

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

Date	Order with signature of Judge
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For hearing of CMA No.25155/2019

13.02.2020

Mr. Mohamed Vawda advocate for the petitioners.

Mr. Jawad Dero, Addl. A.G.

Mr. Zafar Ahmed Khan, DPG.

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.

DIG (Legal) Zulfiqar Mehar.

AIGP (Legal) Muhammad Habib Khan.

DSP (Legal) Mushtaq Ahmed Abbasi.

DSP (Legal) Raza Mian.

DSP (Legal) Muhammad Akbar Ali.

The petitioner has approached this court in fact for the implementation of the judgment of the hon'ble Supreme Court reported in PLJ 2013 S.C. 107 as well as judgment passed by this court on 31.01.2019, whereby, the petition was disposed of with certain directions.

Learned counsel for the petitioner argued that despite clear directions, the orders have not been implemented as still various cases of DNA Test are pending and reports are awaited which has bad impact on the trial of rape cases.

Syed Kaleem Imam, I.G. Sindh is present with DIG Legal. He submits that they have a SoP for immediate DNA Test with certain directions to the SHOs and I.Os. We have gone through the SoP but no exact timeframe is mentioned in which SHOs or

the I.Os. are required to forward the sample for DNA test and receiving report without any delay.

Learned counsel for the petitioners further argued that so many DNA Test reports are awaited due to non payment of bills of the concerned Laboratories. DIG Legal submits that Sindh Government has recently entered into an agreement with Karachi University and Jamshoro University for the facility of DNA Test and they have made some payment also to them but still no mechanism is placed before us to deal the situation as to when I.O will forward the sample and whether the same is directly received by the University or they ask for the payment first or they directly send the bill to the Sindh Government.

The Home Secretary submits that some amount has been paid and some amount will be transferred in escrow account but he is not confident about the procedure in which samples are received and bills are sent to the Sindh Government. According to our understanding, in order to enforce the mandatory test of DNA in rape cases smooth mechanism is required to be made out in which I.Os or the SHOs should not be burdened for the cost or demand of bill at site but there must be a mechanism that after collection of the samples a bill should be sent of all such DNA test to the Sindh Government for payment. The Home Secretary and the I.G. Sindh as well as DIG Legal all are directed to convene a meeting within three days and jot down a complete mechanism for the implementation that will be circulated after approval of the court not only to the concerned Laboratories but also to all

SHOs and I.Os of the cases for the effective implementation of the judgment.

Mr. Abdul Razak, MIT-II is directed to focus on the next implementation in which the trial courts should fix screen in the rape cases in compliance of the directions of the hon'ble Supreme Court as well as this court. He is directed to contact Sessions Judges individually and submit the report as to whether trial and proceedings in the rape cases are being conducted in compliance of the directions with proper screening or not. We want to see the list of all individual cases pending in individual courts and the reasons for non compliance by the Sessions Judges or ATC Judges in letter and spirit. In case any deficiency is found in compliance of the directions of the hon'ble Supreme Court or this court, the Presiding Officer of the concerned court would be responsible to face the consequences and they will be bound to appear in person and explain their position.

At this juncture, I.G. Sindh submits that they have some already sanctioned funds for the investigation and if they are allowed they may pay the DNA Test fee so he requests that some directions may be issued to grant this amount as impress money for consumption in DNA Test on immediate basis. This aspect will also be considered by the Home Secretary in the meeting that is being convened under the directions of this court. The Secretary Finance shall also attend the meeting on the directions of this court. Adjourned to 27.02.2020 at 11:00

a.m. on which date I.G. Sindh, DIG Legal, Home Secretary and MIT-II shall also be in attendance.

JUDGE

JUDGE

Aadil Arab

