

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**C.P. No.D-2296 of 2015.**

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| Date | Order with signature of Judge |
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For hearing of main case.

**13.04.2021.**

Mr. Ch. Waseem Akhtar, Assistant Attorney General.  
Mr. Talib Ali Memon, APG.  
Mr. Shamsheer A. Khan Azeemi, Advocate for Rangers.  
Mr. Muhammad Khan Soomro, Addl. Secretary, Home Department.  
Mr. Sajjad Ahmed, Law officer, Rangers  
SP Shehla Qureshi.  
DSP Naeem

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**Mohammad Karim Khan Agha-J:** Order dated 10.03.2021 is reproduced as under:-

*"Petitioner appears to be disturbed. Reports are submitted by the I.O as well as by the Home Department. Once again, it is observed that such reports are stereotype and without any substance. It is very unfortunate that since 2015, yet I.O has failed to collect reports from Internment Centres. Assistant Attorney General also appears to be **helpless** in collecting reports from the Internment Centres. **It is ordered that Secretary, Ministry of Interior, Government of Pakistan, shall collect such reports from the concerned quarters and submit the same on the next date, else appropriate orders shall be passed.** Adjourned to 13.04.2021. In the meanwhile, JIT and PTF sessions are ordered to be repeated. Let copy of the order be sent to Secretary, Ministry of Interior, Government of Pakistan by fax for compliance.*

Pursuant to the aforesaid order a further enquiry report has been submitted which is once again " stereotype in nature and is thus rejected. The PTF held its meeting on 05.03.2021 and has made recommendations for the recovery of the missing person

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which recommendations shall be carried out by the IO who shall file a detailed progress report on the next date of hearing.

The order reproduced above reveals that it was **ordered** that the Secretary, Ministry of Interior, Government of Pakistan shall collect such reports from the concerned quarters and submit the same on the next date of hearing, else appropriate orders shall be passed. When confronted by this Court as to where these reports were available, the learned D.A.G. candidly conceded that he had not received the reports from the Secretary, Ministry of Interior.

Under these circumstances we are left with no other option than to issue Show Cause Notice to the Secretary, Ministry of Interior, Government of Pakistan as to why he should not be proceeded with for Contempt of Court for violation of this Court's order dated 10.03.2021 and also violation of many other orders of this Court where he had been directed to produce list of Internment Centres in KPK as well as names of detainees so that this Court could identify if any person is held in the Internment Centers who was a missing person before this Court.

On the next date of hearing, Secretary Ministry of Interior, Government of Pakistan shall be present in person and produce his reply of Show Cause Notice as well as list of all the Internment Centres in KPK along with names of the persons held in Internment Centres so that Government of Sindh can identify whether any of those persons are missing persons whose cases are before this Court.

A copy of this order shall be sent by fax to Secretary, Ministry of Interior, Government of Pakistan for compliance. If

Secretary, Ministry of Interior, Government of Pakistan fails to appear in person and without reply to Show Cause Notice, this Court might pass necessary orders against him for non-compliance of the orders of this Court.

We understand that Pakistan might be a party to some UN Conventions concerning enforced disappearance. Under these circumstances, Secretary Human Rights Ministry, Government of Pakistan shall appear in person on the next date of hearing and inform this Court; (a) if Pakistan is a party to any UN Convention concerning enforced disappearances or any other such Convention, (b) what reports, if any, it has filed in this regard to the UN Human Rights Committee concerning enforced disappearance or any other body, (c) apart from Human Rights Commission of Pakistan whether there are any other bodies/institutions under the Government's control dealing with Human rights. A copy of this order shall also be sent by facsimile to Secretary Human Rights, Government of Pakistan for compliance.

Once again we express our disappointment that no legislation has been passed to deal with enforced disappearance which we believe most of the political parties would be agreeable to as one day either they or their relatives might be involved in this type of incident especially as such legislation would be for the welfare of their constituents. Even if appropriate legislation cannot be passed, the Government has in recent times been legislating liberally through Presidential Ordinance on lesser matters of importance and hence an appropriate ordinance could be passed.

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The right to life is the most precious of all fundamental rights of the citizens protected by the Constitution and it is the duty of the State to ensure that such rights are protected (namely the practice of missing persons/enforced disappearance is put an end to) as Pakistan is a democratic country which is governed by the 1973 Constitution which is also blended with Islamic provisions which absolutely prohibits such illegal actions. It is the duty of the State to protect its citizens and we firmly believe that the State has the power and ability to prevent such practices as missing persons/enforced disappearances and to pass appropriate legislation to this effect. We make it clear that under no circumstances should the Islamic Republic of Pakistan descend to position of some countries in Latin America in the 1970's and 1980's where people were regularly forcibly disappeared by the State apparatus. Such practice is prohibited by our Constitution which protects its citizens against such illegal actions **and we make it clear that the onus rests on the Federal Government to put an end to such illegal practices which** cause nothing but heartburn and misery to the citizens whose loved ones have gone missing in some cases for years on end. Such practices greatly undermine the rule of law and the peoples confidence in the state to ensure their constitutional guarantees.

A copy of this order shall also be sent to the Attorney General of Pakistan for information.

To come up on **27.04.2021 at 08: 30 a.m.**