

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT:**

Mr. Justice Gulzar Ahmed, HCJ  
Mr. Justice Faisal Arab  
Mr. Justice Ijaz ul Ahsan  
Mr. Justice Munib Akhtar  
Mr. Justice Qazi Muhammad Amin Ahmed

**Suo Moto Case No.1 of 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  
Mr. Farrukh Shahzad, Assistant AGP  
Mr. Adrees Mehsood, Member, NDMA  
Dr. Atta-ur-Rehman, Additional Secretary,  
M/o NHR&C  
Dr. Falak Naz, D.G., Plant Protection
- For ICT : Mr. Niaz Ullah Khan Niazi,  
Advocate General, Islamabad.  
Mr. Hamza Shafqat, DC ICT  
Mr. Waseem Ahmed,  
Addl. Dy. Commissioner  
Mr. Amer Naveed, Asst. Dir (Lit)
- For Govt. of Punjab : Mr. Shan Gul, Acting Advocate General  
Barrister Hassan Khalid Ranjha, AAG  
Mr. Ahmed Javed Qazi, Secretary LG  
Mr. Muhammad Usman, Secretary,  
Primary & Secondary Health Department  
Mr. Wasif Khurshid, Secretary Agriculture  
Mr. M. Nabeel Ahmed Awan, Secretary,  
Specialized Health Care & Medical Education  
Raja Khurram Shahzad Umar, D.G., PDMA  
(all via video link from Lahore Branch)  
Ch. Faisal Fareed, Addl. A.G. Punjab
- For Govt. of Sindh : Mr. Salman Talibudin, Advocate General  
Mr. M. Usman Chachar,  
Addl. Chief Secretary Home  
Mr. Kazim Hussain Jatoi, Secretary Health  
Qazi Shahid Pervaiz, Sr. M.B.R.  
Mr. Iftikhar Shalwani,  
Commissioner Karachi  
Dr. Saeed Ahmed Qureshi,  
Focal Person to Chief Secretary Sindh  
Mr. Mazhar Hussain Alvi, AIGP (L)  
Mr. Mushtaq Ahmad, AIGP (L-1)  
Mr. Amanullah Zardari, Focal Person  
Syed Muhammad Shayyan Shah,  
Deputy Director, PDMA  
(all via video link from Karachi Branch)

- For Govt. of KPK : Mr. Shumail Butt, Advocate General,  
Syed Imtaiz Ali Shah, Secretary Health  
Mr. Kamran Khan, Secretary Labour  
Mr. M. Idrees Khan, Secretary Zakat  
Mr. Motasim Billah Shah,  
Special Secy. (Local Govt.)  
Mr. M. Israr, Secy. Agriculture  
Mr. Adil Iqbal, Special Secretary Health  
Mr. Mubbashir Raza, D.S., Ushr & Zakat  
Mr. Naveed Khan, Director Plants  
Syed Wilayat Shah, Dir. Operations  
(*all via video link from Peshawar Branch*)  
Mr. Atif Ali Khan, Addl. A.G.
- For Govt. of Balochistan : Mr. Arbab Muhammad Tahir,  
Advocate General  
(*via video link from Quetta Branch*)  
Mr. Ayaz Khan Swati, Addl. A.G.
- For Govt. of GB : Nemo
- For PMA : Syed Iqbal Hashmi, ASC
- For Pakistan Bait-ul-Mal : Syed Mansoor Hussain Gardezi,  
Deputy Legal Advisor
- Voluntarily Appeared : Mr. Farhat Nawaz Lodhi, ASC
- In C.M.A. No.3099/2020 : Mr. Samuel Payara,  
Chairman, Implementation of Minority Rights Forum  
(*via video link from Lahore Branch*)
- Date of Hearing : 25.06.2020

**ORDER**

**Gulzar Ahmed, CJ.**- We have heard the learned Attorney General for Pakistan, Acting Advocate General, Punjab, Advocate General, Sindh, Advocate General KPK and Advocate General Balochistan.

2. Reports have been filed by the National Disaster Management Authority (**NDMA**), the Plant Protection Department, ICT, Governments of the Punjab, Sindh and of KPK so also by Government of Gilgit Bultistan. All these Reports have been examined by us and are taken on record.

3. The Report submitted by NDMA lacks some particulars, in that, it does not provide details of the import of machinery

undertaken by M/s Al-Hafeez Crystoplast (Pvt.) Ltd. for the manufacture of N-95 Masks in Pakistan. Copy of LC and other import documents have not been filed. The Airway Bill shows that the value of the machinery has not been declared. It is not clear whether the machinery was imported by this Company and if it was so, whether it paid any taxes and duties on the machinery, and for whom these N-95 Masks were supplied. If NDMA was the purchaser of N-95 Masks produced by this company than NDMA could not have been the facilitator of this Company for the import of machinery. The documents indicate that NDMA itself chartered an aircraft for airlifting the machinery, as noted from the letter dated 26.04.2020 of NDMA filed as Annexure-II. Flight clearance was sought from the Chinese Government through the Pakistan Embassy, and whether the facilitation provided to this Company was also made available to other business entities in Pakistan by publication in newspapers, etc. No publication of this nature has been filed by NDMA. It appears that this Company has been favoured by NDMA for import of machinery for making of N-95 Mask and then supplying the same to the NDMA. NDMA is directed to provide details of purchases of N-95 Masks from this company or any third party and money paid to this Company or its agents. Further, documents relating to payment of dues and taxes by this Company may also be filed. NDMA should also explain why this Company was given special favour by it for import of the machinery. The source from which the money was paid for the purchase of machinery should also be disclosed.

4. We also note that NDMA has sought approval from the Drug Regulatory Authority of Pakistan for import of un-registered drugs, i.e. 7000 Vials of Remdesivir Injection for use of patients. The

Drug Regulatory Authority of Pakistan through its letter dated 09.06.2020 has given NOC on the following conditions:

"Conditions:-

- \* Keeping in view the current situation of COVID-19 pandemic DRAP is issuing this NOC. However, this NOC shall be subject to conditions that NDMA shall submit the details of patients including their CNIC & prescriptions.
- \* The Drug Regulatory Authority of Pakistan shall not be responsible for the quality, safety and efficacy of the above mentioned drug as the drug is not registered with the Drug Regulatory Authority of Pakistan.
- \* This approval is issued under rule 13 of Drugs Import & Export Rules, 1976, which is a prior approval and shall not be applicable on Drug(s) already imported."

No material has been submitted before this Court to show that these conditions were met by NDMA.

5. As far as the question of Locust is concerned, the report shows that NDMA is procuring aircrafts, equipment vehicles and chemicals/pesticides from abroad, and making all efforts to subdue to effect of locust in Pakistan and ensure that the crops are saved from damage. We note that four Beaver aircrafts which belong to the Plant Protection Department, are still not operational for the reason that pilots to fly them are not available. This was also stated on the last date of hearing. Now, in the Report, it is mentioned that Ministry of Food Security has recruited Pilots who are under training and will start operating the aircraft soon. Out of four Beaver Planes, three are meant to spray pesticides while one is retained for providing training to the Pilots.

6. The learned Attorney General for Pakistan was asked about the availability of trained and qualified pilots in Pakistan and the system for their certification and licensing. His attention was drawn to the statement of the worthy Minister of Aviation, yesterday

made on the floor of the Parliament that pilots flying planes in Pakistan have fake flying licenses. If that is true, we are shocked to learn that aircraft including commercial aircraft are allowed to be flown by pilots who have fake degrees and licenses. This poses serious danger to life and safety of citizens.

7. As far as the issuing of pilot licenses are concerned, it is the function of the Civil Aviation Authority. The Director General, Civil Aviation Authority is directed to appear before this Court on the next date of hearing and explain why the Civil Aviation Authority has not traced fake pilot licenses and taken appropriate action in accordance with law. It shall also be explained how and why pilots with fake educational degrees and/or licences are being allowed to be employed by the airlines in Pakistan and operate passenger aircraft putting lives at risk, which is a serious offence under the law. A comprehensive Report shall be filed by the Director General, Civil Aviation Authority within two weeks giving details of:

- i. Total number of Licenses issued;
- ii. Total number of pilots in employment of PIA;
- iii. Verification of degrees and licenses;
- iv. How many pilots with fake degrees and/or licenses have been found; and
- v. What action have been taken against them;

8. The CEOs of the Pakistan International Airlines, AirBlue and SereneAir will also appear in Court on the next date of hearing with an advance report regarding the present status of pilots verification of their educational degrees and pilot licenses from the Civil Aviation Authority. The respondents shall give a list of pilots employed which shall be accompanied by copies of their educational

testimonials and licenses.

9. We note that the Sindh Government has announced its Budget for the year 2020-2021. It seems that it has not allocated any funds for the development schemes in the Province generally and for the city of Karachi particularly. Instead it has made an allocation of about Rs.4 billion for purchase of luxury vehicles for the use of employees of the Sindh Government. We also note that the Sindh Government has made an allocation of about Rs.100 billion for non-development purposes in the said Budget. In the absence of funds for allocation of new development schemes in the Province and particularly in Karachi, the Sindh Government has made an allocation of about Rs.4 billion for importing of luxury vehicles from abroad, like Double-Cabin Vigo and Parado. We are at a loss to understand how and under what provision of law this has been done. The Sindh Government already possesses large number of vehicles for its employees and vehicles are also available from various projects to those employees funded by foreign agencies.

10. The Sindh Government, in its Report submitted before this Court by way of Civil Misc. Application No.3574 of 2020, has stated that it has no funds for payment of salaries to the Sanitary Staff of WASA/Hyderabad Development Authority (**HDA**) and that through a summary, approved by the Chief Minister, an amount of Rs.140 million has been approved for payment of salaries to the Sanitary Staff for the months of March and April, 2020. For the payment of salary of seven months, another summary to the Chief Minister has been initiated and approved on 10.06.2020. It is further mentioned that for permanent solution of payment of salaries to the Sanitary Staff of the employees of HDA, the Board of Directors of HDA in its last meeting

has increased water charges by 20 % from all consumers. In this state of affairs allocation of Rs.4 Billion for purchase of luxury vehicles is a matter of grave concern.

11. There is also hue and cry in the media regarding non-clearance of *Gujjar Nala* in Karachi. The start of *Monsoon* season is seriously threatening the people of Karachi. The drains in the city have not been cleaned which will lead to flooding and spread of diseases in the city. The City Government claims that there are no funds to clean the drains. The Sindh Government needs to arrange funds for cleaning of the drains to save citizens from hardship and disease during the Monsoon season.

12. We have also been informed that, there is no supply of water to the people at their homes, and even electricity is in short supply necessitating long periods of load shedding. There are up to 18 hours' load shading of electricity in the city of Karachi and other cities of Province of Sindh. The Province of Sindh is being hit by a heat-wave and in the absence of electricity, the people of Sindh have nothing on the basis of which they can survive at a human level. These extreme hardships are plying havoc with the lives of people and their right to life, which is a fundamental right is being denied to them.

13. In the circumstances, *prima facie*, we find that the allocation of funds of about Rs.4 billion for importing of luxury vehicles is not justifiable looking at the ground realities prevailing in the Province of Sindh. The Province needs to allocate funds in education, health, water-supply, infrastructure developments and safety of people. Thus, till the next date of hearing we restrain the Government of Sindh from incurring from the budget, 2020-2021 expenses for the procurement of vehicles through import or local procurement, as noted above.

14. We have also asked the Advocates General of the Punjab, KPK and Baluchistan about allocation of funds in the Budget 2020-2021, for procurement of vehicles. They have made categorical statements that in the budget of the respective provinces for the year 2020-2021, no allocation of funds for procurement of vehicles has been made by the respective Provinces and further, that they have allocated funds for the development schemes in the Provinces.

15. The learned Attorney General for Pakistan has also informed us that the Federal Government is preparing a uniform policy in consultation with the provinces for application across the country to deal with the COVID-19 epidemic, which also includes incentives, protective equipment and other facilities for the Doctors and other healthcare staff. Let a comprehensive report in this regard be filed before the next date of hearing.

16. We also note that unscrupulous elements are hoarding anti-virus chemicals, life saving drugs and equipment used to detect, monitor and treat patients affected by Coronavirus (COVID-19). As basic instruments as oximeters have disappeared from the market and are being sold at exorbitant prices. Likewise oxygen cylinders which are necessary to save lives have disappeared from the market are being hoarded and sold at excessive prices. Effective steps have not been taken to remedy such illegal and unethical practices either at the Federal or the Provincial level. We therefore, direct the relevant regulatory authorities, enforcement agencies and respective health ministries of the Federal as well as Provincial Governments as follows:

- (i) Strict action in accordance with law be taken against hoarders of anti-virus chemicals, life saving drugs, oxygen



cylinders and equipment used to detect, monitor and treat patients affected by Coronavirus (COVID-19);

- (ii) Ensure availability of all requisite equipment used for detection, monitoring and treatment of the disease at reasonable prices;
- (iii) Ensure adequate and sufficient supply and availability of drugs, oxygen and equipment used in treatment of the disease at reasonable prices; and
- (iv) The Drug Regulatory Authority shall fast track registration of drugs which have already been registered in USA and Europe and are used for treatment of Coronavirus (COVID-19) to facilitate import of such drugs if not manufactured locally and also facilitate local production under license on fast track basis.

A comprehensive report in this regard shall be filed by DRAP as well as the Federal and Provincial Governments, ICT and Government of Gilgit Baltistan before the next date of hearing.

17. Adjourned to a date after three weeks.

**Chief Justice**

**Judge**

**Judge**

**Judge**

**Judge**

Islamabad, the  
25<sup>th</sup> June, 2020  
'approved for reporting'  
*Mahtab/\**