

Beat: News

The constitutional petition has been instituted against Federation of Pakistan

Construction of DAMS by INDIA

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The Islamabad High Court has taken up for judicial consideration a significant constitutional petition filed by the Judicial Activism Panel (JAP) through its Chairman, Advocate Muhammad Azhar Siddique, under Article 199 of the Constitution, raising issues of exceptional public importance concerning Pakistan's water security and the protection of national interests under the Indus Waters Treaty, 1960. The petition seeks enforcement of the State's constitutional obligations to safeguard Pakistan's sovereign water rights in view of India's proposed Chenab-Beas Link Tunnel Project and the potential implications for the country's water resources, agriculture, environment and food security.

The constitutional petition has been instituted against the Federation of Pakistan through the Cabinet Division, the Ministry of Foreign Affairs, the Ministry of Water Resources, the Establishment Division, the National Security Advisor,

the Attorney General for Pakistan, the Pakistan Commissioner for Indus Waters and Pakistan's Permanent Representative to the United Nations. The petition contends that the relevant authorities have failed to adopt timely legal, diplomatic and institutional measures to protect Pakistan's interests under international law and the Indus Waters Treaty.

After hearing Advocate Muhammad Azhar Siddique for the petitioner, along with the learned Additional Attorney General and Deputy Attorney General, the Islamabad High Court observed that the petition raises important questions involving Pakistan's obligations under the Indus Waters Treaty, the constitutional duty of the State to protect the life and welfare of its citizens, and the scope of judicial review under Article 199 where executive inaction directly affects fundamental rights. The Court also noted the reliance placed upon judgments of the Supreme Court of Pakistan relating to environmental protection and public interest litigation.

Finding that the issues require judicial examination, the Hon'ble Chief Justice was pleased to issue notices to all respondents and directed them to submit comprehensive reports and para-wise comments within a fortnight.

The Court further directed the learned Law Officer to coordinate with the concerned authorities and assist the Court on the next date of hearing. The accompanying civil miscellaneous application seeking exemption was also allowed, subject to all just and legal exceptions.

The Judicial Activism Panel has welcomed the order, describing it as an important step towards ensuring judicial oversight over matters affecting Pakistan's water sovereignty, constitutional governance and national security. The Panel expressed confidence that the proceedings will contribute to strengthening institutional accountability and safeguarding the constitutional and international rights of Pakistan concerning its shared water resources.

Said : AZHAR Siddique
(Adv.Supreme Court Pakistan)

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