IN THE HIGH COURT OF SINDH, KARACHI

C.P No. D- 4890 of 2017

M. Tariq Mansoor Vs. Province of Sindh & others

Present:
Mr. Justice Yousuf Ali Sayeed,
Mr. Justice Muhammad Osman Ali Hadi

Date of hearing:	03.02.2026.
Date of decision:	03.02.2026.
Petitioner:	Muhammad Tariq Mansoor, in person.
Respondents:	Through Mr. Kalash A. Vaswani, A.A.G.

O R D E R

Muhammad Osman Ali Hadi, J: The Petitioner has filed the instant Petition in person, under article 199 of the Constitution of Pakistan 1973, whereby he has challenged section 2(n) of the Sindh Factories Act 2015 (**"The Impugned Act" or "SFA 2015"**). The Petitioner-in-Person, is also an Advocate, and has self-proclaimed to be a Human and Social Rights activist.

2. The Petitioner has stated that the said section 2(n) of SFA 2015 is contrary to the Constitution of Islamic Republic of Pakistan 1973, in particular under articles 8, 18 & 25. The Petitioner primarily has argued that section 2(n) of the Impugned Act, has removed any person employed through a third party, e.g. an agent, contactor/sub-contractor etc., from within the definition of "**Worker**"; which is different from some other statutes who have not made this distinction in their definition of *'worker'*; and therefore the said section of the Impugned Act is erroneous and liable to be set aside. He contended that the definition in the Impugned Act is prejudicial to the workforce.

3. The Petitioner further averred that as the matter (allegedly) relates to public interest, he is therefore not required

to show any personal grievance in the matter, exonerating him from the Constitutional requirement of being an *"aggrieved person"*.

4. The Petitioner further submitted he has invoked judicial review of legislation, i.e. Sindh Factories Act 2015 (**"SFA 2015"**), and cited that there were over 800,000/- workers within the Province, who are (purportedly) suffering due to the definition of *"worker"* contained in the Impugned Act.

5. The Petitioner has stated that several international conventions, including the Universal Declaration of Human Rights, also stand violated by the said definition of *'worker'*, and that since the impugned section of the SFA 2015 is in conflict therewith, the same is liable to be struck down. In support of his contentions, the Petitioner has placed reliance upon a plethora of judgements.[1]

6. Learned AAG appearing on behalf of the Respondents, stated that in the first instance, the Petitioner has failed to establish himself as an '*aggrieved person*', and as such the Petition itself is incompetent, since the same does not fall within the requisite parameters necessary for invocation of article 199 of the Constitution of Pakistan 1973. He further submitted that even in the SFA 2015, the definition of *'worker'*, was actually in the best interest of the *workers*, as it removed the fee / commissions which were deducted from workers' salaries by third-party middleman such as contractors / agents etc., leaving workers to get more disposable income to themselves. Accordingly, learned AAG submits that since the Petitioner has remained unable to even show how they have invoked this jurisdiction, as well as the fact

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[1] *PLD 1988 SC 416, PLD 2016 SC 961, PLD 2012 SC 774, PLD 1995 CLC 1834, PLD 1994 SC 621, PLD 2004 SC 482, 2006 SCMR 978, PLD 2013 SC 120, 2016 SCMR 48, 2016 SCMR 992, PLD 2009 SC 879, 2011 SCMR 1621, 2013 SCMR 34, 2013 SCMR 34, PLD 2014 SC 531, PLD 2014 SC 283, PLD 2012 SC 923, PLD 2010 SC 265, PLD 2006 SC 697, 2004 YLR 1856, PLD 2012 Karachi 129, PLD 1997 SC 426, PLD 1998 SC 1263, PLD 2012 SC 923, PLD 2013 SC 501, PLD 2014 SC 1, PLD 2011 SC 997, 2014 SCMR 396, 2014 SCMR 287, PLD 1997 SC 315, 2017 SCMR 206, PLD 2006 SC 602, 2004 SCMR 1903, {:D 1999 SC 504, PLD 2012 SC 292, PLD 2015 SC 401, PLD 2014 SC 174, PLD 2012 SC 132, PLD 2010 SC 265, PLD 2007 SC 642, 2012 SCMR 773 and 1999 SCMR 1379*

that there is nothing detrimental or unconstitutional in the SFA 2015, this instant Petition is liable to be dismissed.

7. We have heard the Petitioner-in-person and the learned AAG. In the first instance, it is to be noted that the Petitioner invoked article 199 of the Constitution of Islamic Republic of Pakistan 1973, of which the relevant portion reads as under:-

> **"199. Jurisdiction of High Court.**-(1) Subject to the Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law,-
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> **(a)** on the application of any **aggrieved party**, make an order—
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> (i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or
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> (ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs of the Federation, a Province or a local authority has been done or taken without lawful authority and is of no legal effect; or" (*emphasis supplied)*

8. A simple perusal of the said article 199 establishes it is *sine qua non* for any person when invoking the said article 199(1)(a), such person must be '*aggrieved*'. The definition of *'aggrieved'* (for instant purposes) has been discussed in our jurisprudence. In the recent case of *Abid Hussain Chandio*[2], the following was held by a learned Division Bench of this Court:

> *"**5.** In a legal and procedural context the term 'aggrieved person' denotes a person who has suffered a legal grievance, against whom a decision has been pronounced which has wrongfully deprived him or wrongfully refused to him something which he was legally entitled to. There is wisdom in the use of word "aggrieved" appearing in Article 199 of the Constitution, because it helps in checking litigation for the sake of litigation by those, who may not be aggrieved. So that Courts are confronted*

[2] PLD 2024 Karachi 448

> *with real questions, which should occupy their attention and not questions, which are of an academic nature involving political issues and where the issuance of a writ is a mere futile exercise. Person aggrieved invoking constitutional jurisdiction under Article 199 must establish a direct or indirect injury to himself and substantial interest in subject matter of proceedings. Further for the purpose of issuance of writ of Quo warranto and habeas Corpus, being aggrieved is not mandatory requirement. Moreso the apex court also laid down guidelines to distinguish those cases in which petitioners under the garb of public interest litigation actually accumulate dump of frivolous litigation to seek publicity or in accomplishment of personal agenda/ vendetta. Such litigation must be laid to rest at very inception on account of maintainability. Public interest litigation is a weapon which has to be used with great care and circumspection and we have to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and or publicity seeking is not lurking."*

9. The above case clearly elaborated on the definition of *'aggrieved person'*, particularly when persons are claiming to be acting in public interest. Moreover, the Courts have deprecated the filing of legally frivolous petitions in the pursuit of seeking publicity. When we confronted the Petitioner and asked as to why none of the *workers* allegedly effected / aggrieved had challenged the SFA 2015? the Petitioner simply responded that the *'workers'* lacked the financial means to do so. Firstly, this statement in itself holds no legal value; and secondly, the said statement seems to elude the fact the Petitioner has filed this Petition in his own name, in what appears to be seeking of self-publicity / glory, whereas if any of the *'workers'* were actually aggrieved, the Petitioner could have represented the concerned aggrieved *'workers'* on a pro bono basis, which he has not done. Irrespective of the aforementioned, it can safely be understood that no *'aggrieved'* person has filed the instant Petition before us.

10. The instant Petition appears to have been filed in what the August Supreme Court termed *"private interest litigation"*, which is completely separate and must be sequestered from *public interest litigation*. In the case of *Premier Battery Industries Private Ltd.*[3], the Supreme Court highlighted a clear divide between *'private interest litigation'* and *'public interest litigation'*. They expressed that where there is any self-interest, the same cannot be considered in public interest, and as such the Courts are required to be extremely cautious before entertaining such petitions. Relevant excerpts arising out of the said Judgement read:

> *"**12.** Coming to the alternative stand taken by learned counsel for the petitioner that the matter may be treated as 'public interest litigation'. It is noted that on realizing that the petitioner was unlikely to succeed in view of his failure to participate in the process at any stage, the learned counsel tried to persuade us to examine the matter as one of public importance to undo the process, which according to him, had been undertaken in violation of SPP Act, 2009 and the Rules framed thereunder. It was urged that the entire process be repeated afresh. This necessitates an examination of the scope and parameters of public interest litigation. Such litigation does not strictly fall under any part of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. However, it has received judicial recognition enabling the Courts to enlarge the scope of the meaning of 'aggrieved person' under Article 199 of the Constitution to include a public spirited person who brings to the notice of the Court a matter of public importance requiring enforcement of Fundamental Rights. However, the constitutional jurisdiction of the superior Courts is required to be exercised carefully, cautiously and with circumspection to safeguard and promote public interest and not to entertain and promote speculative, hypothetical or malicious attacks that block or suspend the performance of executive functions by the Government."*
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> *"**13.** ….. While the Court is not inclined without evidence to impute any motives to the petitioner, we must emphasize that public interest litigation undertaken by a citizen must in the first place transparently demonstrate*

[3] 2018 SCMR 365

> *its complete bona fides; that such litigation is not being undertaken to serve a private or vested interest and is demonstrably aimed at serving public interest, good or welfare.*

> *"**14.** We are in no manner of doubt that the petitioner has a personal interest in the present litigation. It is motivated purely by its own economic interest and thus it wants reversal of the entire process so that it or somebody it represents, can avail another opportunity of joining the process leading towards bidding of the project after having missed the deadline. The present litigation is therefore not public interest but rather personal interest litigation. We are therefore not inclined to examine the case from the stand point of public interest litigation."*

11. In a more recent case of *Senator Khalida Ateeb*[4], a learned Division Bench of this Court held:

> *"**5.** Article 199 of the Constitution contemplates the discretionary[2] writ jurisdiction of this Court and the said discretion may be exercised upon invocation by an aggrieved person[3] and in the absence of an adequate remedy".*
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> *"**6.** While the learned counsel insisted that this matter merited indulgence in the public interest, however, we are constrained to observe that the present petition appears to be an attempt to seek publicity, without any justifiable cause of action. Per settled law, public interest litigation ought not to be aimed at seeking publicity and the law requires the Court to ascertain whether the supplicant is acting in a bona fide manner6. Public interest litigation should not be a mere adventure, an attempt to carry out a fishing expedition and / or to settle personal scores. The Court must distinguish between public interest litigation and publicity motivated litigation, private interest litigation and / or politically motivated litigation".*

12. We find the Petitioner has remained unable to establish any illegality, nor has he been able to demonstrate how he stands aggrieved in the matter. It further appears the Petitioner has

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[4] PLD 2024 Sindh 273

failed to determine any cause for public interest. To the contrary, we are of the opinion that the Petitioner has acted for fulfillment of personal / private publicity, and has fallen short in establishing any grounds showing he has acted in the interests of the public at large.

13. Additionally, the Petitioner has neither addressed nor challenged the legislative process vide which promulgation of SFA 2015 was promulgated. The Impugned Act was passed as per powers conferred *inter alia* under articles 137 and 142 of the Constitution of the Islamic Republic of Pakistan 1973, which process remained unchallenged by the Petitioner. He has simply alleged that since the definition of *'worker'* in the SFA 2015 is different to the definition in other acts passed by Respondent No. 1 / Sindh Parliament, provisions of the Impugned Act are liable to be struck down. Even if such submission held any credibility (which in our opinion it does not), the same would fall within the legislative wisdom of Parliament. For the Court to meddle in the same (without any violation of the Constitution), would be tantamount to legislating, which of course cannot be done, as has repeatedly been held by the Supreme Court. In the recent case of *Kassim Textile Mills (Pvt.) Ltd.*, a three-member Bench of the Supreme Court opined:

> "13. ……. The Court cannot recast or reframe the legislation for the very reason it has no power to legislate. The Court cannot add words to a statute or read words into it which are not there unless the principles of interpretation of statute require otherwise. The legislature means what it says and says what it means. It is the obligation of the Courts of law to further the clear intendment of the legislature and not to frustrate it by ignoring the same. Legislative wisdom cannot be replaced by the Judge's views."

14. The Petitioner has further failed to justify his allegations pertaining to violation of fundamental rights. The Memo of Petition states that articles 8, 18 & 25 of the Constitution have

been violated by the Impugned Act, but the Petitioner has not been able to substantiate any specific manner in which the alleged violations actually occurred. A mere assertion of such violations falls far below the threshold required to succeed in a constitutional petition, and any assertion of violation must be clearly established by the Petitioner before the Court. This was not done by the instant Petitioner.

15. These types of frivolous petitions filed with malintent and lacking lawful validation, must be discouraged. The Petitioner is neither an aggrieved person; nor has the Petitioner shown violation of any fundamental constitutional right under the Impugned Act, requiring interference under article 199 of the Constitution. This Petition is entirely without merit and devoid of legal substance.

16. Accordingly, this Petition was dismissed on 03.02.2026 and above are the reasons thereof.

Petition dismissed.

Judge

Judge

Ayaz P.S