

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

C.P No. D- 3215 of 2016

Before:-

Mr. Justice Abdul Maalik Gaddi

Mr. Justice Adnan-ul-Karim Memon

Petitioner : Abdul Majid, through Mr. Shahnawaz Brohi,
Advocate.

Respondents : Through Mr. Allah Bachayo Soomro, Addl.
Advocate General, Sindh.

Date of hearing. : 20.08.2020
& decision.

ORDER

ADNAN-UL-KARIM MEMON, J: - It is claimed by the petitioner that he is *moazin* in Meena Msjid situated at village Abdullah Chawero Taluka and District Jamshoro within the jurisdiction of Kotri Police Station. The Petitioner he has been Pesh Imam and leading Jammat-namaz for last couple of years. Prima-facie the main grievance of the petitioner is that the mourning procession of Ashura in Jamshoro is required to be lead, if any, through traditional route. Per petitioner, respondent No.5 is adamant to take another route for mourning procession, for which there can be law and order situation; therefore, respondents 2 & 3 be directed to take action against respondent No.5 for his unlawful act.

2. We asked learned counsel to satisfy this court with regard to maintainability of the captioned petition on the premise that the remembrance of Muharram observances is a set of commemoration rituals observed primarily by all Muslims and some non-Muslims. The commemoration falls in Muharram, the first month of the Islamic Calendar, as many of the events associated with the ritual take place in congregation halls. Learned counsel for the Petitioner replied that some of the acts of respondent No.5 hurt the religious feelings of the petitioner. In support of his contentions, he relied upon the letter dated 14.10.2015 issued by Senior Superintendent of Police Jamshoro.

3. We have noticed that the subject event, marks the anniversary of the Battle of Karbala (AD 680/AH 61), when Hazrat Imam Al-Husayn ibn Ali

ibn Abi Talib, a grandson of حضرت محمد رسول اللہ خاتم النبیین صلی اللہ علیہ وسلم وعلی آلہ وَاٰسِطَہٖ وَسَلَّمَ, was martyred by the forces of Yazid, family members and companions accompanying him were also martyred. Apart from the above, the most fundamental aspect of the matter cannot be overlooked on the premise that Sindh Government has to regulate processions which cannot be doubted but such power has to be exercised reasonably, rationally and without any discrimination. A mourning procession of Ashura happens to be the most important event in the history of Islam and never has there been a restriction on such immersion of mourning procession at any earlier point of time. We are of the view that the Constitution of Pakistan guarantees to all persons' freedom to profess and propagate religion, subject to public order.

4. Before parting with this order, we may observe that civil administration and the police administration of District Jamshoro shall, however, ensure law and order situation which is their primary duty during the Mourning procession of Ashura strictly in accordance with the policy of the Government of Sindh and local police.

5. For the reasons aforesaid, we do not find any merit in this petition; therefore, the instant petition is dismissed in *limine* along with pending application(s) with no order as to costs.

JUDGE

JUDGE