

Scenario 139

SC's SUO MOTO NOTICE AT LAST

As per *CNN report of 8th July 2011*, clashes in the Pakistani city of Karachi had killed seven more people on that day, raising the death toll in the ongoing ethnic violence to 85 that week [the official figures told to media by the Federal Interior Minister Rehman Malik]; actual figures not known.

The front page of '*The Express Tribune*' dated 10th July 2011 mentioned that:

'..... he tried to console the people of Karachi by saying that the police had arrested 133 people. Needless to say, Mr Malik's credibility is at its lowest ebb and his communication skills have wilted overtime through meaningless repetition of things that don't ever materialize in reality.'

MQM's office bearer Waseem Akhtar corrected the Interior Minister Mr Malik that 125 persons were killed in that on-going strife not 85.

Another scenario; Chief Justice of Pakistan Iftikhar M Chaudhry took another *suo moto* notice of a man's death by torture by some influential persons in Sialkot.

Over a press clipping published in '*Daily Pakistan*' dated 12th July 2011 carrying an appeal of one Said Bibi stating that her son Mubashir had been tortured to death by some influential people; she had got an FIR registered against them with police station Saddar Sialkot but no one was arrested till then. Her son Mubashir and another person Rizwan were kidnapped by some people three days earlier; were severely tortured and left unconscious outside her home. Both the injured were shifted to hospital but her son Mubashir succumbed to injuries.

One of the common stories in Pakistan - the 'influential people' were having high political connections; they were threatening the old lady for dire consequences; they were pressurising the old lady to compromise the FIR for a bag of money; they were approaching the witnesses for favourable statements under another form of coercion and 'duress'; the police was definitely ignoring the old lady's requests for want of 'evidence' of involvement of those influential culprits and many other things.

The Living History of Pakistan Vol-III

On 13th July 2011; an anchor Kashif Abbasi was footing his live program at ARY TV saying that 'who should be held responsible for 3000 deaths in Karachi during the last three years; 1200 men shot down during six months of 2011 only' and the representatives of both MQM and PPP had no cogent answer to this tragedy. Last year, during the first week of August 2010, there were 17 deaths reported during three days after assassination of an MQM politician named Raza Haider.

On the same day of 13th July 2011 again, a PPP politician Dr Zulfiqar Mirza made a sentimental statement at ANP's venue and accused MQM's Chief Altaf Hussain. When his speech surfaced in media, the riots at once erupted in Karachi and within three hours 15 persons were loathed in blood. Protests became the order of the day, businesses closed and shutters down.

Next day; in evening hours of 14th July Altaf Bhai sent a message from London and the riots were immediately cooled down. Earlier, when there were 125 deaths reported in three days as said above, Rehman Malik appealed on the 4th day and Karachi became normal. Questions arose that why the two leaders Rehman Malik and Altaf Hussain, from the PPP and MQM respectively, had not launched their appeals earlier to avoid the huge death toll. No answer.

No *suo-moto* or judicial inquiry had ever been ordered before for neither such episodes, nor this time any such announcement from the Supreme Court or other judicial high ups was heard.

Going by government's documentation, it was no secret that the Pakistani Taliban [*or some other criminals in the garb of Taliban*] had joined the various political armies killing the innocent people at random. Some opined that ANP and the Taliban were hand in glove in Karachi, as some were suggesting that MQM and PPP, jointly and individually, were encouraging their own 'striking forces' to which the police knew but were not allowed to put hand on them.

SC's HEARING STARTS:

So many deaths in Karachi on so diversified occasions that the SC had to take notice of the situation; giving priority at last as around forty deaths daily in Karachi were being reported then, of course, no comparison with one man's death in a remote village of Sialkot as mentioned earlier.

On 22nd August 2011, the Supreme Court at last took *suo motu* notice of the Karachi situation [Petition no: 61 of 2011]; a step in the right direction although a bit late. The 5-member larger bench of the Supreme

The Living History of Pakistan Vol-III

Court headed by Chief Justice Iftikhar M Chaudhry announced to start hearing of the *suo motu* notice about the incidents of violence, lawlessness and target killings in Karachi from 27th August instant. Federal and provincial governments were asked to present comprehensive reports about incidents of killings in Karachi.

The bench consisted of Chief Justice Iftikhar M Chaudhry, Justice Mian Shakirullah Jan, Justice Nasirul Mulk, Justice Tariq Parvez and Justice Ghulam Rabbani. President Supreme Court Bar Association [SCBA] Asma Jehangir and President Sindh High Court Bar Association Anwar Mansoor Khan were appointed as *amicus curiae*.

Reports were also sought from eight TV channels and print media about the incidents. Meanwhile, the Muttahida Qaumi Movement [MQM] leaders, Dr Farooq Sattar and Haider Abbas Rizvi met with the Supreme Court Registrar and discussed ways in which the MQM could become a party in the apex court's *suo motu* notice of the killings in Karachi. Attorney General Maulvi Anwarul Haq was asked to submit material before the apex court ahead of the start of proceedings.

The bench had also invited the viewpoints of Chief Secretary Sindh Raja Mohammad Abbas and the IGP Sindh Wajid Durrani through Sindh Advocate General, with details of the violent incidents taking place in Karachi. They were also asked to place on record copies of the daily situation reports duly prepared by police officers concerned, FIRs and other materials to assess extreme violation of fundamental rights of the poor *Karachiites*.

On 23rd August 2011; the *Watan Party*, through its president Hashim Shaukat, filed a petition in the Supreme Court of Pakistan for appointment of a 'judicial commission' to probe into Karachi mayhem. The petitioner contended that drug and land mafias and criminal gangs were operating in Karachi. Moreover, some foreign interference was also witnessed to worsen the situation, as they wanted to have their hold in the city to achieve their ulterior motives against Pakistan.

United Nation's Human Rights Commission had also stated its intentions about Karachi and desired to take action in the city under Article 55 and 56 of the UN charter.

It was on record that law enforcement agencies [LEAs] conducted about 100 raids during two days of 23-24th August, in which 165 suspects were arrested. It was a targeted action, not against any particular political party or community, rather it was an across the board action initiated after consultation with all political parties in city. To meet ends of justice for these arrested persons the Federal and Sindh governments were urged to consider amending the law to waive off the condition of independent witness in such cases of '*red-handed captures*' but both didn't bother.

The Living History of Pakistan Vol-III

The situation in Karachi deteriorated to an extent that even the stake holder political parties, MQM and ANP, started demanding a military operation to purge the city of weapons and criminals. *A writ petition was also moved in the Sindh High Court by one Tariq Asad to seek orders to call army under provisions of Articles 232 and 245 of the constitution.*

The politicians had already accepted their failure in Karachi; one could recall the PM's sermon to the cabinet meeting in Karachi emphasizing to '*do something friends, otherwise some body else would do it.*' Army was being called by many political, social and business organisations to which PPP was resisting.

Since two months another formula was being discussed in the media; that was 'Governor Rule' for Karachi. Imran Khan was also suggesting the same remedy but with a condition that *Governor Ishratul Ebad would be changed first.* The proposal makers forgot that it might invite another fiery situation because under the provisions of Article 234 of the Constitution, the governor was representative of the President meaning thereby that President Zardari would handle the Karachi situation from Islamabad. That was what he was already doing.

On 25th August, Army Chief Gen Kayani was in Karachi to have a detailed briefing on the situation. During the meeting, the civil administration and politicians forwarded their own viewpoint and the strategy of action planned for coming days; DG Rangers told the truth and facts:

'There exists no political will to commence operation on merit. The PPP government issues directions to the Rangers with the specific names that which people are to be targeted and in which area. Rangers does not have free hand to reinstate the writ of the government.'

In the last the *DG Rangers showed his inability to perform duties in such charged atmosphere of self interest & partisanship which was contradictory to their motto, dictum and objectives.*

Gen Kayani told the Rangers to launch strategic operation without dictation from any civil authority, without discrimination and without any fear or favour from any party or group. *The Rangers when said OK, there was not a single killing in Karachi in next 24 hours* after that moment nor any political party, MQM, ANP or PPP raised any voice from any corner. Only thing the Karachi needed was the political will; the political will to implement rule of law, equally on all, above prejudices and without compromises.

The Living History of Pakistan Vol-III

Astonishing was that in most cases of killing, the details distinguished the slain people with their names and affiliations. Those killed belonged to the police, too. There was no document available to show that how many target killers were arrested or shot dead by the police in encounters, perhaps nil. However, it was fact that intelligence agencies not only had perfect data about the target killings and operations of mafias in Karachi, they also had information about the influential people behind those heinous crimes – but the killing spree continued.

The Supreme Court bench had observed that:

'The court has gone through the facts, reported in the print (media), flashed in the electronic media, perusal whereof presents a bleak & dismal picture of bloodshed, arson, kidnappings, abductions for ransom, widespread violence, illegal collection of money (Bhatta) from traders, which prima facie violate Articles 9, 14, 15, 18 and 24 of the Constitution.'

'The executive has failed to protect the life, liberty, dignity, property and freedom of the general public, as manifested in (media) reports at least.'

The world media had also mentioned in their reports about problems being faced by the people of Karachi like frequent killings of innocent citizens, kidnapping of people for ransom, daily recovery of beheaded human bodies with their arms and legs tied, massive street crimes, involvement of different groups in target killings, with police and Rangers watching as spectators and top government functionaries callously viewing the situation '*with no inclination to maintain the writ of the state*'. According to them the credible institutions like Pak-Army and the Supreme Court were acting like silent spectators.

During proceedings, CJP Iftikhar M Chaudhry remarked that launchers and anti-aircraft guns were being recovered from shops in the city, while currency and narcotics were being smuggled in through launches. Further that weapons from Israel, NATO, India and US were being illegally sold in the open market and being rented out in the city. '*A curfew can be imposed to stop the smuggling of illegal weapons into the city,*' Chief Justice Chaudhry said.

The Supreme Court also made public the findings of a report pertaining to the smuggling of weapons via Karachi ports.

SC JUDGMENT ON KARACHI AFFAIRS:

The Living History of Pakistan Vol-III

During hearing of the *suo motu case*, the ISI officials presented intelligence report to the judges in the Chief Justice's chamber in the SC Karachi Registry. During the briefing, the Attorney General was sent out of the chamber for a while. When the hearing started, the larger bench, after briefly hearing the arguments, allowed the ISI to present the report in the chambers instead of the courtroom; 'Dunya News' TV dated *8th September 2011* is referred.

Lawyer of MQM Barrister Farogh Nasim prayed to the court to form a commission to deal with Karachi violence effectively. The Chief Justice remarked that all the time commissions are formed, but the actual problems remains unattended. The CJP said the MQM quit the coalition government for its own interests.

The CJP also said that revelations by the Rangers DG that political parties kept terrorists in their ranks. Justice Sarmad Jalal Usmani remarked that the people favour no political party, but Pakistan. CJ Iftikhar M Chaudhry and Justice Anwar Zaheer Jamali shared the view that if the political parties expel criminal elements from their ranks, Karachi could become one of the most peaceful cities of the world.

During the first week of October 2011, the Supreme Court said categorically that *criminal gangs in the city were receiving political and financial support from their patron political parties*. The 5-member bench of the apex court, headed by the Chief Justice Iftikhar M Chaudhry and comprising Justice Anwar Zaheer Jamali, Justice Sarmad Jalal Usmani, Justice Amir Hani Muslim and Justice Ghulam Rabbani, announced the unanimous decision in the said *suo moto* case of killings in Karachi.

In its exhaustive 157-page judgment, the court also directed that the port city be de-weaponised. It ordered that a committee headed by the Sindh High Court [SHC] chief justice and comprising the Chief Secretary Sindh and law enforcement agencies' heads be constituted to supervise and ensure strict action against all those involved in creating panic in Karachi.

The Supreme Court observed that:

- Banning any political party — including the MQM against which all interveners had voiced complaints — was not within the domain of the court.
- The SC opined that, as per the material brought before the court, '*some criminals have succeeded in making their ways into political*

The Living History of Pakistan Vol-III

parties whether they are components or non-components of government, and are getting political and financial support allegedly from such parties.' But none of the political parties ever denounced their affiliation with them in the interest of the country and never pointed out their names as militant outfits.

- The Chief Justice read out names of political parties, which had been accused of harbouring and aiding criminals and included almost all big parties like MQM, PPP, ANP *Jamaat-e-Islami* [JI] and *Sunni Tehrik*, but who bothers for court orders in Pakistan.
- The SC also directed the Rangers and LEAs to take strong and decisive action to eliminate 'no-go areas' in Karachi and directed the provincial government to constitute an independent and impartial investigation agency which should be de-politicised and conduct investigations of such cases fairly and send them to the anti-terrorist courts [*but the apex court's orders were never taken seriously.*]
- The court further observed that the police and other LEAs be de-politicised and that the Sindh government would constitute a commission to assess the losses of the people who must subsequently be compensated, but again, it was never implemented.
- The court held that Karachi was full of arms and ammunitions of prohibited and non-prohibited bores, including licensed and illicit weapons and therefore, Karachi had to be cleansed of all kinds of weapons by adhering to laws available on the subject, and if needed, by promulgating new legislation.
- The apex court further observed that violence in Karachi during those years was not solely ethnic in nature but was also a turf war between different groups having economic and socio-politico interests to strengthen their position; based on the phenomenon of tit for tat with political, moral & financial support or endorsement of political parties, claiming representation on behalf of the public of Karachi, including the provincial government.
- The bench declared that the violence in Karachi represented unimaginable brutalities, bloodshed, kidnapping and throwing away of dead bodies and torsos in bags. The fundamental rights of the citizens enshrined in Articles 9,14,15,18 and 24 of the Constitution had not been protected or enforced by the provincial government as illustrated by the toll of 306 lives in one month [August 2011]; detection of torture cells videos; receiving *Bhatta* (ex-

The Living History of Pakistan Vol-III

tortion money) to strengthen the respective ranks; grabbing land; the drug mafia, destroying moveable and immovable properties of the citizens.

- The federal government had also not protected the province of Sindh against internal disturbance. Thus the Sindh government, on this account, too, failed to carry out its functions in accordance with the provisions of the Constitution, especially Article 148(3), the apex court had observed. The police force had to be de-politicised and strengthened so that they could, with full commitment, dedication, zeal and zest, perform their duty.
- The Supreme Court further observed that there was need for a fresh comprehensive law to eliminate and punish land grabbers and encroachers. *"This is one of Karachi's greatest problems"* it was obvious. It was the duty of both governments to formulate such law and initiate it in the appropriate assembly; and thereafter to implement it fully without showing any favour or immunity to any person whether a political favourite, ally or for any other personal or party consideration.
- The apex court observed that since innocent citizens had lost their lives, number of which came up to 1,310 during the current year. Similarly, a good number of citizens had been injured and / or lost their valuable property, both movable and immovable, therefore, provincial government should constitute a commission to assess their losses and on its recommendation, compensation must be paid to the sufferers without partisan consideration, as early as possible.
- The SC further directed that there must be no "no-go areas" anywhere in Karachi. The IGP himself, and if necessary the DG Rangers also, should personally lead operations into such areas.
- The court directed that the NADRA DG and the IGP would set up a special joint cell with specialised officials and experts along with sufficient manpower to establish several teams to visit on the spot and identify illegal foreigners so that they could be dealt with strictly in accordance with law. They should attempt to conclude this exercise preferably in one year.
- The Sindh IGP was directed to collect the record and facts about the disappearance or elimination of all police and other officials who took part in the Karachi operations of 1992 and 1996 or were witnesses in ethnic or related crimes and to present a report

The Living History of Pakistan Vol-III

to the court within the next one month also showing whether their families were compensated or not.

- The court directed that the provincial government would place on record of the court copies of all judicial inquiries instituted in the matter of law and order in Karachi since 1985. These would be retained for perusal and for any necessary action or appraisal of the situation at any time in the future.
- Due to illegal strikes and shutter down calls, the normal life of citizens of Karachi was paralysed, and allegedly it caused loss of billions of rupees in a day. Therefore, it was observed that the government and the political parties should evolve a respectable way out to avoid such a situation in future.
- A committee be constituted by the provincial government, headed by the SHC chief justice, who would be assisted by the chief secretary, the heads of the security agencies i.e. paramilitary organisations and IG police, to supervise and ensure that law enforcement agencies take action indiscriminately, across the board against the perpetrators involved in causing disturbances in city.
- The Chief Justice Sindh High Court [SHC] would convene the meeting at least once in a month to review the implementation of this judgment and copy of the proceedings would invariably be transmitted to the SC registrar's perusal.

'We apprehend that any further failure to protect the lives and property of the citizens is likely to cause unprecedented disaster therefore, all efforts should be made to avoid the same in the interest of the nation and country, which is supreme as per the mandate of the Constitution and the law', the apex court had held.

MQM Hailed SC's Verdict: The MQM's Rabita Committee had issued welcome statement immediately on SC's verdict in the Karachi *suo motu* case and vowed to respect and uphold the decision. The MQM directed all its units and sectors to take action against any miscreants in the party. They were happy that the court had ruled out a ban on MQM.

- This was a *historic decision* because no one was penalized.
- This was *historic decision* where certain political parties were identified in indulging anti state activities.
- This was a *historic decision* that remained silent on killing of hundreds of innocent people without any verdict of remedy.

The Living History of Pakistan Vol-III

- This was *historic decision* where all political parties were allowed to operate as they wished.
- This was *historic decision* because it helped media to conduct discussions & debates but nothing beyond.

However, the hundred million question was that what was the emergency or necessity for its being *suo moto* for recording such wishful directions; it was not at all a judgment under established norms of judicial parameters. In fact the SC had opened up a Pandora box and made space for more fiery talk shows on TV Channels.

For some, justice had been denied to all the dead bodies who were laid bare in the streets of Karachi; SC had given go ahead to all the barbarians around with green slips.

Waseem Altaf Khawaja in his live TV program at DM Digital UK dated 7th October 2011 opined that it was a very disappointing verdict given by the Supreme Court. The Supreme Court only identified parties involved; which every Pakistani had known earlier - thus wasted its own time, spoiled nation's aspirations and wasted poor people's funds.

IMPLEMENTATION OF SC's VERDICT

The whole 2011 and most of the year 2012 passed – no one bothered about the implementation of the SC's aforesaid verdict. The critics said that perhaps there was nothing serious to be implemented. The candid opinion of the intelligentsia remained that *the said judgment was 'observatory and advisory' in nature – without any judicial input.*

However, on 25th October 2012; the Supreme Court of Pakistan [SC] conducted hearing of the Karachi law and order *suo moto* judgment implementation case and remarked that '*...the encroachments and land grabbing are the main reasons behind the unrest in the city*, GEO News TV Channel of the even date is referred.

A five-judge larger bench headed by Justice Anwar Zaheer Jamali was hearing the case at SC's Karachi Registry. The court issued the contempt notices to Chief Secretary Sindh, Director Master Plan Karachi Metropolitan Corporation [KMC], Senior Member of Board of Revenue and Director Survey.

The Living History of Pakistan Vol-III

Chief Secretary Sindh and Director Master Plan KMC were issued notices over not conducting the land survey despite Sindh High Court's directives. The KMC placed a report before the SC bench regarding the state properties in districts of Karachi. Justice Gulzar remarked that Karachi Municipal Corporation [KMC] sold the area which was dedicated for citizens' leisure and amusement and did not leave any space for children's play as well.

The records did not include the names of actual landowners who were missing. Election Commission Sindh appraised the court that no census was carried out in Sindh since then nor the federation had issued any report on the matter. Justice Anwar Zaheer Jamali observed that:

"....the menace of extortion has increased to such an extent that the areas have been divided-- no go areas exist on political basis- - one political worker cannot go to another's territory—this year more strikes and extortion incidents occurred—the traders are being targeted—no trader or industrialist is safe—hardly there is one who is not paying extortion money."

Justice Amir Hani Muslim, while addressing the DG Rangers Karachi, said:

"....you catch hold of the criminals and hand them over to the police, neither you can register the report nor present the charge sheet, this gives them a way out. What steps had been taken for the security of the industrialists."

Justice Arif Khilji on one occasion addressing Sindh IG said that:

"...unfortunately inept people are recruited everywhere - meritorious persons do not get a chance. Perhaps the major reason of failure is political intervention - how many police officers possess confirmed political support."

Justice Anwar Jamali added that:

"....thousands of weapon holders are dead but their licenses are under use; the licenses not registered in six month were to be cancelled.

The quota of issuance of weapons' 200 licenses to MPA and 300 to MNA is corruption—these people [the politicians] want to get their vote bank strengthened by issuing licenses; murderers of 8/10 persons have also been issued licenses for weapons."

The Living History of Pakistan Vol-III

The court was told that chief minister's weapon quota was unlimited.

But the tragedy with Pakistan remained that the Parliament was impotent; didn't have the acumen and insight to make or amend respective legislations over the evils, irregularities and crimes the apex court had point out.

At the same time, the superior judiciary was equally incapable, ineffective and helpless that all the judges knew about spreading cancer in the body; also understanding that the doctors' team [the Parliament] was mentally incapacitated and corrupt – even then they simply continued with the advisory notes and never opted to pass the required rulings to fill in the gaps of voids in legislation.

In the Karachi *suo moto* case, the bench of the apex court had categorically said in its final order that Karachi should be de-weaponised without loss of time; the Sindh government was not interested in doing so because its politicians were selling the licenses and weapons both – but the high court should have chased the provincial government to do that.

The SC was in knowledge that 1897 persons died in that year till that date; how the law and order situation was better - it was not the duty of the citizen to obtain weapon and protect themselves; police and judiciary had the collective responsibility to protect the citizens.

It is 2016 today, and the words are still hanging in the air; not a single clause of the SC's said decision is acted upon.

The apex court had further said that to avoid political polarisation and to break the cycle of ethnic strife and turf war, boundaries of administrative units like police stations, revenue estates, etc, ought to be altered so that the members of different communities might live together in peace and harmony, instead of allowing various groups to claim that particular areas belong to them and declaring certain areas as no go areas under their fearful influence.

Subsequent thereto, on similar considerations, in view of relevant laws, delimitation of different constituencies were to be undertaken with the same object and purpose, particularly to make Karachi [*which was the hub of economic and commercial activities and also the face of Pakistan*] a peaceful city for the future. The Election Commission of Pakistan was desired to initiate the process in this behalf but till today nothing done.

A senior constitutional expert Babar Sattar, while commenting on one part of the judgment, had pointed out that:

The Living History of Pakistan Vol-III

'Last census in Karachi was held 10 years ago, and we do not have exact proportionate figures of different ethnic groups. One recent report shows that 25 percent of total population of Karachi consists of Pakhtuns but this ratio is not represented in provincial or national assemblies or in the respective governments.'

All this infighting and tussles will continue unless you distribute the political power which reflects size of all stakeholders justly.

Gerrymandering is the process through which the shape of the constituencies is manipulated and altered to ensure specific electoral results; here the problem surfaces thus the violence.'

On 7th March 2016; top provincial and city authorities, including the Chief Secretary and City Commissioner, and provincial chiefs of police and Pakistan Rangers were put on notice to appear before a larger bench of the Supreme Court of Pakistan that was set to resume the proceedings of the Karachi killing *suo motu* case.

The apex court bench was headed by CJP Anwar Zaheer Jamali with Justices Amir Hani Muslim, Shaikh Azmat Saeed, Faisal Arab and Khilji Arif Hussain as its members.

The case was taken up after a pause of over 20 months apparently because the security situation in the city had shown marked improvement during the past two years; the Karachi police chief had already submitted a detailed report in court on the law and order situation in the city.

According to the IGP's report, the overall law and order situation in 2011 was dreadful to that extent that the apex court had to take *suo motu* notice of it. Owing to concerted efforts launched after the intervention of the apex court, the provincial police took several steps to improve the security situation in the province. The report said that there was a marked decrease in crimes, including targeted killings and terrorist activities.

There was a sharp decline in terrorism-related cases in the city as only 42 such cases were reported in 2014 and only four in 2015, while no such case was reported in the year 2016 till then. The robbery incidents also went down by 80pc.

Similarly, the incidences of murder had also decreased by 64pc, as there were 1,640 murders in 2014 and 849 in 2015, while the figure in the year 2016 was 90 till then. No case of kidnapping for ransom was reported in

The Living History of Pakistan Vol-III

the year 2016, while the number of such cases in 2014 and 2015 were 97 and one, respectively.

Moreover, there was a marked decrease in the cases of extortion that showed overall 60pc decline in the past two years. The overall improvement was also appreciated by the community and civil society, resultantly the economic activities of the city increased, flight of capital to other countries stopped and social and cultural activities normalised.

The police report also stated that several high-profile cases had been detected by the police. These cases included, Safoora Goth bus carnage, murder cases of Sabeen Mehmud, Rubina Khalid and Parveen Rehman, Shikarpur imam-bargah blast case and arrest of the accused in attack on Justice Maqbool Baqar.

The last regular hearing of the Karachi *suo motu* case was conducted on 23rd June 2014 by a three-judge bench headed by then CJP Tassaddiq Hussain Jillani. After that the above referred meeting of March 2016 was seen. In between, no meeting held, no report written or made; neither the CJ of SHC nor any succeeding CJP ever bothered to call the progress AND the SC's words went lost in the air; not a single clause of the said decision could be acted upon – the PML[N] & PPP governments were not serious at all.

The apex court had further observed that to avoid political polarisation and to break the cycle of ethnic strife and turf war, boundaries of administrative units like police stations, revenue estates etc, ought to be altered so that the members of different communities might live together in peace and harmony, instead of allowing various groups to claim that particular areas belonging to them and declaring certain areas as no-go areas under their fearful influence.

Subsequent thereto, on similar considerations, in view of relevant laws, *delimitation of different constituencies* were to be undertaken with the same object and purpose, particularly to make Karachi, *also the face of Pakistan*, a peaceful city for the future. The Election Commission of Pakistan was desired to initiate the process in this behalf – but that day never seen dawn.

PPP's OPEN NEPOTISM - DEPUTATIONS:

The Living History of Pakistan Vol-III

The Supreme Court in its judgment had mentioned how officers of the Sindh government were absorbed in the Police Department purely based on political patronage and even named 14 officers who were absorbed without observing the required regulations. The judgement said:

'Either they (police) are scared or they are dishonest or absolutely lack the requisite skills. It could be that in the year 1992, operation clean up was launched against the MQM wherein statedly, the police had played an active role, but subsequently, 92 police officers disappeared and up till now there is no clue of their whereabouts nor is it known that by whom, and under whose patronage, such persons were abducted and killed.'

'Another reason appears to be that police force has been highly politicised, recruitments have been made on political considerations. Many police officers have been recruited on political considerations who have managed to occupy such posts for extraneous considerations.'

'Senior officers in the rank of SSP, SP and DSP have been inducted into the force from other organizations without following any rules and even they have not undergone training for the purpose of policing.'

The record contained details of the following 14 officers;

1. Mr Dost Ali Baloch from Intelligence Bureau; absorbed in Sindh Police with effect from 14.10.1998, presently working as Director General Finance, CPO Sindh, Karachi (BS-20).
2. Mr Muhammad Malik from FIA; absorbed in Sindh Police with effect from 31.10.2007, presently working as Director General Traffic, Planning & Regulation, Sindh, Karachi (BS-20).
3. Mr Muhammad Riaz Soomro from Anti-Narcotic Force; absorbed in Sindh Police with effect from 26.2.2008, presently working as SSP, District Mirpurkhas (BS-19).
4. Mr Muhammad Ali Baloch; Assistant Director (Computer) in Sindh Police since 6.4.1999, presently working as SSP, District Tando Muhammad Khan (BS-19).
5. Mr Abdul Hadi Bullo from OMG [Office Management Group]; ab-

The Living History of Pakistan Vol-III

sorbed in Sindh Police with effect from 16.7.2003, presently working as SSP District Matiari (BS-19).

6. Mr Attaullah K Chandio from Solicitor Department; absorbed in Sindh Police with effect from 1.6.1995, presently working as SP, Special Branch, Mirpurkhas (BS-18).

7. Mr Shahid Hussain Mahesar from Intelligence Bureau; with effect from 26.7.2009, presently working as SSP Political (SB) Karachi.

8. Mr Zameer Ahmed Abbasi from NAB [National Accountability Bureau]; taken with effect from 1.12.2008, presently working as SDPO Frere, District South, Karachi Range (BS-17).

9. Mr Shiraz Asghar Shaikh of PEMRA; taken with effect from 23.8.2008, presently working as SDPO Darakhshan, District South, Karachi Range (BS- 17).

10. Mr Faisal Mukhtar Vakaasi on deputation from NAB; with effect from 31.3.2009, presently working as Principal, Training & Recruitment, Karachi Range (BS-17).

11. Mr I D Mangi on deputation from ACE Sindh; with effect from 10.4.2009, presently working as DSP/ACLC, Karachi Range (BS-17).

12. Major (r) Khurram Gulzar, re-employed on contract basis; as DIG Police (BS-20) for a period of one year with effect from 27.12.2010.

13. Col (r) M A Wahid Khan; re-employed as Principal, SBB EPT Razakabad, Karachi (BS-19) for a period of one year with effect from 1.9.2008. Extension granted for two years with effect from 1.9.2009.

14. Major (r) Muhammad Ahsan Umar re-employed as SSP; District East Karachi Range (BS-19), for a period of two years with effect from 24.9.2010."

Another shocking aspect of police working was stated by the IGP that the total strength of police force in August 2011 was 32,524 out of which approximately 12,000 were performing security duties, including 8,000 deployed with VIPs. Thus only 20,000 personnel of police force were left for the purpose of policing of 18 million people in Karachi.

By means of the Sindh (Repeal of the Police Order, 2002 and Revival of the Police Act 1861) Act 2011 passed by the provincial assembly, in Sindh Province *the Police Act 1861 was revived again in its original form*

The Living History of Pakistan Vol-III

and policing needs of 1861 - the IGP was helpless in transferring even a DSP from one place to another.

On 8th April 2013, the Supreme Court warned the Sindh provincial government with contempt proceedings if it did not repatriate 136 officers on deputation back to their parent departments within 24 hours.

A 2-member bench, comprising Justice Sarmad Jalal Osmani and J Amir Hani Muslim passed orders after the court was dismayed at knowing that despite its repeated directives, Sindh government had not repatriated officers on deputation back to their parent departments.

[The bravery of the CJP Iftikhar A Chaudhry's Supreme Court be judged from this 'episode' that after 2011, it could only pass that order on 8th April 2013 – when the PPP government had finished their tenure on 16th March 2013]

Secretary Services had informed the court that in pursuance of the court orders, 421 officers inducted in different departments of the Sindh government on deputation had already been repatriated to their parent departments.

The apex court was astonished that how the Sindh government had passed an ordinance to defy the court orders. The court asked to justify how officers, who do not qualify, were re-appointed on deputation - the Chief Secretary admitted his guilt.

The court also took exception that how *one Saifullah Halepoto, Deputy Director Anti-Corruption, who was inducted from police department, was given three promotions in one year.*

A school teacher had been appointed on deputation as Deputy Director in Anti-Corruption Department.

The apex court was told that only 46 officers out of 136 were rightly appointed on deputation in accordance with the relevant rules; for the rest there was no justification – it was utter nepotism by the PPP politicians.

FURTHER TO DR MIRZA's CHARGES:

As discussed in detail in a previous chapter that *on 28th August 2011, Sindh's senior minister, Dr Zulfiqar Mirza made certain confessions [swearing on the holy Qura'an mostly keeping it on his head] before the*

The Living History of Pakistan Vol-III

electronic and print media; trying to mark a point that he's such an open & genuine guy – he couldn't help but rolled off complete inside information about the in-door intrigues of politics in Sindh.

Most Pakistanis went stunned when Dr Mirza had said on live TV "*chal, kaha suna maaf*". [forgive me for my follies, if any] for his stay in the PPP government and in politics. His immediate cause of concern was that famous Lyari Operation which was launched .

[On 28th August 2011; during 7-hour operation in the Lyari area, Rangers had arrested more than 100 suspected criminals, destroyed two torture cells and seized a heavy cache of weapons.

The Rangers cordoned off the Nayabad area of Lyari early in the morning and launched a door-to-door search. The residents protested against the raids and blocked the roads. However, the Rangers continued the search. The head of Sachal Rangers, Brig Waseem Ayub himself controlled the said operation.

It was in that protest that PPP senior leader Dr Zulfiqar Mirza had spilled the beans against the MQM and his own party's Interior Minister Rehman Malik the same evening.]

In the back-drop of awakening of his great conscience, the son of the soil politician finally said the magic words against MQM leadership and Rehman Malik, the Federal Interior Minister by name, swearing over the holy Qura'an that:

'Malik is "hand-in-glove" with terrorists; he is a "compulsive liar" and is embarrassed to admit he eats apples.'

Dr Mirza had taken a shot at MQM, calling it a "*terrorist organisation*" [*and immediately his bravery was celebrated*]; claiming that '*we need someone to call spade a spade etc.*', but till then the city started burning and bleeding all around. His "brother and friend" President Zardari sarcastically remained calm and silent.

Rehman Malik immediately forgave him by dismissing his outburst and calling Mirza his younger brother. Like all families, here too, we see the younger brother's carelessness being dismissed. The most important question went un-answered that who benefited from that wholesome show; the consensus, however, prevailed that the show must go on.

The Living History of Pakistan Vol-III

On 6th September 2011; Chief Minister Sindh had officially accepted the said resignation of Dr Zulfiqar Mirza.

The decision of Dr Z Mirza to become a public dissident of the PPP had ramifications for his wife, Dr Fehmida Mirza, the speaker of the National Assembly. During the first week of October 2011, she had to allow MQM lawmakers to respond to her husband's politics in Sindh. She did not just allow the MQM legislators to speak their mind against Dr Zulfiqar Mirza but also refused to expunge any of the extremely critical remarks against him, even though another parliamentarian had suggested her to do so.

The other indictments of MQM were that investigation should be initiated against Dr Zulfiqar Mirza *for issuing 0.3 million arms licenses as no record was available in the interior ministry;* he should be arrested for the killing of Rehman Dakait, too.

MQM MNAs labelled Dr Zulfiqar Mirza a liar and a saboteur and claimed that his only mission was to cause violence in Karachi. They also held him responsible for the on-going target killings in Karachi. Many continued to believe that Mirza was following a script written and directed by the Presidency that was aimed at pressuring the MQM to return to the government which they had left only weeks before.

But it was not the first time that MQM had gone sour with the PPP, there were many occasions in the past, too. Adding to the complex mix, the Supreme Court's proceedings on Karachi and an armed operation that was being conducted without bias or political interference, the fear was that the MQM could be in serious trouble. What could save it, however, was MQM's return to the treasury benches, which they agreed soon.

On 19th September 2011; Dr Zulfiqar Mirza made more deliberations about Rehman Malik AND again in an open media address:

'Rehman Malik is a 100 per cent compulsive liar. Malik could have been a better politician and administrator if only he told 50 percent less lies.'

If this country suffered losses, Rehman Malik should be held responsible because he is the greatest enemy of Pakistan. Malik had no stakes in this country as his family lives in England.

Rehman Malik's personality has always been controversial in Pakistan. Foreign minister was changed once. Information minister was changed twice. The remaining cabinet was shuffled a few months back too. But it seems no authority has the power to sack Rehman Malik because he represents America here.'

The Living History of Pakistan Vol-III

Governor of one province, one federal minister, numerous MNAs & MPAs were killed during Mr Malik's tenure as interior minister; Osama's presence in Pakistan was a failure of his intelligence agency [IB] and his ministry both but who cares in Pakistan.

On 8th October 2011, in a Special Convocation held at the Governor House Karachi, the Sindh Governor Ishratul Ebad Khan, the Chancellor of the University of Karachi [KU] by designation, conferred the Doctorate degree on Rehman Malik, the then Federal Interior Minister. Fact remains that Malik was taken Senator from MQM's quota in 2009 not of the PPP.

The interesting reality was that the Interior Minister was awarded honorary doctorate degree in a discipline [Peace & Conflict Studies] for which university had no PhD program; the KU does not even offer a PhD program in International Relations [IR], a department that was launched in 1958. The degree was awarded to Mr Malik in recognition of his '*matchless services to the country in the war on terror and particularly in restoring peace to the citizens of Karachi.*'

[Supreme Court had written in its judgment that during eight months till ending August 2011, there were 1310 reported killings in Karachi city – but Governor Sindh declared Mr Malik a 'social scholar'.]

This was the first time ever that the administration had bypassed the syndicate in deciding an honorary degree. The executive council of KUTS had condemned the decision and all the student bodies except PSF lodged huge protest demo in front of Karachi Press Club against the said decision of the Governor Sindh to award an honorary degree to Rehman Malik.

On 17th October 2011; Dr Mirza made open his dissatisfaction over the Supreme Court *suo motu* decision on Karachi. He once more lashed out at the MQM and Rehman Malik; once more declared the Interior Minister a liar and referred to him as '*Shaitan Malik*'.

Talking about the Supreme Court's decision over Karachi Dr Mirza said that every loyal Pakistani is disheartened over the judgment and he would issue 500,000 more weapons license if given the portfolio of Sindh's Home Minister again. The allegations of extortion on *Jamaat-e-Islami* [JI] were also refuted by Dr Mirza.

During the same days, Sindh High Court [SHC] had put off hearing of Rana Faizul Hassan's petition saying that '*Dr Mirza had given provocative remarks in the media on 13th July 2011, which sparked violence in Karachi causing torching of 30 public vehicles and killing numerous innocent citizens*'. Nothing happened as usual.

The Living History of Pakistan Vol-III

On 15th November 2011, Rehman Malik blamed foreign elements and sectarianism for target killings and terrorist activities in Karachi and Balochistan. Talking to PPP's angry MNA Nasir Ali Shah at Parliament House, Mr Malik told the media that banned organisation *Lashkhar e Jangvi* [LeJ] was involved in target killings there. He told that security forces had recovered mobile phones and data of conversation between jailed terrorists of LeJ and their accomplices outside – but to the astonishment of all, the menace continued till PPP's last day in saddles [March 2013].

Thus the degree conferred upon him was totally 'justified'.

On 17th November 2011, Dr Mirza handed over a bundle of documents against MQM to the Scotland Yard in person while he was in London.

To an application wherein documents were filed to establish allegations against the sovereignty of Pakistan attributing to MQM Chief Altaf Hussain, along with two CDs, and another application filed for summoning Sindh former Home Minister Dr Zulfiqar Mirza, who had deposed on the holy Qura'an against the MQM & Rehman Malik, the court pointed out that the instant proceedings were not adversarial but inquisitorial, which had been initiated in the public interest.

The court also pointed out that as Dr Zulfiqar Mirza's statement in the newspapers was not contradicted by anyone, the same would be presumed to have been accepted as was held in the case of *Dr Mubashir Hussain Vs Federation of Pakistan* [PLD 2010 SC 265].

At the end of the judgment, Chief Justice Iftikhar M Chaudhry quoted James Bryce that:

'Our country is not the only thing to which we owe our allegiance. It is also owed to justice and to humanity. Patriotism consists not in waving the flag, but in striving that our country shall be righteous as well as strong.'