

**IN THE HIGH COURT OF SINDH,  
AT KARACHI**

**CP No. D-6175 of 2021**

Petitioner : Bisma Noreen/Ameer Jahan,  
in person.

Respondents : Nemo.

Date of Hearing : 18.10.2021

**ORDER**

**YOUSUF ALI SAYEED, J** - Briefly stated, the Petitioner professes to have invoked the jurisdiction of this Court under Article 199 of the Constitution in the ‘public interest’; calling into question a polio immunisation drive said to be ongoing under the garb of Sindh Epidemic Diseases Act, 2014 (the “**2014 Act**”), with it being alleged that various teams had been formed and deployed to make visits from house to house and administer Polio drops to children, irrespective of whether they were afflicted or not.

2. Upon the grant of the application for urgent hearing (CMA 26205/2021), the Petitioner, who appeared in person, proceeded with her submission and claimed that the measure of administering polio drops was akin to the ongoing Covid-19 vaccination campaign, which, per the Petitioner, was tantamount to playing with the lives of millions of citizens. She claimed that between 1943 to 1969, American Scientists had prepared biological weapons that can cause lethal diseases and that trials thereof were being conducted in Asian Countries under the guise of vaccines just to reduce the population. She further averred that the campaign of administering polio drops had been initiated for the purpose of attracting foreign aid, when the Covid-19 vaccination had failed to achieve that desired result, and that while the Government bore no responsibility in case of side effects caused from vaccinations, innocent citizens were nonetheless being threatened with curbs on travelling, education and employment if they did not get vaccinated.

3. She further alleged that instead of controlling inflation and providing basic amenities, polio immunization teams supported by gunmen had been formed, which, according to her, had all been done to appease the World Health Organization and obtain further aid. She alleged that the 2014 Act was in conflict with the Article 227 of the Constitution therefore, report may be called from the Islamic Ideology Council. Disparately, she also claimed that pursuant to Article 25A of the Constitution the government was duty bound to provide education up to matric level, and ought to do so instead of enacting a law that usurped the right of freedom, contravening Article 18(2) of the Constitution. She also quoted a Hadith of the Holy Prophet (PBUH) that treatment was to be sought when sick, and argued that it was contrary to Islamic injunctions to take medication prior to being afflicted. She prayed that the 2014 Act be declared null and void as being in conflict with Articles 4(2), 8(2) and 227 of the Constitution and the Universal Declaration of Human Rights. In parting, she claimed to have perceived that the decisions made by this Court on her previous Constitution Petitions had been biased, unjust and against public interest.
  
4. Having heard the Petitioner and considered the submissions advanced, we find the Petition to *ex facie* be devoid of substance and patently frivolous to say the least. Polio is a disabling and life-threatening disease caused by the poliovirus, which spreads from person to person and can infect the spinal cord, causing paralysis. Suffice it to say that there is no cure for polio, which can only be prevented through immunization.

5. Furthermore, since the Petitioner had the temerity to allege that the decisions of this Court in matters previously filed by her have not been even-handed, we deemed it appropriate to call for and examine the record of some of the more recently instituted matters that were disposed of.
  
6. As it transpires, the present Petition is far from the Petitioner's first foray in the realm of litigation. Indeed, over two dozen Petitions having been filed by her in all, with numerous misconceived and ill-fated ventures having been made under the facade of public interest. A brief exposition thereof follows:
  - (a) The Petitioner had filed C.P. No. D-948 of 2021 challenging the vaccination campaign being undertaken so as to combat the prevailing Covid-19 pandemic as well as a challenge against the deployment of 5-G cellular communication technology. The Petition was dismissed vide an Order dated 04.10.2021, with costs of Rs.25,000/- to be deposited in High Court Clinic.
  
  - (b) C.P. No. D-5706 of 2021 was also a Petition regarding vaccinations against Covid-19. That Petition was dismissed vide an Order dated 27.09.2021 in view of the earlier decision rendered by a learned Division Bench of this Court on the same subject in C.P. No. D-4604 of 2021.
  
  - (c) Vide C.P. No.D-2553 of 2021 the Petitioner had challenged the restrictions imposed by Government with regard to certain activities during the Covid-19 pandemic so as to curb the spread of inspection. The Petition was dismissed vide an Order dated 05.05.2021, with the direction to the official respondents to ensure strict compliance of S.O.P(s) during Covid-19 pandemic at all levels in view of the Notification dated 26.04.2021 issued under Section 3 (1) of the very 2014 Act.

- (d) Through C.P. No.D-1021 of 2019, the Petitioner had sought recovery of Twenty Two Thousand Eight Hundred Trillion Rupees, allegedly obtained from auction of diamonds; Seven Thousand Eight Hundred Trillion Rupees, allegedly donated by a citizen; miles high mountains of gold. Per the petitioner, these amounts / diamonds / mountains of gold were donated for a Government debt retirement scheme, hence, the petitioner sought recovery thereof and further that Thirty Three percent of such proceeds be decreed in her own favour. The Petition was dismissed as being devoid of merit vide an Order dated 21.09.2020.
- (e) Vide C.P. No.D-2285 of 2020, the Petitioner has questioned the 18<sup>th</sup> Amendment to the Constitution and also that the lock down imposed on account of Covid-19 was against different Articles of the Constitution. After issuing notices, hearing the petitioner, Law Officers of the Federation and Province, and perusing the material including SOP formulated and articulated by the President of Pakistan with consensus of clerics of different Sects, the Petition was disposed of.

7. Under the circumstances, it is apparent that in the matter at hand as well as the petitions otherwise cited, resort to the writ jurisdiction of this Court has not been made by the Petitioner for purpose of advancing any cause of real public interest, but is/was a self-serving exercise marked by oblique considerations. In this regard, it is noteworthy that in the case reported as Dr. Akhtar Hussain Khan vs. Federation of Pakistan 2012 SCMR 455, the Honourable Supreme Court had specifically recorded a note of caution as to the misuse of public interest litigation, with it being observed that:

“The Court has to guard against frivolous petitions as it is a matter of common observation that in the garb of public interest litigation, matters are brought before the Court which are neither of public importance nor relatable to enforcement of a fundamental right or public duty. In Ashok Kumar Pandey v. State of West Bengal (AIR 2004 SC 280) the Court was seized of such a petition when it observed as follows:--

“Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has 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. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

8. In view of the foregoing, the Petition stands dismissed *in limine* along with pending miscellaneous applications, with costs of Rs.25,000/- (Rupees Twenty-Five Thousand) to be deposited towards the High Court Clinic within ten days from the date of this order. The office is also directed to make note that in the event of non-compliance, an objection ought to be endorsed to that effect in the file of any case subsequently instituted by the Petitioner until such time as the requisite costs are deposited in the matter.

JUDGE

CHIEF JUSTICE

Karachi.  
Dated: