

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No.3649/2020

Hazrat Younas  
Versus  
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	03-12-2020	Mr Hassan Rashid Qamar, Advocate for petitioner.

Athar Minallah, C.J.- The petitioner namely, Hazrat Younas has sought multiple prayers. In a nutshell his grievance pertains to failure on part of the executive authorities to implement the decisions of the National Coordination Committee (*hereinafter referred to as the "**Committee**"*). The petitioner's counsel has been heard at length. He has argued that large public gatherings are being held in violation of this Court's judgment, dated 18-11-2020, passed in Writ Petition No.3383/2020 titled "*Islamabad Marquees, Catering and Banquet Hall Association v. Federation of Pakistan, etc.*" (*hereinafter referred to as the "**Judgment**"*).

2. It is not disputed that during the past few weeks there has been a noticeable surge in the spread of the deadly virus i.e. Covid-19. The spread and impact of the virus is definitely unprecedented. It is public knowledge that the disastrous consequences of the virus

threaten human lives. The public health emergency and the ensuing economic crisis has exposed the poor and marginalized segments of the society the most to unimaginable harm. The deadly pandemic has become a reality and no one is immune from its devastating harm, whether elites or the downtrodden.

3. Every citizen, the civil society, political leadership and institutions have to play their respective roles to meet the challenges that stem from the threatening consequences of the virus. The Majlis-e-Shoora (Parliament) has a crucial role in leading the nation in times of crisis. The representatives of the people are expected to display extra ordinary leadership qualities in difficult and uncertain times. Their role is crucial to protect the nation from harm. The treasury and opposition benches are expected to unite the nation when it is faced with a crisis having devastating consequences. It is an onerous duty of the elected executive of the State to ensure that Majlis-e-Shoora (Parliament) is functional and plays its effective role in uniting the nation so as to deal with emergencies and challenges such as the likely fatal consequences of Covid-19. It is an obligation of the executive authorities to implement its decisions aimed at protecting lives. The citizens are also expected to demonstrably show through their conduct, that they are

fulfilling their duties as responsible citizens in response to the pandemic.

4. It is noted that judgments rendered by judicial forums become meaningless and ineffective in times of crisis when it appears that the executive authorities lack the capacity to implement them in letter and spirit. Judgments, unless respected by the citizens, State institutions and political leadership, remain unenforced and thus rule of law is undermined and consequently it profoundly impacts the confidence of the people in the judiciary.

5. This Court has already highlighted in the Judgment, the principles relating to enforcement of the decisions of the Committee. The duties of the citizens, executive authorities and other institutions have also been explained. If the Majlis-e-Shoora (Parliament), the supreme forum which represents every citizen, has opted not to play its role nor the elected executive and other political leadership appear to have the will to rise above their differences and unite the nation, then a judgment rendered by this Court relating to the emergency and crisis situation due to Covid-19 is likely to remain unenforced. Matters relating to war, foreign affairs, economic policies and dealing with national calamities, crisis situations or emergencies can only be dealt with effectively by the

executive authorities and the Majlis-e-Shoora (Parliament) rather than judicial forums.

6. The petitioner, Hazrat Younas is thus advised to have confidence in the Majlis-e-Shoora (Parliament) and the executive authorities. He may, therefore, bring his grievances to their attention. It is for the Majlis-e-Shoora (Parliament) and the executive authorities to play an effective role and to take ownership of uniting the nation and collectively dealing with the challenges relating to Covid-19. The prayer regarding seeking a direction to Pakistan Electronic Media Regulatory Authority can neither be considered nor granted by a constitutional court because of its likely implications in the context of the guaranteed fundamental rights under Articles 19 and 19-A of the Constitution of the Islamic Republic of Pakistan, 1973.

7. For the above reasons, this Court is not inclined to exercise its extra ordinary constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 and, therefore, the petition is accordingly **dismissed.**

(CHIEF JUSTICE)