

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

**Present:**

**Mr. Justice Jawwad S. Khawaja**

**Mr. Justice Mushir Alam**

**Civil Misc. Application No.908/2014 in Const. Petition No.52/2013**

(Compliance report of order of this Court dt. 3.12.2013 passed in Const. P.52/2013 regarding price escalation of atta/flour)

Liaquat Baloch, Secy. Jamat-e-Islami     **Versus**     Secy. M/o Commerce & Trade

For the petitioner:                      Mr. Taufiq Asif, ASC a/w  
Mr. Saifullah Gondal, Advocate

*Amicus Curiae:*                      Malik Muhammad Rafique Rajwana, ASC

**On Court's Notice:**

For the Federation:                      Syed Attique Shah, Addl. Attorney General for Pakistan  
a/w  
Dr. Shakeel Ahmed Khan, Food Security Commissioner,  
M/o National Food Security & Research.  
Mr. Abdul Rauf Chaudhry, Chief, Agricultural Policy  
Institute, M/o National Food Security & Research.

For Govt. of Balochistan:              Mr. Muhammad Farid Dogar, AAG

For Govt. of KPK:                      Mr. Zahid Yousaf Qureshi, Addl. AG, KPK

For Govt. of Punjab:                      Mr. Razzaq A. Mirza, Addl. AG  
Mr. Habib ur Rehman Syeo, Food Deptt.

For Govt. of Sindh:                      Mr. Qasim Mirjat, Addl. AG

Date of Hearing:                      14.04.2014

**ORDER**

This order follows from our last order dated 7.4.2014. Through that order, we had made certain observations and had also requested Malik Muhammad Rafique Rajwana, senior Member of our Bar to assist the Court in this matter. He is present. We have heard him and the Law Officers of the four Provinces and the Federation. Furthermore, Dr. Shakeel ur Rehman, Food Security Commissioner in the Ministry of National Food Security & Research and Mr. Taufiq Asif, learned counsel for the applicant Mr. Liaquat Baloch have been heard. There is a general opinion amongst all of these gentlemen that an effort is required to ensure that the minimum nutritional needs of the citizens are met. To ensure this, the minimum standard prescribed for daily calorie intake, prescribed by the Ministry of National

Food Security & Research, Govt. of Pakistan is maintained for every single citizen of Pakistan. Dr. Shakeel ur Rehman has pointed out that the Pakistan standard for minimum daily intake of calories is 2350 calories for a person.

2. After hearing the above mentioned Law Officers and learned *amicus*, it is this minimum standard which will ensure that the fundamental rights mentioned in Article 9, 14 and the principles of policy set out in Article 38 of the Constitution are assured.

3. A report (CMA-2042/14) has been submitted by the learned Additional Attorney General for Pakistan pursuant to our previous order. This report purports to contain input from all four Provinces. The report, however, is incomplete as it does not contain relevant information and statistics to enable this Court to ascertain if indeed the fundamental rights mentioned above are being assured to the citizens of the country. The Learned Law Officers, therefore, shall submit a complete consolidated report which should also include relevant statistical data aimed at demonstrating that the fundamental rights mentioned above are being met.

4. It has been suggested by Mr. Taufiq Asif, learned counsel for the applicant that some very sound basis for on-spot determinations needs to be made as to the price of at least one essential food item i.e. *atta* and the price at which generally it is available in various parts of the country. This suggestion is reasonable and has the support of all of the learned counsel/Law Officers named above. In the circumstances, four committees are constituted comprising Syed Attique Shah, learned Additional Attorney General for Pakistan, Mr. Taufique Asif, learned ASC together with, in the case of each Province, the Law Officer of the Province respectively who is before us. The mandate of these committees will be to make on-spot checks for the purpose of assisting us in ascertaining the price/availability of *atta*/flour in the context of enforcement of the fundamental rights noted above.

5. On the previous date of hearing we had noted that the minimum wage of an unskilled worker in the four Provinces is Rs.7000/- to Rs.9000/-. Dr. Shakeel Ahmed Khan was, therefore, asked to prepare a table to show as to how a family comprising two adults and two minors would be able to survive with dignity as per Article 14 of the Constitution within the minimum wage.

6. It was suggested by Malik Muhammad Rafique Rajwana, learned *amicus* that the Federal Government could also convene a meeting of the responsible government functionaries of the Federation and the Provinces for the purpose of informing the Court as to possible ways and means through which the fundamental rights under Articles 9 and 14 of the Constitution can be assured to the citizens of Pakistan. Let this also be done and a report be submitted in Court before the next date of hearing.

7. Let the case come up for hearing on 22<sup>nd</sup> April, 2014.

**Judge**

**Judge**

ISLAMABAD  
14<sup>th</sup> April, 2014  
M. Azhar Malik