

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2553 of 2021

Date	Order with signature of Judge
------	-------------------------------

Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito

Mst. Bisma Noreen/Ameer Jahan.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

05.05.2021

Petitioner present in person.
Mr. Jawad Dero, Addl. A.G. Sindh.

Muhammad Ali Mazhar, J: The petitioner has in fact challenged the restrictions imposed by Government with regard to some daily life activities during Covid-19 pandemic. We issued notice to the learned Advocate General Sindh who has placed on record a copy of Notification dated 26.04.2021 issued in pursuance of the decisions taken in the NCOC meeting dated 23.04.2021 under the chairmanship of Prime Minister of Pakistan conveyed by NCOC vide letter dated 23.04.2021 and the Sindh Provincial Task Force meeting convened on 26.04.2021 under the chairmanship of Chief Minister Sindh whereby current situation of Covid-19 related disease pattern and spread was considered with concern and in view of the increase in number of cases and resulted deaths considered it necessary that further measures are required to counter the spread of disease. In exercise of powers conferred under Section 3 (1) of Sindh Epidemic Diseases Act, 2014 the Sindh Government also imposed ban with immediate effect till 16.05.2021. In the Notification they have dealt with the places which will remain closed; timing of the offices; business timings; Health Care related restrictions; transport; factories/industries shops/markets; special focus areas; religious gatherings; SOPs adherence and general. The Deputy Commissioners, Assistant

Commissioners, Labour Officers concerned as well as personnel of all Law Enforcing Agencies have been directed to take legal action on any act in contravention of the Notification by the Sindh Government. The learned Addl. A.G. Sindh has also assured that the Notification will be strictly followed and so far as the religious gatherings are concerned, that are already covered with strict observance of SOPs. He further added that the allegations levelled in the petition by the petitioner are misconceived and baseless.

2. Under the dominion of Judicial review, the court reviews the lawfulness of a decision or action made by a public body. In fact this is a process under which executive or legislative actions may be subject to review by the judiciary. The court may invalidate laws, acts and governmental actions that are incompatible with a higher authority more so, an executive decision may be invalidated for being unlawful and also maintains check and balance. This can be sought on the grounds that a decision arises when a decision-maker misdirects itself in law, exercises a power wrongly, or improperly purports to exercise a power that it does not have, which is known as acting ultra vires. In our view the policy decision impugned in this constitution petition is based on number of circumstances on facts and expert opinion, forethought and premeditation of all pros and cons and it does not seem to be arbitrary or discriminatory, therefore, we do not find any justification or rationale to interfere in this policy decision which does not violate or infringe any right of the petitioner. The petition is dismissed, however, the respondents shall ensure strict compliance of S.O.P(s) during Covid-19 pandemic at all levels in view of the Notification dated 26.04.2021.

Judge

Judge