

IN THE HONOURABLE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

C.M.A. No. 568-K of 2018

In

Human Rights Case No.8991-S of 2017

IN THE MATTER OF DEATH OF 5 MORE INFANTS AT CIVIL HOSPITAL IN MITHI DUE TO MALNUTRITION AND DISEASES

Pakistan Institute of Labour
 Education & Research (PILER),
 Through its Authorized Person,
 Registered as an Association under Section 42,
 Companies Ordinance, 1984,
 Having its registered office at PILER Centre,
 ST-001, Sector X, Sub-Sector,
 Gulshan-e-Maymar,
 Karachi-75340.....Applicant Intervener

**APPLICATION UNDER ORDER 5, RULE 2, READ WITH, ORDER 33,
 RULE 6, SUPREME COURT RULES, 1980**

On behalf of the Applicant Intervener, it is most respectfully prayed that this Honourable Court may be pleased to implead the Applicant Intervener as a Respondent in the above titled case for the reasons as disclosed hereunder:

1. That the Applicant Intervener is a known Non-Governmental Organization which has undertaken dedicated efforts towards the betterment of the people of Pakistan and enforcement of the rights of workers through various measures on a voluntary basis. The Applicant Intervener has fought for the rights of the victims of, inter-alia, 2012 Baldia Factory Fire tragedy and had filed Constitution Petition No.3318 of 2012 ['PILER and Others versus Federation of Pakistan and Others'] and Constitution Petition No.295 of 2013 ['PILER and Others versus SBCA and Others'] before the Honourable Sindh High Court in relation to the aforementioned tragedy. One of the other most significant causes for which the Applicant Intervener had fought was for the fundamental rights of the people of Tharparkar who were suffering

immensely, at the cost of their lives and health, due to the negligence of the Federation and Province in failing to ensure provision of resources and food during the drought and famine in Tharparkar. Consequently, the Applicant Intervener had filed Constitution Petition No.D-1181 of 2014 ['PILER and Others versus Federation of Pakistan and Others'] before the Honourable High of Sindh regarding the deaths in Tharparkar due to, inter-alia, drought and negligence of Federation and Province.

2. That the aforementioned Constitution Petition No.D-1181 of 2014 was disposed of by the Honourable High Court of Sindh in terms of Order dated: 17-03-2016, wherein a direction was given to the Provincial Government of Sindh to abide by its undertaking of issuing proper notification, through which an independent Commission comprising of four members had to be constituted specifying the terms of reference in relation to the enquiry into and recommendations for resolution on Tharparkar Tragedy. As a result of such efforts of the Applicant Intervener, the Thar Commission was constituted, vide Notification dated: 21-03-2016, comprising of four members, (1) Mr. Abdul Fatah Malik, Convener, (2) Dr. Tipu Sultan, Member, (3) Dr. Sono Khanghrani, Member and (4) Director General, PDMA Sindh, Member/Secretary. The aforementioned Commission published its report in April, 2016, wherein a number of recommendations were put forward by the Thar Commission for resolving the crisis in Tharparkar and neighbouring regions.
3. That as a result of and during the pendency of the aforementioned Petition before the Honourable High Court of Sindh, the following reports were submitted before the Honourable High Court of Sindh and studies undertaken during its pendency:
 - a. Report by Mr. Sanaullah Abbasi Deputy Inspector General of Police, Hyderabad Range, on the fact finding inquiry on drought crisis in District Tharparkar/Mithi;

- b. Report by National Commission of Human Rights (NCHR) on Tharparkar Crisis;
 - c. Report by the aforementioned Thar Commission in April, 2016, through which various recommendations for dealing with drought in Thar were stated.
4. That since the present Human Right Case is also in relation to the ongoing crisis in Tharparkar due to malnutrition and diseases at the cost of lives and health of the residents of these regions, it is important, pertinent and relevant to bring facts, which were unearthed during the proceedings in Constitution Petition No. D-1181 of 2014, before the Honourable High Court of Sindh, on record, for resolution of the aforementioned crisis. Since the Applicant Intervener was a Petitioner in the aforesaid said Petition, before the Honourable High Court of Sindh, and had vigorously pursued the proceedings of the said Petition, it is necessary that the Applicant Intervener may be impleaded as a Respondent in the present Human Rights Case so that the Applicant Intervener may bring relevant facts regarding the aforementioned Constitution Petition No. D-1181 of 2014 and the aforementioned Reports. Therefore, the presence of the Applicant Intervener is necessary in order to enable this Honourable Court to effectually and completely adjudicate upon and settle all the questions involved in the present Human Rights Case.
5. That in view of the above, it is most respectfully and most humbly submitted that it is in the interest of justice that this Honourable Court may graciously be pleased to implead the Applicant Intervener, as a Respondent in this present Human Rights Case to assist this Honourable Court.
6. That the present Application has been signed, verified and filed through Zulfiqar Ali Shah who has been authorized by the Board of Directors of the Applicant Intervener by Resolution dated: 10-09-2016.

PRAYER

In view of the above, it is most respectfully prayed that this Honourable Court may be pleased to implead the Applicant Intervener, as a Respondent, in the present Human Rights Case in order to enable this Honourable Court to effectually and completely adjudicate upon and adjudicate all the questions involved in the present Human Rights Case.

SETTLED BY

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