

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Constitution Petition No. D-1638 of 2026

(Mst. Shazia v. Federation of Pakistan through Secretary M/o Interior and others)

Petitioner : Through Mr. Malag Assa Dashti,
Mst. Shazia Advocate

Respondent No.1 : *Nemo*
Federation of Pakistan through
M/o Interior

Respondent Nos.2 to 4 : Through M/s. Hakim Ali Shaikh and
2. Province of Sindh through Sageer Ahmed Abbasi, Additional
Home Department Advocates General, Sindh and
3. Assistant Superintendent Mr. Faheem Hussain, Deputy Prosecutor
Central Prison General, Sindh
4. I.G Prisons

Date of hearing and : 18.03.2026
judgment

JUDGMENT

Muhammad Saleem Jessar, J:- Through this petition the petitioner seeks directions to Jail Authorities for grant of remissions in her convictions by invoking Rule 787 of the Sindh Prisons and Corrections Services Rules, 2019.

2. Learned counsel for the petitioner contends that the petitioner was tried in an offence punishable under Section 6 and 9 of Control of Narcotics Substances Act, 1997 and was convicted by the Trial Court. The judgment passed by the Trial Court was maintained by learned Divisional Bench of this Court however the petitioner has not been granted necessary remissions available under the Sindh

Prisons and Corrections Services Rules, 2019. He prayed to direct the Jail Authorities to grant remissions to the petitioner admissible under jail rules.

3. Heard arguments and perused the material available on record.

4. Petitioner was booked in FIR No.618 of 2023 recorded on 24.10.2023 by police station Saeedabad, Keamari South, Karachi and she was convicted by the Trial Court. The CNS Act was amended in September, 2022 by the Parliament through which relief of remissions was taken away. For the sake of convenience Section 9(A)(1) is reproduced below:-

“9(A) (1) Notwithstanding anything contained in any other law or prison rules for the time being in force, no remissions in any sentence shall be allowed to a person, who is convicted under this Act:

Provided that in case of a juvenile or female convicted and sentenced for an offence under this Act, remission, may be granted as deemed appropriate by the Federal Government.

(2) Notwithstanding anything contained in any law or rules for the time being in force, neither probation in any sentence shall be allowed nor any accused convicted under this Act shall be released on parole:

Provided that if the convicted accused is a juvenile or female, he can be released on probation on parole as per relevant laws and rules.

(3) Notwithstanding anything contained in any other law for time being in force, imprisonment for life under this Act means imprisonment in jail for the period of twenty-five years.”

5. When confronted to the above position, learned counsel for the petitioner contended that the petitioner was booked and tried in an offence punishable under Section 6 and 9 of the Control of Narcotics Substances (Sindh Amendment) Act, 2021, wherein such embargo was not imposed by the Provincial Assembly.

6. Contention of the learned counsel for the petitioner is not tenable under the law as the CNS Amendment Act, 2022 was a Federal law and in case of any ambiguity in two laws the provisions of Federal law shall prevail, as articulated under Article 143 of the Constitution of Islamic Republic of Pakistan, 1973, which reads as under:-

“143. If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament) is competent to enact, then the Act of Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.

7. Since the petitioner was found involved in the offence in the month of October, 2023 therefore provisions of Federal law to the extent of remissions shall apply to the case of the petitioner irrespective of the fact that she was tried under the Provisional law or Federal law. Petitioner has failed to point out any illegality in the Jail Roll, whereby she was declined remissions, or any action on the part of the Jail Authorities that violated petitioner's rights.

8. For the foregoing reasons, no case for indulgence of this Court is made out; petition therefore fails and is accordingly dismissed in *limine* alongwith pending application(s), if any.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

B-K Soomro

Approved for Reporting