

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Qazi Muhammad Amin Ahmed
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi

Suo Motu Case No.1 of 2020

(SUO MOTU 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
Mr. Idrees Mehsood, Member NDMA
Mr. Aamir Ashraf Kh.,
Secretary M/o NHRC.
Dr Malik M. Safi, D.G. Health, NHRC
Rana M. Safdar, Dir. NHRC
Mr. G.M. Jakharani, Dy. Dir. (Lit), NHRC
Mr. Asif Suhail, Dir. (Lit), NHRC
- For ICT : Mr. Niaz Ullah Khan Niazi,
Advocate General, Islamabad.
Waseem Ahmed, Addl. Dy Commissioner
Mr. Amer Naveed, Asst. Director (Lit)
- For Govt. of Punjab : Mr. Shan Gul, Acting Adv. General, Punjab.
Mr. Jawad Yaqoob, Asst. AG Punjab.
Mr. Muhammad Usman,
Secy Primary & Secondary Health Deptt
Mr. M. Nabeel Ahmed Awan,
Secy. Specialized Health Care & Medical
Education Deptt
Mr. M. Aslam Ramay,
Administrator Zakat & Ushar.
Alamgir Khan, Secy. Zakat & Ushar
(all via video link from Lahore Branch)
Ch. Faisal Fareed, Addl. A.G. Punjab
Mr. Rauf Siddiqui, Addl. A.G. Punjab.
- For Govt. of Sindh : Mr. Salman Talibudin,
Advocate General, Sindh
Mr. M. Usman Chachar,
Addl. Chief Secy, Home, Sindh.
Dr. Saeed Ahmed Qureshi,
Focal Person to Chief Secy. Sindh
Mr. Zahid Abbasi, Secy. Health
Mr. Salman Shah, D.G. PDMA
Mr. Jalalani, Addl. Secy. (L.Govt)

- Mr. Mazhar Hussain, AIGP (Legal)
Mr. Iftikhar Shalwani, Commissioner
Karachi.
(all via video link from Karachi Branch)
- For Govt. of KPK : Mr. Shumail Butt, Advocate General, KP
Syed Imtiaz Ali Shah,
Secy. Health, KP
Mr. M. Idrees Marwat,
Secy, Social Welfare Dept.
Syed Wilayat Shah, Dir Operations
Mr. Motasim Billah Shah,
Special Secy.(Local Govt.)
Mr. M. Israr, Secy Agriculture
Mr. Parvez Sabitkhel, DG, PDMA.
Mr. Jabriel Raza, Dy Secy, R & R. KP
(all via video link from Peshawar Branch)
- For Govt. of
Balochistan : Mr. Arbab Muhammad Tahir,
Advocate General, Balochistan.
(via video link from Quetta Branch)
Mr. Ayaz Khan Swati, Addl. A.G.
- For Govt. of GB : Mr. Muhammad Iqbal,
Advocate General, Gilgit Baltistan
- For Pakistan Medical
Association : Syed Iqbal Hashmi, ASC
- In C.M.A.
No.3099/2020 : Mr. Samuel Payara,
Chairman, Implementation of Minority
Rights Forum
- Date of Hearing : 08.06.2020.

ORDER

Gulzar Ahmed, CJ.- Reports have been filed by the National Health Services and Research Centre (NHSRC), the National Disaster Management Authority (NDMA), Cantonment Boards, the Islamabad Capital Territory, the Provinces of Punjab, Sindh, K.P. and Balochistan. While hearing the matter, the learned Attorney General for Pakistan has pointed out that the National Coordination Committee (NCC) made a unanimous policy dated 01.06.2020 *(at page 6 of CMA No.3398 of 2020)* for dealing with the Coronavirus (COVID-19). On our questioning, as to whether any law has been made in this regard, he stated that although some Provincial Governments have made laws, as yet no law has been

made at the national level for dealing with the Coronavirus (COVID-19) and its effects on the citizens. This Court has emphasized to the learned Attorney General that making of laws at the national level is essential for dealing with the cases of Coronavirus (COVID-19) and that this Court *vide* its order dated 07.04.2020 has emphasized its importance, however, we observe that the needful in this regard has not been done. We, therefore, re-emphasize the importance of legislation at the national level. More so, it is observed that while passing executive orders, some Fundamental Rights of the citizens are trampled and affected. He has contended that the Federal Government, Provincial Governments, Local Governments, Cantonment Boards, ICT and Gilgit-Baltistan Government, which are required to maintain sewerage, including man-holes and cleaning of medical refuse and general cleaning of their respective areas, should be directed to provide, to the sanitary workers, all required safety kits in order to ensure that while doing their work, their health is not adversely affected by any disease. We note that sanitary workers, although employed for doing sanitary work, this does not mean that they should do sanitary work where their health and life may be jeopardized. They should not be asked to work beyond the call of duty. If they are made to do work which has the remotest possibility of their being affected by such disease or ailment which may pose a threat to their life; strong and effective steps should be taken by the Federal Government, Provincial Governments, Local Governments, Cantonment Boards, ICT and Gilgit-Baltistan Government, for ensuring that all sorts of safety kits are mandatorily provided to sanitary staff and none of them should be allowed to work without safety kits being made available to them. If legislation to this effect has not been made by the Federal Government, Provincial Governments, Local Governments, Cantonment Boards, ICT

and Gilgit-Baltistan Government, they shall ensure that such legislation dealing with this very aspect of the matter shall be made, which is very important and a requirement under Article 9 of the Constitution,

2. Mr. Idrees Masood, Member, NDMA has stated that Personal Protective Equipment (PPE) is being manufactured by Pakistan Ordnance Factories (POFs) Wah Cantt as well as DESTO. He states that both companies are owned by the Ministry of Defence, Government of Pakistan. It is admitted that the machinery for manufacture of PPE was recently imported by DESTO. Let documents of import of these machineries be filed by the NDMA with its next report to be submitted to this Court. Such documents shall comprise of; Contract of Purchase, LC, Airway Bill, Packing List, Invoice, Custom Documents etc., if any. The Member, NDMA is not aware of the correct number of laboratories conducting Coronavirus (COVID-19) tests in Pakistan. He is directed to file a report regarding all the laboratories which are operating all over Pakistan and are providing testing facility for Coronavirus (COVID-19).

3. On the subject of locusts, the Member, NDMA stated that a survey was carried out all over Pakistan and a considerable area of all the four Provinces was found affected by locusts. 26 million hectares of land were surveyed and 500,000 hectares of land have been sprayed so far. He states that there are four spraying Beaver aircrafts which are with the Department of Plant Protection, out of which one is operational in the Sukkur region and the remaining three are not operational due to lack of availability of pilots. He states that one aeroplane was obtained from Turkey, on a wet-lease, and the same is being used to spray insecticides while three helicopters and ground vehicles are also being used for the undertaking of this exercise in all the Provinces. The Member, NDMA states that pilots for the remaining three aeroplanes will be available and

the aeroplanes will also become operational within a short span of time. Let all documents of the wet-leased aeroplane from Turkey be filed with the next report. Such documents shall also include full details regarding the number of employees, who rode with the aeroplane, the salary and emoluments paid to them, so also the details of service so far provided by this aeroplane. The non-use of the remaining three aeroplanes of the Department of Plant Protection should also be explained. This is necessary, for when Pakistan had four aeroplanes for spraying purposes why the need was felt for the obtaining of an aeroplane on a wet-lease and yet, we note that three aeroplanes are still not in operation.

4. The locusts have already been in Pakistan for a long time and to our information they have completed two cycles of their breeding in the territory of Pakistan. Still, we note that all out efforts for combating this menace have not been undertaken. There is no doubt that the locusts pose a serious danger to the agriculture sector in Pakistan, in that it may wipe out most of the agricultural production and there may occur serious shortage of agricultural goods. This shortage of agricultural goods may lead to a shortage of food for the people. Thus, we note that the locusts have to be immediately dealt with and totally eradicated from Pakistan with due promptitude in order to ensure that it does not cause substantial loss to the agriculture sector of Pakistan. A categorical and comprehensive report in this regard be filed by the Department of Plant Protection, so also by the NDMA before the next date of hearing.

5. In our order dated 18.05.2020, we observed that shops may not be closed on Saturday and Sunday owing to the approaching Eid-ul-Fitr. Since Eid-ul-Fitr has already been observed, the order of opening of shops of Saturday and Sunday is recalled. The Government may make a

policy for opening and closing of shops as per their strategy to meet the dangers of Coronavirus (COVID-19).

6. Adjourned to a date after two weeks.

Chief Justice

Judge

Judge

Judge

Islamabad, the
8th June, 2020

Not approved for reporting
Ghulam Raza/-