

Public Interest Litigations by Marvi Memon

No	Name of the Public Litigation	Location / Court	Date	Status
1.	<p>Constitution Petition No.62/2010 titled Marvi Memon Vs: Federation of Pakistan:</p> <p>P R A Y E R</p> <p>It is, therefore, prayed in the interests of justice that this Honourable Court may be pleased to:</p> <p>(i) Order that the Respondents pay full and complete compensation for losses and damages incurred to all affected persons;</p> <p>(ii) Give full, complete and accurate statement of accounts for monies which were allocated for maintenance, monitoring of the irrigation system in Sindh and Balochistan as well as those which have been earmarked for all relief, rescue and early recovery,</p>	Supreme Court	1 st October 2010	Won

<p>reconstruction and rehabilitation activities.</p> <p>(iii) Direct the concerned Respondent's to show cause as to why the needed irrigation maintenance, monitoring and upgrades were not performed/undertaken.</p> <p>(iv) Give complete and detailed information regarding the use of Jacobabad Air Base as well as any other military base by any foreign power including but not limited to number of foreign men and material at the base, the details and indeed existence of any status of forces agreement between the foreign power(s) and the Government of Pakistan with regards to the former's use of the base, as well as operating procedures, rules of engagement, with respect to Pakistani forces and all other relevant information.</p> <p>(v) Order concerned agencies to commence investigation into the conduct of all responsible persons with a view to seeing if any criminal</p>			
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<p>charges or civil penalties may be appropriate in each individual case.</p> <p>(vi) Order that the Respondents set up an independent and autonomous commission/body to investigate the events surrounding the floods and its aftermath.</p> <p>(vii) That the Respondent's be directed to provide detailed reasons and justifications for making every cut/breach made at all time. This should include but not be limited to information relating as to who gave the order to make each cut/breach and the precautions taken if any to protect life and property from the consequences each cut/breach. This should cover every cut/breach made in every canal, dyke, bund and other irrigation infrastructure in the province of Sindh and Balochistan as well as those in other provinces which directly affected the citizens of the afore mentioned provinces</p>			
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<p>especially with respect to Southern Punjab.</p> <p>(viii) That the Respondents be made to pay damages to the persons who were either forcibly moved from their homes or prevented from entering other areas and reports should be obtained from the Respondents regarding the same.</p> <p>(ix) That the respondents should be ordered to provide reasons as to the insufficiency of the number of relief camps in all affected localities. Moreover the Respondents be directed to give detailed reasons as to why the existing relief camps were not able to accommodate all affected persons. Furthermore the Respondents should be directed to ensure that all relief camps work at optimum levels and that sufficient resources be allocated/employed at the camps and that steps are taken to arrest the spread of diseases especially amongst women, children and the elderly.</p>			
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	<p>(x) That furthermore the Respondents should be directed to give a report on the desirability of the location of each relief camp.</p> <p>(xi) Any other remedy that the Hon'able Court deems fit.</p>				
2.	<p>Marvi Memon vs federation of Pakistan, the defence ministry, the National Disaster Management Authority, Civil Aviation Authority, Pakistan Institute of Medical Sciences, the interior ministry and the Capital Development Authority:</p> <p>PRAYER:</p> <p>It is therefore, most respectfully prayed that this Hon'ble Court may in public interest be pleased to;</p> <p>1. Direct the Federal Government to constitute an independent Board of Inquiry to determine and publish the causes that led to the crash of Air Blue Flight ED 202 on 28th July 2010.</p>	Peshawar Court	High	10 th December 2010	Won

	<p>2. Direct the concerned Respondents to set up an independent and autonomous commission/body to investigate the safety oversight procedure incorporated by Civil Aviation Authority.</p> <p>3. Direct the concerned Respondents to determine safety of air travel in Pakistan.</p> <p>4. Direct NDMC and NDMA as to what procedures have they put in place in case of an air crash.</p> <p>5. Direct PIMS to produce before this Hon'ble Court their accident/disaster management procedures.</p> <p>6. Direct PIMS to produce the DNA tests of the victims and the procedure adopted to identify them.</p> <p>7. Direct the Ministry of Interior to produce and/or state the whereabouts of the 5 injured passengers who had admittedly survived the air crash of 28th July 2010.</p>			
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	<p>8. Direct CDA to erect a memorial for the 19 passengers buried in H-11/2 graveyard and to identify each grave to the satisfaction of the families of the victims.</p>				
3.	<p>The constitutional petition challenges Article 63 A (1)(b) of the 18th Amendment which defines disqualification of a parliamentarian when they: vote or abstain from voting in the House contrary to any direction issued by the Parliamentary Party on election of PM or CM, on a vote of confidence, on a Money bill or a Constitutional Bill.</p> <p>The argument in the petition states that this Article of the 18th amendment in effect breaches the guaranteed fundamental rights, violates representative government and is in violation of Article 4, 14, 17, 19, 25, 55, 63(2), 66, 95, 127.</p> <p>There is a background behind the distortion of this Article through the various constitutional amendments in history. The 14th Amendment</p>	<p>Peshawar High Court</p>	<p>High</p>	<p>2nd March 2011</p>	<p>Pending</p>

<p>in 1997 inserted Article 63A which accepted disqualification when there was violation of party constitution, code of conduct and declared policies. Through Article 62 A (2) it gave powers to the disciplinary committee of the party to decide the matter. This provision was deleted via LFO 2002 giving dictatorial powers to party head and also imposing unreasonable restrictions on a member's freedom of speech. And the same was continued by the 18th Amendment. The LFO strengthened the anti floor crossing Article which was a good omen for Pakistan's politics and this was positively maintained in the 18th Amendment. However, the deletion of Article 17 (4) of the LFO 2002 in the 18th Amendment is regretted and is anti democratic. Just like horse trading was unacceptable so was not holding intra party elections. The 18th Amendment's Article 63 A (1) b was counter productive for democratic legislation because it insisted</p>			
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	<p>on “any direction issued by the parliamentary party” versus the more democratic concept of party policy as determined by the entire party. The omission of a party disciplinary committee from the said Article was a further regression from earlier legislation on the same.</p> <p>This Article also violated the principle that a member had a right to complete his tenure in the Assembly unless it was lawfully terminated. Any legislation which could be used as an instrument by a party head or political party to cut short a tenure of a member on pretext of violation of his direction would prima facie be regarded as a violation of fundamental rights.</p> <p>Though the parliamentary committee for the 18th Constitutional Amendment had been entrusted with protecting fundamental human rights as defined in their criteria, this was not protected for which the constitutional committee members shared a large blame. They had in fact misled the rest of parliament</p>			
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	<p>into signing off on certain anti-democratic Articles.</p> <p>The Article in question was serving more than its intended goal of floor crossing. It had crossed the limits by being used as a weapon to keep elected representatives of a political party hostage at the whims of the party head thereby robbing the MNA of their right to represent the electorate and to exercise their right of dissent or speech as a representative of their constituency.</p> <p>Many times during the current parliamentary year I had felt my voice of conscience silenced when I could not take a stand against anti peoples Money Bill 2010 and constitutional amendments. I had objected to the introduction of this Article at the time of the 18th Amendment because I knew it would be used to encourage politicking versus truly serving as a voice of the people of Pakistan.</p> <p>To change the old politics into clean new politics the voice of conscience versus the voice of</p>			
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	<p>convenience is critical. There needs to be space for individuals to be able to take the right stands versus the politically expedient stands. There needs to be room for politics of morality versus politics of vested interest. And for that to happen the window of conscience which had historically been open needs to be re-opened and a regressive law needs to be struck down by the judiciary. I hope that where my institution has faltered the judiciary would rectify.</p>			
4.	<p>PML-Q MNA Marvi Memon and Pakistan Lady Health Workers Employees Association Chairperson Bushra Arain through Sardar Abdul Raziq Khan Advocate:</p> <p>The petitioners prayed the court to direct the respondents to frame a complete service structure for the LHWs, supervisors and other employees to provide security and protection by regularising their services. They also sought directive to implement the Supreme Court's November 4, 2010 judgment related to the</p>	Supreme Court	30 th March 2011	Won

	<p>implementation of minimum wages for the LHWs.</p> <p>The petitioners requested the court to direct the Sindh government to withdraw false cases against the LHWs and others registered on account of their protest staged on March 2011. They further prayed that the respondents should be directed to take action against the officials involved in the use of force on the LHWs, Marvi Memon and the residents of Chowk Mari, where the protest was organised.</p>			
5.	Haleema Bhutto / Suo Moto Notice by Supreme Court	Supreme Court	13 th January 2011	Won
6.	<p>Higher Education Commission Petition</p> <p>Through the petitions they have prayed the court to issue directives to government to stop dissolution of HEC forthwith.</p>	Supreme Court	11 th April 2011	Pending

