

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Umar Ata Bandial
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Sajjad Ali Shah
Mr. Justice Qazi Muhammad Amin Ahmed

S.M.C. 01/ 2020

(SUO MOTO ACTION REGARDING COMBATING THE PANDEMIC OF CORONA VIRUS
(COVID -19))

IN ATTENDANCE:

- For the Federation : Mr. Khalid Javed Khan, Attorney General
for Pakistan
Mr. Sohail Mehmood, DAG
Dr. Tanveer Qureshi, Secretary M/o
National Health
Asif Suhail, Director (Lit)
G.M. Jakhrani, Dy. Director (Lit)
(All from M/o National Health)
Mirza Mahsood, J.S. M/o Interior
Shams-ur-Rasool SO Interior.
- For ICT : Mr. Niaz Ullah Khan Niazi, A.G.,
Islamabad
Shafaq Hashmi, D.G.,
(Chief Commissioner Office)
Waseem Ahmed, Asstt. D.C., (I.C.T.A.)
Amer Naveed, A.D., (Lit), (I.C.T.A.)
Babar Sahibdin, Director (Admn)
Azhar Hussain Shah, DSP Legal.
- For Govt. of Punjab : Mr. Shan Gul, A.G., Punjab
Javed Yaqoob, Addl.AG, Punjab
Cap (R) M. Usman, Secy. Primary &
Secondary Health Deptt. Punjab
M. Nabeel Ahmed Awan, Secy.
Specialized, Health Care & Medical
Education Deptt
Momin Agha, ACS Home.
Mirza Shahid Saleem Baig, IG Prisons
Zeeshan Shabbir, Addl. Secy. Prisons
Qadeer Alam, AIG Judicial
(Via Video link from Lahore Branch)
Ch. Faisal Fareed, Addl.A.G. Punjab
(In Islamabad)
- For Govt. of Sindh : Mr. Salman Talibudin, A.G, Sindh
Zahid Abbasi, Secy. Health
Muhammad Usman Chachar, Addl.
Chief Secy-Home
Dr. Saeed Ahmed Qureshi,
(Focal Person to Chief Secy. Sindh)

Syed Salman Shah, DG, PDMA
Qazi Shahid Pervez, SMBR
Iftikhar Shalwani, Commissioner Khi
Irshad Sodher, DC South
Ahmad Ali Siddiqui, DC East.
(All via Video link from Karachi Branch)

Muhammad Kassim Mirjat AOR
(At Islamabad)

For Govt. of KP : Mr. Shumail Butt, A.G. KP
Syed Imtaiz Hussain Shah, Secy. Health, KP
M. Abid Majeed, Secy. Relief Rehabilitation, KP
Mian Shakeel Ahmed, Secy. Local Govt. KP
Rooh-ul-Amin, Addl. Registrar, PHC
Amir Sultan Tareen P&D, Deptt-EHSAAS, Programme
Idrees Marwat Secretary Zakat.
(All via Video link from Peshawar Br)

For Govt. of Balochistan : Mr. Arbab Muhammad Tahir, A.G, Balochistan
Amir Hamza Mengal, DPG Balochistan
Hameedullah Peechi, AIG Prisons
Mudassar Waheed Malik, Secy. Health
(Via Video link from Quetta Branch)
Mr. Ayaz Khan Swati, Addl.A.G.
(In Islamabad)

For Govt. of GB : Mr. Muhammad Iqbal, AG, G.B.

Syed Iqbal Hashmi, ASC a/w
Professor Abdul Rashid Mian,
President PMA

Mr. Samuel Payara
Chairman, Implementation of Minority Rights Forum

Senator A Rehman Malik.

Ch. Haseeb Muhammad, President IHCBA
Mr. Saeed Khursheed Ahmed, ASC

Muhammad Ashraf Qureshi, ASC, AJK

Date of Hearing : 20.04.2020

ORDER

Gulzar Ahmed, CJ:- We have heard the learned Attorney General for Pakistan so also the Advocates General of the four Provinces, ICT, and Gilgit Baltistan (G.B.). Reports have been submitted by the

Ministry of the National Health Services, Regulation and Coordination (NHSR&C), National Disaster Management Authority (NDMA), Poverty Alleviation and Social Safety Division (PA&SSD), as well as the Governments of Punjab, Sindh, Balochistan, KP, ICT, G.B. and the Cantonment Boards.

2. We have gone through these reports and have noted that after the passing of the last order by this Court, certain necessary steps have been taken by the respective Governments to ensure that the people of Pakistan are dealt with in accordance with the Constitution, in that, their lives are secured in terms of Article 9 of the Constitution and furthermore, all necessary infrastructure and medical facilities are made available to them in order to deal with the Coronavirus (COVID-19) pandemic.

3. All the respective Governments have reported that they have made available PPEs to doctors and paramedic staff, their hospitals are now equipped for dealing with all situations arising from this pandemic, and doctors, nurses, paramedics and janitorial staff, are all attending to their duties and performing their functions. We are informed that all staff, working in the hospitals and also in the field, is doing a tremendous job and that such may be acknowledged. We thus, acknowledge their efforts and express great appreciation for them. The respective governments are required to ensure that these doctors, nurses, paramedics as well as janitorial staff are properly taken care of and their salaries and other benefits are paid on time and if there is a possibility of giving them special compensation, the same may be done.

4. We note that a quarantine centre has been established in the Haji Camp, Islamabad and some complaints about inhuman conditions prevailing therein have been reported in the newspapers so also in the Islamabad High Court. We have asked the Secretary Health, present in

Court, to inform us about such quarantine centre. He states that he has not visited the said centre but will now visit the same and will furnish a detailed report in this regard.

5. We have examined the reports regarding the Zakat Fund and are not at all satisfied by the response from the Provincial Governments regarding its distribution. The same appears to be the case with regards to funds of the *Bait-ul-Mal*. As such, we require more detailed information about their distribution and specific reports are required from each of the Provincial Governments, ICT and G.B., showing transparency in the distribution of Zakat and *Bait-ul-Mal* funds. We also want to know as to what criteria has been adopted by the Provincial Governments, ICT and G.B., for making payments to the beneficiaries of Zakat and *Bait-ul-Mal* funds, and what is the breakdown of the amount vis-à-vis the payment of money to needy people and the expenses incurred on the administrative side of these two departments. An opinion from the *Ulema*, as to how Zakat and *Bait-ul-Mal* funds can be utilized, is required to be obtained and hence, opinions of the Chairman, Council of Islamic Ideology, so also of Mufti Muhammad Taqi Usmani, an Islamic Scholar and a former Judge of Shariat Appellate Bench of this Court, be obtained in this regard; particularly, on the question as to whether Zakat and *Bait-ul-Mal* funds can at all be utilized for payment of salaries to the employees and officers of these two departments so also to incur administrative expenses of these departments. We expect that the learned Ulema will give their opinions before the next date.

6. The Government of Sindh has informed us that it has allowed certain industrial units to operate in Karachi. The learned Advocate General, Sindh has stated that an SOP has been drawn up for operation of these industries, keeping in view the Coronavirus (COVID-19) pandemic. Furthermore, the Sindh Government is going to ensure

that the said SOP is strictly adhered to and that the industrial units are asked to give necessary certificates to the Sindh Government. We have pointed out to the learned Advocate General, Sindh that the Factories Act, 1934 provides for proper facilities to be given to factory workers, and that if compliance of such Act is made, there will be a revolutionary change in the factories and besides the steps taken by the Sindh Government, factories shall become safer places for their workers. We may observe that factories ought to ensure proper residential accommodation, clean toilets, drinking water, proper canteens, where food made by the employers is given to the workers at a nominal price, and proper medical facilities are provided. Recreation facilities be also made available to the workers. The Government of Sindh should ensure that all labour laws are followed by the factories in letter and spirit, and the relevant departments, dealing with the factories, are required to submit a detailed report in this regard. We may, however, note that the above observations, though have been made in respect of factories operating in Karachi; in fact, the same apply throughout Pakistan, across the board, without any distinction and that the laws of the State in this regard have to be strictly observed.

7. The Government of G.B. has also submitted a report in which it has stated that the condition in this area is satisfactory, in that not many Coronavirus (COVID-19) cases have been discovered and the figure of total cases is not rising.

8. Senator A. Rehman Malik, has filed a report showing the efforts made by the Senate of Pakistan to deal with the pandemic. The same has been taken on record.

9. The President of PMA has also been heard and the report filed by the PMA has been taken on record.

10. We have also heard the President of the Islamabad High Court Bar Association as well as the President of the District Bar. Their grievance is that lawyers are not being provided testing facilities and other medical assistance by the ICT. The learned Advocate General, ICT has been put on notice and he has made a statement that all practical steps shall be taken to redress the grievance of the lawyers for provision of necessary medical facilities.

11. The Cantonment Boards have also submitted reports highlighting the status/condition of their hospitals and other dispensaries, so also facilities for treatment of Coronavirus (COVID-19).

12. We note that while this pandemic has not reached its peak, cases are continuing in the country and are increasing day by day. However, we do hope that in this moment of crises, functionaries of all the governments shall cooperate with each other, make a consolidated effort, and take decisions by consensus for the mutual benefit of the nation and its citizens. There should be no lapse in this regard. Further reports be filed by the respective governments and the departments, noted above. Such reports shall be made available to this Court before the next date of hearing.

13. Adjourned to a date after two weeks.

CHIEF JUSTICE

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