

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-3888 of 2020

Date	Order with signature of Judge
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PRIORITY

1. For hearing of CMA No.16317/2020.
2. For hearing of main case.

03.09.2021.

Petitioner, in person.
Mr. Faqire Liaquat, Advocate for PEMRA.
Mr. Khaleeqe Ahmed, DAG.

The Petitioner, a practicing advocate, has invoked the jurisdiction of this Court under Article 199 of the Constitution whilst professing to have come forward in the public interest for preserving the security and sovereignty of Pakistan. His grievance is that a foreign Radio Station operating on FM frequency 102.3 is broadcasting disparaging content from across the border so as to reach an impressionable audience in District Tharparkar for the purposes of undermining national sovereignty. Apparently, the Petitioner addressed a letter dated 13.08.2020 to the respective Secretaries of the Ministries of Defence, Interior, and Information Technology & Telecommunication, Government of Pakistan so as to bring the matter to their attention, but no response or action was forthcoming. As such it has been prayed that the Respondents No.1 to 3 may be directed to block/jam transmission of the aforementioned radio station, set up a rival station to broadcast across the border so as to counter the propaganda campaign of the neighboring country, and also to declare that non-disclosure of the outcome of the Petitioner's letter dated 13.08.2020 amounts to a violation of Article 19-A of the Constitution.

Having examined and considered the matter, we are of the opinion that the subject falls squarely within the domain of the executive branch as per the well-established principle of trichotomy of powers and does not call for any action/intervention on the part of this Court. Admittedly, the Petitioner has already raised the matter before the relevant quarter(s), within whose competence it lies to take such measures, if any, as may be considered appropriate. As to the point raised with reference to the Article 19-A of the Constitution, the Petitioner has not apparently made any information request under the relevant law, as could have been done had there been any grievance in that regard. Under such circumstances, we find no force in the instant Petition, which stands dismissed accordingly, along with the listed miscellaneous application.

CHIEF JUSTICE

JUDGE

MUBASHIR