

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.S-2116 of 2018

Mst. Benish Liaquat.....Petitioner

VERSUS

The Station House Officer
P.S. Arambagh, Karachi & others..... Respondents

ORDER

1. For orders on CMA No.599 of 2020 (U/A).
2. For orders on CMA No. 600 of 2020 (U/S. 151 CPC).

27th January 2020

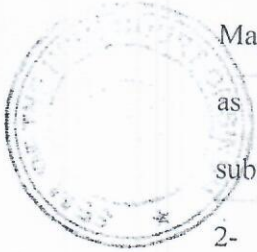
Mr. Tajjammul Hussain Lodhi, advocate/Amicus Curiae.

1) Urgency granted.

2) Pursuant to directions of this Court, learned Amicus Curiae submitted report dated 24.01.2020 coupled with a USB in a sealed envelope, which is taken on record, same is de-sealed, which disclose the circumstances of Shelter Homes of Orphanages as well miserable condition of destitute girls from the age of four to 30 years. According to him FIR No. 38 of 2020, under Section 302 PPC, P.S. Boat Basin has been registered against one Madiha and administration of the Shelter Home with regard to murder of one orphan girl due to torture/physical assault as well as it is contended that seven girls were shifted from Edhi Home to Shelter Home maintained by Social Welfare Department, Gulshan-e- Iqbal, Karachi. According to statements of girls, they were not happy in that Orphanage Center. Accordingly, office shall communicate this report to learned Judicial Magistrate-VI, Karachi South, who shall examine the same. and submit his report as well. Learned District Judge, Karachi South shall ensure that report is submitted within two days.

2- By order dated 06.12.2019, D.G. Child Protection Authority admitted that there is no mechanism with regard to surveillance and reunion of orphans, who are nestled in Private Shelter Homes like Edhi, Cheepa,

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Sarim Burni, Kashan-e-Atfal, S.O.S Village, Karachi, Fairy Home (Sukkur) etc. Paragraph-14 of that order speaks that Social Welfare Officer, Child Protection Authority's Officer as well Magistrates were directed to visit the orphanage centers and submit reports with regard to registration process and reunion of the kids with parents as well reasons that under what circumstances those destitute child were nestled, besides learned *Amicus Curiae* also authorized to join visits with Magistrates and point out any illegality, if so find.

3- Secretary Social Welfare Department shall ensure that complete protection and all facilities are provided to the orphan girls nestle in relevant institutions maintained by the Social Welfare Department. SSP, District, East shall also provide protection and shall depute a lady constable. Besides Secretary Health shall constitute a team who shall visit all the Orphanage Centers and ensure that complete medical treatment is provided to all orphan girls. Under these circumstances when admittedly yet report has not been submitted by the District & Sessions Judges with regard to visits of other orphanage centers, learned *MI* of this Court shall ensure that within two days all orphanage centers are visited by the concerned Magistrate alongwith Child Protection Officers, Social Welfare Officers and Women Development Department Officers. In case, any officer is reluctant to join visit, Magistrate would be competent to take coercive action against them by issuing contempt notices or warrants. Report shall be submitted within three days. Office shall communicate this order to all concerned officers.

This court appreciates the efforts taken by Mr. Tajammul H. Lodhi/*Amicus Curiae* though there are other *Amicus* as well.

Adjourned to 30.1.2020 at 9:30 a.m.

Certified to be true copy,

Sd/- SALAHUDDIN PANHWAR
JUDGE

For M. M. Khan
Assistant Registrar (Civil / Writ SB)

Constitutional Petition No.S-2116 of 2018 Karachi dated: 27th January, 2020
Copy is forwarded for information and compliance to:

- > The Learned Member Inspection Team-II of this Hon'ble Court
- > Secretary, Social Welfare Department, Sindh, KARACHI
- > Secretary, Health Department of Sindh, KARACHI
- > The Secretary, Women Development Department, Sindh, KARACHI
- > The Director General, Child Protection Authority, Sindh, KARACHI
- > The Learned District Judge, KARACHI (South)
- > The Learned Judicial Magistrate-VI, KARACHI (South)
- > The Senior Superintendent of Police, KARACHI (East)

For M. M. Khan
Assistant Registrar (Civil / Writ SB)

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25.1.20

Through Bailiff

IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.S-2116 of 2018

Mst. Benish Liaquat.....Petitioner

VERSUS

The Station House Officer
P.S. Arambagh, Karachi & others.....Respondents

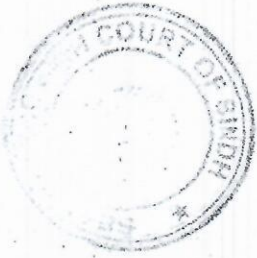
ORDER

For further order

20th January 2020.

Mr. Altaf Hussain advocate for Sindh Education Foundation
Ms. Sara Malkani, advocate and Mr. Tajammul H. Lodhi/Amicus Curiae
Mr. Ziauddin Junejo, Additional A.G.
Mr. Ghulam Asghar Pathan, advocate alongwith Ms. Rabia Azfar Nizami, MPA.
Mr. Akhtar Hussain Shaikh, advocate.
Mr. Muhammad Fahad, advocate.
Ms. Nuzhat Shirin, Chairperson, Sindh Commission on the status of women,
Government of Sindh.
Mr. Ahsan Ali Mangi, Secretary School Education.
Mr. Sikandar Hussain, Deputy Secretary, (Legal) Finance Department.
Mr. Ahmed Ali, Deputy Secretary Finance Department.
Dr. Azeem-ur-Rahim Khan Meo, D.G. Child Protection Authority.
Mr. Muhammad Nawaz Shaikh, Secretary, Social Welfare Department
Mr. Abdul Khaliq Qureshi, Focal Person, Social Welfare Department
Mr. Aamir Waheed Khawaja, Deputy Director/Focal Person Orphanage Wing,
Social Welfare Department.
Mr. Faqir Muhammad Lakho, Additional Secretary, Endowment Scholarship,
College Education Department
Mr. Muhammad Nadeem, Deputy Director, Sindh Education Department
Mr. Raza Mian, DSP (Legal) alongwith ASI Yousuf Ali

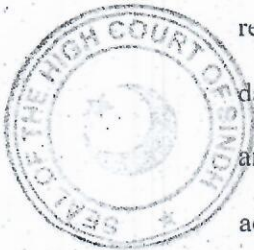
1. Pursuant to order dated 06.12.2019, particularly paragraphs No.2 and 3. Secretary Endowment Funds submits notification dated 31st October 2019, which covers 43 universities entitled to receive endowment funds; taken on record. Further Additional Secretary contends that he has placed trust deed before competent authority and preferably within one month same will be registered and by that an amount of Rs.1418 million is to be invested in PIB in addition to Rs.250 million. Accordingly, this exercise shall be completed within two months under a trust deed.



2. Further, Additional Secretary contends that the amount allocated for Endowment funds is not released properly by the Finance Department since five years. Additional Finance Department present submits that there is a mechanism to release the funds on needful basis and recently Rs.250 million they have released and Rs.250 million will be released within one month.

3. It is germane to mention that endowment fund cannot be used directly by the Endowment Department; and such principal amount is to be invested in any profitable scheme and only markup / profit thereof is to be utilized through competent procedure which, needless to add, shall always be open for an *audit* and *accountability*. The object of the Endowment fund is, *prima facie*, to help deserved one in completing their education. The *unfortunate* position of poverty is a known secret hence good *available* resources/ funds shall always bring fruits *least* hope for those whose dream comes to an end because of *fear* of ensuing financial issues: The more investment shall surely bring more markup / profit thereby enabling department few more deserved without any harm to *principal* amount / fund. It is an admitted position that endowment fund is given place in the yearly budget which (*place*) itself is an acknowledgement of need. It is the mark-up / profit of **Endowment Fund** which shall help and not the mere allocation thereof in a budget, therefore, there appears no substance for a requisition for release of *allocated* budget by department unless, the fortunate day, comes when we could say that no deserved was found despite calls. Thus amount, allocated for Endowment of education, shall not be withheld on any accord. However, Endowment Department shall *smartly* invest that amount in a month after receiving the same with report to Finance Department.

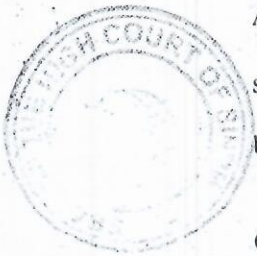
4. At this juncture, Secretary Endowment Funds contends that Province of Sindh has been bifurcated in two parts; criterion to approve endowment funds for Karachi is to be dealt with by IBA, Karachi, whereas, for rest of parts of Sindh,



IBA Sukkur has been assigned to supervise the procedure. This Court appreciates this act of the department because this will, *hopefully*, help in achieving the object i.e. '*helping the specified category of deserved on merits by providing a fair and transparent mechanism of competition*'.

5. Further, it is seriously highlighted by amicus that endowment funds procedure is not providing scholarship at the time of admission and as per procedure, entitlement starts on basis of first year result, hence, such procedure is against the basic scope whereby poor students are to be accommodated. Point needs consideration because if one is **deserved** then he should be helped at very *initial* level so as to avoid risk of prejudice to his entitlement for want of **admission and first year fee**. However, to keep him alive, his entitlement may be subject to future progress *too*. Accordingly, Additional Secretary Endowment Funds shall ensure that procedure is specifically advertised to provide scholarship even at time of the admission by preparing tentative list of those entitled for this endowment funds subject to their successful qualification for admission. Further, public universities shall not cancel any admission if student moves application that he/she will prefer to avail funds as provided through endowment funds and that admission shall remain intact until endowment fund is received, however, Endowment Department shall ensure that funds is provided within two months after admission. Any failure on part of Endowment Department shall expose the concerned to legal consequences as well *personally* bearing damages, if any. Accordingly, board shall re-examine policy and streamline the same with this spirit. This direction shall be communicated to all universities as provided in list by the Endowment Department.

6. Pursuant to directions, as contained in paragraph No.9, Deputy Secretary Finance Department present submits breakup, which includes complete structure

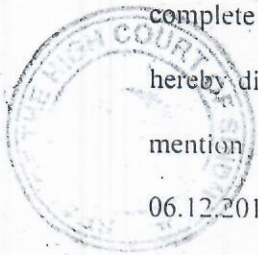


of Endowment fund but same is not *separately* specifying for schools and colleges. Accordingly, Secretary Finance, Government of Sindh is directed to ensure that specific and department wise breakup shall be filed with regard to last five years as directed earlier.

7. With regard to criterion of endowment fund, Board would be competent to examine the issue of trans-girls in similar fashion as orphans and disabled are specified 5% special allocation.

8. Para-10 of abovementioned order refers that Mr. Faqir Muhammad Lakho, Additional Secretary, Endowment Scholarship, College Education Department is looking after the issue and has been appointed as focal person to assist the endowment issue and until object is completed he shall not be transferred on any other post. Such direction is already there however, since no confirmation of such directive is received, therefore, Chief Secretary shall ensure that compliance of order as mentioned in the said para is made in its letter and spirit.

9. With regard to para-7 it has come on record that yet Chief Secretary Sindh has not notified relevant committee despite categorical direction. Such conduct is not worth welcoming because a better position (*compliance*) is not only hoped but is an obligation upon quarter concerned. Accordingly, Chief Secretary Sindh shall ensure that committee is notified as mentioned in para-7, which shall include Chairperson of Sindh Commission on the Status of Women; that committee shall complete this exercise preferably within one month and Chief Secretary Sindh is hereby directed to personally supervise the work of that committee. Needless to mention that committee shall also examine paragraph No. 11 of order dated 06.12.2019 and submit compliance report by calling record from every institution as well individual to ascertain the details of funds received by various institutions within and outside Pakistan.



10. With regard to para-12, D.G. Child Protection Authority shall submit compliance report on next date of hearing.

11. With regard to para-13 & 14 learned MIT shall ensure that learned Magistrates are notified and compiled report shall be submitted with regard to their visits and recommendations regarding any malfeasance and misfeasance, if seen. Needless to mention that orphanage board's budget shall be increased to cope-up the issues of orphans. Accordingly, Chief Secretary Sindh shall ensure that a committee is formed which shall examine the issue and submit proposal to increase amount, if required.

12. Pursuant to earlier order Secretary Schools Education present seeks time to place on record school endowment funds received in last ten years, however, he contends that the amount available in endowment fund is not utilized. To keep the amount of endowment un-utilized is quite surprising because unless it is utilized (invested) there can be hope of any step towards object of endowment fund. Therefore, such statement is taken but regretfully. Accordingly, Secretary Schools shall ensure that endowment fund is deposited in any profitable scheme in the like manner as college education endowment fund and by creating a trust.

13. IGP Sindh is hereby directed to direct all the police stations through SSPs to implement Orphanage Act, Child Protection Authority Act and Domestic Violence Act.

14. Further, to assist this court M/s. Ghulam Asghar Pathan, Akhtar Hussain Shaikh, and Muhammad Fahad, advocates, have volunteered their services. Accordingly, they would be at liberty to assist this Court on every hearing.

Adjourned to 24th February 2020 at 11:30 a.m.



Certified to be true copy,

Sd/- SALAHUDDIN PANHWAR
JUDGE

25/1/2020
Assistant Registrar (Civil / Writ SB)

Constitutional Petition No.S-2116 of 2018 Karachi dated: 25th January, 2020
Copy is forwarded for information and compliance to:

- ✓ The Learned Member Inspection Team-II of this Hon'ble Court
- ✓ The Chief Secretary, Government of Sindh, KARACHI
- ✓ The Secretary Finance, Government of Sindh, KARACHI
- ✓ The Inspector General of Police, Sindh, KARACHI

25/1/2020
Assistant Registrar (Civil / Writ SB)

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IN THE HIGH COURT OF SINDH KARACHI

690
25.1.20

Constitutional Petition No.S-2116 of 2018

Mst. Benish Liaquat.....Petitioner

VERSUS

The Station House Officer

P.S. Arambagh, Karachi & others.....Respondents

ORDER

For further order

06.12.2019

Mr. Altaf Hussain advocate for Sindh Education Foundation
 Ms. Sara Malkani, advocate/Amicus Curiae
 Mr. Ziauddin Junejo, Additional A.G.
 Dr. Azeem-ur-Rahim Khan Meo, D.G. Child Protection Authority.
 Mr. Muhammad Nawaz Shaikh, Secretary, Social Welfare Department
 Mr. Abdul Khaliq Qureshi, Focal Person, Social Welfare Department
 Mr. Aamir Waheed Khawaja, Deputy Director/Focal Person Orphanage Wing,
 Social Welfare Department
 Mr. Mansoob Siddiqui, D.G. Private Schools, Education Department
 Mr. Faqir Muhammad Lakho, Additional Secretary, Endowment Scholarship,
 College Education Department
 Mr. Muhammad Nadeem, Deputy Director, Sindh Education Department
 Mr. Raza Mian, DSP (Legal) alongwith ASI Yousuf Ali

25/1/20

1. Pursuant to paragraphs No.6, 8 and 10 of order dated 01.8.2019, which are that:-

"6. Since, prima facie, object of endowment fund is to help deserved students in getting / completing their higher studies from different Universities. It is an undeniable right of every single person regardless of his financial status hence the limitation of annual income must be placed keeping the acknowledged lowest income. Needless to mention that majority of people of this Province (Sindh) as well Country is passing their lives under poverty line and their usual income is not beyond fifty thousand per month because as per the Wages Act, the maximum limit of salary is 17,500 per month (Rs.2,10,000 per year), hence the limit prescribed / increased by the Board will not be beneficial / helpful for the poor students rather shall be a denial to all those who, otherwise, have been made entitled for such amount only. Accordingly, the quarter concerned shall take initiatives thereby including such minimum yearly income to such parents too.



"8. Thus, the idea of Additional Secretary as placed in the Board meeting was very logical and surely was / is likely to help big number of deserving students in getting higher education from the public sector universities which usually take / charge around Rs.50,000/- per year. Accordingly, Chief Secretary Sindh shall de-notify earlier Committee and ensure that fresh

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notification is issued by joining public sector universities as well Secretary Education, Secretary Colleges, Secretary Finance, Secretary Higher Education Commission, SGA&CD, Mr. Nisar Siddiqui, Director IBA Sukkur, Dr. Naheed Durrani, Director SEF and Chairman of P & D Board. The Board shall reframe all the Rules in view of this order as well within spirit of objective of Endowment fund.

10. With regard to students who have received their education by availing Endowment Fund Scholarships, Additional Secretary states that they have such record and he will submit the same on next date. Accordingly, complete details shall be provided with clarity that the Universities from where the aforementioned students got / completed their education have not charged a single pie."

2. In compliance of above, the Additional Secretary, Free Education Endowment Fund submits compliance report, taken on record; copy whereof has been provided to the learned Amicus Curiae, D.G. Private Schools as well counsel for the Petitioner.

3. According to the Additional Secretary, Free Education Endowment Fund, he attended Board meeting of Punjab Free Education Fund while framing mechanism regarding free education scholarships. He has placed a copy of publication of the Punjab Education Endowment Fund and other provinces, which provides scholarships to orphan students, students, whose parents are working in Grade-1 to 4, special students, orphan students, whose parents were martyred in terrorism and students of minority.

4. Since there are three categories of students in our country. First category students get education in private school(s)/college(s), whereas second category of students get admission in government school(s)/college(s) and third category of students get admission in Education Foundation and Endowment funded school(s)/college(s). The pain and agony of failure of government in **public education system** has also been acknowledged in the judgment of Honourable Supreme Court (2019 SCMR 1753) while acknowledging *classification* in education system which, regret to admit, has already sketched a **thick line** between upper and lower classes. The relevant portion, being conducive, is reproduced hereunder:-

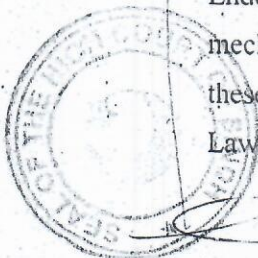
"5. ... Some of these schools with the quality of teaching faculty and facilities at their campuses charge handsome fees which only the **affluent class** can afford. These private schools can be classified as **first tier schools**. Application of Rule 7(3) on such schools would certainly have the effect of subsidizing the rich of the society. As for children of **upper middle and middle class families** there are private schools which can be classified as **second tier schools**. Many of these schools also impart good quality education. Their tuition fees are comparatively affordable, however, for middle class families who send

their children to these schools, their budget gets affected when the tuition fee is raised phenomenally in an academic year. There are private schools that can be classified as third tier schools where only lower middle class families send their children. The education level of these schools is much better than most of the present day government schools. Hence private schools can be classified in three tiers that charge tuition fee ranging from Rs.1,000 to Rs.60,000 per month or thereabouts."

The above *picture* is an admission of *classification* for an *otherwise* guaranteed fundamental right towards *education* which *normally* must be available to all, regardless of their position in any of the *classified* class of families. It has also come on record that 50% students are studying in private schools and 50% are in government schools. Since, those falling under *below poverty* families, also are entitled for *good* quality education, therefore, a parallel education system under Sindh Education Foundation Act, 1991, was introduced partially funded by the World Bank. Thus, *prima facie*, in public sector schools there are two categories, one category is general and second category is special, which provides separate mechanism from primary to secondary under the Sindh Education Foundation Act, 1991 for the students, whose parents are falling within the category of "poverty" and of "under poverty".

5. When confronted, D.G. Private Schools refers Rule 13 of the Sindh Private Educational Institutions (Regulations and Control) Ordinance, 2001 and Rules 2005, which provides mandatory provisions whereby all private schools are bound to admit 10% students free of cost. However, he admits that such rules are not specifying the category as categorized under Free Education Endowment Fund. However, SEF is providing free education to all students with third party contract. D.G. Private Schools also admits that private schools are not providing 10 percent free education as provided under the rules.

6. *Prima facie*, the object and purpose of referred rule (s) could be nothing but to ensure an equal space in such *classified schools* to those who, *otherwise*, can't think of getting education on basis of *tuition* fee in such schools which could be nothing but *poor* (living under poverty line). Thus, there must be a mechanism for the private schools in similar way as provided under Free Education Endowment Fund Act so that said *mandatory* rules be not exploited for want of mechanism which, otherwise, shall be a failure of the objective of induction of these rule (s). Accordingly, Secretary Schools, Secretary Colleges and Secretary Law shall ensure that rules are properly framed and implemented.



Madani
Rafiq

7. There shall be a mechanism by creating a pool on division level by advertising in the same manner as Endowment Department is doing and admission category shall be defined that shall be completely controlled through Directorate of Private Schools. For this, Chief Secretary, Sindh shall form a Committee comprising of Mr. Mansoob Siddiqui, D.G. Private Schools, Secretary Schools, Secretary Colleges, Secretary Law, Mr. Altaf Hussain, counsel for the Petitioner, Ms. Sara Malkani advocate/Amicus Curiae in this case and Mr. Faqir Muhammad Lakho, Additional Secretary, Endowment Scholarship, College Education Department. The Committee would be competent to nominate two persons from private sector and shall submit report/ proposal thereby assuring true compliance of the spirit of these rules.

Chief Secretary
Staffs of Commission
Birth certificate
in school

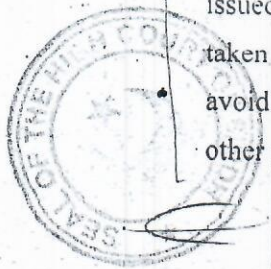
8. Further it has come on record that there is a department of School Endowment Fund. Accordingly, Secretary Endowment Fund (schools) shall be in attendance on the next date with complete break up of last 10 years with regard to allocation of funds, release of funds and use thereof.

9. It has also come on record that though there was budget allocation for free education endowment, but in 2017, 2018 and 2019 funds were not released by the Finance Department. Accordingly, Finance Secretary shall submit report with regard to complete break up of five years regarding funds allocation and release of funds for schools, colleges and universities as well as for schools under Endowment Fund and Free Education Fund Department. It is pertinent to mention that amount specified for education purpose including scholarship shall be released without any delay and those departments, handling the scholarships, shall ensure release thereof in one go. Additional Secretary Finance shall be in attendance with report which shall include complete separate detail of allocation of funds; release of funds and reason of non-releasing the amount, if any.

again break
to be up

10. The Additional Secretary, Endowment Scholarship, College Education Department undertakes that department is going to register Endowment Fund as Trust as at present they have 247 Million for yearly scholarship. The idea of registering Endowment Fund as *trust* is worth appreciation because the purpose and object of Endowment Fund is specified. Since many directions have been issued in presence of Mr. Faqir Muhammad Lakho and he, by his undertaking has taken responsibilities to comply with the orders towards a *cause* therefore, to avoid any failure judicial proprietary demands that he shall not be consigned any other post until further orders.

Chief Secretary
Secretary Endowment
Fund



11. Needless to mention that the category as defined and adopted by Punjab Education Foundation and criteria must remain towards the **poor class** in the **minority** because the object is to ensure education to more deprived classes. Since there are many other donors who are providing scholarship, therefore, the Committee as formed above, shall also examine and collect the data with regard to all scholarships provided by the government as well by the institutions likewise COL, OGDCL and other petroleum and gas companies.

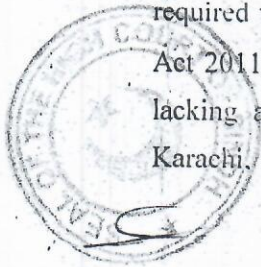
Panel 11 Para 7
Committee work to complete

12. Pursuant to earlier order D.G. Child Protection Authority present admits that yet there is no mechanism with regard to surveillance and reunion of orphans, who are nestled in Private Shelter Homes like Edhi, Cheepa, Sarim Burni, Kashan-e-Atfal, S.O.S Village, Karachi, Fairy Home (Sukkur) etc. as well registration process of private NGOs is yet to be completed and comprehensive data with regard to receiving/admission of orphans with private NGOs is to be compiled. Such admission, I shall have to insist, is not worth appreciating as such **progress** is nothing short of a failure of the Act as well rights of such **children** though it is matter of record that their rights as well responsibility of the State in that regard was felt in year 1955. A child, even if thrown for any **ill** reason, shall continue to be **'innocent'** and there is no exception for the State functionaries to avoid caring and wellbeing of such **child**. In absence of the verified **data**, there can be no assurance of wellbeing of the child and even the **living** (life) of child can be under harm. Only a registered / enrolled child can hope for rights and privileges which the relevant laws speak about, therefore, the quarter concerned is directed to expedite the matter and ensure registering / enrollment of children with private NGOs.

Compl/issue
Nepht-15 to be filed

13. At this juncture, it would be conducive to refer para-9 of order dated 26.06.2018 passed by a Divisional Bench of this Court at Sukkur in CP No.D-1262 of 2017 and other connected petitions, whereby all District & Sessions Judges were directed to visit all orphanage Shelter Homes in private or public sectors. Needless to mention that Sindh Children Act 1955 provides a complete mechanism with regard to destitute child whereby the concerned police officer is bound to produce the destitute/vulnerable child before the magistrate and State is required to establish reformatory schools. Though the Child Protection Authority Act 2011 is also in field however despite effective legislation implementation is lacking and not a single center is established except three Darul Atfaals in Karachi, Hyderabad and Sukkur and one is under construction since 2010 in

Orphanage Board



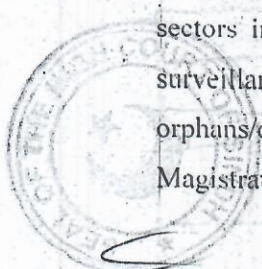
District Korangi. Such position is very alarming and even, *prima facie*, speaks that how state is handling the orphans and destitute child issues who, otherwise, have no fault on their part. D.G. Child Protection Authority, at this juncture, contends that this is a function of Child Protection Authority and he also contends that there shall be proper implementations of both laws, including formation of centers in this behalf as well there shall be separate directorate with independent building. He further contends that there are child protection units in every district and liaison committees are also working. He assures that he will submit detailed comments with better progress. Such commitment is taken on record with appreciation, however, since the rights and privileges ensured by Sindh Child Protection Authority Act, 2011 in its *preamble* as:-

“Whereas it is expedient to provide for the establishment of an Authority known as the Sindh Child Protection Authority and to ensure the rights of the children in need of special protection measures and to provide for matters ancillary thereto:”

14. Therefore, it does not appear to be justified to keep such rights hanging only in name of commitments when *facts* are otherwise, therefore, meanwhile, Mr. Ali Ahmed Palh and Mr. Tajjamul Lodhi, advocates are also appointed as amicus curiae to assist this Court in the instant matter. However, keeping in view the objective of Child Protection Authority Act 2011, as well Sindh Children Act 1955 and Orphanage Act 1976, learned District & Sessions Judges shall nominate magistrates who shall visit the orphanage institutes in their districts and ensure that all orphan institutes are registered with Social Welfare Department. Magistrates would be competent to pass any appropriate order for implementation of Child Protection Authority Act 2011, as well Sindh Children Act 1955 and Orphanage Act 1976, which also provide that no name of any child involved in any case as an accused or victim shall be flashed in newspaper as well on electronic media, violation thereof constitutes an offence penalty whereof is upto three years. Social Welfare Department as well as Child Protection Authority shall direct all their Districts Officers who shall approach the concerned Magistrates as designated and provide them assistance with regard to registration of Orphanage Institutes and ensure that free education in private and public sectors including SEF. Magistrate shall visit on fortnight basis and ensure by surveillance of those institutes that in case of any adoption or handing over of any orphans/destitute child, the same shall be subject to decision of Magistrate. Magistrate shall also ensure for reunion of parents and shall examine the reasons

Infant Welfare

Amicus curiae to be appointed MIF Bepm



*Orphanage
hospital
DC
BSC*

of nestling of any child in any orphanage institute for which he. (Magistrate/juvenile court) is otherwise competent. Learned Amicus would be competent to join the visits with Magistrates including Child Protection Authority Officers and Social Welfare Departments Officers of any institutes and point out any illegality, if they so find.

15. Secretary Health is hereby directed to issue directions to all the hospitals that if any orphan is found in the hospital premises or left by the parents, Child Protection Officer as well Social Welfare Department shall be intimated forthwith and with their assistance custody shall be regulated through the Magistrate.

Adjourned to 20.1.2020 at 11:30 a.m.

Certified to be true copy.

Sd/- SALAHUDDIN PANHWAR
JUDGE

Assistant Registrar (Civil / Writ SB)

Constitutional Petition No.S-2116 of 2018 Karachi dated: 25th January, 2020
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