

IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Yousuf Ali Sayeed and Agha Faisal, JJ.**

CP D-3574 of 2020 : Syed Mehmood Akhter Naqvi
vs. Prime Minister & Others

For the Petitioner : Mr. Syed Mehmood
Akhter Naqvi
(In Person)

Date of hearing : 17.09.2020

Date of announcement : 17.09.2020

ORDER

Agha Faisal, J. (1) Granted. (2 & 3) The present petition has been filed against the Prime Minister and others assailing the appointment of a person as advisor to the Prime Minister premised upon denigrating accusations targeting the religion and/or sect of the said person.

2. At the very onset the petitioner, appearing in person, was required to address the Court with respect to the maintainability of the petition. The petitioner argued that in view of the accusations a declaration ought to be issued, in the larger public interest, declaring the appointment as unlawful *inter alia* on the ground that the same was contrary to the injunctions of Islam.

3. The accusations against the person of the advisor were bare unsubstantiated assertions of the petitioner and even otherwise no law was laid before us to reconcile the eligibility criteria proselytized by the petitioner.

4. In so far as the issue of Islamic injunctions is concerned, Article 203D¹ vests the Federal Shariat Court with jurisdiction to examine and determine such questions and Article 203G² bars this Court from exercising any jurisdiction in such regard. No justification was articulated as to how this Court could exercise jurisdiction in view of the prevailing law.

5. The law pertaining to appointment of advisors was not placed before us and the notification for appointment is also not on record. The petitioner was specifically asked about the implication of the recent judgment of the honorable Islamabad High Court in such regard and he failed to dispel or distinguish the conclusion drawn therein.

¹ 203D. (1) The Court may, 2 [either of its own motion or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.

² 203G. Save as provided in Article 203F, no court or tribunal, including the Supreme Court and a High Court, shall entertain any proceedings or exercise any power or jurisdiction in respect of any matter within the power or jurisdiction of the Court.

6. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person³. The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person⁴.

7. In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of extra ordinary Constitutional jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

Khuhro/PA

³ Barring certain exceptions, i.e. writ of *quo warranto*, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

⁴ *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.