

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Anwar Zaheer Jamali
Mr. Justice Sarmad Jalal Osmany
Mr. Justice Amir Hani Muslim
Mr. Justice Ghulam Rabbani

SUO MOTU CASE NO. 16 OF 2011

[*Suo Motu* Action regarding law and order
situation in Karachi]

AND

CONSTITUTION PETITION NO. 60 OF 2011

Tariq Asad, Advocate ... PETITIONER

VERSUS

Prime Minister of Pakistan & others ... RESPONDENTS

AND

CONSTITUTION PETITION NO. 61 OF 2011

Watan Party & another ... PETITIONERS

VERSUS

Federation of Pakistan & others ... RESPONDENTS

For the petitioner: *Nemo.*
(Const. P. 60/2011)

Petitioner: Nemo
(Const. P. 61/2011)

On Court notice: Maulvi Anwar-ul-Haq, Attorney General for Pakistan
Syed Ashiq Raza, DAG
Mr. M. Shoaib Shaheen, DAG
Raja Aleem Abbasi, DAG

Ms. Asma Jahangir, ASC/President SCBA
Mr. Anwar Mansoor Khan, Sr. ASC/President, SHCBA

Mr. Abdul Fattah Malik, AG Sindh
Mr. Shahadat Awan, PG Sindh
Mr. Wajid Ali Durrani, IGP Sindh
Mr. Saud Mirza, Addl. IG Sindh
Mr. Anwar Subhani, Legal Consultant, IGP Sindh

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| For Province of Sindh: | Mr. Abdul Hafeez Pirzada, Sr. ASC [assisted by Mr. Abdul Sattar Pirzada, Adv.] |
| For the Federation: | Dr. Babar Awan, Sr. ASC Mr. A.S.K. Ghor, AOR |
| For M/o Interior (in Const.P. 60/2011) | Mr. Arif Chaudhry, ASC Mr. A.S.K Ghouri, AOR |
| For the applicant: (CMA 4108/2011) | Syed Iftikhar Hussain Gillani, Sr. ASC |
| For the applicant: (CMA 531-K/2011) | Mr. Abdul Mujeeb Pirzada, Sr. ASC Mr. Mazhar Ali B. Chohan, AOR |
| Applicants: (CMA 532-K/2011) | Mr. Iftikhar Javed Qazi, ASC, Vice Chairman Sindh Bar Council Mr. M. Aqil, Advocate President KBA Syed Haider Imam Rizvi, Advocate, Gen. Secy. |
| For the applicant: (CMA 533-K/2011) | Mr. Ghulam Qadir Jatoy, ASC/AOR |
| For the applicant: (CMA 535-K/2011) | Khawaja Naveed Ahmad, ASC Mr. Mazhar Ali B. Chohan, AOR |
| For the applicant: (CMA 541-K/2011) | Mr. Irfanullah Marwat in person |
| For the applicant: (CMA 544-K/2011) | Syed Iqbal Haider, Sr. ASC Mr. K. A. Wahab, AOR |
| For the applicant: (CMA 546-K/2011) | Mr. Faisal Kamal Alam, ASC Mr. Ghulam Qadir Jatoy, AOR |
| For the applicant: (CMA 552-K/2011) | Mr. Rasool Bux Palijo, ASC Mr. Ghulam Qadir Jatoy, AOR |
| For the applicant: (CMA 555-K/2011) | Mr. Jamil Ahmad Virk, ASC Mr. Mazhar Ali B. Chohan, AOR |
| For the applicant: (CMA 558-K/2011) | Mr. Javaid Ahmed Chattari, Adv. in person |
| For the applicant: (CMA 560-K/2011) | Mr. Ashraf Samoo, Advocate President Malir Bar Association |
| For the applicant: (CMA 561-K/2011) | Mst. Surriya in person |
| For the applicant: (CMA 565-K/2011) | Dr. Farogh Naseem, ASC Dr. Kazi Khalid Ali, ASC Mr. Izhar Alam Farooqi, AOR |

For the applicant: Afaq Ahmed (Through Jail)
(CMA 569-K/2011)

For the applicant: Maulana Sheikh Jaffar Subhani in person
(CMA 588-K/2011)

Date of hearing: 15.09.2011

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ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. – We have heard arguments on behalf of the Federation, the Province of Sindh, learned Attorney General for Pakistan, learned Advocate General Sindh, and the learned counsel appearing for the interveners. During the course of arguments considerable material, as per our directions contained in order dated 24.08.2011 and subsequent orders passed from time to time, has been placed on record. Taking into consideration the importance of the matter, we reserve the judgment. In the meanwhile: -

- (1) The learned Advocate General, Sindh is directed to submit investigation reports on daily basis to Mr. Justice Anwar Zaheer Jamali and Mr. Justice Sarmad Jalal Osmany in Chambers through the Deputy Registrar of this Court at Karachi in respect of the cases, which have been registered relating to the crimes committed over the last one month, commencing from 24th July, 2011 onwards and the progress made in the same;
- (2) The Courts seized with the matters, before whom the *challans* are submitted, are directed to dispose of the cases expeditiously, holding the trial of the cases on day-to-day basis;

- (3) The Provincial Government through the Chief Secretary, Sindh is directed to provide all necessary assistance through the Law Enforcement Agencies and others, including the facilitation to proceed with the cases of the accused persons and enable the Courts to decide the same as per directions made hereinabove; and
- (4) The CCPO, Karachi, Mr. Saud Mirza is directed to furnish certificates duly signed by the DIGs of the respective zones of Karachi to the effect that all efforts shall be made by them to control crime, and in particular they will ensure that no crime of *bhatta* or extortion of money takes place. The learned Advocate General, Sindh shall obtain reports from them on day to day basis.

2. Mr. Babar Awan, learned counsel for the Federation has stated that he had approached the Federal Government and they have agreed to make payment of compensation to the tune of Rs.300,000/- [three lacs rupees] to each of the families of the Advocates murdered in Karachi. It is to be noted that in the meanwhile the Provincial Government of Sindh also have agreed to compensate them.

3. The learned Advocate General Sindh has filed police performance reports since 20th June, 2011 onwards as well as report in respect of the Pakistan Rangers (Sindh) including notifications authorizing their deployment, issued from time to time.

4. As far as CMA No. 588-K/2011 filed by Maulana Jaffer Subhani, Senior Vice President, Shia Ulema Council of Pakistan (Sindh) is concerned, it appears that the matter pertains to HRC No.

2621-S/2010, therefore, the office is directed to club the instant CMA with the said matter and process it accordingly.

5. We would like to place on record our thanks to the parties and their learned counsel who have provided valuable assistance during the course of arguments.

Iftikhar Muhammad Chaudhry, CJ

Anwar Zaheer Jamali, J.

Sarmad Jalal Osmany, J.

Amir Hani Muslim, J.

Ghulam Rabbani, J.

KARACHI, 15th September, 2011

APPROVED FOR REPORTING