

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-4968 of 2013

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Arshad Hussain Khan.

The Ansar Burney Trust International,
& anotherPetitioners

Versus

The Prime Minister of Pakistan, & othersRespondents

Date of hearing 26.11.2020

Ms. Shagufta Burney advocate for the petitioners.

Mr. Shehriyar Mehar, AAG.

Mr. Hussain Bhora, Assistant Attorney General.

Qazi Nazir Ahmed, Inspector General (Prison), Sindh.

Ghulam Ali Soomro, Additional Home Secretary (Prison),
Home Department, Government of Sindh.

Amanullah Zardari, Deputy Secretary (Legal), Home
Department, Government of Sindh.

DSP Raza Mian on behalf of AIGP (Legal), Sindh Police.

Muhammad Ali Mazhar, J: The petitioner is a NGO which moved this court for some directions to the respondent No.5 to 9 to compile the data of condemned prisoners and conduct proper biometric verification in all prisons in Sindh. Various orders were passed by this court from time to time and different progress reports were filed by the official respondents towards implementation of our orders.

2. Today final report has been brought by the Inspector General (Prison) and Additional Home Secretary (Prison) to show that necessary provisions have been made and

computers and other hardware have been provided in the Sindh prisons. The statement is reproduced as under:-

“STATEMENT OF RESPONDENT NO.7

In compliance of the orders of Honourable High Court of Sindh, Karachi passed in C.P. No.D-4968/2013, dated 3-11-2020 the progress updates and concrete action taken are submitted as under:

A) UPGRADATION OF SOFTWARE:

i) Inspector General of Sindh Prisons has shared the compliance report of Director IT CPO, Sindh Karachi bearing letter No.7964-70 dated 24.11.2020 (Annex-A) whereby, it has been informed that “the requisite software module in CRO system for verification of prisoners by their fingerprints is developed and deployed with all essential paraphernalia at each prison”.

ii) Inspector General of Sindh Prisons has further informed through his letter No.SB-1/26290/93/2020 DATED 25.11.2020 (Annex-B) that “Senior Superintendents/Superintendents of all the Prisons have also confirmed that now the current CRO system is updated by the I.T Team of CPO Sindh, Karachi”

B). PROVISION OF COMPUTERS AND HARDWARE EQUIPMENTS:

Following hardware items/equipment have been made available at Sindh prisons in order to operationalize software module in CRO system and Prison Management Information system (PMIS):

Desktop Computers	140 Nos
UPS	140 Nos
Biometric Devices	48 Nos
Digital Cameras	24 Nos
Main Server	01 Nos
Backup Server	01 Nos
Main UPS	01 Nos
Battery Bank	01 Nos
Server Racks	01 Nos
Smart LEDs for dashboard	08 Nos ”

As suggested by I.G. Prisons, Sindh necessary directions have been issued to Inspector General of Police, Sindh for directing the police authorities in all districts of Sindh to provide copy of CNIC of the prisoner or copy of Criminal Record Office (CRO) Report at the time of first entry of the accused in prisons so as to avoid impersonation of the prisoner.

Sd/-
24.11.2020
(ADDITIONAL SECRETARY (PRISONS))
HOME DEPARTMENT
ON BEHALF OF RESPONDENT NO.7

3. The Inspector General Sindh Prisons and Correction Services has also produced progress report. He confirms that requisite software module, Criminal Record Office (CRO) systems for verification of the prisoners by their fingerprints through NADRA has already been developed and deployed with all the essential peripherals at each prison in Sindh. In this progress report the names of prisons are also mentioned which are reproduced as under:-

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S.#	PRISON	STATUS
01.	Central Prison, Karachi	Deployed/Operational
02.	Central Prison of Women & Juvenile, Karachi	Deployed/Operational
03.	District Prison Malir, Karachi	Deployed/Operational
04.	District Prison Sukkur	Deployed/Operational
05.	District Prison Women & Juvenile	Deployed/Operational
06.	Central Prison Khairpur	Deployed/Operational
07.	District Prison & C.F. Shikarpur	Deployed/Operational
08.	District Prison & C.F. Dadu	Deployed/Operational
09.	District Prison & C.F Jacobabad	Deployed/Operational
10.	Juvenile & Women & C.F at District Prison Sukkur	Deployed/Operational
11.	Special Prison & C.F Women Larkana	Deployed/Operational
12.	Special Prison & C.F Women Larkana	Deployed/Operational
13.	District Prison & C.F Ghotki	Deployed/Operational
14.	District Prison & C.F Nausheroferoze	Deployed/Operational
15.	District Prison & C.F S.B.A	Deployed/Operational
16.	District Prison & C.F Sanghar	Deployed/Operational
17.	District Prison & C.F Mirpurkhas	Deployed/Operational

18.	District Prison & C.F Badin	Deployed/Operational
19.	Central Prison & C.F Hyderabad	Deployed/Operational
20.	Special Prison & C.F Nara Hyderabad	Deployed/Operational
21.	Y.O.I.S & C.F Hyderabad	Deployed/Operational
22.	Special Prison & C.F for Women Hyderabad	Deployed/Operational

4. The aforesaid details are mentioned in the confirmation letter dated 24.11.2020 issued by Director Information & Technology, Sindh Police Karachi communicated to I.G. Prisons & Correction Services, Karachi after various orders passed by this court. Due to combined efforts made by the Government of Sindh, Home Department and Prisons Department, some effective measures have been taken to develop and deploy a system so that there shall be no doubt in future with regard to identity of any prisoner and he will go through biometric system for his identification integrated with NADRA verification system. At this juncture, I.G. Prisons also pointed out Rule 401 of Sindh Prisons & Corrections Service Rules, 2019 (Sindh Prisons & Correctional Manual) wherein it has been provided as a mandatory requirement that the Incharge Police escort while handing over the custody to the prison authority will produce Computerized National Identity Card of the prisoners or copy of CRO record. For the ease of reference, Rule 401 is reproduced as under:-

“Identification of prisoners on admission—

“(1) Before admitting of prisoner, the Assistant Superintendent Incharge of admission or duty officer shall question the prisoner and ascertain his name and other particulars correspond with those entered in his warrant or order and shall give a receipt in the prescribed form to the police escort. The Incharge police escort while handing

over the custody, will produce computerized National Identity Card (CNIC) of the prisoner or copy of Criminal Record Office Report (CRO) photographs or testify the identity of the prisoner in writing as per the particulars entered in the warrant of commitment to avoid impersonation”.

5. The I.G. Prison further submits that though this Rule is in field since 2019 but there is some lacking in the implementation, therefore, he requests that Inspector General of Sindh Police may be directed to ensure compliance of this Rule by their escort while handing over the custody of any convict or the UTP to any prison of Sindh. DSP Raza Mian is present on behalf of AIGP (legal) undertakes that this Rule shall be fully implemented by all police officials in Sindh in letter and spirit. Learned AAG has also pointed out a letter dated 25.11.2020 issued by Section Officer (Prison-I), Home Department, Government of Sindh to the Inspector General of Police and with reference of this constitution petition a request has been made to the police authority of all districts in Sindh to provide a copy of CNIC of the prison/Criminal Record Office (CRO) at the time of first entry of the prisoner in any prison so as to avert any impersonation. It appears that the Home Department has already communicated the request of the I.G. Prison now, this matter is for only its effective implementation in future. The petition is disposed of accordingly. The Inspector General of Police and Inspector General Prison shall ensure identification of every prisoner through biometric verification and the Sindh Police shall also comply with the Rule 401 of Sindh Prisons & Corrections Service Rules, 2019 as referred to above. Copy of this order

may be transmitted to the Advocate General Sindh, I.G. Sindh
Police, I.G Prisons and Secretary, Home Department,
Government of Sindh.

JUDGE

JUDGE

Aadil Arab