

Assessing the Implementation of DNA Standard Operating Procedures by Sindh Police Department

Notified in Kainat Soomro &
Others vs. Province of Sindh



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Acronyms and Abbreviations

Cr.PC	Criminal Procedure Code
CSU	Crime Scene Unit
DNA	Deoxyribonucleic Acid
FGD	Focus Group Discussion
FIR	First Information Report
IO	Investigation Officer
LAS	Legal Aid Society
MLE	Medico-Legal Examination
MLO	Medico-Legal Officer
SGBV	Sexual and Gender-Based Violence
SHC	Sindh High Court
SHO	Station House Officer
SoPs	Standard Operating Procedures
SP	Superintendent of Police
SSP	Senior Superintendent of Police
WMLO	Women Medico-Legal Officer
WCPS	Women and Children Police Station

Executive Summary

Instances of sexual and gender-based violence (SGBV) are prevalent across Pakistan. Up to 21,900 women were raped between 2017 and 2021, with at least one woman raped in the country every two hours.¹ Additionally, from 2017 to 2021, only 4% of rape cases proceeded to trial, with the conviction rate as low as 0.2%.² The Legal Aid Society's (LAS) quantitative analysis of 50 case files in Sindh revealed that it takes, on average, **16.8 months for a rape case to conclude** compared to the legally stipulated duration of **four months**. The study also found that, on average, it takes the police **1.6 months to conclude their investigation and submit a final challan**.³ In contrast, the legally stipulated time for investigation should not exceed 15 days unless the court grants extensions.⁴

Systematic flaws in the collection and testing of DNA⁵ evidence are significant contributors to delays in trial, acquittals, and wrongful convictions in cases of sexual violence.⁶ Improper standards of collecting and preserving DNA evidence from the victim or place of the incident are further contributors to the low conviction rates.⁷ Hence, to curb investigation delays and ensure proper collection of DNA samples from the crime scene, the Sindh High Court, in the case of *Kainat Soomro & others vs. Province of Sindh*, has notified Standard Operating Procedures (SOPs) for the Sindh Police Department to follow.

This study titled "Assessing the Implementation of DNA Standard Operating Procedures by the Sindh Police Department" evaluates the implementation of the SoPs across Karachi, Hyderabad, and Sukkur ranges. The study's sample size was 20 police stations and 37 police officers across the three ranges.

¹Data received from Ministry of Human Rights and Punjab Home Department, compiled by Samaa TV Investigation Unit

² Ibid.

³<https://www.las.org.pk/wp-content/uploads/2021/04/Gap-Analysis-on-Investigation-and-Prosecution-of-Rape-and-Sodomomy-Cases-R.pdf>

⁴ Ibid.

⁵ DNA: Deoxyribonucleic Acid (DNA) is the hereditary material carrying genetic information in humans and almost all other organisms. The presence of DNA evidence, including hair, skin cells, semen, or blood, aids in placing the suspect at the crime scene. Available at: <https://www.ojp.gov/pdffiles1/nij/bc000657.pdf>

⁶ <https://tribune.com.pk/story/2286534/the-fault-in-our-dna-tests>

⁷ <https://www.parliament.nsw.gov.au/researchpapers/Pages/dna-evidence-wrongful-convictions-and-wrongful-a.aspx>

Introduction

On June 4, 2021, in the case of *Kainat Soomro & others vs. Province of Sindh*, Justice Muhammad Ali Mazhar of the Sindh High Court (SHC) ordered **Standard Operating Procedures (SoPs)** to be drafted to ensure compliance with DNA examination timelines in sexual and gender-based violence cases. The DNA SoPs (attached as Annexure A) were passed on January 31, 2019, and disseminated across police stations in Sindh in Sindhi, Urdu, and English through a notification vide no: 5449-59-AIGP/OPS- Sindh/S-II/ 2022 by the Assistant Inspector General Police Operations on behalf of the Inspector General (IG) Police, Sindh (attached as Annexure B). These are in addition to the “Evidence Collection and Case Submission Guidelines” of the National Forensic Science Agency, Ministry of Interior, Government of Pakistan.⁸

A growing body of scholarship questions the admissibility of DNA evidence in Pakistan due to improper collection and storage of evidence and compromised chain of custody. Without a mechanism to monitor the implementation of court orders, this study aims to assess the extent of operationalization of DNA SoPs notified by SHC in the *Kainat Somroo* case at the investigation and trial stages. In particular, this study explored the extent to which police officers follow the protocols mandated by the SHC in the collection of DNA samples and for coordination among actors for examination in 3 districts of Sindh, i.e., Karachi, Hyderabad, and Sukkur. For this purpose, LAS, in collaboration with the Sindh Commission on the Status of Women (SCSW), administered a monitoring and evaluation tool in 24 police stations across the three ranges. Survey participants were the designated Station House Officers (SHOs) and Investigation Officers (IOs) in each police station.

⁸ <https://www.nfsa.gov.pk/wp-content/uploads/2016/12/NFSA-Booklet-final.pdf>

Methodology

a. Method

This study used a mixed-methods approach whereby data was collected from key police actors that are critical in the implementation of DNA SOPs using a questionnaire (attached as Annexure C) containing both structured and open-ended questions.

Structured multiple-choice questions primarily sought information on SHOs' and IOs' awareness and access to the SoPs, whereas in-depth and open-ended questions allowed a more nuanced assessment of their knowledge. These findings were further triangulated with Focus Group Discussions (FGDs) with the participants after completing the one-to-one surveys.

b. Research Sample

For this study, 5% of the police stations from Karachi, Sukkur, and Hyderabad range were randomly selected. Furthermore, there are only 4 Women Police and Children Stations (WCPS) across the Karachi, Hyderabad, and Sukkur ranges. Hence, all WCPS were included in the sample to ensure a valuable sub-population.

Consequently, 20 police stations across the three ranges were identified and surveyed, whereby 16 out of 20 police stations were randomly selected from each district.

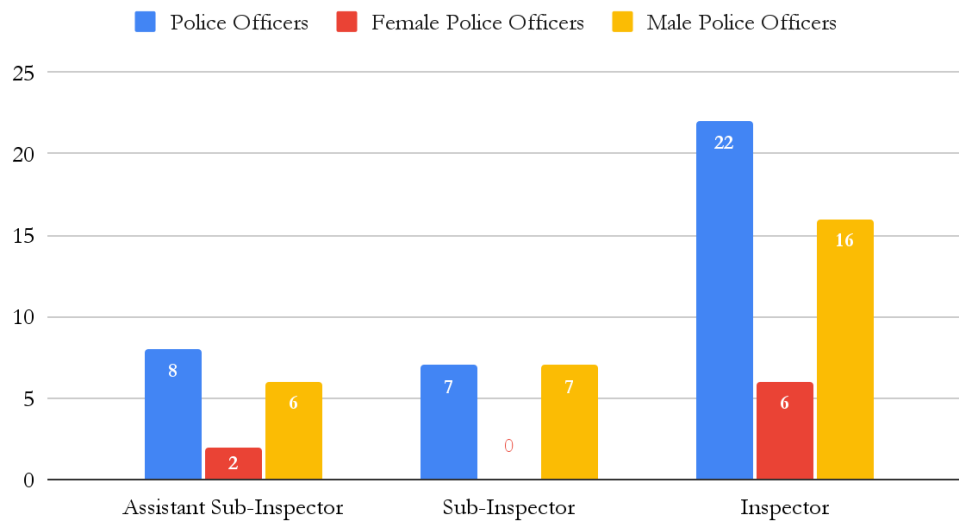
This is further elaborated in the table below:

Range	Total Number of Police Stations	Total Number of Women & Children Police Stations (WCPS)	Total Number of Police Stations + WCPS	Sample Size of Police Stations - 5% (rounded off) + WCPS	Achieved Sample Size of Police Stations	Police Officers Surveyed
Karachi	108	2	110	9	9	21
Hyderabad	153	2	155	11	7	11
Sukkur	83	0	83	4	4	5
Total	344	4	348	24	20	37

The goal of the sample size was to conduct two interviews in each of the 20 police stations, with one IO and one SHO per station. Hence, the respondent size was meant to come up to 40 individuals. However, per the limitations mentioned below, 37 police officers were

surveyed for the study. The chart below depicts the gender and ranks bifurcation of the respondents:

Rank & Gender of Police Officers



Limitations of the Study

The following are some limitations of this study:

- Due to the floods in Sindh at the time of conducting the survey, the team's ability to administer the tool in person was restricted for Hyderabad and completely inaccessible for Sukkur. The solution was to conduct telephonic surveys to receive responses from Sukkur. The response rate of telephonic surveys is notably low, due to which only 5 responses were received from the Sukkur range.
- On visiting the police station in Tando Mohammad Khan in Hyderabad range, the team found that due to a raid in a nearby village and a female Assistant Superintendent being held hostage the previous night, the SHO and IOs of the police station were unavailable. Due to this, the Additional SHO was surveyed.
- Despite attempts to ensure gender parity, 78.4% of the participants were male, and only 21.6% were female. Less than 2% of Pakistan's police force comprises of women,⁹ with Sindh being the only province where there are female police officers employed from rural areas.¹⁰ Despite this, female police officers were not available in most police stations visited.

⁹ <https://www.unops.org/news-and-stories/stories/breaking-down-barriers-for-female-police-officers>

¹⁰ <https://tribune.com.pk/story/2300149/women-police-officers-lead-winds-of-change>

Findings from the DNA Standard Operating Procedures (SoPs) Tool

The DNA SoPs presume the availability of resources, personnel, and facilities across Sindh. The SHC order implies that the Sindh Police already has the required technical and human resources or will ensure their provision to implement the DNA SoPs effectively. However, the survey reveals contradictory results.

a. Availability and Access to Resources and Facilities

There was a clear difference between the availability and access to resources and facilities across the three ranges, affecting the responses received from each district. For example, Crime Scene Units (CSUs) only operate in Karachi; therefore, these facilities cannot be used elsewhere. In Karachi, a CSU (if available in the district) will reach a crime scene only if 15 (police emergency number) is called.

The lack of proximity of DNA labs is also a significant issue in Hyderabad and Sukkur ranges. For example, respondents from the Hyderabad and Sukkur ranges reported taking samples to the newly established DNA laboratory in Jamshoro. However, before this, the samples were delivered to the Karachi University DNA laboratory in Karachi. Even with the establishment of the DNA laboratory in Jamshoro, it was reported that it can take the police more than 5 hours to deliver the samples.

b. Availability of DNA SoPs

Presumably, when an SoP is notified, which impacts the processes and actions of the police, it must be shared with the entire police force, especially those in the field. This was also a requirement of the judgment passed under *Kainat Soomro & others vs. the Province of Sindh*. case.

21 out of 37 respondents (57%) confirmed receipt of DNA SoPs at their police stations. Of these, 14 respondents belonged to Karachi, 5 to Sukkur, and 2 to Hyderabad. However, only 51% of the respondents confirmed that a copy of the SoPs was **available** at their police stations for reference.

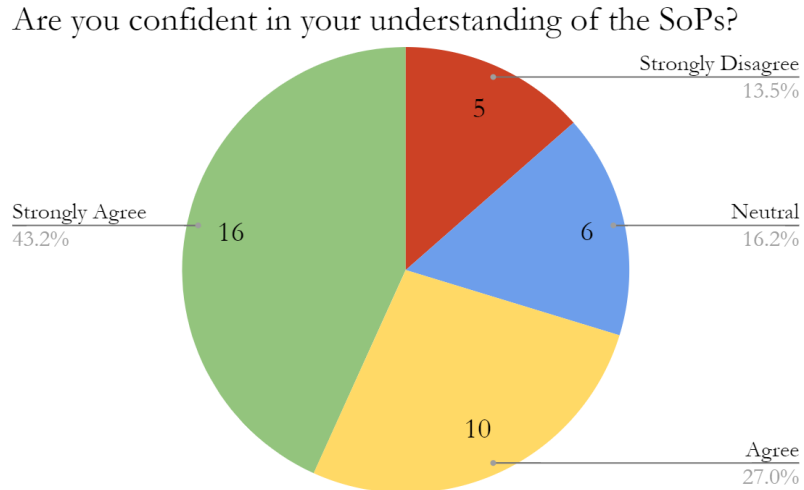
19% of the respondents were unaware if they had received DNA SoPs in the first place, while 24% confirmed that they hadn't received a copy.

Positively, 57% of the respondents reported that the SoPs had been specifically shared with the duty officers as required under the judgment. Only 8% of the respondents reported that while the SoPs had been received at the police station, these had not been specifically shared with the duty officers. The question did not apply to the remaining 35% because the police station reported not receiving the SoPs in the first place.

c. **Knowledge of the SoPs**

The DNA SoPs apply to cases of sexual violence, specifically rape, and sodomy, and provide detailed steps and timelines for the police’s response to such cases.

When asked about their understanding of the SoPs, over 70% of the police officers stated they were confident in their understanding of the DNA SoPs (43.2% strongly agree; 27% agree).



However, a lack of clarity on the SoPs was revealed when participants were questioned in more detail. For example, the DNA SoPs apply specifically to cases of sexual violence; however, when asked, the respondents also identified the SoPs applying to cases of murder, terrorism, theft, and any other crime where the accused is unknown.

The DNA SoPs also stipulates that once a sexual violence crime comes under the knowledge of an SHO or IO, the following steps must be taken:

- Registration of an FIR under Section 154 of the Criminal Procedure Code (Cr.PC)
- Recording statement under Section 161 of Cr.PC
- Issuing a medico-legal certificate
- Collection of the survivor’s clothes for DNA sampling
- Accompanying the survivor to the hospital for Medico-Legal Examination (MLE)
- Intimation to the medico-legal officer (MLO) at the hospital
- Notifying the forensic team immediately

The majority of the respondents correctly identified the steps to be taken upon complaints of sexual violence crime. They also reported that these steps are taken immediately when such a crime comes to their knowledge. However, further discussion during the FGDs revealed challenges in police officers’ understanding of the processes that affect the implementation of the SoPs. These are discussed further in the report.

d. Challenges in Timely Registration of the FIR

The police officers are mandated by law, a precedent reiterated in the SoPs, to register the FIR immediately when a sexual violence incident is reported. When questioned about the timely registration of the FIR, most respondents stated that it is standard practice for FIR to be registered immediately upon reporting the case. However, with varying degrees of overlapping answers, 38% of the respondents believe it should be registered after the medico-legal examination (MLE) is conducted while 16% believe it should be registered once the MLE report is received.

More than two-thirds (68%) of the respondents reported that if the victim/survivor arrives at their police station, even though the crime occurred falls under a different jurisdiction, a female police officer accompanies the victim to the relevant police station. 1 respondent reported that due to the nature of the crime, even if the jurisdiction is different, the FIR is registered, and all immediate procedures (e.g., statement of the victim, collecting clothes for DNA, etc.) are conducted. After its registration, the FIR is passed on to the relevant police station.

Several police officers noted that an exception is made; however, when due to the condition of the victim or due to fears that important DNA evidence may be lost, the victim is first taken for their MLE, and then the FIR is registered.

Police officers also noted that in many cases, women medico-legal officers (WMLO) are not instantly available. This results in the IO and the victim waiting hours for the WMLO to reach the hospital to conduct the MLE. The delay in MLE also delays FIR registration in cases where the police officer believes that MLE is necessary for FIR registration. The undersupply of WMLOs and the distances between police stations and the medico-legal department also contribute to delays in MLEs. Receipt of the MLE report (interim or final) may be further delayed based on when the WMLO finds the time to write and submit the report.

It is important to note that the FIR is a crucial part of the crime registration process and cannot be linked to the MLE. The FIR initiates the case, while MLE is part of the investigation. Delay in FIR is an important point of argument for the defense and should therefore be eschewed. The defense uses delays in FIRs to assert the possibility of false case registrations.

The findings of this report suggest that police officers must be apprised of the importance of immediate registration of FIR, independent of the MLE. As per the SoPs, an exception is made under the following circumstances:

- the complainant goes to the MLE first and then comes to the police station, or
- the complainant/victim needs urgent medical care, or
- there is a danger of losing forensic evidence.

It is concerning that some SHOs reported that, at times, they are doubtful of the victim/survivors' claims of an incident of sexual violence occurring; thus, their FIR is

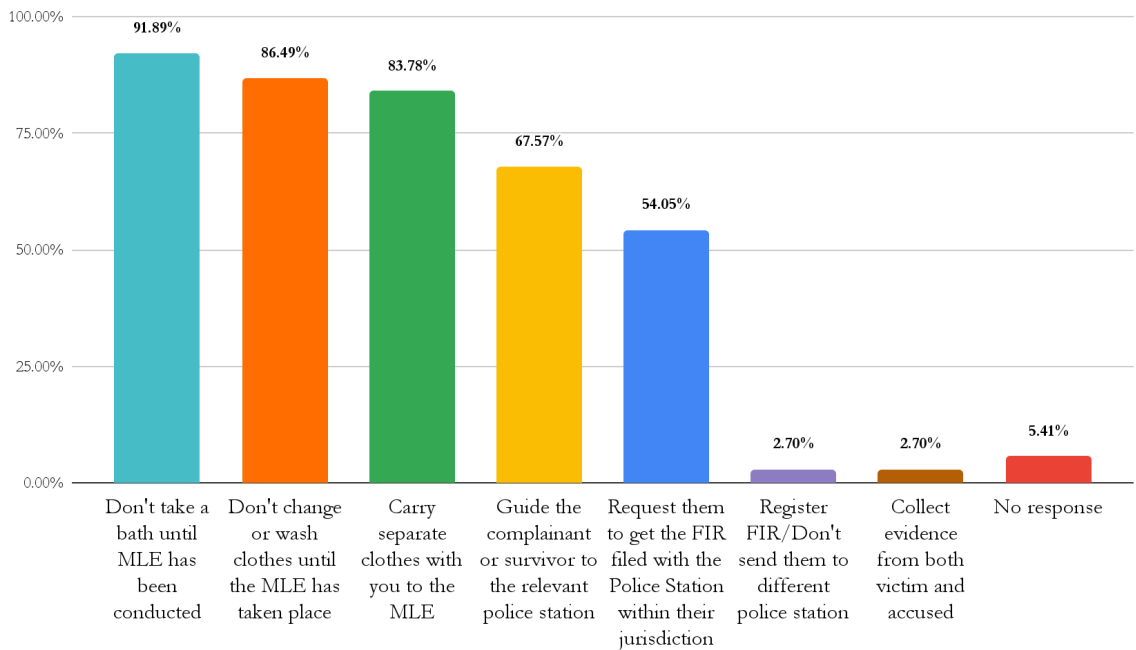
registered after receiving the MLE report as “registration of an FIR for a false claim creates more work than necessary for the police.” Such an opinion from the seniors in the police is concerning because:

- The purpose of an FIR is to launch an investigation. Waiting for evidence to support the complaint directly contravenes the law, precedent, and the SoP and is, therefore, illegal. The police are mandated to register the FIR immediately upon receiving a complaint, and only the investigation can reveal whether the crime has occurred. An FIR is not to be registered at the discretion of the police officer on duty.
- It evidences a lack of knowledge of the alleged crime. In many cases of rape and sexual abuse, there may be no medical evidence. Many precedents reiterate that lack of medical evidence does not mean the crime was not committed. Basing a decision on medical evidence is not only illegal but also negligent. This also, thus, ignores the possibility of any other evidence, such as the solitary statement of the victim, circumstantial, forensic, or digital evidence, etc.
It also perpetuates rape myths that victims are expected to resist the act hence there must be violence resulting in physically visible injuries, which is incorrect.
- This attitude may influence other junior police officers, including the Investigation Officers, to behave similarly. This is especially important given that police officers regularly get transferred, and this influence has the potential to spread across different police stations.

e. Advice to be Given to Victims/Survivors by Police for Medico-Legal Examination

DNA SoPs guide police officers to provide the following advice to victims/survivors for preserving DNA. The chart below enumerates how the respondents of this study identified this:

What advice is given to the survivors and victims of sexual violence regarding the preservation of DNA?



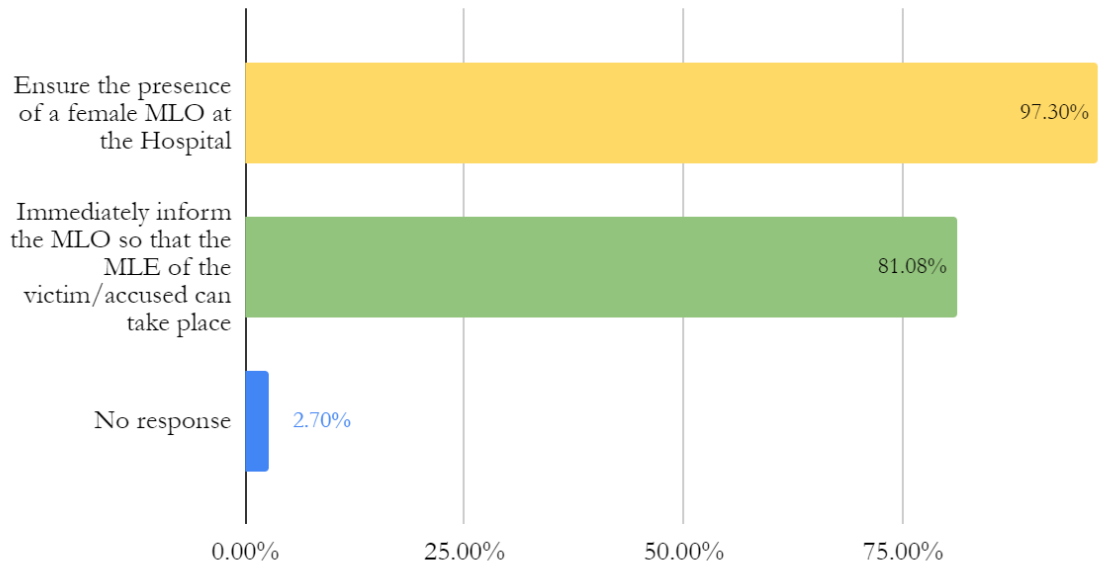
Most respondents agreed that the advice mentioned above is given to the victims approaching their police station after an incident of sexual violence. However, no document or paper is given to the victims/survivors to aid them in their understanding of the requirements for collecting evidence.

It was also reported that a major challenge is that the crimes do not get reported promptly, due to which important DNA evidence may be lost as victims may have already changed their clothes or taken a bath.

f. Conducting the Medico-Legal Examination - The Role of the Police

The SoPs direct the police to ensure that the victim/survivor’s MLE is conducted promptly and effectively. The majority of the respondents displayed accurate knowledge regarding the role of the police in facilitating the victim/survivor at the MLE stage:

What role does the police play in conducting the Medico-Legal Examination (MLE)?



g. Lack of Women Medico-Legal Officers

A significant issue reported by most respondents in Karachi, Hyderabad, and Sukkur ranges is the unavailability of WMLOs in hospitals. Respondents in Karachi said that MLE could be conducted in Abbasi Shaheed Hospital, Jinnah Postgraduate Medical Center, and Civil Hospital. It was reported that if no WMLO is present in one hospital, the victim/survivor is taken to another hospital for their MLE. Some said that the unavailability of WMLOs is a significant challenge, especially when no WMLOs are available on-call. If a sexual violence crime is reported at night, the police have to wait until the next day for the availability of WMLOs. A respondent from Thatta said a doctor considered an ‘expert’ conducts the MLE of victims because of a lack of WMLOs.

While waiting for their MLEs is traumatizing for the victim/survivor, it also negatively impacts the prosecution of the case with the potential loss of DNA evidence due to the delays.

h. Forensic Evidence from the Crime Scene: Collection, Submission, & Receipt of the Report

○ Collection of Forensic Evidence from the Crime Scene

One of the critical components of the SoP is to ensure the collection of forensic evidence from the crime scene. This requires knowledge and a specific skill set to ensure that uncontaminated samples are collected, packed, and stored to be used effectively for the investigation.

Most respondents correctly understood the steps needed for sealing a crime scene provided in the SoP. The Crime Scene Unit (CSU) is responsible for crime scene protocol in Karachi. The CSU reaches the crime scene when 15 is called. Otherwise, a duty officer/mobile officer reaches the crime scene as soon as they are intimated. The inquiry officer or the officer who has verified the FIR collects the evidence as a next step. Every district in Karachi is said to have a CSU, which arrives within half an hour of intimation. In some districts of Karachi and all of Hyderabad and Sukkur, where the CSU is inaccessible or unavailable, the duty officer collects items, seals them, numbers them, and provides forensics for collection.

The SoPs mandate the forensic team to be called immediately upon identification of a crime scene. While most of the respondents (primarily from Karachi) identified that the forensic team must be notified immediately upon filing the FIR, respondents from Sukkur and Hyderabad faced other challenges. Forensic teams in these districts are only available in Hyderabad district and Larkana district, so they are not notified unless necessary to ensure that the forensic team is not overloaded. The lack of immediate access to forensic teams in these areas further delays the investigation. However, it is unrealistic for the forensic teams to reach on time as it may take Hyderabad's team 5 hours or more to move around the district and 1.5 hours or more in the Sukkur district, where there is only one team based in Larkana. Due to this, it was reported that IOs are trained to collect forensic evidence at the crime scene and are provided with forensic kits.

Interestingly, 1 police officer said that the need to notify a forensic team never arises due to either such crimes not occurring or because they believe there is no evidence necessary to be collected from the crime scene.

It must, however, be noted that there was agreement across all districts that there is a dearth or lack of sufficient resources for collecting forensic evidence from the crime scene, including gloves, swabs, packing material, and freezers with generators for evidence storage at the police stations. This is a significant challenge as it may damage or tamper with DNA evidence, causing further issues in the case investigation and identification of the accused.

○ **Submission & Reporting of Forensic Evidence to the Relevant Lab**

To ensure that DNA evidence is tested on time, the samples are taken to the DNA labs as soon as they are collected. Most respondents agreed that the DNA samples are taken to DNA labs within 24 hours of collection. Respondents in Karachi reported taking samples to the DNA Lab at Karachi University (KU). Respondents from the Hyderabad and Sukkur ranges reported taking samples to the newly established DNA lab in Jamshoro, before which the samples were delivered to the KU DNA laboratory. Even with the establishment of the DNA lab in Jamshoro, it can take the police more than 5 hours to deliver the samples due to there only being one lab within access to Sukkur and Hyderabad.

When asked about the budget allocation for DNA tests, respondents reported that the stipulated budget for rape cases is 1 to 4 lac rupees. Respondents reported the DNA fee challan for the budget is provided to the accountant, who then submits it to the Senior Superintendent of Police (SSP), who approves it within a few hours. The IO pays for the DNA fee out of their pocket and then is reimbursed after the approval of the SSP. Items such as gloves, car fuel, vehicle charges, printer paper, accommodation, and per diem are also included in the budget.

Respondents from the Taimuria Police Station in District Investigation Central, Karachi West Zone, reported that the process for reimbursement is fairly simple. The Investigation Officer creates the bill and takes it to the Senior Investigation Officer, who then submits it to the Superintendent of Police - Investigation. Once approved, the amount is reimbursed from the existing investigation budget.

Respondents across the districts reported the following issues concerning the budget for conducting the DNA tests:

- Most challenges occur due to a lack of funds. The police officers themselves pay the fee for DNA reports, and at the grass-root level, the police rarely get reimbursed even after writing a letter for the budget. While some reported that this was the case previously but not anymore, some say that it is still a major challenge faced by the investigation officers.
- The budget can lapse due to the transfer of SSPs, due to which no cost of the investigation is available at the grass-root level
- The approval of the DNA fee challan can take up to 3 to 4 months, before which the IO would have to bear all the costs of the investigation

It is interesting to note that none of the respondents are aware that Sindh Police has allotted Rs. 50,000,000/- for DNA testing and analysis in cases of sexual assault, forensic analysis, kinship determination, blood and semen serology, and for special cases such as burnt, stored, or formalin-fixed tissue. The amount has been deposited at Sindh Forensic DNA & Serology Laboratory, Dr. Punjwani Center for Molecular Medicine & Drug Research, Karachi University through an MoU between the lab and Sindh Police via letter dated 24th June 2021 ref. no.: Accts/CPO/3853-68/2021 (Annexure D). Based on this collaboration between the lab and Sindh Police, the

police officers are supposed to send the DNA samples to the lab for examination, where the money is deducted from the Sindh Police account automatically.

- **Receiving of Report**

Most respondents reported that a major challenge is that preparing reports by the DNA labs takes a lot of time. However, they claimed that the police officers collect the reports within 24 hours of being informed. Some respondents said that the relevant investigation officer collects the reports or has them couriered, while some police stations/districts have focal persons to deliver and collect reports. One respondent reported that the reports are never received on time as they are received through the SSP Office.

- **Incorporation into Challan under Cr.PC Section 173**

Most respondents reported that the reports are placed in the police file and incorporated in the challan within 14 days. If there is a delay (as is common), the reports are immediately added to the interim challan or are presented in court at the time of their testimony.

Conclusion & Recommendations

The DNA SoPs notified by the SHC are being implemented at varying degrees of success across three ranges in Sindh. While it is encouraging to note that most of the respondents knew or had seen the DNA SoPs, it must be noted that these were not systematically rolled out to all relevant staff, nor was specific in-house training conducted on the SoPs specifically. It is important for all police staff, particularly those in the field, to be regularly updated on any legal changes in process or expectations. Their lack of knowledge and clarity results in the failure of investigation and prosecution and wastes time and resources for the Sindh Police and the state.

Unfortunately, most respondents who had seen the SoPs were Karachi-based. There is a clear divide between Karachi and other districts regarding knowledge, access, and availability. This reveals inequality between districts and greatly impacts the quality of investigation and performance of the Sindh Police. Measures piloted successfully in Karachi, such as the presence of CSUs, should be expanded to other districts for equality and improved performance of the Sindh Police.

Detailed discussion on the different aspects of the SoPs indicates that while police officers have a theoretical understanding of the processes and requirements of the DNA SoPs, not all police officers surveyed have sufficient knowledge to implement them effectively. There is no internal monitoring or oversight mechanism to ensure the concerned police officers have all the relevant information. The top-down flow of knowledge based on SHO's discretion in providing the relevant information is not a successful mechanism. This is especially important, noting the potential impact of SHOs who violate the law due to their own beliefs and lack of proper knowledge, i.e., refusing to register FIR until medical evidence supports the complaint.

Sindh Police need to do the following:

- Conduct in-house training across Sindh for all IOs, CSUs, and duty police officers on the existing DNA SoPs to ensure consolidated, systematic, and cohesive understanding across Sindh.
- A regular Performance Management System or a monitoring and evaluation system must be set up to qualitatively assess police officers' performance, specifically looking at their use of the DNA SoPs and current laws and processes.
- Consolidate all SoPs for forensic evidence collection, including for sexual violence on the body and crime scene, into one notified document. The SoP should include the detail required under the SHC judgment, law, and best national and international practices.
- Conduct an assessment of the impact of the DNA SoPs on the quality of investigation (if any) of the Sindh Police.

Annexures

Annexure A: Order by Sindh High Court in Kainat Soomro & others vs. Province of Sindh for the Implementation of DNA SoPs

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5920 of 2015

Date Order with signature of Judge

Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito

Kainat Soomro & others.....Petitioners

Versus

Province of Sindh & others.....Respondents

Heard on 04.06.2021

Mr. Mohamed Vawda, Advocate & Ms. Palvasha Shahab,
Advocates for the Petitioners.

Mr. Abdul Razzaq, Registrar, Sindh High Court.

Ms. Leela Kalpana Devi, Addl. A.G. Sindh.

Syed Meeral Shah Bukhari, Addl. P.G. Sindh.

DSP Raza Mian (Legal), Representative of IGP Sindh.

Muhammad Ali Mazhar, J: As a matter of fact, this petition was brought to seek directions against the respondents for the implementation of the directions contained in the judgment rendered by the hon'ble Supreme Court in the case of **Salman Akram Raja vs. Government of Punjab (PLJ 2013 SC 107)**. The hon'ble Supreme Court in this judgment directed to ensure the directions contained in clauses (a) to (e) in rape matters. This petition (**Kainat Soomro and others vs. Province of Sindh and others. PLD 2020 Sindh 611**) (order authored by **Muhammad Ali Mazhar-J**) was disposed of with the directions to all Anti-Terrorism Courts in Sindh to comply with the order immediately and so far as the issue of funds if any involved for implementation of judgment is concerned, the Home Secretary,

Government of Sindh was directed to immediately take up the matter with the Presiding Officers of Anti-Terrorism Courts. He will write letters to all the Presiding Officers of Anti-Terrorism Courts in Sindh for collecting the information and requirements of funds if any and all the learned Presiding Officers of Anti-Terrorism Courts shall promptly reply the letter and communicate the required arrangements including the release of funds if any for the purpose of complying with the judgment of the apex court. Similarly, for all District Courts the learned MIT-II was directed to ensure that all District Courts in Sindh shall comply with the judgment of the apex court in letter and spirit and he will communicate letters to all the learned District Judges of the Province of Sindh for knowing the requirements and basic arrangements which will be replied by the learned District Judges promptly so that the issue of funds if any may be taken up thereafter a consolidated statement of the requirements will be placed before the hon'ble Chief Justice of this court for consideration and directions as his lordship may deem fit and proper. The I.G. Sindh Police and Prosecutor General Sindh both were also directed to ensure the compliance of DNA test facility/arrangement as directed by the apex court.

2. Since the petitioners were of the view that directions given by this court while disposing of the petition have not been complied with, henceforth, they filed an application under Sections 3, 6 & 12 of the Contempt of Court Ordinance, 2003, read with, Article 204 of the Constitution to initiate contempt proceedings against Home Secretary and I.G Sindh. In the supporting affidavit, the petitioner avowed that this court was pleased to grant the prayer in the aforementioned petition and gave directions for the implementation of the instructions and guidelines set forth in Paragraph 16 of the judgment, passed in the case of **Salman Akram Raja vs. Government of Punjab (supra)** and also referred to Paragraph 7 of the judgment, passed in the aforesaid petition by this court. The petitioners have lodged the grievance that a letter, dated:

07.02.2019, detailing the obligations of the contemnors No. 1 and 2, was sent along with a copy of the judgment, dated 31.01.2019 passed by this Court but no response was received from contemnors No. 1 or 2. The abovementioned letter was followed by another letter dated 30.07.2019, which requested contemnors No. 1 and 2 to share information regarding the compliance of the abovementioned judgment but the contemnors No.1 and 2 miserably failed to furnish any response or ensure comprehensive compliance and have therefore violated the orders in aforementioned judgment, dated 31.01.2019, passed by this Court.

3. The petitioner also pleaded that the police stations have failed to engage civil society organizations on the receipt of a rape complaint on various occasions. The preservation of and testing of DNA evidence is sporadic, un-standardized and delayed, the facilities available for DNA testing continues to be severely limited and dysfunctional. The alleged contemnors took the defence that there was no intention to flout the order or non-compliance but they were making some SOP document. On 13.2.2020, we passed following order:

The petitioner has approached this court in fact for the implementation of the judgment of the hon'ble Supreme Court reported in PLJ 2013 S.C. 107 as well as judgment passed by this court on 31.01.2019, whereby, the petition was disposed of with certain directions. Learned counsel for the petitioner argued that despite clear directions, the orders have not been implemented as still various cases of DNA Test are pending and reports are awaited which has bad impact on the trial of rape cases. Syed Kaleem Imam, I.G. Sindh is present with DIG Legal. He submits that they have a SoP for immediate DNA Test with certain directions to the SHOs and I.Os. We have gone through the SoP but no exact timeframe is mentioned in which SHOs or the I.Os. are required to forward the sample for DNA test and receiving report without any delay. Learned counsel for the petitioners further argued that so many DNA Test reports are awaited due to non-payment of bills of the concerned Laboratories. DIG Legal submits that Sindh Government has recently entered into an agreement with Karachi University and Jamshoro University for the facility of DNA Test and they have made some payment also to them but still no mechanism is placed before us to deal the situation as to when I.O will forward the sample and whether the same is directly received by the University or they ask for the payment first or they directly send the bill to the Sindh Government. The Home Secretary submits that some amount has been paid and some amount will be transferred in escrow account but he is not confident about the procedure in which samples are received and bills are sent to the Sindh Government. According to our understanding, in order to enforce the mandatory test of DNA in rape cases smooth mechanism is required to be made out in which I.Os or the SHOs should not be burdened for the cost or demand of bill at site but there must be a mechanism that after

collection of the samples a bill should be sent of all such DNA test to the Sindh Government for payment. The Home Secretary and the I.G. Sindh as well as DIG Legal all are directed to convene a meeting within three days and jot down a complete mechanism for the implementation that will be circulated after approval of the court not only to the concerned Laboratories but also to all SHOs and I.Os of the cases for the effective implementation of the judgment. Mr. Abdul Razak, MIT-II is directed to focus on the next implementation in which the trial courts should fix screen in the rape cases in compliance of the directions of the hon'ble Supreme Court as well as this court. He is directed to contact Sessions Judges individually and submit the report as to whether trial and proceedings in the rape cases are being conducted in compliance of the directions with proper screening or not. We want to see the list of all individual cases pending in individual courts and the reasons for non-compliance by the Sessions Judges or ATC Judges in letter and spirit. In case any deficiency is found in compliance of the directions of the hon'ble Supreme Court or this court, the Presiding Officer of the concerned court would be responsible to face the consequences and they will be bound to appear in person and explain their position. At this juncture, I.G. Sindh submits that they have some already sanctioned funds for the investigation and if they are allowed they may pay the DNA Test fee so he requests that some directions may be issued to grant this amount as impress money for consumption in DNA Test on immediate basis. This aspect will also be considered by the Home Secretary in the meeting that is being convened under the directions of this court. The Secretary Finance shall also attend the meeting on the directions of this court. Adjourned to 27.02.2020 at 11:00 a.m. on which date I.G. Sindh, DIG Legal, Home Secretary and MIT-II shall also be in attendance.

4. On 27.02.2020, besides, learned counsel for the petitioners and learned A.A.G, Dr. Usman Chachar, Home Secretary, Government of Sindh, Ms. Rahat Ehsas, Additional P.G., Mr. Abdul Razak, Member Inspection Team-II, High Court of Sindh, Syed Kaleem Imam, Inspector General of Police, Sindh, Amanullah Zardari, Focal Person, Home Department, Government of Sindh, AIGP (Legal) Zulfiqar Mehar, DSP (Legal) Mushtaq Ahmed Abbasi, AIGP (Legal) Muhammad Habib Khan, AIGP Farhat Ali Junejo, Crime/Investigation, DSP (Legal) Raza Mian and DSP (Legal) Akbar Qureshi also appeared in person. The court after hearing respective contention, passed the following orders:-

"In compliance of the last order, Mr. Abdul Razzak, MIT-II of this court has submitted the progress report of each district separately. He submits that in some districts the compliance has already been made but there are some issues of funds also for which the District Judges have sent their requisitions to this court which were placed before the hon'ble Chief Justice and have been forwarded to the Director Finance for arrangement and allocation of appropriate funds. He will also submit the progress report on the next date as to whether some efforts have been made by the Director Finance with the Finance Department, Government of Sindh for the allocation and release of required funds or not. So far as the cases pending in the ATC Court, learned MIT-II submits that according to ATC courts compliance is being made but he requests that Registrar of the ATC court may be summoned for the next date to ensure the compliance. Office is directed to issue notice to the Registrar, ATC Courts, Karachi to appear in person on the next date

along with all requisite details as to whether ATC courts are following the judgment or not. At this juncture, learned counsel for the petitioners pointed out that three rape cases are fixed in the court of Vth Additional Sessions Judge, Malir, Karachi, XIth Additional Sessions Judge West, Karachi and VIth Additional Sessions Judge Central, Karachi but the Presiding Officers are not following the protocol mentioned in the hon'ble Supreme Court judgment. Learned counsel will also supply the case numbers to the learned MIT-II who will examine whether all protocols provided in the judgment of hon'ble Supreme Court and this Court are being followed or not by the said Presiding Officers. Zulfiqar Ali Mahar, AIGP (Legal) and Additional Chief Secretary, Home Department, Government of Sindh have filed their progress report and they also addressed this court that in compliance of the last directions they have conducted a meeting in which various aspects have been discussed. It has been decided that some amount in aid will be sanctioned for utilization for the payment of DNA tests in all rape cases and payment will be made to International Center for Chemical and Biological Sciences (ICCBS) and LUMHS. It is further stated by the AIGP Legal that the payment of 166 cases of DNA have been made to Karachi University and payment for 367 cases of DNA has been made to the Jamshoro Institute (JUMHS). He further submits that 46 report are pending in Karachi Lab and 235 reports are pending in LUMHS. I.G. Sindh present in court assured us that within few days the entire payment will be made and reports will be collected from the Labs for onward submission to the prosecution and court. They are also directed to submit progress report on the next date. I.G. Sindh has also filed revised SoP. Copy has been supplied to the petitioners' counsel who has also submitted a working paper for showing timeline for the collection of forensic evidence in cases of rape and sexual assault. According to learned counsel he has collected some data from different websites of International Organization to show the life of the samples and its transmission to the labs to safe its effect. Copy has been supplied to the I.G. Sindh and AIGP Legal who may go through the same and if required some changes in their proposed SoP the same may be made in the advancement of justice as well as make procedure appropriate for decision of rape cases in future. AIGP legal further submits that for the assistance of this court it would be appropriate to call focal person from International Center for Chemical & Biological Sciences (ICCBS) and University of Management & Health Sciences (LUMHS). Office is directed to issue notice to Prof. Beka Ram Devraja from LUMHS and Mr. Javed Iqbal from ICCBS to appear in person on the next date for the assistance of this court. It appears from the compliance reports that some progress have been made and we hope that some more compliance will be submitted to this court so that proper implementation of the hon'ble Supreme Court's judgment as well as this court may be made effectively and practically. So far as sanctioning of amount is concerned, the Home Secretary submits that summary has been moved to the Chief Minister Sindh through Finance Department and decision is awaited. The Chief Secretary as well as Home Secretary both are directed to expedite the matter and ensures that within three weeks' the amount is sanctioned by the Chief Minister Sindh. Let them submit the progress report also".

5. In order to enforce substantial compliance of the judgment of honourable Supreme Court and the judgment passed by this court, the learned counsel for the petitioners, learned A.A.G as well as the representative of I.G Sindh all agreed that some SOP should be made out with due deliberation of all stake holders to ensure the compliance of aforesaid judgments. The SOP document was prepared and vet by the learned counsel for the petitioners, Registrar of this court, learned A.A.G, Sindh, Persecutor General

Sindh as well as the representative of I.G Sindh. The final document of SOP was prepared and signed by I.G Sindh after incorporating feedback and suggestions of all aforesaid persons with the assurance that agreed SOP shall be implemented in the province of Sindh across the board in letter and spirit. Eventually after due consultation and bearing in mind the pros and cons, final document of approved SOP was submitted in court on 04.06.2021 by AIGP Legal-II duly signed by IGP Sindh which is reproduced as under:-

Standard Operating Procedures (SOP) for Sampling and Preservation of DNA Samples in Rape, Sodomy and Sexual Violence Cases

SOPs for the Duty Officers and SHO

1. The SHO/Duty Officer shall ensure that FIR is lodged at once after intimation of a complaint of rape, sodomy or sexually assault. While registering the FIR, the Police will strictly follow the directions contained under Section 154 Cr.P.C.
2. The complainant/victim should be informed that the victim should not bathe or change and/or wash his/her clothes until the Medico Legal Examination has taken place. Furthermore, the complainant should be informed that a separate set of clothing should be taken to the relevant hospital for the medico legal examination.
3. The SHO/Duty Officer must ensure that the Medico Legal Officer is informed immediately so that the Medico Legal Examination of the victim and/or accused person can take place at once. In case of a female victim, the presence of a female Medico Legal Officer must be ensured for collection of DNA samples.
4. Upon the lodging of FIR, the Duty Officer/SHO shall ensure that a forensic team is immediately notified so that they can visit the scene of crime for collection of DNA samples/evidence.
5. The scene of crime should be sealed immediately after the occurrence of the incident. It must also be ensured that until a forensic team/crime scene unit takes DNA and other samples, no person is allowed to enter and contaminate the scene of the crime. Such instructions be issued to Police Posts that as soon as they receive information regarding offence, the Duty Officer should proceed to place of incident and should not wait for registration of FIR.
6. The IO should ensure that till the visit of Forensic Team/Crime Scene Unit, the place of incident is secured in a manner so that the evidence may be collected.
7. The Investigation Officer will ensure that the DNA samples which are taken by the Medico Legal Officer are collected and delivered to the relevant DNA laboratories within 24 hours. The Investigation Officer must follow-up with the labs so that the reports are collected and placed in the police file and incorporated in the Challan as soon as possible. The Investigation Officer shall ensure that the reports are collected within 24 hours after intimation that the reports are ready.
8. The IO should also ensure that these reports are then immediately placed before the Court along with challan with originals duly sealed and secured at some appropriate place for production by the Prosecution during trial.

SOPs for the Medico Legal Officer

1. The Medico Legal Officer shall ensure that the DNA samples are taken from the victim without delay. Upon intimation from the SHO that a sexual assault crime has been committed, the Medico Legal Officer shall ensure their presence at the relevant Hospital on time so that the victim does not have to wait.
2. The Medico Legal Officer as guidelines shall make sure that the DNA samples are taken from the following potential sources:

Evidence	Possible location of DNA on the evidence	Source of DNA
Bite marks	Person's skin or clothing	Saliva
Facial tissue, cotton swab	Surface area	Mucus, blood, sweat, semen, ear wax
Fingernail	Scrapings	Blood, sweat, tissue
Hat, head band, mask	Inside	Dandruff, hair, sweat Saliva
Tooth pick	Tips	Saliva
Used condom	Inside/outside surface	Semen, vaginal or rectal cells

3. The clothes worn by the victim or the accused at the time of offence must be taken, preserved and sealed for testing.
4. The Medico Legal Officer shall ensure that the Medico Legal Certificate is prepared as soon as the examination is taken place and completion of all formalities. The Investigation Officer must be notified as to when the report will be ready so that the report is collected without delay.
5. Efforts should be made to ensure and strictly follow anti-contamination guidelines as mentioned in Annexure A.
6. In case, Radiology test is required but facility is not available at the place of examination then MLO shall specify that within 24 hours the victim should reach at the relevant Radiology lab and the MLO should get in touch for obtaining the reports quickly so that final MLC is issued without delay.

SOPs for the Forensic Team

1. The forensic team shall take DNA and other samples from the scene of the crime without any delay.
2. Effort should be made to ensure anti-contamination guidelines as mentioned in Annexure A.
3. Potential Sources of DNA Samples:

Evidence	Possible location of DNA on the evidence	Source of DNA
Blanket, pillow, bed sheet, bed cover	Surface area	Blood, semen, saliva, hair, vaginal fluid, sweat
Bottle, can, glass	Sides, mouthpiece	Fingerprint, saliva, sweat

Dirty laundry	Surface area	Blood, dandruff, hair, Semen, sweat
Door knobs	On the handle	Fingerprints, skin, sweat
Eye glasses	Nose or ear pieces	Sweat, skin
Hat, head band, mask	Inside	Dandruff, hair, sweat Saliva
Stamp on envelope	Licked area	
Tape or ligature	Inside/outside surface	Skin, sweat
Through and through bullet	Outside surface	Blood, tissue
Tooth pick	Tips	Saliva
Used cigarette	Cigarette butt	Saliva
Used condom	Inside/outside surface	Semen, vaginal or rectal cells
Weapons	Handle, end	Blood, fingerprints, flesh sweat

SOPs for the AIGP Investigation and AIGP Forensics and concerned SSP:

1. The investigation of rape, sodomy and sexual assault cases shall be supervised directly by the SSP concerned who shall be immediately intimated by the duty officer/SHO when an FIR for such offences is lodged.
2. Forensic teams tasked to collect the samples and evidence should be notified for each district and SSP should ensure that this team is fully equipped with all required material so as to scientifically collect the evidence.
3. The SSP in coordination with Police Surgeon will monitor on weekly basis the DNA testing and all above mentioned time frames and shall ensure immediate compliance and strict action should be taken against the officers responsible for the delay.
4. That the AIGP Investigation and AIGP Forensics shall ensure that the notified laboratories do not refuse to accept DNA sample or refuse to give report on the pretext of non-payment of fee. However the Home Secretary and I.G shall ensure that requisite funds are allocated and disbursed by the Sindh Government for timely payment of DNA test fee to the concerned labs.
5. It must be ensured by SSP concerned in coordination with DHO that female Medico Legal Officer is available round the clock or on call at least at each Taluka or Town level Hospital. Such Hospitals should be notified in each Districts so that victim is taken to the nearest Hospital.
6. In the event that any DNA test and/or its report is pending due to non-payment, the laboratory bills/liabilities should be cleared immediately from the cost of investigation head or from the Cost of Investigation Inspector General of Police Reserve Account.

Annexure A

ANTI-CONTAMINATION GUIDELINES

- Always wear disposable gloves and mask before touching any evidence.
- Use disposable instruments for handling each sample.

- **Avoid touching the area where you believe DNA may exist.**
- **Avoid talking, sneezing and coughing over evidence.**
- **Avoid touching your face, nose, and mouth when collecting and packaging evidence.**
- **Do not allow one evidence stain to come into contact with other biological samples or residue from other biological samples.**
- **Contact between victim and suspect samples should be avoided at all times.**
- **Do not subject evidence to heat or sunlight to dry it.**
- **Each evidence should be packaged separately into paper bags. Where possible, take the container to the evidence. Use clean containers for transport. Seal all packaging securely with a seal.**
- **Each item should be packaged, sealed, and labelled as soon as it is taken.**
- **Ensure that any person attending a crime scene has no contact with a suspect or his/her clothing.**

6. The contempt application is disposed of on the assurance that aforesaid SOP shall be religiously followed for proper and effective implementation of the judgments. Slight changes are made in the draft of SOP to make the compliance more effectively and practically. The I.G Sindh, within 20 days shall ensure that aforesaid SOP document is translated in Urdu and Sindhi languages also and he will distribute the SOP in English language as well as accurate translated SOP in Urdu and Sindhi languages to all Police Stations in Sindh, Prosecutor General Sindh, all Prosecution Departments, Advocate General Sindh, all DIGs, all SSPs, Registrar of this Court, all District Judges and ATC Judges of the province of Sindh. Copy shall also be transmitted to the Administrative Judge of Anti-Terrorism Courts and Monitoring Judge of Anti-Terrorism Courts for Sindh. Office is directed to transmit the copy of this order to Home Secretary Sindh, I.G. Sindh Police, Advocate General Sindh, Prosecutor General Sindh, Registrar and MIT-II, Sindh High Court as well as all District & Sessions Judges and ATC Judges in Sindh.

Judge

Judge

Annexure B: Letter of DNA SoPs Circulation from Office of AIGP Operation



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31/01/22
sep

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
SINDH, KARACHI.

No: 5449-55 -AIGP/Ops-Sindh/S-II/2022
Dated: 20th January 2022

The Addl. Inspector General of Police, Karachi Range.	The Deputy Inspector General of Police, CTD, Sindh-Karachi.
The Deputy Inspector General of Police, Hyderabad, Shaheed Benazirabad & Mirpurkhas Range.	The Deputy Inspector General of Police, Sukkur & Larkana Range.

Subject: - COPY OF ORDER DATED 04.06.2021 PASSED BY THE HONOURABLE HIGH COURT OF SINDH, KARACHI IN C.P NO. D-5920 OF 20125 FILED BY KINAT SOOMRO V/S PROVINCE OF SINDH & OTHERS

Please referred letter No. RDR/1692-04/2021 dated 21st September 2021 already forwarded to you by the DIGP/Crime & Investigation, Sindh-Karachi, on the subject noted above.

In this context, you are requested to ensure circulate to said SOP (in English, Urdu & Sindhi) of your subordinate offices i.e DSP and Police Station level or otherwise and furnished SOP receiving certificate to this office on priority basis, please.

(CAPT @ HAIDER RAZA) PSP
AIGP/Operations,
For Inspector General of Police,
Sindh, Karachi.

Copy forwarded to the following for information, please.

1. The DIGP/Crime & Investigation, Sindh-Karachi.
2. The AIGP/Legal, Sindh-Karachi.
3. PS to IGP/Sindh.
4. PS to DIG/Headquarters, Sindh.

Annexure C: Monitoring Tool to Assess the Dissemination of DNA SoPs at the Police Station Level

Respondent's Gender: _____ Years in Service: _____

Rank: _____ City: _____

Station Name: _____

1. Have you received DNA Standard Operating Procedures (SoPs) (in Urdu, Sindh and English) at your police station which were disseminated through IG Office via official notification vide reference no 5449-59- AIGP/Ops-Sindh/S-II/2022 on 28th January 2022?		
a. Yes.	b. No.	c. Don't Know.

2. Is a copy of the above-mentioned notification available at your police station? :		
a. Yes.	b. No.	c. Not Applicable.

3. Was a receiving certificate reverted to the AIG Operations (as required under the second para of the above-mentioned notification)?		
a. Yes.	b. No.	c. Not Applicable.

4. Do you know why DNA SoPs were circulated?		
a. High Court Order in the Kainat Soomro Case.	b. Don't Know.	
c. Other: _____		

5. Have the SoPs been shared with the Duty Officers in your police station?		
a. Yes.	b. No.	c. Not Applicable.

6. Have the SoPs been displayed in your police stations on the soft boards?		
a. Yes.	b. No.	c. Not Applicable.

7. Have there been any briefings or meetings regarding the DNA SoPs?		
a. Yes.	b. No.	c. Not Applicable.

8. Are you confident in your understanding of the SoPs?				
a. Strongly Disagree.	b. Disagree.	c. Neither Agree or Disagree.	d. Agree.	e. Strongly Agree.

9. To what offenses do the SoPs apply?	
a. Sexual Violence.	b. Don't Know.
c. Other: _____	

10. What steps are taken once a sexual violence crime comes to your knowledge? (tick all that are relevant)		
a. Registration of an FIR under S.154 Cr.PC.	b. Recording 161 Cr.PC Statement.	c. Issuing a medico-legal certificate.
d. Collection of clothes for DNA sampling.	e. Accompanying survivor to the hospital for Medico-Legal Examination (MLE).	f. Intimation to Medico-legal officer at the hospital.
g. Notifying the forensic team immediately.	Other: _____	

11. What advice is given to the survivors and victims of sexual violence regarding DNA preservation?		
a. Don't change or wash clothes until the Medico Legal Examination has occurred.	b. Don't take a bath until Medico-Legal Examination (MLE) has been conducted.	c. Carry separate clothes with you to the Medico-Legal Examination.
d. Request them to get the FIR filed with the Police Station within their jurisdiction.	e. Guide the complainant or survivor to the relevant police station.	Other: _____

12. At what stage of the investigation is the FIR filed?		
a. As soon as an incident is reported.	b. As soon as the Medico-Legal Examination (MLE) is conducted.	c. After receiving the Medico-Legal Examination report.

13. What role does the police play in conducting the Medico-Legal Examination (MLE)?	
a. Ensure the presence of a female Medico-Legal Officer at the hospital.	b. Immediately inform the Medico-Legal Officer so that the Medico-Legal Examination of the victim and/or the accused person can occur.

14. What timeline is followed when notifying the forensic team?	
a. Immediately after the FIR is filed.	b. After the medico-legal examination report is received.

15. What protocol is followed when sealing the crime scene? (tick all that are relevant)	
a. Crime scene is immediately sealed after the incident.	b. No person is allowed to enter and contaminate the crime scene.
c. Instructions issued to police posts	d. The duty officer proceeds to seal

that as soon as information regarding the crime scene is received, the Duty Officer should proceed to the place of incident.	the place of the incident before lodging the FIR.
e. Other: _____	

16. What timeline is followed to collect DNA samples (taken by the Medico-Legal Officer) and their delivery to the relevant DNA laboratories?		
a. Within 24 hours.	b. Within 48 hours.	c. Within 72 hours.

17. What timeline is followed for collecting the reports from the DNA laboratories after intimation that the reports are ready?		
a. Within 24 hours of intimation that the reports are ready.	b. Within 48 hours of intimation that the reports are ready.	c. Within 72 hours of intimation that the reports are ready.
d. Other:		

18. When are the reports placed in the police file and incorporated in the Challan?		
a. Immediately.	b. More than one week.	c. More than one month.
d. More than two months.	e. More than three months.	

19. When is the Challan placed before the Court in sexual violence cases?		
a. Immediately.	b. More than one week.	c. More than one month.
d. More than two months.	e. More than three months.	

20. Do you face any practical hurdles in following the DNA SoPs?

Answer:

Annexure D: Memorandum of Understanding Between Sindh Forensic DNA Laboratory, Dr. Panjwani Center for Molecular Medicine & Drug Research, Karachi University and Sindh Police Department



Memorandum of Understanding
Between
Sindh Police
and
Sindh Forensic DNA and Serology
Laboratory
at



**Jamil-ur-Rahman Center for Genome Research
Dr. Panjwani Center for Molecular Medicine and Drug Research,
(International Center for Chemical and Biological Sciences),
University of Karachi, Karachi, Pakistan**

This MoU is signed between Sindh Forensic DNA and Serology Laboratory (SFDL) at the Jamil-ur-Rahman Center for Genome Research, Dr. Panjwani Center for Molecular Medicine and Drug Research, International Center for Chemical and Biological Sciences (ICCBS), University of Karachi and Sindh Police, (hereinafter referred to individually as "SFDL" and "Police" respectively, and collectively as "the Parties") to avail the Revolving fund Facility required for the analysis of Forensic samples submitted by the police.

The MoU incorporates the following conditions:

1. Purpose.

Through this MoU, Sindh Police and SFDL will avail the facility of revolving fund account with an amount of Rs. 50 million released by the finance department Government of Sindh. Continuing operations without any fiscal year limitation and the account will be replenished by repaying money used from the account.

2. Billing process.

Sample Receiving Unit (SRU) of Laboratory will receive the Blood / Semen Serology (Chemical), DNA & Serology cases with the SOPs from the investigation officers or from their deputed personnel from all Police Stations of Sindh. In-charge SRU will issue the invoice of total amount with detail of particulars of case property submitted for analysis. This is the responsibility of IO to submit the invoice in the concern SSP/ DPO/CPO office. Sindh Forensic DNA & Serology Laboratory (SFDL) will generate the analysis fee bills that can be submitted directly to the finance wing of Central Police Office or through focal person deputed by police/Finance department monthly with detailed information and office copy of Invoice. Case receiving will be stopped if revolving fund not available/mentioned.

3. Fees Structure

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7/29/17/2017

be charged as per the fee structure attached (Annexure-I). The fee structure will be available for one year. SFDL and Sindh Police with mutual consent will rationally revise the

4. Standard Operating Procedures for Case Submission

Standard operating procedures are made part of this MoU and police will fully consider these SOPs during collection, transport and submission of the evidence. SFDL will have right to refuse the analysis in case where SOPs are not followed. Any technical revision/ amendment/ addition in the SOPs will be communicated to police and implemented immediately.

5. Analysis, Reports and Access to Data Generated by the Forensic Lab

Serology of the samples submitted for DNA analysis will also be carried out at the SFDL. There is no need to send samples separately (or its part) to Chemical Examiner lab Karachi and Chemical Examiner Rohri for serology. As per MoU signed with Health department mentioned that no case of Blood Serology (Chemical) and semen serology submits to the Chemical Examiner lab Karachi and Chemical Examiner Rohri police agencies/Department will be requested to take the necessary measures to implement this procedure in entire Sindh.

Report will be furnished to the SSP/DPO/CPO through TCS. However, report will be submitted to court if case is directly referred by court for analysis. A proper record of dispatch will be maintained in order to ensure security of report.

The data generated during sample analysis would be stored and maintained according to the international standard, and no legal or personal injury would be inflicted to any party. No data will be made public.

6. Reporting time and Prioritization.

Reporting time will depend on the number of samples in case and workload. Serology report will be furnished in 10 working days while DNA analysis report will be furnished in four weeks given (maximum) the normal workload. Priority will be given to the cases of dead bodies' identification and child sexual abuse. All the other cases will be analyzed in order of submission.

7. Legislation/ Judicial and Legal Issues

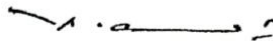
Necessary/relevant laws will be taken into consideration for reporting case, establishment of DNA databases and data sharing.

8. Training

Training workshops will be arranged for personnel from police for proper sample collection, transportation, submission and interpretation and understanding of reports.

9. Sample collection and returning of case property.

All the concerned officials, who will submit any sample for Forensic Serology and/or DNA analysis, will be responsible to collect back the deposited samples/articles/property from the collection point within 15 days after the report is furnished. After lapse of the above mentioned period, SFDL will not be responsible to keep/store it. One focal person will be designated at



Investigation office that will coordinate with the SFDL regarding issues related to case
and return of property.

10. Discrepancies in Case Properties

SFDL will receive sealed case properties along with required documents as per SOPs. In case any discrepancy appears between documented details of evidence/samples and actual property after opening the case relevant SSP Investigation will be informed in writing by the SFDL. SSP investigation will address the discrepancy within three working days after the receipt of intimation from SFDL.

11. Recurring funds:

For the established of SFDL an MoU was sign between Health Department and ICCBS as per MoU all the recurring cost will be provided by the Health Department. Fee charged by the SFDL basically is service charge not an actual cost of analysis. SFDL will have right to stop laboratory activity due to non-availability of recurring funds.

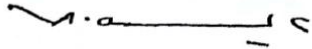

12. Follow-up meetings:

Quarterly meetings will be held between the parties to discuss and evaluate the expenditure and the amount will be replenished earlier if required due to high workload. SFDL will submit monthly expenditure report to DIG Finance Office.

Biannual review meetings between SFDL and the Sindh Police will be held. MoU subject to revision based on the findings of meetings.

The MoU is written and signed in two copies in English having equal force, each party receives one copy.

Legal Address of the Parties

For and on Behalf of	For and on Behalf of
Sindh Forensic DNA and Serology Laboratory, Dr. Panjwani Center for Molecular Medicine and Drug Research, International Center for Chemical and Biological Sciences, University of Karachi	Sindh Police
	 29/12/2020
Prof. Dr. M. Iqbal Choudhary, <i>B.L., S.L., F.L.</i> Director	Mr. Ghulam Nabi Memon

ANNEXURE-I

TABLE OF CASE CHARGES

Sr. No.	Test/ Analysis required	Fee to be charged	
		1	Sexual assault
2	Forensic DNA analysis	PKR. 21,000 fixed fee per case (2 evidence items and 1 reference sample)	PKR. 6,000 per extra sample

	Kinship/ paternity	PKR. 36,000 fixed fee per case, in paternity sample from child, father and mother (total three samples), in sib ship/ kinship samples from two persons)	PKR. 7,000 per extra sample
4	Special cases (bone, burnt tissue, stored tissue/ formalin fixed tissue etc.	PKR. 40,000 fixed fee per case (3 evidence items and 2 reference sample)	PKR. 7,000 per extra sample
5	Blood serology/ Semen Serology	PKR. 6,000 fixed fee per case (3 samples)	PKR. 2,000 per extra sample



OFFICE OF THE,
INSPECTOR GENERAL OF POLICE,
SINDH KARACHI.
No./Accts/CPO/3853-GS/2021, Karachi
Dated. 24-06-2021.


To.

The Director
International Center for Chemical
and Biological Sciences,
University of Karachi.

Subject: DISBURSEMENT OF CHEQUE FOR DNA TEST

I am directed to enclose herewith a cheque bearing No. 4118860 dated. 21.06.2021 amounting to Rs.50,000,000/- (Rupees Fifty million) received from Accountant General Sindh Karachi for DNA Test in Karachi in compliance of the orders dated 13.02.2020 passed by the Honorable High Court of Sindh in C.P. No. 5920 of 2015 filed by Kainat Soomro and others v/s Province of Sindh & others for implementation of judgment of the Honorable Supreme Court of Pakistan in PLJ 2013 SC 107 whereby the petitioner has sought implementation of judgment for proper conducting the DNA Tests of all rape victims in Province of Sindh.

2. In this regard, it is requested that monthly reconciliation of expenditure may please be furnished to this office for onward submission to Accountant General Sindh accordingly.


(QAMAR RAZA JISKANI) PSP,
AIGP/Logistics
For Inspector General of Police
Sindh Karachi

Copy to: -

1. The Registrar, Supreme Court of Pakistan (Karachi Registry)
2. The Registrar, High Court of Sindh Karachi w/r to C.P. No. 5920 of 2015
3. The Addl. Chief Secretary, Home Department, Government of Sindh Karachi
4. The Secretary, Finance Department, Government of Sindh Karachi
5. The Addl. IGP Investigation, Sindh Karachi
6. The Addl. IGP Karachi.
7. The DIGP South/East/West/CIA, Karachi.
8. The DIGP CTD Sindh Karachi
9. The DIGP Crime Branch/Investigation Sindh Karachi
10. The AIGP Forensic Division, Sindh Karachi.
11. The AIGP Legal, CPO Sindh Karachi
12. PS to IGP Sindh.
13. PS to Addl. IGP Finance, Logistic & Welfare CPO Sindh
14. PS to DIGP/Finance, CPO, Sindh, Karachi.
15. PS to DIGP/HQRs, CPO, Sindh, Karachi.