

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. NO. D-269 / 2015

H/me

Pakistan Institute of Labour Education & Research & others Petitioners

Versus

Province of Sindh through Chief Secretary Sindh & Others Respondents

PRELIMINARY OBJECTIONS

The Respondent No. 3 in the instant petition respectfully files his objections to the petition on the point of Locus Standi. The petitioners 1 and 2 are not 'natural persons' but are companies. The petitioners have failed to prove as to how their fundamental rights have been harmed. Secondly, as per para 1 of the Memo of Petition, the petitioners have themselves claimed that the instant petition is a "Public Interest Constitutional Petition", the subject matter which falls under the exclusive jurisdiction of Honourable Supreme Court of Pakistan. Hence the instant matter being the subject matter of public interest litigation cannot be heard under Article 199 of the Constitution.

COMPLIANCE REPORT

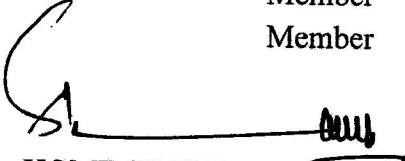
Despite legal reservations and Preliminary Objections to the instant petition which may kindly be placed on record of this Honourable Court, the Respondent No. 3 i.e. Home Secretary Sindh, in compliance of the orders of this Honourable Court respectfully and humbly submits as under:

1. That, the Home Department, Government of Sindh has taken various steps for betterment of law & order in general and security of schools in particular.
2. That, in the wake of tragic incident of Army Public School in Peshawar in December 2014, a meeting with the relevant stake holders (Education Secretary, IG Police and all Commissioners) was held at Home Department on 06.01.2015, wherein it was decided that each School / college shall chalk out its security plan before opening of the schools after winter vacation. Thus, detailed instructions / SOPs were circulated wherein the schools / colleges had to formulate security plans to be followed by them. Similarly, a follow up meeting was also held at Home Department on 10.08.2015 to discuss and adopt measures for protection of the Educational Institutions. Education Department submitted its report before this Honourable Court and a report of local police (SSP East Karachi) was also submitted. This positions has already been submitted before the Honourable Court (Annexure-I).
3. That, Education Department has also been doing its best to provide missing facilities to government schools including constructing boundary walls. But since it's a gigantic and time-taking task, it will require some time. Similarly, the Directorate of Private Schools of Education Department has also issued from time to time various SOPs / Security Plans / Profarmas / Checklists and detailed instructions for private schools to follow for their security, and such reports have also been submitted in this Honourable Court.
4. That, a comprehensive report has also been submitted by the worthy Chief Secretary Sindh in this Honourable Court on 23.02.2016.

Contd...P/2....

5. That, in his recent report called by the Home Department, the Inspector General of Police Sindh has stated that the Sindh Police was conscious of the security concerns of the educational institutions in the wake of terrorism incidents and therefore a comprehensive survey of around 50,000 educational institutions has been completed through Special Branch. He has further stated that the Special Branch has been tasked to conduct a security audit of the educational institutions in order to identify the loop holes / weaknesses/ grey areas in the security of such institutions so the same may be sensitized and advised specifically to take certain appropriate measures. The field units of police frequently hold meetings with administration of educational institutions regarding threats if any. He has further stated that Local Police is under directions to increase extensive patrolling at the opening and closing hours of the institutions (Annexure-II).
6. That, the Home Department is already facilitating the management of schools/educational institutions in provision of arms licences.
7. That, keeping in view the high number of schools / educational institutions, the government is not in position to provide police security to each and every institution/establishment. The internal security of any institution / establishment is basically the responsibility of that institution, while the external security or overall security lies with police.
8. That, under the provisions of "The Sindh Security of Vulnerable Establishments Act 2015" the management of any institution/establishment can be bound down to make arrangement for their security on their own. Such instructions have been conveyed time and again to Deputy Commissioners and Commissioners in the province who in pursuance of such legal provisions have identified the vulnerable establishments including educational institutions, constituted committees at taluka level, conducted meetings with the management of such vulnerable establishments and made certain arrangements.
9. That, when all the respondents have submitted their reports before the honourable court, have taken many steps and achieved considerable progress in compliance of the orders of the honourable court, we may now explore a way forward to resolve this issue of public interest.
10. It is therefore proposed that a multi-departmental committee may be constituted which may include two members from the petitioners. The committee may monitor the progress of the departments and submit the report to the Honourable Court. The composition of the committee may be:

i.	DG Monitoring & Evaluation, Education Department	Chairman
ii.	Director Private Schools	Member
iii.	Director College Education	Member
iv.	DIG Police, Special Branch Sindh	Member
v.	Petitioner 1	Member
vi.	Petitioner 2	Member


HOME SECRETARY
Home Department, Government of Sindh
Respondent No. 3