

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-2249 of 2020

| <b>Date</b> | <b>Order with signature of Judge</b> |
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Yousuf Ali Sayeed.**

Umair Anjum .....Petitioner

Versus

Province of Sindh & others.....Respondents

**Date of hearing 14.05.2020**

Petitioner is present in person.

Mr. Jawad Dero, Addl. A.G.

DSP Raza Mian, on behalf of I.G. Sindh.

Amanullah Zardari, Focal Person, Home Department,  
Government of Sindh.

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**Muhammad Ali Mazhar, J:** The petitioner in person has filed this petition who is journalist and also ex-general secretary of Pakistan Union of Journalist and Member of Karachi Press Club. The petitioner has challenged order dated 18.04.2020, whereby, Home Department, Government of Sindh modified earlier order on pillion riding. For the ease of reference the aforesaid order is reproduced as under:-

No.SO(Jud-I)HD/8-1(04)/2020-Corona  
Government of Sindh

Home Department

Email: [homedpttcovidcell@gmail.com](mailto:homedpttcovidcell@gmail.com)

Ph: 021-99213392 & 99213410

Karachi, dated 18<sup>th</sup> April, 2020

**O R D E R**

No. SO(Jud-I)HD/8-1(04)/2020-Corona. In view of implementation issues in the field and misuse of permission for pillion riding allowing female members of family, a strict ban/restriction on pillion riding is imposed without any exception, whatsoever.

**Home Department, Government of Sindh Order of even number dated 14<sup>th</sup> April 2020 and Standard Operating Procedures (SOPs) bearing No. SO(Jud-I)HD/8-1(04)/2020-Corona/SOPs dated 14<sup>th</sup> April 2020 stand modified to that extent.**

**Sd.  
ADDITIONAL CHIEF SECRETARY (HOME)  
GOVERNMENT OF SINDH**

2. In fact through aforesaid order, the earlier order dated 14.04.2020 was modified. The relevant portion in the order dated 14.04.2020 is para 'C' which imposed restrictions on movement of persons by transport, however, single person was allowed on motorbike (except in case of female family member residing in the same household). Learned Addl. A.G. submits that besides earlier exemption in case of family members residing in the same household on motorbike he also pointed out portion 'B' of the same order dated 14.04.2020 and argued that person requiring emergency medical care was also allowed as passenger on motorbike. Today, he has filed statement along with order dated 10.05.2020. This order has been issued by the Home Department, Government of Sindh in exercise of powers under Section 3(1) of Sindh Epidemic Disease Act, 2014 and in continuation of orders of even number dated 14.04.2020 and 23.04.2020. We noted that in order dated 14.04.2020 some relaxations were allowed on pillion riding which were subsequently withdrawn vide impugned order dated 18.04.2020 but the reference of the order dated 18.04.2020 is not mentioned in the order dated 10.05.2020 therefore, in our understanding, the position prevailing on 14.04.2020 has been restored.

3. We have also examined the order dated 10.05.2020 produced by the learned Addl. A.G. and the focal person Home Department and noted that in sub-clause (iv) of sub-para 'B' of clause 1 of the order some relaxation with regard to opening of Community Markets/Retail outlets, Stand-alone/neighborhood shops situated in residential localities has been accorded. For the ease of reference clause (iv) is reproduced as under:-

**“(iv). Community Markets/Retail outlets, Stand-alone/neighborhood shops situated in residential localities (excluding shops situated in shopping Malls, Plazas) subject to strictly following of SOPs issued vide Order. SO(Jud-I)HD/8-1(04)/2020-Corona-SOP-Retail dated 10<sup>th</sup> May 2020.**

**a) The timings shall be from 8:00 am to 4:00 pm, Monday to Thursday.**

**b) The following shall however continue to remain closed.**

**Barber shops/Beauty Parlours/hair cutting saloon/spas Game center/Videogames/Dabbu /Carrum/Pool Games shops Gyms/Café/Sit-in-eatry**

**Also social clubs and parks.**

4. Though the learned Addl. A.G. with the assistance of the focal person of the Home Department clearly stated that family members are allowed including person requiring medical care but in this regard specific order is not available on record except an inference which can be drawn from the order dated 14.04.2020. He has also produced the copy of order dated 09.05.2020 issued by Additional Chief Secretary (Home), Government of Punjab whereby the Government of Punjab in exercise of powers vested under Section 144 Cr.P.C. prohibited pillion riding within the jurisdiction of Province of Punjab with exception of elderly persons, women and law enforcement agencies. He has also produced

another copy of order dated 04.05.2020 issued by Additional Chief Secretary (Home), Government of Balochistan to show that a similar order was passed under Section 144 of the Cr.P.C. and specifically mentioned clause (c) of paragraph 3 of the order which provides pillion riding on motorbikes not permitted (except family member of a family, kids or an old age person).

5. The petitioner has specifically pleaded that restriction on pillion riding without any exception is illegal to the extent of journalists/media people. The benefit of pillion riding, if any, cannot be alone granted to any particular segment of society or category but as a whole this is a issue of common people or public at large including the personnel of law enforcement agencies which is being affected. Though learned Addl. A.G. pleaded that in order to save the people from pandemic, these restrictions have been imposed but at the same time it is also a ground reality that some relaxations have been extended in the lockdown period and various categories of shops are allowed to open with certain restrictions and implementation of SOP with specific time for opening and closing of shops/businesses.

6. Learned Addl. A.G. has also placed on record order dated 04.05.2020 passed by hon'ble Supreme Court in SMC No. 01 of 2020 in which under para-13 the hon'ble Supreme Court has passed the directions as under:-

**“13. The matter is adjourned to a date after two weeks. In the meanwhile, we except that all the government stakeholders, Federal Government and Provincial Governments, shall sit together and**

**frame a uniform national policy in one week regarding all aspect of the matter and shall ensure that such uniform policy is enforced all over the Pakistan. A report in this respect shall also be made available to the Court before the next date of hearing.”**

7. Learned Addl. A.G. submits that in view of the directions given by the hon’ble Supreme Court to formulate a uniform policy and after due consultation of federating units with the Federal Government at the NCC meeting certain businesses are allowed to open conditionally on following SoP against Covid-19 as the disease has not yet subsided but the economic impacts warrant controlled opening of business where the SOPs are strictly followed. We reiterate that in the order dated 10.05.2020, the reference of modification in the pillion riding order dated 18.04.2020 is neither mentioned nor covered but the order dated 14.04.2020 is only mentioned along with the order dated 23.04.2020 which relates to the order for Ramadan Taraweeh as per agreement with Ulema.

8. Learned Addl. A.G. submits that keeping in view the current situation and relaxation of lockdown, the Home Department, Government of Sindh will issue necessary clarification in view of the order dated 14.04.2020 with regard to pillion riding exemption to certain persons. So far as complete lifting of ban on pillion riding in the present situation and lockdown relaxation period is concerned, they will take medical advice of experts in field and also adopt the guidelines of National Coordination Committee and if requires some SOP will be framed for pillion riding for due implementation. The petition is disposed of accordingly.

JUDGE

JUDGE