

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Umar Ata Bandial
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Sajjad Ali Shah
Mr. Justice Qazi Muhammad Amin Ahmed

S.M.C. 01/ 2020

(SUO MOTO ACTION REGARDING COMBATING THE PANDEMIC OF CORONA VIRUS
(COVID -19))

IN ATTENDANCE:

- For the Federation : Mr. Khalid Javed Khan, Attorney General
for Pakistan
Mr. Sohail Mehmood, DAG
Dr. Tanveer Qureshi, Secretary M/o
National Health
Saeed Ullah Khan Niazi, J.S. (Admn)
Asif Suhail, Director (Lit)
G.M. Jakhrani, Dy. Director (Lit)
(All from M/o National Health)
Mirza Mahsood, J.S. M/o Interior
- For ICT : Mr. Niaz Ullah Khan Niazi, A.G.,
Islamabad
Shafaq Hashmi, D.G.,
(Chief Commissioner Office)
Waseem Ahmed, Asstt. D.C., (I.C.T.A.)
Amer Naveed, A.D., (Lit), (I.C.T.A.)
- For Govt. of Punjab : Mr. Shan Gul, A.G., Punjab
Javed Yaqoob, Addl.AG, Punjab
Cap (R) M. Usman, Secy. Primary &
Secondary Health Deptt. Punjab
M. Nabeel Ahmed Awan, Secy.
Specialized, Health Care & Medical
Education Deptt
(Via Video link from Lahore Branch)
Ch. Faisal Fareed, Addl.A.G. Punjab
(In Islamabad)
Mr. Adnan Younas Butt, Sr. Law Officer,
Punjab
- For Govt. of Sindh : Mr. Salman Talibudin, A.G, Sindh
Zahid Abbasi, Secy. Health
Muhammad Usman Chachar, Addl.
Chief Secy-Home
Dr. Saeed Ahmed Qureshi,
(Focal Person to Chief Secy. Sindh)

Syed Salman Shah, DG, PDMA
(All via Video link from Karachi Branch)

- For Govt. of KP : Mr. Shumail Butt, A.G. KP
(Via video link from Peshawar
Syed Imtaiz Hussain Shah, Secy.
Health, KP
M. Abid Majeed, Secy. Relief
Rehabilitation, KP
Mian Shakeel Ahmed, Secy. Local
Govt. KP
Rooh-ul-Amin, Addl. Registrar, PHC
Amir Sultan Tareen P&D, Deptt-
EHSAAS, Programme
(All via Video link from Peshawar Br)
- For Govt. of Balochistan : Mr. Arbab Muhammad Tahir, A.G,
Balochistan
Mr. Naimatullah Battazi, P.G.
Baluchistan
Cap (R) Fazeel Asghar, Chief Secy:
Cap (R) Zafar Tahir Abbasi, Special
Secretary Health
Imran Zarkhoon, DG, PDMA
(Via Video link from Quetta Branch)
Mr. Ayaz Khan Swati, Addl.A.G.(In
Islamabad)
- For Govt. of GB : Mr. Muhammad Iqbal, AG, G.B.
- In CMA.2355/2020: Mr. Aman Ullah Khan Kanrani, ASC

Dr. Waqar Aftab, In person

Mr. Farhat Nawaz Lodhi, ASC

Dr. Fazal-e-Rabi, In person

Professor Abdul Rashid Mian,
President PMA

Mr. Samuel Payara
Chairman, Implementation of Minority
Rights Forum

Malik M. Shaukat Feroze,
DIG (Prison), Rawalpindi Region, Rwp
(on behalf of Govt. of the Punjab).
- Date of Hearing : 13.04.2020

ORDER

We have heard the learned Attorney General for Pakistan, the Advocates General of Punjab, Sindh, KP, Balochistan, Islamabad so also the GB. Some individual lawyers have also been heard, while few of the people from public have also appeared and made their respective submissions.

2. The learned Attorney General for Pakistan, on the observation of this Court in the Order dated 7.04.2020, regarding making of emergency legislation on Coronavirus (COVID-19) by the Federal Government, Provincial Governments, G.B. and ICT, has stated that as a matter of policy, the session of Parliament is not being called but the Government is considering such aspect of the matter. He, however, further stated that today a high level meeting is taking place between the Prime Minister and the Chief Ministers of all the Provinces including GB and Chief Commissioner, ICT, where issues relating to Coronavirus (COVID-19) will be thoroughly deliberated and measures will be taken, in that, a uniform policy applicable to all the territories of Pakistan is drawn and it is ensured that the same is applied across the board and in this regard no territory of Pakistan, where people of Pakistan are living, is treated differently.

3. The Federal Government through the learned Attorney General has assured the Court that it is taking all steps to deal with this pandemic and is trying to reduce its effect on the people by taking various measures on the social welfare side and also on humanitarian grounds. Further medical supplies are being

provided by the Federal Government to the Provincial Governments, including PPEs and ventilators to the hospitals and test-kits to the laboratories. Although it is stated that most of the items of PPE, test-kits and ventilators are imported but now there seems to be some consensus in Punjab and Sindh, where efforts are being made to manufacture the same locally in large quantity. The stage of making a test-kit, apparently, has not been reached but the learned Attorney General states that such will be achieved by the Government. The locally manufactured ventilators are being put to the test and hopefully, if they are found successful, they will be produced and distributed all over Pakistan.

4. The learned Advocate General, Punjab has filed a report giving in detail the steps taken by the Government of the Punjab with regard to addressing the issue of Coronavirus (COVID-19) in Punjab. The report as it reads, shows that certain steps have been taken by the Government of the Punjab, which seems to be in a positive direction and we hope that they will continue to enhance their capacity in making available; PPEs, all sorts of other protection, so also the equipments required by the people fighting such pandemic.

5. Mr. Amanullah Kanrani, learned ASC has brought to our attention that the Governmnet of Punjab has issued some executive order on the basis of which inter-provincial movement of the people has been stopped. We have asked the learned Advocate General, Punjab about the existence of such executive order and he admitted that such executive order has been passed. When

confronted with Article 15 of the Constitution, the learned Advocate General, Punjab conceded that such an order cannot be passed by the executive authority; rather it has to be done by law to be made by legislature. The learned Advocate General, Punjab states that he is going to advise the Government accordingly. However, until such measure is taken by the legislature, the executive order of the Government of Punjab, restricting inter-provincial movement of the people, is struck down and set aside.

6. The learned Advocate General, Sindh has also informed the Court about the steps, the Government of Sindh taken to mitigate the spread of Coronavirus (COVID-19) in the Province of Sindh. We have, however, noted with concern that yesterday, the Provincial Government has passed an executive order sealing 11 Union Councils (UCs) in Karachi. We have asked the learned Advocate General, Sindh to give justification for such sealing, he stated that Government of Sindh has found some cases in these 11 UCs suffering from Coronavirus (COVID-19) but nothing concrete has been placed before the Court to show that such is correct and well founded.

7. Be that as it may, we have asked the learned Advocate General, Sindh as to what programme the Government of Sindh has prepared to implement the sealing of 11 UCs, in that, how the people will be reached for medical testing and screening and if any such case is found what further steps the Sindh Government will take to secure the affected person and what about his family and persons who have been exposed to him. Whether medical team and

logistics in each of the 11 UCs have been deputed to undertake all exercises. How basic necessities, including, food, groceries and other utilities will be made available to the residents of these 11 UCs. The learned Advocate General states that groceries shops in these 11 UCs have been allowed to remain open but no other programme has been drawn by the Government of Sindh for these 11 UCs.

8. We have pointed out to the learned Advocate General, Sindh that in case a person is unable to purchase groceries, how he is going to survive. The learned Advocate General states that the Government of Sindh is going to look into this matter. It has also been brought to notice of this Court that free *Rashan* worth Rs. 8.0 billion has been distributed in Sindh by the Government of Sindh. We are not sure how far this is true but note that there is no documentation of purchase of *Rashan* and its distribution made available to this Court by the Government of Sindh.

9. We have also asked the learned Advocate General to inform us about the persons, who have contracted this pandemic in the 11 UCs, the learned Advocate General states that no such information is available with him. This is a very sorry state of affairs prevailing in the Province of Sindh, where not only in Karachi but other cities of the Province of Sindh, people are protesting lack of subsistence to them. Let a comprehensive report in this regard be submitted by the Government of Sindh well before the next date of hearing.

10. The Governments of KP and Balochistan, have submitted their reports, the same are taken on record. It seems that the effect of Coronavirus (COVID-19) is not so much alarming in these two Provinces, including, GB and things are being kept in control. Punjab, Sindh and ICT, however, are on different pedestals, where there is a considerable threat of surge of this pandemic. In these circumstances, let the Government of Punjab also give its report to this Court so also the ICT regarding matters relating to this pandemic and give to the Court all necessary information, which can show that citizens' fundamental rights are fully safeguarded and the State functionaries are all what is necessary for the survival of the people

11. The doctors and paramedics, who are working in the front line in dealing with this pandemic, are especially affected and are at risk of contracting this disease and it is hoped that the Federal Government so also the Provincial Governments, the ICT and GB shall ensure that all necessary needs of the doctors and paramedics, in such emergency situation, are fully fulfilled. We are informed that doctors and paramedics are performing duties beyond their call of duty and at many places, they are not even being provided with food. This, in our view, is a sensitive issue, which should immediately be addressed by all the Governments and grievances, in this regard of the doctors and paramedics are redressed.

12. The condition of sanitary staff is also not good and it is informed that they are exposed to all sorts of diseases, while they

are working in the hospitals and other places. No effective care is being provided to them and a request has been made that they be provided with the requisite protection, so that they may perform their work without any fear. In the circumstances, the Federal Government as well as all the Provincial Governments, including, the ICT and GB shall ensure that sanitary staff are taken care of and are provided with proper and secure uniforms, so that they can work without fear of being affected by disease.

13. The Chairman, PMA has informed that 40,000 applications for registration of doctors are pending because of the issue prevailing with PMDC. The issue is already pending in the Courts, including this Court and will be addressed soon in accordance with law.

14. The Federal Government shall also file a comprehensive report, along with the outcome of the high level meeting which is taking place today.

15. To come-up on Monday, i.e. **20.04.2020** at 11:30 a.m.

CHIEF JUSTICE

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