

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Jawwad S. Khawaja
Mr. Justice Mushir Alam

CMA No.908 of 2014 in Constitution Petition No.52 of 2013

*[COMPLIANCE REPORT OF ORDER OF THIS COURT DATED 03.12.2013 PASSED IN
CONSTITUTION PETITION NO.52 OF 2013 REGARDING PRICE ESCALATION OF
ATTA/FLOUR]*

Liaquat Baloch, Secretary Jamat-e-Islami

Applicant(s)

VERSUS

Secretary, M/o Commerce & Trade

Respondent(s)

For the Applicant(s):

Mr. Taufiq Asif, ASC
Mr. Saifullah Gondal, Advocate

Amicus Curiae:

Malik M. Rafique Rajwana, ASC

For the Federation:

Syed Attique Shah, Addl.AGP.
Dr. Shakeel Ahmed Khan,
Food Security Commissioner
Mr. Abdur Rauf Chaudhry, Chief,
Agricultural Policy Institute
Mr. M. Aslam Shaheen, Chief
Nutrition, Planning Commission
Mr. Ayazuddin, Dy. DG, PBS
Ms. Rabia Awan, CSO, PBS
Mr. Shaukat Zaman, Director, PBS

For Balochistan Govt:

Mr. M. Farid Dogar, AAG

For KPK Govt:

Mr. Zahid Yousaf Qureshi, Addl.AG
Mr. Asmatullah, Dy. Dir.

For Punjab Govt:

Mr. Razzaq A. Mirza, Addl.AG

For Sindh Govt:

Mr. Qasim Mirjat, Addl.AG

Date of Hearing:

22.04.2014

ORDER

On the last date of hearing, we had for our own information constituted Committees for the four Provinces. The Committees have made on ground visits. From their reports, it does appear that fundamental rights to life as given in Article 9 and a life of dignity as envisioned under Article 14 of the Constitution may not

be available presently to a substantial number of citizens. This situation appears to be accepted by the learned Law Officers. It would however, be appropriate if we can have empirical data before us based on professionally and scientifically sound bases so that further proceedings and orders are grounded in facts which have been validated. For this purpose, the names of certain institutions have been mentioned by some of the learned counsel before us. Dr. Shakeel Ahmed Khan, Food Security Commissioner has also provided some information. The same is for the purpose of our tentative assessment but again it is necessary that a more comprehensive survey is conducted by qualified professionals or institutions having appropriate expertise.

2. We would therefore, like to consider as to how relevant data can be made available to us. Some information based on data gathered by the Pakistan Bureau of Statistics has been provided to us but the same is outdated. We also note that instances have been provided by Dr. Shakeel Ahmed Khan which vary vastly. While in one instance the price of essential food items per month has been given as Rs.6,200/-, there is another case where this amount comes to Rs.14,858/-. We may also add that these figures are in respect of the bare, essential food items required for survival of a family of four comprising 2 adults and 2 children. These figures do not even consider the needs of such family in respect of electricity, water, gas, traveling, school fees, clothing, shelter and a number of other items which are necessary for a reasonable life with dignity.

3. The Governments of the Provinces and the Federation are charged with the responsibility of ensuring that the fundamental rights of the citizens of the State are met. Even amongst the

principles of policy, it has been stipulated in Article 38(a) of the Constitution that *the State shall secure the well-being of the people*. We are listing this petition for hearing during the next week on which date the Governments shall be heard and their actions to alleviate the abject condition of the citizens will be taken into account. We will also consider the possibility of seeking a study by professionally/ scientifically sound bodies or individuals to assist us in understanding if and to what extent, there may be deficiency in assuring the fundamental rights of the citizens, noted above. Adjourned to **02.05.2014**.

Judge

Judge

ISLAMABAD, THE
22nd April 2014
Zubair