

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5920 of 2015

Date

Order with signature of Judge

1. For hearing of CMA No.25155/2019
2. For order on MIT report dated 27.02.2020

13.02.2020

Mr. Mohamed Vawda advocate for the petitioners a/w Ms.
Palvasha Shahab advocate.
Mr. Jawad Dero, Addl. A.G.
Ms. Rahat Ehsas, Additional P.G.
Mr. Abdul Razak, Member Inspection Team-II, High Court of
Sindh.
Syed Kaleem Imam, Inspector General of Police, Sindh.
Dr. Usman Chachar, Home Secretary, Government of Sindh.
Amanullah Zardari, Focal Person, Home Department,
Government of Sindh.
AIGP (Legal) Zulfiqar Mehar.
DSP (Legal) Mushtaq Ahmed Abbasi.
AIGP (Legal) Muhammad Habib Khan.
AIGP Farhat Ali Junejo, Crime/Investigation
DSP (Legal) Raza Mian.
DSP (Legal) Akbar Qureshi.

In compliance of the last order, Mr. Abdul Razzak, MIT-II of this court has submitted the progress report of each district separately. He submits that in some districts the compliance has already been made but there are some issues of funds also for which the District Judges have sent their requisitions to this court which were placed before the hon'ble Chief Justice and have been forwarded to the Director Finance for arrangement and allocation of appropriate funds. He will also submit the progress report on the next date as to whether some efforts have been made by the Director Finance with the Finance Department, Government of Sindh for the allocation



and release of required funds or not. So far as the cases pending in the ATC Court, learned MIT-II submits that according to ATC courts compliance is being made but he requests that Registrar of the ATC court may be summoned for the next date to ensure the compliance. Office is directed to issue notice to the Registrar, ATC Courts, Karachi to appear in person on the next date along with all requisite details as to whether ATC courts are following the judgment or not.

At this juncture, learned counsel for the petitioners pointed out that three rape cases are fixed in the court of Vth Additional Sessions Judge, Malir, Karachi, XIIth Additional Sessions Judge West, Karachi and VIth Additional Sessions Judge Central, Karachi but the Presiding Officers are not following the protocol mentioned in the hon'ble Supreme Court judgment. Learned counsel will also supply the case numbers to the learned MIT-II who will examine whether all protocols provided in the judgment of hon'ble Supreme Court and this Court are being followed or not by the said Presiding Officers.

Zulfiqar Ali Mahar, AIGP (Legal) and Additional Chief Secretary, Home Department, Government of Sindh have filed their progress report and they also addressed this court that in compliance of the last directions they have conducted a meeting in which various aspects have been discussed. It has been decided that some amount in aid will be sanctioned for utilization for the payment of DNA tests in all rape cases and payment will be made to International Center for Chemical and Biological Sciences (ICCBS) and LUMHS. It is further stated by

the AIGP Legal that the payment of 166 cases of DNA have been made to Karachi University and payment for 367 cases of DNA has been made to the Jamshoro Institute (JUMHS). He further submits that 46 reports are pending in Karachi Lab and 235 reports are pending in LUMHS. I.G. Sindh present in court assured us that within few days the entire payment will be made and reports will be collected from the Labs for onward submission to the prosecution and court. They are also directed to submit progress report on the next date. I.G. Sindh has also filed revised SoP. Copy has been supplied to the petitioners' counsel who has also submitted a working paper for showing timeline for the collection of forensic evidence in cases of rape and sexual assault. According to learned counsel he has collected some data from different websites of International Organization to show the life of the samples and its transmission to the labs to safe its effect. Copy has been supplied to the I.G. Sindh and AIGP Legal who may go through the same and if required some changes in their proposed SoP the same may be made in the advancement of justice as well as make procedure appropriate for decision of rape cases in future. AIGP legal further submits that for the assistance of this court it would be appropriate to call focal person from International Center for Chemical & Biological Sciences (ICCBS) and University of Management & Health Sciences (LUMHS). Office is directed to issue notice to Prof. Beka Ram Devraja from LUMHS and Mr. Javed Iqbal from ICCBS to appear in person on the next date for the assistance of this

court. It appears from the compliance reports that some progress have been made and we hope that some more compliance will be submitted to this court so that proper implementation of the hon'ble Supreme Court's judgment as well as this court may be made effectively and practically.

So far as sanctioning of amount is concerned, the Home Secretary submits that summary has been moved to the Chief Minister Sindh through Finance Department and decision is awaited. The Chief Secretary as well as Home Secretary both are directed to expedite the matter and ensure that within three weeks' the amount is sanctioned by the Chief Minister Sindh. Let them submit the progress report also.

Adjourned to 25.03.2020 at 11:00 a.m when all officials present today shall ensure their presence for proper assistance of this court.

Copy of this order may be transmitted to learned A.A.G., Chief Secretary and Home Secretary for compliance.

JUDGE

JUDGE