

ORDER IN PETITION
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. 1234 of 2014

Date	Order with signature of Judge
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1. For Katcha Peshi.
2. For hearing of C.M.A No. 29495/14.

25.03.2015.

Mr. Faisal Siddiqui, Advocate for petitioner.
Mr. Ghulam Hyder Shaikh, Advocate for respondents No. 3&4.
Mr. Liaquat Hussain Shaikh, Standing Counsel.
Mr. Jan Muhammad Khan, A.A.G. a/w Mr. Javed Ahmed Mehar, Conservator, Wildlife & Mr. Rasheed Ahmed, Game Officer.

Through instant petition, the petitioner seeks declaration as under:-

- a) *Declare that every citizen, including every person living in Pakistan, has right to life under Article 9, Constitution, 1973, and such a right to life includes a constitutional right to clean environment with natural habit and wildlife;*
- b) *Declare that the provincial as well as the federal government have failed to perform their constitutional duty under Article 9, Constitution, 1973, by failing to prevent incidents relating to illegal export of wildlife species i.e. turtles and tortoise;*
- c) *Direct the federal government of Pakistan as well as the provincial government to ensure enforcement of the laws specified in para 4 above;*
- d) *Declare that the failure of respondent No.3 and respondent No.4 to take legal action [including criminal and civil proceedings] against private persons under the Customs Act, 1969, for illegal smuggling is a violation of Customs Laws and their constitutional obligations under Article 4&9 of the Constitution, 1973;*
- e) *Direct the respondent No.3 and respondent No.4 to take legal action [including criminal and civil proceedings] against the respondent No.8 under the Customs Act, 1969 and other laws;*
- f) *Direct the federal and provincial government to conduct investigation into the incidents specified in para 5 and para 6 above and to assign the responsibility and criminal and civil liability of persons, including government officials, government*

departments as well as private individuals, for the ongoing illegal export of wildlife species and after assigning responsibility and civil and criminal liability, to initiate civil and criminal proceedings against them;

- g) Direct federal and provincial government to publish a detailed program of measures to be taken by them to prevent incidents of illegal export and smuggling of native wildlife species and other incidents leading to extinction of wildlife, including but not limited to turtles and tortoise;
- h) Direct the federal and provincial government to take such measures and issue guidelines so as to develop and enforce such procedure and mechanism to comply with the safety and protection of the wildlife species, including but not limited to turtles and tortoise;
- i) Permanently stay proceedings before learned Judicial Magistrate No.II, District Malir, Karachi in Special Case No. 92 of 2014;
- j) Grant such further, additional or alternate relief, as this Honourable Court may deem fit and proper.

Learned standing counsel says that the federal government has no objection in case the instant petition is allowed as prayed except prayer clause "i" which even otherwise, learned counsel for the petitioner has not pressed as the petitioner has alternate remedy. He further says that the federal government will exert all possible measures to curb the smuggling of tortoise and fresh water turtles.

The instant petition accordingly is allowed as prayed except prayer clauses "i & j".


JUDGE

Athar Zai


JUDGE