

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-1442, 1466 & 1484 of 2020

Date	Order with signature of Judge
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20.03.2020

M/s. Saleem Michael and Nadeem Ahmed Shaikh advocates/petitioners in person in C.P.No.D-1442 of 2020
Mr. Abdul Jalil Khan Marwat advocate/petitioner in C.P. No.D-1466 of 2020.
Mr. Muhammad Kamran Baloch advocate for the petitioner in C.P. No.D-1484 of 2020.
Mr. Jawad Dero, Addl. A.G.
Mr. Kafeel Ahmed Abbasi, DAG.
Abdul Aleem Lashari, Additional Secretary Health, Health Department, Government of Sindh.
Dr. Altaf Hussain Shaikh, Chief Technical Officer, Litigation, Health Department, Government of Sindh.
Aijaz Hussain Rind Baloch, Assistant Commissioner (General), Commissioner Office, Karachi Division.
Syed Jasiah Fatima, Assistant Commissioner (HQ), Commissioner Office, Karachi Division.
Rafiq Ahmed Junejo, Section Officer, (Judl-I), Home Department, Government of Sindh.

The Assistant Commissioner (General) on behalf of Commissioner Karachi Division has submitted the compliance report in which it is stated that against the hoarders and Profiteering of masks the raids were conducted by the District Administration Karachi Division and they recovered 5,93,630 masks and the recovered masks have been distributed in different hospitals, field staff of Health Department, Government of Sindh and general public. This report is taken on record. They further undertake that more crackdowns and raids will continue against such black marketing and profiteering of masks.

The Additional Secretary Health has also submitted the compliance report to show that face masks, disposable gowns, hand gloves, disposable caps and hand sanitizers have already been

distributed in all district of Province of Sindh. He has also attached a list of hospitals.

Mr. Saleem Michael advocate submits that according to some media reports, the proper distribution of masks have not been done in the Civil Hospitals. Additional Secretary Health is directed to look into the matter as to whether the masks have been provided to paramedical staffs or not. Both compliance reports have been provided to the learned counsel for the petitioner.

Learned Addl. A.G. has also placed on record a copy of Sindh Epidemic Diseases Act, 2014 and argued that in pursuance of Section 3 of this Act if the government is satisfied that the Province or any part thereof is visited by, or threatened with an outbreak of any disease the Government is empowered to take such measures by public notice and take all such actions which will deem necessary to prevent the outbreak of such disease. He further pointed out order dated 14th March, 2020 issued by Additional Chief Secretary (Home) whereby, certain restrictions have been imposed which are as follows:-

“i). All educational institutions i.e. schools, colleges, medical colleges, technical and vocational institutes, Universities (both public and private), coaching centers, madaris shall remain closed till 31st March, 2020.

ii) All examination, being conducted or to be conducted shall be rescheduled accordingly.

iii) Cinema Halls, Marriage Halls, Banquet Halls, Marques and Lawns shall remain closed for a period of 3 weeks.

iv) All religious and social congregations and ceremonies shall remain restricted.

v) All gathering at shrines shall remain suspended for next three weeks.

vi) Visit/Meetings with prisoners shall remain restricted for further orders.

vii) Any other public gathering of any kind shall remain postpone till further orders.

viii) PSL matches will be played without crowd.

ix) All functions, events, gatherings at clubs, hotels, halls, auditorium etc. shall remain suspended with immediate effect.

x) All hospitals would restrict visitors and curtail visiting hours.”

He further pointed out another notification dated 17th March, 2020, whereby, the Sindh Government in pursuance of Section 3 of the same Act imposed certain more restrictions which are as follows:-

“a) Restaurants of all kind serving customers except that they may provide take-away or home delivery service.

b) All Shopping Malls except Medical/General/Convenience /Grocery Stores located therein.

c) Intercity Public Transport for passengers w.e.from 19.03.2020 except Transport of goods related to essential items viz eatables drugs etc

d) Entertainment areas where public gathers including but not limited to Farm Houses etc, Beaches like Sea View Hawke’s bay, Sandspit, Paradise Point, etc.

e) Markets/Shops of non-essential items or luxury items like electronic Markets, showrooms, Boutiques, Beauty Parlors etc.”

All Deputy Commissioners, Assistant Commissioners and Mukhtiarkar have been empowered to take cognizance in case of non compliance of the directions. He concluded that the Sindh Government is taking all best possible efforts to protect the public at large from the Coronavirus disease and they will continue their best possible efforts in future also.

One more petition is connected i.e. C.P. No.D-1466/2020 filed by Abdul Jalil Khan Marwat. He has also made party to the Federation of Pakistan, PEMRA and DRAP and Province of Sindh.

Learned DAG has been supplied copy of petition to file reply of Secretary, Ministry of Interior and Secretary Health, Government of Pakistan on the next date.

Mr. Muhammad Kamran petitioner in C.P. No.D-1484/2020 submits that the Government of Sindh has established quarantine ward in Sukkur but the hygienic condition of said ward is not proper and according to him, he has observed this from social media reports which are not presently before this court. The Additional Secretary Health denied this statement and he submits that entire paramedical staff and district administration are providing their best possible services in Sukkur. The Deputy Commissioner Sukkur is directed to inspect the quarantine ward Sukkur after applying all best safety measures for him and submit the report through Additional Secretary Health, Government of Sindh on the next date.

Adjourned to 10.04.2020 at 11:00 a.m. Office is directed to place copy of this order in petitions listed above.

JUDGE

JUDGE

Aadil Arab