

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.NO.D-1031/2015

Date	Order with signature of Judge
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1. For KatchaPeshi
2. For hearing of Mic.No.4562/15

04.08.2015

Mr. Sami Ahsan, Advocate for the petitioner
Mr. Sheikh Liaquat Hussain, Standing Counsel;
Mr. Mustafa Mehaser, Addl.A.G

Through instant petition, the petitioner has sought declaration that the Sindh Motion Pictures Act, 2011 (“Act of 2011”) is in conflict with Motion Picture Ordinance, 1979 and has been promulgated in violation of Article 143 of the Constitution of Pakistan, 1973. It has been further prayed to declare that Section 21 of the Sindh Motion Pictures Act, 2011, whereby, the Sindh Motion Picture Ordinance 1979 has been repealed to the extent of its applicability in the Province of Sindh, is also illegal.

Counsel for the petitioner submits that the Province of Sindh has enacted the Act of 2011, which is in direct conflict with the Motion Picture Ordinance, 1979, hence, is in violation of Article 143 of the Constitution of Pakistan 1973.

Notices were issued to the respondents including AAG and DAG and comments have been filed on behalf of the Addl. Secretary, Law, Government of Sindh.

We have heard the Counsel for the petitioner and perused the record. It appears that after passing of 18th Amendment and insertion of Article 270-AA in the Constitution of Pakistan, the Province of Sindh has enacted the Act of 2011, and by virtue of Section 21 of the said Act, the applicability of Motion Picture Ordinance, 1979 has been repealed to the extent of Province of Sindh, whereas in the Province of Sindh Motion Picture Ordinance 1979 is no more applicable after passing of the 18th amendment. The repealing of Motion Picture Ordinance, 1979 is a mandatory requirement , otherwise the Provincial law would be in conflict with the Federal law and would be hit by Article 143 of the of the Constitution. We do not find any illegality in such enactment of the Act of 2011 and are not persuaded to convince ourselves with the contention of the Counsel for the petitioner that a sub ordinate authority cannot repeal an Act of a Superior Authority. In the instant matter no such controversy is involved, whereas, the Province of Sindh has acted in accordance with the mandate of the Constitution after passing of 18th Amendment, and has legislated on the subject which is now within the domain of the Province of Sindh.

In view of such position, instant petition being misconceived in fact and law and is hereby dismissed with cost of Rs.10,000/- which is to be deposited in the High Court Bar Library.

JUDGE

JUDGE