewhere for aerial firing should be cancelled after summary and expeditious proceedings in accordance with law;"*

20. The learned Advocate General stated that so far no action in terms of the provision 6 of the Surrender of Illicit Arms Act, 1991 (Act of 1991), has been initiated. The said provision reads as under:

***"Publicity for surrender of illicit arms. (1)***  
*The Federal Government and the Provincial Government shall give wide publicity to the provisions of this Act on the media, including television, radio, national and regional press, in Urdu, English and regional language or by any other mode as may be prescribed.*

*(2) There shall be publicity displayed a count-down of every expired day of the period allowed for surrender of illicit arms under this Act and the number of days left for such surrender".*

21. We have pointed out to him that after the 18<sup>th</sup> Constitutional Amendment, both the Federal and the Provincial Governments are competent to deal with the issues pertaining to control of the flow of illicit arms and ammunition in the

country, therefore, the Provincial Government is required to issue a notification in terms of above provision allowing 15 days time to the persons who possesses illicit fire arms as have been defined under Section 2 of the Act of 1991 to surrender the same and ensure that after making wide publicity as is contemplated under the law such illicit arms are fully recovered as the Provincial Government have already constituted a Committee to implement the policy to initiate actions, if need be, on a large scale to effect the recovery of such arms.

22 It may be pointed out that in the countries like Pakistan where such like situations exist, the Executive Authorities have to take drastic steps with a view to control and maintain law and order situation in order to protect the life of citizens. In the judgment of Wattan Party (*ibid*), the matter was discussed in the following terms:-

*"92. An identical situation was prevailing in Malaysia and that Government with full commitment and sincerity had also collected illicit arms from the criminals. Similarly, this task can be completed in our country as well; if there is honest commitment on the part of the law enforcing agencies but in the instant case without depoliticizing the police, positive result apparently seems to be an uphill task, however, to ensure peace*

*in Karachi, certain steps will have to be taken. The law enforcing agencies will have to be depoliticized as well as for recovery of illicit arms effective measures will have to be taken under a proper programme to be launched by the Government. As far as the question of presence of 2.5 million aliens in Karachi is concerned, it is more alarming compared to the activities of the criminals involved in heinous crimes, like target killing, etc. This aspect of the case would reveal that the presence of such persons is not only a factor for increase in crime, but at the same time without proper registration, they are a burden on the national economy, inasmuch as their presence can give rise to so many other administrative problems, including obtaining of National Identity Cards by them. If they have succeeded in this venture and claim themselves to be citizens of Pakistan and have also succeeded in registering their names in the electoral list, it would be tantamount to depriving the actual electorate from choosing their representatives, inasmuch as due to their presence, areas have expanded considerably, which directly affects the delimitation of the constituencies meant for holding elections of the Provincial Assembly and the National Assembly, therefore, the Government should take immediate action against them in accordance with law, namely the Foreigners Act. NADRA and the Police must undertake a careful cleansing process of such people and NADRA must have separate records and computer files based on proper and cogent evidence. NADRA and police should cooperate in Karachi through an intensive drive to*

*identify foreigners, block their NIC cards after due process of law and special teams should be appointed and dedicated for this job by DG NADRA and IGP so that this can be completed in the course of next one year or so. Then the law must take its own course in each case. This must be given high priority."*

23. A perusal of the above para also indicates that reportedly 2.5 million aliens are living in Karachi, therefore, we observed the issue relating to their presence be attended to. We expect from both the Federal as well as the Provincial Governments that though after the earlier decision no action has been taken but now they would proceed to look into this aspect of the matter, as it is one of the important reasons on account of which the law and order situation is not being controlled.

24. As far as the smuggling of illicit arms and ammunition in Karachi City or the whole Province is concerned, it is essential for both the Federal and the Provincial Government to control the same by adopting extraordinary measures, if need be. An identical situation has been noticed in the other Provinces as well, therefore, while hearing the Constitution Petition No. 77 of 2010 at Quetta on 18.09.2013, we have asked the Chairman FBR to initiate action through the

Customs and FC for ensuring that no smuggled illicit arms or ammunition are brought to the Province of Balochistan. He had placed on record a policy which is also reproduced herein below:

Matter relating to Customs Department: In response to our directions, Mr. Tariq Bajwa, Chairman FBR appeared whereas reportedly Secretary M/o Defence, Secretary M/o Interior and Secretary Narcotics are out of country. However, The Chairman FBR stated that he himself is the Secretary of Revenue Division, Government of Pakistan. We have pointed out to him about the smuggling of arms and ammunition, non-custom paid vehicles, narcotics etc. without any control by the Customs Department or by the Agency upon whom the powers had been conferred to act as the Custom Officers like FC etc. The flow of unauthorized arms and ammunition etc. is causing serious problem in law and order situation not only in the Province but in whole of the country including Karachi. At times it has been noticed that the arms smuggled into Pakistan are highly sophisticated as compared to the arms which are being used by our law enforcing agencies like police etc. We have pointed out to him that on a large scale so many items like Iranian petrol are smuggled into the country but there is no check as a result whereof the consumers are forced to

*use these items as the same are sold to them on cheaper rates which is not in the interest of the economy of the country due to which the public exchequer suffers badly. The Chairman FBR has placed on record his two stage devised strategy (CMA No. 284-Q/2013) to fight the menace of smuggling generally and arms smuggling in particular. The relevant contents of the same are reproduced herein below:-*

*"... The two stages are:-*

*a) **IMMEDIATE ACTION:***

*The following five choke points have been identified:*

- i) Sheela Bagh*
- ii) Glangor*
- iii) Gabd*
- iv) Surab*
- v) Bela*

*Pakistan Customs will man these choke points to interdict smuggled goods before they enter the more settled areas of the Province. These choke points shall be jointly manned by the enforcement staff of Quetta and Gwadar Collectorates and the staff of Directorate of Customs Intelligence Quetta. In addition, the Customs Posts at Lakpass, Kurkhera and Chidgee shall be strengthened. Performance at all other Customs stations and Customs posts shall also be closely monitored.*

*b) **SHORT TERM STRATEGY:***

*FBR is already in contact with Chief Secretary and I.G Police Balochistan to work out a joint strategy to combat smuggling throughout the length and breadth of the province. In this context a meeting shall also be held with the I.G FC Balochistan, Secretary Interior and Secretary Anti Narcotics Division. This will be followed by a joint field visit by the Chairman FBR, Chief*

*Secretary, I.G Police and I.G FC Balochistan in the border areas. The objective of these deliberations is to develop a holistic plan by pooling all available resources and creating inter-departmental synergy to make anti-smuggling operations effective.*

*FBR commits before this Honourable Court to bring a distinct improvement in its anti-smuggling efforts”.*

10. *It is also to be notated that it is the duty of the Narcotics Division to control the narcotics in the Province because this is another source of collecting money without any extra labour which is ultimately used in criminal activities to disturb the law and order situation causing problems for the Provincial as well as the Federal governments. The Chairman FBR stated that efforts are being made. He has stated that he would look into the matter and assured the Court that all necessary steps shall be taken to ensure that the Custom Department enforces the relevant laws of anti-smuggling strictly and the smuggling shall be controlled fully. He is directed to ask the two Directorates (Custom Collectorates at Quetta and Gwadar) to prepare comprehensive reports in respect of the activities of the Customs Department relating to unauthorized arms and ammunition, non-custom paid vehicles as well as narcotics and other contraband items alongwith the figures of the cases which they have registered under the Customs Act and other relevant laws. The report shall be submitted to the Registrar of this Court for our perusal in Chambers within two weeks”.*



25. On the last date of hearing, on having noticed that arms and ammunition are allegedly being smuggled through the sea and at the time the same are allowed within Karachi and other parts of the Province, therefore, we appointed Mr. Ramzan Bhatti, former Member Customs as a one-Man Commission to probe and ascertain the following four questions:

*“(a) As to whether arms and ammunition are brought or smuggled through the sea and what are the possible measures and ways to be adopted to stop it.*

*(b) Who can be held responsible for the smuggling of the arms and ammunition in the country through ships, vessels as well as launches and what are the reasons for not preventing the smuggling of the same.*

*(c) As to whether the Customs officials posted at the Ports of Bin Qasim and Karachi manage to recover hundred percent custom duty and the revenues or there are certain mechanisms on the basis of which these duties are evaded, which cause loss to the public exchequer and ultimately such black money is used for illegal activities and promoting crimes in the country.*

*(d) To enquire into the allegation that a shipload of arms and ammunition was brought to Karachi with the connivance of the then Minister for Shipping, as stated by the DG Rangers and to propose what action should be taken against the persons responsible”.*

26. He has submitted the findings vide report dated 10.09.2013. The said report has been made public and notices have been issued to all concerned to file comments, if they so

desired. At this stage, we would not like to discuss the contents of the report because we would like to give an opportunity to the Federal and the Provincial Government to go through the contents of the report and on the next date of hearing, an appropriate order shall be passed accordingly. However, in this context CMAs Nos. 537-K, 562-K and 567-K of 2013 have also been filed on behalf of the Chief Collector, D.G., Pakistan Maritime Security as well as by the D.G., Coastal Guards. Copies of the same have been handed over to the learned Attorney General for Pakistan as well as to the learned Advocate General, Sindh, so they may go through the same and after hearing them, appropriate orders shall be passed in this behalf as well.

27. Now, we also need to look at another aspect of the case namely, besides illicit arms and ammunition, a large number of licenses have been issued to different persons within and outside Karachi. The learned Advocate General has referred to the following para of the Wattan Party's case (supra):

*"71. Dr. Babar Awan, learned counsel for the Federation and learned Advocate General Sindh were called upon to explain as to how many licenses of prohibited and non-prohibited weapons have been issued by the Federal and the Provincial*

*Government of Sindh during the last five years. Both of them filed the reports indicating that 180956 licenses of non-prohibited bore were issued by the Home Department, Government of Sindh whereas 46114 licenses of prohibited bore and 1,202,470 licenses of non-prohibited bore were issued by the Ministry of Interior, Government of Pakistan. It is to be noted that usually crimes are not committed with licensed weapons as the criminal perpetrators use un-licensed weapons for the same."*

28. When we inquired from him, the present statistics of arms licenses issued for Karachi and the other parts of the Province, the Chief Secretary pointed out that roughly one million fire arms licenses have been issued. However, on inquiring from the Home Secretary, he could not furnish the number of arms licenses which have been issued by the five District Administrators/Deputy Commissioners of Karachi. We have painfully noted that the functionaries who are dealing with the current situation in Karachi have absolutely no knowledge about the number of licenses which had been issued during the last five years. It is to be observed that the availability of arms of all kinds is one of the reasons of increase in the crime including target killing and *bhatta*, etc., therefore, it should have been basic consideration for functionaries of the Province to know the exact statistics about number of licenses.

However, they are directed to collect the exact figures from the concerned District Magistrates, DCOs and the other competent authorities within the Province as well as from the concerned Ministry of the Government of Pakistan who are responsible to issue licenses for the prohibited arms etc. to ascertain the quantity of the licensed arms available in Karachi. The Provincial Government has recently promulgated the Sindh Arms Act, 2013, and under its Section 16 it has acquired the powers of suspension and revocation of the licenses, including to curtail the number of arms licenses which at a times a license holder can possess. It is an equally important to note that Section 26 of the Arms Ordinance, 1965, also covers the subject which according to the learned Advocate General has not been repealed. Therefore, besides the surrender illicit arms which cannot be permitted to be possessed by anyone, the Provincial Government has also to undertake an exercise to verify the arms licenses issued from time to time to the persons who are residents of Karachi by exercising jurisdiction under section 11 of the Act of 1991 read with section 26 of the Arms Ordinance, 1965, as well as section 16 of the Sindh Arms Act, 2013. Section 11 of the Surrender of Illicit Arms Act of 1991, being relevant, is reproduced as under:

***“11. Scrutiny of licences, etc. (1) Whenever the Federal Government or, if so required by it, the Provincial Government deems fit, it may, notwithstanding anything contained in the Pakistan Arms Ordinance, 1965 (W.P. Ordinance XX of 1956), the Explosive Substances Act, 1908 (VI of 1908), the Explosives Act, 1884 (IV of 1884), the Arms Act, 1878 (XI of 1878), or any other law, by notification in the official Gazette, direct every person possessing or keeping in his control any arms ammunition or explosive under any licence issued by any authority appointed under any law for the time being in force, to present such licence to the authority specified in the notification by the Federal Government or, as the case may be, the Provincial Government, for scrutiny.***

*(2) Where, on scrutiny of a licence, the authority referred to in sub-section (1) is satisfied that it was not in the public peace to allow retention of the licence or any arms, ammunition or explosives, it may, after providing an opportunity for being heard, cancel the licence issued to a person to possess or keep any arms ammunition or explosive.*

*(3) Where a licence is cancelled under sub-section (2), the person possessing or keeping any arms, ammunition or explosives shall deposit such arms, ammunition or explosives with the authority specified by the Federal Government.”*

29. The Provincial Government has to initiate this process as early as could be possible but not beyond the period

which is envisaged for surrendering of illicit arms i.e. 15 days, so that the law enforcing agencies i.e. Rangers as well as the police may continue their activities to curb and to control the criminals involved in disturbing the law and order situation in the City of Karachi. On this, the learned Advocate General has assured that the Committee which has been constituted to discuss the issue relating to the joint targeted operation and the Provincial Government shall consider all aspects of the case and all efforts shall be made for the purpose of achieving the objects of ensuring peace in Karachi and the application of the rule of law as well as the enforcement of the Fundamental Rights of the citizens under Article 9 of the Constitution.

30. It is also important to note that in Wattan Party's case (*supra*) the Inspector General of Police was required to collect the record and facts about the officers/officials involved in the Karachi operation in the years 1992 and 1996 who disappeared or were eliminated and was directed to submit a report within the next one month also showing whether their families were compensated or not. It is informed that compensations to widows/families of the police officers/officials who disappeared or were eliminated have been provided. A detailed report is required to be filed by the

Inspector General of Police before the next date of hearing. However, it has also been informed by the learned Advocate General that the cases of those officers/officials who were killed or lost their lives during or after both the previous operations, have been ordered to be re-opened and the accused persons involved therein shall be arrested and proceeded against in accordance with law.

31. In the above referred Wattan Party's case, it has also been observed that there is a need for fresh comprehensive law to eliminate and punish land grabbers and encroachers which is one of the Karachi's greatest problems. During the hearing of this case, an application (CMA 589-K/2013) has been moved by Raja Muhammad Irshad, learned ASC on behalf of ISI and sought permission to allow the transfer of 10 acres of land in favour of ISI by the Provincial Government. Notice of this application was given to the learned Advocate General who statedly for paucity of time could not submit a reply, therefore, he requests for some time to do the needful. The same is the request from the learned counsel appearing for the BOR. Let both the learned counsel file their replies-objections before the next date of hearing.

32. **Matter of Juma Sher Khan.** The mother and sister of Juma Sher Khan appeared and stated that no progress has been made so far in the case of Juma Sher Khan who was assassinated brutally alongwith Arshad Papu and Yasir Arfat. It is informed by Mr. Shahid Hayat, Addl. I.G., Karachi that in their case six persons have been arrested and on completion of investigation they have been challaned so that they may answer the accusations. As far as Munawar brother of Shera Pathan is concerned, statedly, according to his sister, he has also been involved in the murder case of Zakir Khan. On this, the Addl. I.G., pointed out that initially he was arrested in the said case and now a second investigation Committee/team has been constituted and the report is likely to be received within 2/3 days. Transparency must be ensured in order to find out the real culprits of the murder of Zakir because his relative i.e. sister and mother are alleging that Munawar has been wrongly involved in the commission of the said murder of Zakir. Let the investigating agency complete the investigation. The report of the same shall be submitted to this Court within seven days for our perusal in Chambers, copy of the same shall also be handed over to the family of Shera Khan for their perusal and enabling



them to file any objection, if need be, before the competent forum.

33. It is an equally important to note that in pursuance of our order we had directed the Member IT, Board of Revenue, to conduct an imagery survey of Karachi to ascertain as to whether there is any encroachment by the land grabbers on the state land or otherwise. The Member, Board of Revenue, has filed a report and stated that as far as the survey of Karachi City land is concerned, it has been completed. It has been further stated that approximately 23,240 acres of land is in the possession of institution, the details whereof are provided in the table which is reproduced herein below:

(d) Institutional Encroachment is summarized here as under:

S.No.	INSTITUTION	Deh	Excess Area in Acres
KARACHI WEST – AS PER REPORT OF DEPUTY COMMISSIONER			
1	LDA Scheme 42	Lal Bakhar-1	8,700.00
2	LDA Scheme 42	Moach	3,700.00
3	KANUPP	Lal-Bakhar-2	325.00
KARACHI WEST –AS PER SATELLITE IMAGERY OF GIS SECTION			
1.	Karachi Port Trust	-	1238.12
2.	MDA Scheme-45	Taiser Town	7401,879
KARACHI MALIR-AS PER SATELLITE IMAGERY OF GIS SECTION			
1	Malir Cantt Excessive Area	Thaddo	1,522.514
2.	Port Qasim	Bakran	101.66
3.	Port Qasim Area	Bakran	134.18
KARACHI SOUTH- AS PER SATELLITE IMAGERY OF GIS SECTION			
1.	Defence Housing Authority Phase-VIII	-	117.28
Total			23,240.63

Similarly, he stated that approximately 30,988.70 acres of land is in possession of the other encroachers, the details whereof are reproduced herein below:

12. Consolidated summary of encroached area identified on the basis of reports of Deputy Commissioner Karachi Malir and West against topographic survey and GIS based maps as well as analysis of GIS Section is given here as under:-

S.No.	District	Non-Institutional Encroachment	Institutional Encroachment as per report of DC	Institutional Encroachment as per report of GIS Section	Total
AREA IN ACRES					
	Malir	702-82	-	1758-35	2489-25
2	West	6967.17	12775.00	8,639.9	28,382-17
3	South	--	--	117-28	117-28
					30,988.70

13. It is worthwhile to submit before Honourable Court the fact that the GIS Section has also been entrusted with the task of preparation of high resolution GIS Based Satellite analysis of change in land use on 164 amenity sites in Karachi in Constitution Petition No. 09 of 2010 filed by Mr. Naimatullah Khan Advocate Vs. Federation of Pakistan and others in pursuance of orders of the Honourable Supreme Court dated 28.03.2013. The GIS Section has successfully completed the assignment and a consolidated “Map Book” after completion of the assignment has been submitted on 27.08.2013 in Supreme Court.

14. The above compliance report is submitted for kind perusal and further necessary orders of the Honourable supreme Court.”

34. The Revenue Department is directed to put up on record the ownership rights, if any, in respect of the persons who are in possession of the said land. Notices of the same be also issued to the institution, who are in possession of the land reproduced hereinabove to appear and file objections-replies, if any, and also to explain as to under what authority or law they are in possession of the property and if they fail to substantiate their ownership and possession of the property which belongs to the Province of Sindh, why they should not be directed to vacate and handover possession to the Government of Sindh as early as could be possible. It may be noted that as far as the Provincial Government is concerned, it represents the citizens/electors who are the real owners of the assets of the Province, therefore, this property belonging to them and without any provision of law it cannot be handed over to the persons other than the owners.

35. The learned counsel appearing on behalf of DHA has stated that he has also filed reply in this regard. Notice of this reply be issued to the Government of Sindh through the

Advocate General as well as the Board of Revenue (Land Utilization).

36. On 26.11.2012 and 28.11.2012, it was observed as under:

**"(Relevant para of Order dated 26.11.2012)"**

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 up to 20.11.2012, which shows that out of 70 criminals 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.

**(Relevant para of Order dated 28.11.2012)**

*12. When the matter regarding release of convicts/under trial prisoners on parole has been taken up, the Prosecutor General Sindh as well as MIT-II, High Court of Sindh have placed on record their respective reports, which, according to their own statements are still incomplete. These reports are taken on record with directions that complete reports regarding release of such criminals and further steps, if any, taken in this regard may be submitted before the Court at the earliest. Mr. Abdul Fateh Malik, learned Advocate General Sindh has assured that all such criminals, who have been illegally released on parole will be arrested and put behind the bars by revocation of their probation for which necessary summary has already been submitted to the Chief Minister Sindh. For further proceedings, this case is adjourned with directions to the office that it may be placed before the Honourable Chief Justice of Pakistan for necessary orders about its fixation.”*

37. It has been informed that there were 25 convicts who were released on parole out of which 17 have been arrested but the list of the same has not been produced alongwith the jail record whereas remaining 8 are still absconding. The learned Prosecutor General and the Inspector General of Prisons are directed to procure the list of those persons which shall be furnished to the Inspector General of Police and the other functionaries responsible to enforce the law and order with the

request to cause the arrest in accordance with the law so that they may undergone the sentences already awarded to them. It is also informed that there were 70 under trial prisoners who were involved in 177 cases (some accused in more than one case) who were paroled. It is informed that out of these cases, 94 have been acquitted whereas in 9 cases the accused have been convicted. The learned Prosecutor General is directed to collect the information as to whether out of these UTPs how many persons have been arrested and if not so whether they were convicted in absentia.

38. It has been observed that to maintain the law and order situation in Karachi all the "No Go" areas have been ordered to be made free for access of every citizen. The Inspector General of Police shall submit a report on the next date of hearing that the entire city has been cleared and there is no "No Go" area in Karachi. It has been informed by the Inspector General of Police that in Police Stations, Peer Abad, Mango Peer and Sohrab Goth, there are some "No Go" areas, however, they are going to be cleared. The IGP and the D.G., Rangers are directed to comply with the directions of this Court noted hereinabove.

39. In respect of depoliticizing the police, the Inspector General of Police explained that an exercise has been commenced and with reference to the recruitment,

appointment and posting procedures, etc. portfolios of each police officer/official are also being checked.

**CMA No. 484-K/2013:** Mst. Hajani Zar Malik applicant, present in person, has filed this application for her impleadment in this case. Notice of this CMA to the learned Advocate General be issued for the next date of hearing.

**CMAs Nos. 200-K & 447-K of 2013.** Syed Mehmood Akhtar Naqvi, applicant in person, moved these applications. Let notice be issued to the Board of Revenue, Sindh, for the next date of hearing.

40. To come up after two weeks.

Chief Justice

Judge

Judge

Judge

Judge

Islamabad, the  
20<sup>th</sup> September, 2013.  
A. Rehman

**APPROVED FOR REPORTING.**