ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-349/2021

Date Order with signature of Judge

01.11.2021

Mr. Abbadul Hasnain advocate

Mr. Muzammil Mumtaz Meo advocate

Mr. Sandeep Malani, AAG alongwith DIGP Naseem Ahmed Sheikh, Special Branch, Sindh, DSP Muhammad Hassan Baloch, Special Branch, Saqawat Ali, CPO Sindh Legal Branch.

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Salahuddin Panhwar, J:- Pursuant to earlier order Mr. Naseem Ahmed

Sheikh PSP, DIGP, Special Branch submit report which speaks that:-

"It is respectfully submitted that this honorable Court kindly consider following submission in the larger interest of justice:

- 1. That the office of Inspector General of Police Sindh was informed about the proceedings of the honorable Court dated vide letter No.8613/DIGP/SB/LEGAL dated 11th October 2021.
- 2. That IGP Sindh issued instructions to all District SSP and Range/Zonal DIGPs in this regard vide letter No.2758-91/ dated 14th October 2021.
- 3. Report was called from all Zonal/ Range DIGPs in compliance of the order elated 2021 of this Honourable Court vide letter No.DIGP/SB/LEGAl/ 8668-77/2021 dated 12-10-2021.
- 4. That report was also called from Range DIGPs regarding action taken against the police officers/officials involved in either patronizing the nuisance of Gutka/ Mainpuri or found inefficient in taking action against the sellers of Gutka/ Mainpuri.
- 5. That all Range/ Zonal DIGPs have submitted their respective reports regarding action taken against main dealers of Gutka/ Mainpuri in various districts of Sindh. These reports are consolidated and report is submitted before this honorable Court.
- 6. That report regarding action against Police officers is also received from all / Range DIGI)s and it is submitted as Annexure- E.
- 7. 'That ICGP Sindh has conducted two (2) meetings with Additional IGP Karachi, Zonal/ Range DIGPs and

District SSPs on and 14.10.2021 and 21.10.2021. Instructions convened strictly to take action against the menace of Gutka/ Mainpuri respective areas.

- 8. That information was also collected through Intelligence sources and the office of the IG Sindh has monitored the action taken by the respective districts closely.
- 9. That IGP Sindh has directed all District SSPs to 10 screen their subordinates and whosoever is found involved in consumption of this hazardous illegal substance action should be taken against them. Action taken in this regard is submitted.
- 10. Report is submitted before the Honorable Court with a request that the action against Gutka/Mainpuri and their derivatives is a continuous process and Sindh Police has taken sincere and effective action against this illegal business. Senior officers are monitoring the action taken and the office of Inspector General of Police Sindh has conveyed categorically to the officers to take action against this illegal business on zero tolerance basis.

PRAYER

In the light of action taken and commitment on part of officers of Sindh Police regarding strict action against the illegal business of Gutka/Mainpuri, it is requested that the instant petition may kindly be filed. Any further directions of this Honorable Court will be complied in letter and spirit."

He also submits plethora of documents regarding action taken against manufacturers/smugglers of gukta/mainpuri and other hazardous articles and contends that IGP Sindh has taken serious action against police officers/officials who are involved in this nuisance and further undertakes on behalf of IGP Sindh to take further actions and probe into the issue. This court appreciates the efforts taken by IGP Sindh and Mr. Naeem Ahmed Sheikh DIGP who has provided substantial assistance to this court and further probing into the matter. However, what is worth noting is that status of the **Mainpuri / Gutkha** to be a **menace** was / is not disputed, at all yet it continued; efforts of this Court resulted in specific legislation and

even direction (s) continued from this Court which all were / are aimed to root out this evil but those, who for their own benefits, used the lives of innocents as ladders in becoming millionaires, chose a safest way by making the 'Chowkidars' as patrons for such menace. It was the involvement of intelligence which, for first time, brought the names of *patrons* which list *most unfortunately* included the names of the police official (s). Disclosure of police official (s) as patrons of such business, I regretfully say, not only caused prejudice to those honest police official (s) but also opened room for need of inter-policing. I believe that not whole police department is liable to be blamed but **black sheep** needs to be tackled in such manner and fashion that none could dare in future particularly where such police official (s) are found involved in owning / patronizing such like menace because in such eventuality their acts are not merely misconduct but they became guilty of society as a whole. It is pertinent to add here that mere lodgment of an FIR against 'Maindealer' or manufacturer is not sufficient rather an inquiry should also be initiated by quarter concerned regarding change of their status from wonderer to millionairs which, too, within days. This aspect, however, has not been addressed in the report.

Mr. Muzammil Mumtaz filed application, issue notice to IGP Sindh and PG Sindh. Office shall assign number to it.

At this juncture DIGP contends that they have introduced **internal policing** within **police department** and that is a separate wing headed by Additional IG Sindh who is very competent and upright officer. Needless to mention that concept of **internal policing** should be broader and internal police officers / branch

should never wait for a complaint else the concept of internal policing fails hence **should keep a** *hawk-eye* on other officers and take action if there is any **malfeasance** or **misfeasance** by any officer/official. This, needless to add, however, should not be used to cause any black-mailing or harassment to police official (s) but any action must be based on sound and reasonable evidences. This mechanism shall be established upto district level. Accordingly, IGP Sindh shall examine the same and submit details of police officials/officers involved in gutka and report with regard to action taken which must be in line, so detailed in para *supra*.

Monthly reports shall be submitted with the MIT-II by concerned officer. To come up on 07.02.2022.

JUDGE

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