

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Before:

Ahmed Ali M. Shaikh, CJ

Yousuf Ali Sayeed, J

CP No.D-5706 of 2021

Fresh Case

1. For orders on office objections No.01, 04, 15 and 27
2. For orders on Misc. No.24068/2021 (exemption)
3. For hearing of main case.

27.09.2021

Petitioner Mst. Bisma Noreen, present in person.

AHMED ALI M. SHAIKH, CJ.- Through instant petition, petitioner appearing in person seeks following relief(s):-

ذمہ دار نمبر 1 کو احکامات صادر کیے جائیں کہ نوٹس ملتے ہی جبری ویکسینیشن فوری رکوائی جائے اور خلاف قانون نوٹیفیکیشن کا اجراء بند کیا جائے۔

ذمہ دار نمبر 4 سے چند دنوں میں تیار ہونے والی ٹرائل ویکسین بغیر کسی ریسرچ کے ٹرائل جانوروں پر کرنے کی بجائے بائیس کروڑ سے زائد عوام کی زندگیاں داؤ پر لگا کر غیر رضاکارانہ بلیک میلنگ کے ذریعے کرنے کی وجوہات طلب کی جائیں۔

ذمہ دار نمبر ایک کو احکامات صادر کیے جائیں کہ اب تک عالمی سطح پر ملنے والی فنڈنگ کی تفصیلات عدالت میں جمع کرائے اور اب تک ویکسینیشن کے بعد ہونے والی اموات اور زخمیوں کو کتنا ہر جانہ ادا کیا گیا اور ویکسینیشن کے نتائج کی ذمہ داری قبول کی جائے اور تفصیلات جمع کرائے

ذمہ دار نمبر 2 سرکاری ہسپتالوں میں مریضوں کے ساتھ ہونے والے ناروا سلوک، ادویات اور ایڈمیشن کی عدم دستیابی اور کووڈ ویکسینیشن کے بعد ہونے والی اموات اور زخمیوں کی تفصیلات عدالت میں جمع کرائے جبکہ ڈرگ ایکٹ کے مطابق یہ سنگین جرم ہے یونیورسل ہیومن رائٹس ڈیکلیریشن 10 دسمبر 1948 UNO یو این او کی جنرل اسمبلی ریزولوشن A-217 کے تیس آرٹیکلز کے بھی خلاف ہے وضاحت طلب کی جائے۔

ذمہ دار نمبر 3 سے اس کی آئینی حیثیت طلب کی جائے اور بغیر کسی آئینی اختیارات کے عوام کی آزادی سلب کرنے پر جواب طلب کیا جائے۔

ذمہ دار نمبر 5 نے سرکاری دستاویزات کا غلط استعمال کر کے ایسے کھلے خط جاری کرے جو عوام میں خوف و حراس پھیلا دیں جواب طلب کیا جائے۔

ذمہ دار نمبر سات سے آرٹیکل 25-A کی وضاحت طلب کی جائے اور اسکولز، کالجز اور یونیورسٹیز میں جبری ویکسینیشن کی وجوہات طلب کی جائیں۔

ذمہ دار نمبر 7 سے پرائیوٹ اسکولز مافیا کی جانب سے دو سال تک لاک ڈاؤن اور کرونا ڈرامے پر بچوں کے اسکول بند ہونے کے باوجود بھاری فیسوں کی وصولی اور اضافے کا جواب طلب کیا جائے۔

جیسا کہ اسلامی ریاست پاکستان میں نہایت سنگین نوعیت کے جرم کا ارتکاب ہوا ہے لہذا عدالت ایک خصوصی جے آئی ٹی کی تشکیل دے جس میں مدعیہ کو بحیثیت سماجی کارکن شمولیت اور سربراہی کے احکامات صادر کیے جائیں تاکہ ملوث سرکاری عہدے داروں کے نام سامنے آئیں اور ان کے خلاف سنگین غداری کے مقدمے کی کارروائی کی جائے۔

جیسا کہ ملوث حکومتی عہدیداروں نے عوام کی آزادی کو سلب کیا اور اشرف المخلوقات کی تذلیل کرنے میں کوئی کٹر نہ چھوڑی لہذا آرٹیکل 6 کے تحت سزائے موت کی حقدار ہے۔ اور چونکہ اس آرٹیکل کے تحت یہ اختیار پارلیمنٹ کے پاس ہے جبکہ پارلیمنٹ کو اختیار عوام نے دیے ہیں لہذا بحیثیت عوامی نمائندہ مدعیہ عدالت کو یہ اختیار دیتی ہے کہ وہ غداری کے مجرموں کے لیے سزائے موت کی تجویز کریں۔

2. Petitioner states in the memo of petition that in the year 1989 a book titled "American Medical Association Encyclopaedia Medicine" was published in USA and in another book titled "First Aid" the Corona Virus is defined as a simple flu that vanishes after completing the incubation period of six to seven days. It is further averred that under the garb of Covid pandemic, tests of healthy citizens are being conducted and the victims placed in quarantine. Petitioner claimed that during sixteen months of Covid-19 some 2.2 Million people died from different diseases, whereas from the population of 220 Million, only 285,000.00 suffered from flu, resulting in death of only 15,000 people, yet under the garb of Covid-19 and its preventive measures the economy of the country has been crippled, paralyzing the normal life of the citizens. It is further averred that average age of people who died from corona virus is 62, which is also the average lifespan of our citizens. That due to the coercive policies nonetheless adopted by the government and threats of blocking CNIC, mobile sim, etc. even pregnant women got themselves vaccinated and one such woman died after inoculation. It is also pleaded that different renowned Doctors and Philosophers have written articles, books, etc. highlighting the bad effects of vaccination and its effect of reducing the natural immunity system to great extent. It has also been averred that the Federal and Provincial Government of Sindh are receiving aid from IMF and different countries, hence are threatening the government employees to get vaccinated else their monthly salaries would be stopped. It is also claimed that NCOC is an unconstitutional body, policies of which have shattered the schooling system while private schools are receiving heavy fees. She claimed that under medical ethics no treatment can be given without permission of the patient while for obligatory vaccination the Government of Sindh on 19.09.2021 issued a

notification threatening to send the people, who refused to get vaccinated, to jail.

3. Petitioner appearing in person submits that the Corona Virus is an ordinary virus and the death rate from such virus is far below. According to her there are number of research papers to show that Corona Virus is nothing but an ordinary flu. According to her, on account of threats from the Government to stop monthly salaries of non-vaccinated government servants, such employees got vaccinated. She went on to say that both the Federal and Provincial Governments are creating sensation and chaos amongst the people in publicity campaign and are even compelling the shop owners to ensure complete vaccination of their workers else their shops would be sealed. As such, through these proceedings the petitioner is seeking a restraining order against purported forced vaccination of public at large and certain directions to the Prime Minister of Pakistan with regard to Covid-19 related matters. She also seeks formation of a JIT under her supervision and an explanation from the Respondent No.7, Directorate of Private Schools Institution of Sindh for collecting and recovering school fees from students/parents even during locked down.

4. We have considered the submissions made by the Petitioner and perused the material available on record. It is the sole responsibility of the Government of Pakistan and Provincial Government to do the needful for safety and security of life and property of every citizen. Besides, Covid-19 vaccination and its effects on public at large were already considered and analysed by the World Health Organization. Even otherwise, against the Honourable Prime Minister no writ can be issued in view of Article 248 of the Constitution whereby he enjoys immunity in that regard. Furthermore, this Court vide order dated 30.07.2021 passed in CP D-4604 of 2021 has already dealt with the likewise situation and while dismissing the same observed as under:-

“It is not only the petitioner for whom the respondents, including federal and provincial governments, have taken this decision but in fact the respondents in pursuit of their responsibilities to take care of the health of entire nation, have issued numerous notifications, circulars to curb the virus spread. Petitioner, instead of being supportive, is being troublesome in the smooth operation of effective measures undertaken by government. The government is primarily responsible to take care of health of 220 million citizens of Pakistan and hence the desire of one person being petitioner cannot supersede the demand of ever-growing spread of pandemic Covid-19. The Sindh has already

taken steps and are monitoring it periodically under the umbrella of Sindh Epidemic Diseases Act, 2014. Section 3 of ibid Act enables the government to take strict measures as they deem fit and proper in case the provincial government feels the necessity of enforcing prescribed measures to curb the threatened situation.

This Covid-19 is exceeding and spreading for a number of reasons that it is new virus meaning that no one has immunity for this virus. It is highly contagious, meaning it spreads fast. Its novelty meaning scientists are still not completely sure as to how it behaves since it is changing its form and producing different variants and since they have a very limited history to go on. It is being reported worldwide that Covid-19 will have its short medium and long term effects for general population, health care workers, patients and other citizens. As our general responsibility we need to think ahead of ourselves and think beyond the stop being selfish, not only for our survival but for the survival of our population. The only way is to support the health care system.”

5. We, being in agreement with the above observations made in aforementioned Petition, do not find any merit in the instant petition. Thus, while granting the misc. application seeking urgent hearing in the matter, the petition is dismissed in limine alongwith the remaining applications.

Chief Justice

Judge