**Constitution Petitions No.7097 of 2016 and 131 of 2017 seeking, inter alia, de-politicization of the Police Force and to challenge, inter alia, the illegal removal of the Inspector General of Police, Sindh**

The aforementioned Constitution Petitions were filed before the Honourable High Court of Sindh, at Karachi, to, interalia, challenge the unconstitutional repeal of the Police Order, 2002, purportedly through the Sindh (Repeal of the Police Order, 2002 & Revival of the Police Act, 1861) Act, 2011 ['2011 Sindh Act'], lack of implementation of the Police Order, 2002, which is constitutionally in force and the illegal and malafide action of the Sindh Government in interfering with the work of and making ineffective the Inspector General of Police, Sindh, by sending him on forced leave.

The main relief sought through the aforementioned Petitions can be summarized as follows:

1. The 2011 Sindh Act is ultra vires to the Constitution, 1973, and that it is the Police Order, 2002, and not the Police Act, 1861, that is still the law applicable in relation to the Police force in Sindh.
2. Formation of a judicial commission, which would undertake a comprehensive exercise in order to reform and improve the Police force for effective enforcement of fundamental rights of the citizens of Sindh. Restrain against political interference in the functioning of the police force by the Sindh Government. More specifically, the Inspector General’s autonomy of command and independence of operation is respected and, accordingly, the functioning of the Sindh Police should be de-politicized.

On 07.09.2017 the Honourable High Court of Sindh, announced the Judgment in the aforementioned Petitions and held as follows:

1. The tenure of the Inspector General of Police under the Sindh Government Rules of Business, 1986, is five years, which cannot be disregarded, disobeyed or flouted by the Sindh Government. However, if at any time, the Sindh Government amends or alters the 1986 Rules in relation to the term or tenure of the Inspector General of Police, such term cannot under any circumstance be reduced to less than three years.
2. The post of Inspector General of Police has a fixed term of posting associated with it as stated above. The Inspector General of Police, Sindh, can only be removed during the aforementioned term for compelling reasons as laid down by the Honourable Supreme Court in Anita Turab's case.
3. The Notifications dated: 31.03.2017 and 01.04.2017 of the Sindh Government through which the Inspector General of Police was illegally removed were quashed, thereby permanently restoring the Inspector General of Police, Sindh, to his current charge/posting.
4. It was also held that the position of the Inspector General of Police is at the apex of the Police force, therefore, any attempt to sideline or curtail his power directly or indirectly would be contrary to law and of no legal effect. Consequently, the power to carry out transfers and postings within the police force, at all levels, vests in the Inspector General of Police. Hence, the order/notification dated: 07.07.2017 and all subsequent orders/notifications, regarding various transfers/postings of subordinate police officers are quashed as being contrary to law and of no legal effect. The Honourable Court also ordered the Sindh Government to make rules in which Inspector General’s autonomy of command and independence of operation is ensured, and in the meanwhile, no transfer and posting of police officials should take place without the Inspector General’s order.
5. The Honourable Court has also directed the Sindh Government to develop and devise police reforms.
6. The Police Order 2002, in pith and substance, lay under the exclusive provincial domain. Therefore, it was fully within the legislative competence of the Sindh Assembly to repeal the Police Order, 2002, and replace it with such legislation relating to the police as it consider appropriate, in this case the Police Act,1861.
7. Formation of a Judicial Commission for issuing directions for police reforms lies beyond the jurisdiction of the High Court under Article 199, Constitution, 1973. This could entail massive changes being made to the Police Act,1861, and it could even virtually amount to a replacement of the statute. Hence, this relief is not liable to be granted.