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Advisory Committee

9th January 2012

Honourable Justice Mushir Alam,
Chief Justice of Sindh High Court,
Sindh High Court,
Karachi

Sub: Complaint against officials Sindh High Court for Incongruence amid Law & Practice in SHC Financial Operations

Honourable Chief Justice,

Transparency International Pakistan has received complaint on allegations against officials of Sindh High Court for Incongruence amid Law & Practice in SHC Financial Operations in the period ending 2008.

The complainant has also sent a copy of the allegations made by the financial management adviser dated 26th February 2009, which is enclosed.

The major issues of irregularities alleged are that SHC deposited its funds in Banks other than NBP, which the complainant alleges is against the law, and these acts were done to benefit a relative of a Judge. He further alleges sale of motorcycles purchased by government funds on installments to employees of SHC were also against the rules, award of various construction contracts in violation of rules to companies of one particular owner, ambiguities in recovery of utilities bills from SHC tenants, irregular payment of medical expense/allowance to registrar and violation of rules in purchase of computers, printers etc.

Transparency International Pakistan appreciates your efforts to eradicate corruption from judiciary and special efforts you made to include in the National Judicial Policy 2010 "Zero tolerance for corruption in Judiciary". TI Pakistan also refers to statement of the Chief Justice of Pakistan Iftikhar Muhammad Chaudhry given in the inauguration ceremony of a lawyers' club and chamber at the Rawalpindi district courts on 6th January 2011, that Corruption in the judicial system adversely affects and lowers public confidence in judicial system and that the National Judicial Policy (NPC) calls for strict adherence to a code of conduct by all judicial officers and officials, as well as initiation of disciplinary action against those charged with corruption. An anti-corruption cell for the judiciary has been established for this purpose.

Such serious allegations against the senior judicial officers by its own officer needs to be examined and handled expeditiously, to avoid giving strength to wrong perception about judiciary when self accountability is required.

For and on behalf of Transparency International Pakistan.


Syed Adil Gilani,
Adviser

Encl: Copy of allegations.

HIGH COURT OF SINDH

February 26, 2009

Submissions

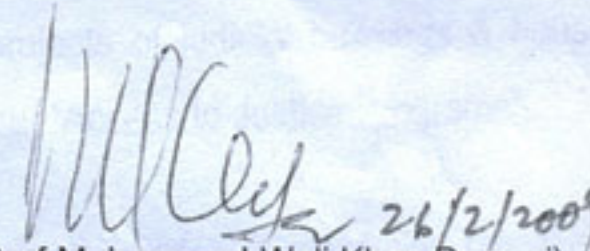
Subject: Incongruence amid Law & Practice at Sindh High Court Financial Operations

Discussions with "Your Lordship" refer; as your honor desired FMA's opinion in writing is submitted for your kind perusal, consideration and orders please: It is placed hereunder and it so reveals that High Court Financial Operations suggest malfeasance amounting to breach of trust; which, it is prayed may be redressed at earliest possible please.

1. **Illegal Investments:** That on 26-9-2009 following amounts [investment including profit] stood to the credit of High Court under mentioned Bank Accounts:
 - a. Rs. 480,204,382/= [Originally this amount invested was Rs. 450,000,000/= which with profit became present amount]. Illegally Rs. 150,000,000/= each were invested with Habib Bank, Bank AlHabib and Dubai Islamic Bank. Your lordship to kindly consider that Court can open and maintain bank account/s with National Bank only.
 - b. Rs. 158,911,843/= [Originally this amount invested with National Bank was Rs. 150,000,000/= which with profit became present amount].
2. It is submitted that all these amounts are public money and as per financial rules must be deposited with State Bank/National Bank. As per record, illicitly a saving bank account was opened with Dubai Islamic Bank on Hon Mr. Justice K. A. Husain stance to help one of his relations to show increase in deposits with his efforts to ensure his promotion with Dubai Islamic Bank. When FMA wrote to bank for return of money it refused and thereafter huge efforts made to recover public money.
3. **Award of Building Construction Contracts:** Your lordship may please order a probe into award of construction of new buildings contracts of judiciary at Karachi and interior Sindh wherein it is nagged that contracts have been awarded to one contractor having diverse names ignoring all building construction, purchase & financial rules regulations. It applies to construction projects of judicial buildings & houses constructed for judicial officers at different places in Sindh as well under "Access to Justice Programs".
4. **Sale of Motorcycles on installments "purchased with Government Funds":** Motorcycles purchased from public funds sold to many High Court/District Judiciary Employees on installments which is rules offensive; proposed that all amounts so received from staff be refunded to them and motorcycles taken on charge in official accounts books.
5. **Misappropriation of High Court Assets:** Apt records and ledgers of office equipment and furniture & fixture are not kept and so the organization has to suffer huge losses. Most computers printers and not listed in ledgers and hence most equipment remained unaccounted for. There has to be proper condemnation board for all government expired assets and those should be disposed off on merit as per rules. Most computers received under AJP program were 2nd hand and not of value paid. Most computers which were functional are either replaced with skeletons or removed.

6. **Purchases**: Proper prescribed procedure for purchases is not followed for which all concerned must be cautioned and it may be ensured that public funds remain protected.
7. **Rent**: As per rules if a government building portion is given for business purposes; rent, electricity, and other allied occupying charges are recoverable from that party. Despite efforts, FMA office was not provided rent amount receipts from Habib Bank, Book shops, Photocopy shops, restaurants & other vendors operating at High Court. Although FMA was informed that Habib Bank is paying its electricity bills but no evidence produced. Photocopy shops owners operating about 10 heavy duty machines without any payment, which may be please ordered to pay rent and utilities charges.
8. **Medical Expenses**: Not for everyone, but for few, at times, rules violated which is illicit and that may please be directed to be stopped. Extra amount paid to learned Registrar for his heart operation/s may be recovered. Moreover staff receiving medical allowance cannot be reimbursed medical expenses and those employees granted such payments may be directed to refund all amounts received through trickery and deceiving some High Court Offices.
9. **Delegation of Powers**: As per law and rules delegated powers cannot be further delegated. Hence powers given to Hon Judges may be recalled and authorized official/s by law to sanction any payment. All Building Construction payments may be authorized by Hon Chief Justice himself.
10. **Financial Management**: Presently many offices managing finances of High Court which include: Budget Directorate, Registrar Office, Nazir's office, Official Assignee Office and other offices. For efficiency, effectiveness all financial transactions should be routed through Budget Directorate.
11. Your Lordship corrective measures shall bring solace content and comfort to Sindh High Court and its staff. In case remedial measures not taken, in future, at any time, if actual facts come to knowledge of public/s, it may bring highly embarrassing situation for this Hon Court and its staff including all judicial fraternity.

Submitted please


(Prof Muhammad Wali Khan Durrani)
26/2/2009
Financial & Management Advisor

Hon Chief Justice

Through

Learned Registrar