

24th November, 2017

The Secretary,
Government of Sindh,
Home Department,
Karachi

CONTEMPT NOTICE

IN RELATION TO THE JUDGMENT DATED 07.09.2017, IN CONSTITUTION PETITION NO.D-7097 OF 2016 ['KARAMAT ALI & OTHERS VS. FEDERATION OF PAKISTAN & OTHERS'] AND CONSTITUTION PETITION NO. D-131 OF 2017 ['SHEHRI - CITIZENS FOR A BETTER ENVIRONMENT & OTHERS VS. FEDERATION OF PAKISTAN & OTHERS']

Dear Sir,

1. We act on behalf of the Civil Society Persons i.e. the Petitioners in Constitution Petition No. 7097 of 2016 ['Karamat Ali & Others versus Federation of Pakistan & Others'] and Constitution Petition No. 131 of 2017 ['Shehri - Citizens for a Better Environment & Others versus Federation of Pakistan & Others']. The Subject Petitions were filed, inter alia, seeking to restrain the Sindh Government from subverting the autonomy of command and independence of operation of the Sindh Police.
2. As you are aware the Honourable High Court of Sindh, through Judgment dated: 07.09.2017, was pleased to restrain the authorities from subverting (directly or indirectly) the autonomy of command and independence of operation, in the following terms:

"...The police hierarchy, acting always through the Inspector General must have control over its own affairs as regards its operations and command. There can be no interference, direct or indirect, in the operational affairs of the force nor can anything be done to affect the autonomy of command. No authority or body, whether the Provincial Government itself, or in or of it (including any minister of whatever rank), can issue any order, direction, instruction, guideline, circular or notification that impacts on, compromises, affects, negates, erodes or otherwise curtails or reduces the force's autonomy of command and independence of operation...Outside interference, whether by the

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*Provincial Government or any body or authority thereof or otherwise,
(including any minister of any rank) must come to an end..."*

In view of the abovementioned passages of the Judgment dated: 07.09.2017, the Sindh Government cannot directly or indirectly subvert the autonomy of command and independence of operation of the Sindh Police. The financial independence is the most important component of the autonomy of command and independence of operation of the Sindh Police. Therefore, any attempt to curtail the financial independence of Sindh Police will amount to direct subversion of the autonomy of command and independence of operation of the Sindh Police.

3. To our shock and surprise, we have been informed that you have subverted the autonomy of command and independence of operation of the Sindh Police, by consciously and deliberately not releasing the funds of the Sindh Police. Details of only some of the funds not released by you are listed below:

- Request for additional demand of fund outside the budget for capacity building training of Sindh Police (newly recruited constables) at Army Training Center Hyderabad Rs. 159 million, by Letter No. B-II/1743, dated: 21.09.2017.
- Request for permission for clearance of outstanding liabilities of POL charges of AIGP Forensic for the month of May-2017 (Rs. 164,144/-) and SSP Crime Branch-II for the month of March to May-2017 (Rs. 178,028/-) total amounting to Rs. 342,172/-, by Letter No. B-II/1327, dated: 29.09.2017.
- Release of Funds under item purchase of Transport and approval procurement of transport amounting to Rs. 1,847,970,000/-, by Letter No. B-II/1743, dated: 18.10.2017.

4. The abovementioned act of failure to release funds of the Sindh Police has been done in order to undermine, curtail and subvert the financial autonomy and independence of the Sindh police. Effectively, this is an attempt to subvert the Judgment dated: 07.09.2017, of the Honourable High Court of Sindh through which the Sindh Government was restrained from taking any action that will compromise, affect, negate, erode or otherwise curtail or reduce the Police force autonomy of command and independence of operation. Therefore, by failing to release the funds of the Sindh Police, you have deliberately and willfully violated the Judgment of the Honourable High Court of Sindh.

5. In view of the above, it is clear and evident that you have no respect for the Judgment of the Court and the law of the land. We would like to inform you that unless the financial autonomy of Sindh Police is respected, we have clear

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instructions from our clients, to institute proceedings of contempt against you and all relevant persons.

Thank you,

Regards,

For Faisal Siddiqi
Advocate

Copy to:

Chief Secretary,
Government of Sindh,
Sindh Secretariat,
Karachi

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