

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-3515of 2019

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Council of Pakistan Newspaper EditorsPetitioner

Versus

Province of Sindh & anotherRespondents

Date of hearing 30.05.2019

M/s. Rafiq Ahmed Kalwar and Ghulam Muhammad Dars
advocates for the petitioner.

Mr. Jawad Dero, Addl. A.G..

Dr. Abdul Jabbar Khattak, Secretary General of the
petitioner.

Zulfiqar A. Shah, Director, Information Department,
Government of Sindh.

Hasan Khanzada, Information Officer, Information
Department, Government of Sindh.

Muhammad Ali Mazhar, J: This petition has been brought to
entreat declaration that non-payment of outstanding dues to
the members of the petitioner i.e. different newspapers for
last several years by the respondents is grave violation of
Articles 9 & 18 of the Constitution of Islamic Republic of
Pakistan. Moreover, directions have also been sought to pay
off the members' liability before lapse of current financial year
within shortest possible time.

2. The short lived facts are that the petitioner is
representative organization of the newspapers editors in

Pakistan. They have filed this petition to espouse and safeguard the interest of their members with the prayers that some directions may be issued to the respondents to release outstanding liability accumulated on account of advertisement bills of the members of the petitioner which is blocked for last several years without justification. Today Zulfiqar A. Shah, Director and Hasan Khanzada, Information Officer, Information Department, Government of Sindh have filed comments on behalf of respondent No.2.

3. In the comments filed, it has been admitted that the Information Department, Government of Sindh has been releasing advertisements to various newspapers directly as well as through advertisement agencies and there are outstanding dues of various print and electronic media houses. A reference of meeting has also been given which was conducted by then hon'ble Chief Justice of Pakistan on 24.10.2018 which was attended by the Information Ministers of Federal as well as Provincial Government, Secretaries Information of Federal and Provincial Government. It is further admitted that the hon'ble Chief Justice of Pakistan directed the respective provincial governments to reconcile and clear the dues within 30 days.

4. It is demonstrated that a summary was moved to the Chief Minister by the Information and Archives Department through Finance Department seeking permission for the clearance of outstanding dues and liabilities of various media

houses which includes print as well as electronic media both. The Finance Department proposed to establish an independent and transparent mechanism through third party to verify the claims. The said proposal was endorsed by the Chief Secretary, Sindh and while approving proposal, the Chief Minister also ordered that Chief Minister's Inspector, Enquiries & Implementation Team, Government of Sindh may verify the bill in an independent and transparent manner. So far as the initial audit process is concerned, for further verification M/s. Sharjeel Ayub & Co., Chartered Accountants were appointed as auditor and the said auditor carried out the verification of outstanding liabilities of media houses and report was sent to the Chief Minister's Inspector, Enquiries & Implementation Team (CMIT). The officers present in court categorically stated and affirmed that the audit process has been completed by the Chartered Accountant Firm and presently the matter is pending with the CMIT. They further informed us that earlier the said team was without a chairman, hence, the release of the payments was delayed but that a chairman has now been appointed and the process is underway and will be completed as early as possible.

5. Learned counsel for the petitioner submitted that the liabilities to pay the outstanding amount has already been admitted by the Information Department, Government of Sindh, the independent 3rd party audit has also been completed and the delay in payment is solely on account of the CMIT. Learned counsel for the petitioner expressed his

apprehension that the financial year is closing and if amount withheld is not released, in respect hereof, the same shall lapse.

6. The officers of the Information Department present have given a clear statement that a sum of Rs. 4.93 Billion has been retained and withheld in current financial year for discharging the liability of print and electronic media both and outstanding payments shall be duly released, subject to verification of bills, at the earliest. In our understanding, no justifiable reason has been shown to delay the payments and despite successful audit the amount is still withheld.

7. In view hereof this petition is disposed of with the directions to the Government of Sindh and Chief Minister's Inspector, Enquiries & Implementation Team to complete the verification process with regard to the outstanding liabilities of the petitioner's members within a period of fifteen (15) days and Government of Sindh shall also ensure that amount reserved for the payment of dues shall not be lapsed till such time the verification process and the genuineness of the bills are under consideration is completed and payment is made.

8. Office is directed to communicate this order to the learned AAG, the Chief Secretary, Sindh and the Chairman CMIT Chief Minister Secretariat, Karachi for compliance.

JUDGE

JUDGE