

IN THE LAHORE HIGH COURT, LAHORE

C.M No. _____/2020

IN

Writ Petition No. 2816/2020

MUNIR AHMED

VERSUS

FEDERATION OF PAKISTAN & OTHERS

APPLICATION UNDER SECTION 151 OF THE CODE
OF CIVIL PROCEDURE, 1908

INDEX

Sr. No.	Description	Dated	Page Nos.
	Urgent Form		
1.	C. M with affidavit		1-12
2.	<u>Enclosure-VI</u>		13-22
3.	<u>Enclosure-VII</u>		23-61
4.	<u>Enclosure-VIII</u>		62-80
5.	Dispensation Application with affidavit		81-82

APPLICANT .

27-2-2020
D/Cr. Operative
Shahid attend court
in person.

through

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Dated: 24th day of February, 2020

IN THE HONOURABLE LAHORE HIGH,
COURT AT LAHORE.

C.M No. _____/2020

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CODE OF CIVIL PROCEDURE, 1908.

Respectfully Sheweth: -

1. That the above titled Writ Petition is pending adjudication before this Honourable Court for the purposes of regulating the Social Media.
2. That this is with reference to the celebration of International Women's Day (IWD) on 08th of March, 2020 also known as "Aurat March" whereby a rally voicing support for women's liberation is going to be held across the country to commemorate the International Women's Day on March 8th, 2020. Hundreds of women participants in the rally will once again march with interesting placards displaying various messages that manifest anarchy and vulgarity. By openly displaying their aspirations some these women, men and gays dare to take a step ahead in creating

the environment that is traditionally, culturally and morally less binding upon them and releasing them from the so called repressive norms (Islam). The first International Women's Day occurred in 1911, supported by over one million people. Today, IWD belongs to all groups collectively everywhere. IWD is not country, group or organization specific.

3. The basic purpose of Women's day is to recognize & appreciate women for their achievements as well as solidarity with women struggling all over the world against cruelty, discrimination, ignorance and domestic violence, but not to cross all limits or criticize and abuse the men. But on 8th of March, 2020, where the rally attracts scores of women from various walks of life to join the platform it also garnered massive criticism on social media due to the fact that there are always offensive messages through placards. Prima facie the Aurat March is a mis-direction and is a failed attempt to raise grave issues commonly faced by women that include "education of women, career building, equal pay, a safer environment free from sexual molestation and harassment" Placards lifted by the women in "Aurat March". Moreover, it is pertinent to mention here that there are various anti-state parties present who are funding this so called "Aurat March" with the sole purpose of spreading anarchy amongst the masses. Prima Facie the Pashtun Tahafuz Movement (PTM) and its allies have a hidden agenda and are the major stakeholders in this Aurat March. Their hidden agenda includes spreading anarchy, vulgarity, blasphemy and hatred against the very norms of Islam. In Islam, men and women are moral equals in God's

sight and are expected to fulfil the same duties of worship, prayer, faith, almsgiving, fasting, and pilgrimage to Mecca. Islam generally improved the status of women compared to earlier Arab cultures, prohibiting female infanticide and recognizing women's full personhood. Islamic law emphasizes the contractual nature of marriage, requiring that a dowry be paid to the woman rather than to her family, and guaranteeing women's rights of inheritance and to own and manage property. Women were also granted the right to live in the matrimonial home and receive financial maintenance during marriage and a waiting period following death and divorce. The Aurat March has deviated from giving equal rights to women to a rather vulgar and anarchic event.

4. That as more women rise up to top positions, many of them forget the rest of their sex and become apolitical, or apathetic and self-obsessed. The struggle for gender equality is but a distant memory. These women wear the power suit and heels, join the boy's club, barely glance down at those beneath them, the pathetic weaklings who never understood the game. Triumphant ladies do pass on advice about aspiration, confidence, "frozen talent" (like frozen ovaries?) and indomitability. Good of them to share, but all they are doing is shifting the responsibility to the excluded individual. The system is never ever questioned. That would not be good for ambition.
5. That if the previous Aurat March of 2019 is taken in account, it can clearly be observed that the so-called "Aurat

March" is nothing but an anti-state activity aimed at tarnishing the dignity of women and tarnishing the image of Islam. The concept being spread through the Aurat March is the complete opposite of the teachings of Islam and our culture. The main motive of this Aurat March is to create lawlessness, anarchy and vulgarity in our society.

6. That it has come to the notice of the Applicant that the same forces, parties and person(s) are in process of organizing the same event on the 08th of March, 2020 with full zeal and zest and for this purpose heavy fund(s) have been collected or have been donated by anti-state forces who have some type of agenda to destabilize the country which will be duly broadcasted all over the social media. In other words, the social media platform will be used to advertise this anti-state day if the social media is not regulated properly.
7. That it is pertinent to mention herein that the regulations namely the Citizen Protection (Against Online Harm) Rules 2020 (*hereinafter referred to as "Against Online Harm Rules"*), will require social media giants to establish representative offices in Pakistan within three months and appoint a point person to answer complaints filed by relevant government officials and establish one or more database servers in Pakistan within 12 months to record and store data and online content. The summary of the aforementioned legislation is that the Federal Government has approved a set of rules to regulate social media in the country, under which social media companies will be obliged to disclose any information or data to a designated investigation agency, when sought,

and failure to abide by any of the provision will entail a fine of up to Rs500 million. Under the rules which are set to open a Pandora's box, social media platforms will be required to remove any 'unlawful content' pointed out to them in writing or electronically signed email within 24 hours, and in emergency cases within six hours. The interpretation or permissibility of any online content, by the authority or the national coordinator will take precedence over any community standards or rules or community guidelines or policies or any other instruments devised by a social media company. The companies will be required to remove, suspend or disable access to such an account or online content of citizens of Pakistan residing outside its territorial boundaries and content that is involved in spreading of fake news or defamation and violates or affects the religious, cultural, ethnic, or national security sensitivities of Pakistan. When communicated by the authority that an online content is false, these companies will be obliged to put a note to that effect along with the online content. If a company fails to abide by the provision of these rules, the national coordinator may issue instructions for blocking of the entire online system, social media application or services owned or managed or run by the company. The company will have the right to file a representation within two weeks of the date of its blocking before a committee constituted by the federal government, and the committee will take a decision within three months. The authority will have the power to defer action on a complaint in the interest of helping criminal investigation of the matter. An action on a complaint relating to modesty of

a natural person will not be deferred without the consent of the complainant.

8. That if the aforementioned rules are properly implemented only then the anti-state activities can be curbed, a prime example of which is the aforementioned Aurat March.
9. That moreover, Punjab Red Zone (Establishment and Security) Act, 2018 needs to be promulgated not only for Lahore Zone but it has to be promulgated throughout Punjab so as to regulate the protests in the sense that fundamental rights shall be safeguarded and protected in view of the reasonable restriction as imposed by certain fundamental right(s) and for convenience Article 15, 16, 17, 18, 19 along with Article 204 as under for implementation of these fundamental right(s) and that any action in violation of these fundamental right(s) is termed as void in view of Article 8 of the Constitution of Islamic Republic of Pakistan, 1973.
10. That by the virtue of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, women along with transgender have the Right for equality and also have the right to bring their grievances before the judiciary and government. Moreover, Article 38 of the Constitution of Islamic Republic of Pakistan, 1973 guarantees the social and economic well being of the people. Articles 25 and 38 are being reproduced hereunder for this Honorable Court's kind perusal:

"25. Equality of citizens.— (1) All citizens are equal before law and are entitled to equal protection of law."

(2) There shall be no discrimination on the basis of sex¹ [****].

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

38. Promotion of social and economic well-being of the people.—The State shall—

(a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;

(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan;¹ []

(f) eliminate *riba* as early as possible¹ [; and]

¹ [(g) ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified.]”

11. That the State is bound to act in accordance with law and they have to protect the fundamental rights to those citizen(s) who are the law abiding citizen(s) and are agitating the issue(s) through democratic means and not by creating Dharna(s), stage-sitting(s) bringing war against State and are adopting the fair means and that's why fundamental right(s) has introduced the principle(s) of reasonable restriction and these reasonable restrictions in any case has to be enforced in any case, so for the purpose of regulating right to assembly, right to move and as well as right to association this law regarding protest(s) needs to be put in place for the proper safeguarding of the trust(s) of the citizens.

12. That it is pertinent to mention herein that a representation/application bearing Ref No. M&A/CCPO/REG/FIR/20/2537 dated 13.02.2020 was sent to the CCPO Lahore for the registering of complaint in the form of a criminal case/FIR as well as strict action to be taken against the persons involved in spreading anarchy and vulgarity through placards on International Women's Day but all in vain as no action has been taken by the aforementioned authority to date. Copy of the Application/representation is being enclosed herewith as **ENCLOSURE-VI.**

13. That another representation bearing Ref No. M&A/SM/WP/CL/20/2572 dated 22.02.2020 was sent to the Respondents for regulating the social media through the Prevention of Electronic Crime Act, 2016 and Citizen Protection (Against Online Harm) Rules, 2020 but all in

vain as the Respondents are reluctant to take swift action for the regulation of social media by the virtue of the aforementioned laws. Copy of the aforementioned representation is being enclosed herewith as ENCLOSURE-VII.

14. That a representation bearing Ref No. M&A/SM/WP/CL/20/2571 dated 22.02.2020 was sent to the Respondents for the promulgation of Punjab Red Zone (Establishment and Security) Act, 2018. Sadly, and unfortunately, the Respondents have failed to pay heed to our requests as no action has been taken on any front whatsoever, hence this Application. Copy of the aforementioned representation is being enclosed herewith as ENCLOSURE-VIII.
15. That from the date of submission of Application/request for lodging of FIR, no action has been taken till today by Respondents for the registration of criminal case against said unknown persons for the reasons stated therein. The concerned officers are so reluctant to register a criminal case against said unknown persons including gay people and transgenders and have openly refused to take action on the said Application submitted by Applicant.
16. That the subject Application is an attempt to enforce various provision(s) of the Constitution especially Article 227, 2-A, 9, 14 and as well as the Islamic Teachings, Principles of Morality and decency which have to be safeguarded and protected by the state at all costs. Moreover, the state is bound to protect these rights by any

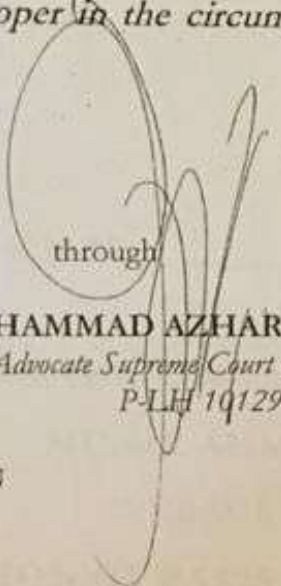
means necessary as these principles are the foundation of the Islamic Republic of Pakistan.

PRAYER:

In view of the aforesaid facts and circumstances the instant application may very kindly be allowed and appropriate direction(s) may very kindly be made to the PTA and Federal government to place on record the subordinate law known as Against Online Harm Rules, 2020 under the powers of PTA Act and PECA as well as establishing a mechanism for implementing the said laws more effectively, efficiently and progressively in order to strictly regularize/regulate the Social Media in Pakistan as soon as possible so that the anti-state activities such as the "Aurat March" which is being actively advertised on the social media may be silenced once and forever, in the interest of justice equity and fair play.

Moreover, it is prayed that this Honorable Court may very kindly direct the Punjab Government to promulgate the Punjab Red Zone (Establishment and Security) Act, 2018 so as to regulate the protests (such as the "Aurat March") in the sense that fundamental rights shall be safeguarded and protected in view of the reasonable restriction as imposed by certain fundamental right(s) and for convenience Article 15, 16, 17, 18, 19 along with Article 204 as under for implementation of these fundamental right(s) and that any action in violation of these fundamental right(s) is termed as void in view of Article 8 of the Constitution of Islamic Republic of Pakistan, 1973.

Any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be awarded.

through


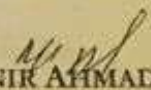
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Dated:24.02.2020