

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. **D - 607** of 2017

Date	Order with signature of Judge
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Present:

Mr. Justice Aqeel Ahmed Abbasi

Mr. Justice Zulfiqar Ahmed Khan.

1. *For orders on office objection.*
2. *For hearing of Misc. No. 3251/2017.*
3. *For hearing of Main Case.*

10.04.2019

Petitioner present in person.

Ms. Lubna Perwez, Deputy Attorney General.

ORDER

1. Instant petition was filed on 27.01.2017, whereby, petitioner, *namely*, Mst. Ameer Jahan [*Bisma Noureen*] has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking declaration to the following effect:-

i) to declare that implementation of the constitution is the constitutional responsibility of the Prime Minister of Pakistan, whereas, Prime Minister [Muhammad Nawaz Shareef] has failed to fulfill such responsibility;

ii) to declare that the personnel of Pak Army and Rangers shall be deployed on permanent basis in all the cities, whereas, all the Commissioners and the Police may be placed under their control,

so that terrorism, corruption and political interference may be eliminated;

iii) to direct all the Governments to make payment of Rs. One Million to the victims, who were murdered or kidnaped during the year 2016, whereas, all the Provincial Governments may be directed to provide the list of all such persons; &

iv) to direct the Rangers to carryout operations in all the cities of Pakistan without any discrimination.

2. Learned DAG has raised objection with regard to maintainability of instant petition and submits that relief sought through instant petition is beyond the scope of Article 199 of the Constitution.

3. Record shows that after having filed instant petition, petitioner did not pursue the matter with due diligence, whereas, adjournments were sought to prepare the case and also to file amended title by impleading the proper parties, however, it appears that needful has not been done, therefore, instant petition kept pending before this Court for the last two years', without any useful progress. Moreover, in view of General Elections held in the year 2018, there has been change of Regime in the Federal Government, as well as in the Provincial Governments, whereas, Muhammad Nawaz Shareef in view of the decision of the Hon'ble Supreme Court in the Panama Case, is no more the Prime Minister of Pakistan and also facing trial in the NAB cases. Accordingly, the declaration sought against the then Prime Minister, namely, Muhammad Nawaz Shareef besides being beyond the scope of Article 199 of the Constitution, has otherwise become infructuous.

It has been further observed that during last about two years, the law and order situation in the country has improved, whereas, Pakistan Rangers has been deployed in various part of the country, and they are already performing their duties in the aid of Federal and Provincial Governments towards maintaining law and order situation, therefore, such grievance also stands redressed in substance. As regards declaration for payment of compensation amount to victims of terrorist attacks or to the persons, who were murdered during the year 2016, falls within the domain of policy matter of the Federal and the respective Provincial Governments and it has been informed that there is no law enforced, so far for such purpose, however, Notifications are issued from time to time. It has, however, been informed that affectees are being compensated as per policy/guidelines to this effect. However, it is expected that in all such appropriate cases, the Federal and Provincial Governments should continue to compensate such victims through a uniform policy, without any discrimination. Since the petitioner has not mentioned the names of the affectees or particulars of their legal heirs in the instant petition, therefore, generalize directions or any declaration to this effect cannot be issued by this Court while exercising constitutional jurisdiction in the instant case. It may be further observed that to implement the Constitution and to maintain law and order, is one of most essential responsibilities of the Government and the law enforcement agencies, however, it is equally the responsibility of all the citizens to abide by the Constitution and the laws of land, and not to become part and parcel of any unconstitutional or illegal activity. However, there is no need to issue any declaration to this effect as it is the responsibility of all the elected Governments and the law enforcement agencies.

4. From perusal of the contents of instant petition, it has been observed that petitioner, while expressing her concern over the law and order situation in the country, and pointing out some instances of bad or poor governance by the previous Government, has also made certain suggestions, which are either unconstitutional or contrary to law. Moreover, the same do not fall within the domain of Article 199 of the Constitution. Petitioner is either not well aware of such constitutional and legal provisions, or instant petition has been motivated by some vested interest person(s). We do not find any substance in the instant petition and would, therefore, dispose of instant petition with the observations that all the law enforcement agencies shall continue to perform their duties to the best of their ability to secure and maintain peace in the country, whereas, petitioner is cautioned to be careful and not to file frivolous petition(s) by seeking unconstitutional and unlawful declaration(s) from the Court. Offices of the Deputy Registrar (Writ) and the Writ Petition Branch are also directed to be careful in future while entertaining such petition(s), which are filed in the garb of public interest and do not fall within the scope under Article 199 of the Constitution of Pakistan, 1973.

5. Instant petition stands disposed of in the above terms alongwith listed application.

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