JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

1.**W.P. No.3262 of 2026**

Raja Abdul Jabbar
Versus
Chief Commissioner, Islamabad and others.

2**. W.P. No.310 of 2025**
TOPNOTCH Restaurant and Café (Private) Limited
Versus
Federation of Pakistan and others.

3. **Criminal Original No.30 of 2025**

Yassa Khan
Versus
Nadeem Mahbub, Secretary, Ministry of NHS&RC, Islamabad and another.

4. **W.P No.3577 of 2026**

Zunain Malik
Versus
The Chief Commissioner, ICT, etc.

5. **W.P No.3588 of 2026**

Shahrukh Sheikh
Versus
The Chief Commissioner, ICT Administration Complex and others.

6. **W.P No.3638 of 2026**

Abdul Rehman
Versus
The Chief Commissioner, ICT Administration Complex and others

7. **W.P No.3820 of 2026**

TOPNOTCH Restaurant and Café
Versus
Federation of Pakistan, etc.

Date of hearing	**13.10.2026**
Petitioners by:	**M/s Muhammad Sohail Khurshid and Kamal Yousaf, Advocates for the petitioner in W.P No.3262 of 2026.**

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	M/s Qaiser Imam and Farhan Gul, Advocates for the petitioners in W.P No.310 of 2025 and W.P No.3820 of 2026. **M/s Malik Hamzah Sarwar and Usama Shahid, Advocates for the petitioners in W.P Nos. 3577 of 2026, 3588 of 2026, 3638 of 2026.**
Respondents:	**Mr. Arshid Mehmood Kiani, Deputy Attorney General for Pakistan.** **Mr. Manzoor Ahmed Jajja, Prosecutor General, Islamabad. Adnan Ali, Deputy District Public Prosecutor.** **Mr. Naveed Malik, Advocate General Islamabad, Osama Rehman Khan and Muhammad Shayan Wallana, State Counsels.** **Lt. ® Sohail Ashraf, Chief Commissioner, Islamabad.** **Mr. Irfan Nawaz Memon, Deputy Commissioner, Islamabad.** **Captain ® Muhammad Sohail Chaudhry, Inspector General of Police Islamabad.** **Mr. Tahir Kazim, Assistant Inspector General of Police (Legal), Islamabad alongwith Ishaq S.I.** **Rana Zulfiqar, Special Prosecutor for ANF.** **Mr. Aftab Ahmed, Project Manager, Ministry of NHSR&C.**

SARDAR MUHAMMAD SARFRAZ DOGAR, CJ:- The grievance raised in writ petition No.3262 of 2026 and connected writ petitions primarily relates to the operation of

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Sheesha Cafés within the Islamabad Capital Territory, particularly the issuance of licences/NOCs and continuation of such operations in the absence of an adequate regulatory framework and effective safeguards, therefore, these matters are being decided through this consolidated judgment.

2. Raja Abdul Jabbar, the petitioner in W.P No.3262 of 2026 has invoked the constitutional jurisdiction of this Court, alleging that a number of sheesha cafés are operating within the Islamabad Capital Territory under licences and/or No Objection Certificates (NOCs) issued by the competent authorities, subject to applicable statutory requirements and regulatory conditions. The petitioner asserts that several such restaurants/cafes are allegedly violating the conditions of their respective licences/NOCs.

3. It is contended that the petitioner has collected photographs and other material regarding the alleged violations and submitted a written representation before Respondent No. 2, requesting that a comprehensive inquiry be conducted into the affairs of the sheesha cafés operating within Islamabad and take appropriate legal action, including suspension or cancellation of the licences/NOCs. However, despite submission of the representation, the respondents have allegedly failed to either initiate any effective inquiry or pass a reasoned order on the petitioner's complaint. The petitioner maintains that such inaction amounts to a failure to discharge statutory obligations and undermines the principles of transparency, accountability, uniform enforcement of law and good governance. It is asserted that the competent authorities are legally bound to ensure compliance with the applicable regulatory framework and to initiate appropriate proceedings, in accordance with law, against Sheesha cafes establishments

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found to be operating in violation of the prescribed requirements.

4. On the other hand, writ petitions No.3577, 3588, 3638 and 3820 of 2026 have been filed on behalf of certain Cafes & restaurants whereby it has been claimed that they are operating their businesses under the NOCs/Permits duly issued by the competent authority. Whereas, in the writ petition No.310 of 2025, the petitioner primarily seeks implementation of judgment dated 21.10.2022 passed by this Court in W.P No.4242 of 2021 titled "Yassa Khan v. Federation of Pakistan through Secretary M/o NHSRC and others".

5. The learned Advocate General, the learned Prosecutor General, the learned Deputy Attorney General and Assistant Inspector General of Police (legal), Islamaabad, in consultation with the Chief Commissioner, Islamabad Capital Territory, the Deputy Commissioner, Islamabad, and the Inspector General of Police, ICT, have submitted that the continued operation of commercial establishments offering Sheesha/waterpipe smoking, in the absence of a comprehensive regulatory framework, pose a serious public health concern and warrants immediate preventive intervention. They contend that the World Health Organization (WHO) has documented the harmful effects of waterpipe smoking. They have further referred to the order dated 19.10.2016 passed by the Honourable Supreme Court of Pakistan in Suo Motu Case No. 11 of 2006, whereby the concerned authorities were directed to ensure strict and effective implementation of the prohibition concerning the import and use of flavoured and non-flavoured Sheesha, including tobacco-free products and related substances.

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Reliance has also been placed upon the judgment dated 21.10.2022 passed by this Court in "Yassa Khan v. Federation of Pakistan" (W.P. No. 4242 of 2021), wherein directions were issued to the competent authorities to stop Sheesha-smoking activities in accordance with law until the requisite rules concerning designated smoking areas were notified. The learned law officers maintain that the absence of Sheesha-specific rules or regulations cannot, by itself, be construed as an unrestricted licence to continue an activity that may already fall within the prohibitions imposed by the existing statutory framework. They submit that the protection of public health, the right to life guaranteed under Article 9 of the Constitution, and the State's obligation to enforce the applicable law require a coordinated and uniform response by the concerned authorities. It is accordingly urged that, pending the formulation and enforcement of an adequate legislative or regulatory framework by the competent Government, the operation of commercial establishments offering Sheesha within the Islamabad Capital Territory be suspended, with directions to the relevant authorities to ensure effective implementation of the Court's order, take action strictly in accordance with law, and complete the requisite legislative or regulatory process within a definite and reasonable timeframe.

6. I have heard the arguments advanced by learned counsel for the petitioner in W.P No.3262 of 2026 and learned counsel representing the Cafes and restaurants and have also perused the relevant record.

7. It is worthwhile to discuss that Sheesha (waterpipe) smoking, including the use of flavoured tobacco, is not a harmless recreational activity; rather, it exposes the human body to nicotine, carbon monoxide, heavy metals and other

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toxic and carcinogenic substances. The dangers are not confined to the individual smoker, as exposure to second-hand smoke may also adversely affect the health of persons in the surrounding environment, particularly children and other vulnerable individuals. The medically recognized hazards underscore the importance of effective regulation, monitoring and enforcement of the applicable legal framework governing sheesha cafés, in order to safeguard public health and prevent avoidable exposure to harmful substances.

8. The question of permitting the operation of Sheesha cafés and other establishments offering waterpipe smoking cannot be examined exclusively through the lens of commercial activity or individual preference. It necessarily engages the broader public interest in the protection of human health, the prevention of exposure to harmful substances, and the State's responsibility to safeguard the lives and well-being of its citizens. In determining the appropriate course of action in the absence of a specific regulatory framework governing the offering of Sheesha within the Islamabad Capital Territory, the scientific evidence and recommendations of the World Health Organization (WHO) constitute a relevant and authoritative source of public-health guidance.

9. The WHO Study Group on Tobacco Product Regulation, in its publication titled *Advisory Note: Waterpipe Tobacco Smoking—Health Effects, Research Needs and Recommended Actions by Regulators*, Second Edition, published on 15 April 2015, addressed the increasing prevalence of waterpipe tobacco smoking and the accumulating evidence concerning its harmful effects. The publication was issued in response to concerns considered by the Conference of the Parties to the WHO Framework Convention on Tobacco Control at its sixth

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session in October 2014. It provides an extensive scientific assessment of waterpipe smoking and identifies measures that governments and regulatory authorities should adopt to protect public health.[1]

10. The WHO Eastern Mediterranean Regional Office, in its publication of 20 July 2017 concerning the second edition of the Advisory Note, expressly observed that every study considered by it had found waterpipe tobacco smoke to contain substantial quantities of toxic substances known to cause diseases in cigarette smokers, including cancer. It further recorded that at least some of these toxic substances are absorbed by waterpipe users and are detectable in their breath, blood and urine. The evidence reviewed by WHO indicates that waterpipe tobacco smoking is probably associated with cancers of the oral cavity, oesophagus and lungs, and may also be associated with gastric and bladder cancers. Associations have additionally been reported with respiratory and cardiovascular diseases, periodontal disease, low birth weight, chronic rhinitis, male infertility, gastro-oesophageal reflux disease and impairment of mental health.[2]

11. The particular significance is the fact that WHO does not confine its recommendations to public awareness or voluntary moderation. Having regard to the widespread and increasing use of waterpipes, it expressly recommends strong control measures to limit the spread of the practice and protect public health. Among its specific recommendations, WHO states that

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[1] https://www.who.int/publications/i/item/advisory-note-waterpipe-tobacco-smoking-health-effects-research-needs-and-recommended-actions-by-regulators-2nd-ed.

[2] WHO EMRO, *Advisory note on waterpipe tobacco smoking: second edition*, 20 July 2017, https://www.emro.who.int/tfi/news/advisory-note-on-waterpipe-tobacco-smoking-second-edition.html.

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indoor waterpipe smoking in public areas should be prohibited and that waterpipe venues should not be permitted within large indoor shopping areas, including indoor malls. It further recommends that waterpipe tobacco and waterpipe smoke be subjected to the same stringent standards applied to cigarette tobacco; that misleading health or safety claims concerning waterpipe smoking and its accessories be prohibited; that appropriate health warnings be placed on waterpipe tobacco packaging and on waterpipes and their accessories; that advertising, promotion and sponsorship be regulated; and that waterpipe smoking be incorporated into tobacco-dependence prevention and cessation programmes. These recommendations demonstrate that WHO regards waterpipe smoking as a distinct and serious public-health concern requiring effective governmental intervention rather than reliance upon the assumption that the practice is comparatively harmless.[3] The WHO's scientific assessment also dispels the misconception that the passage of smoke through water renders the resulting smoke harmless. The relevant concern is not merely the method by which smoke is delivered but the toxic constituents inhaled by the user and, in indoor settings, by persons exposed to second-hand smoke. The flavoured character of the tobacco, the appearance of the apparatus, or the use of water as a filtering medium cannot, in themselves, establish that the activity is safe. Nor does the absence of an immediate visible injury negate the established risks associated with repeated exposure.

12. The harmful consequences of waterpipe smoking extend beyond the person voluntarily using the apparatus. When smoking occurs in enclosed or inadequately ventilated

[3] *WHO EMRO, 2017.*

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premises, other persons present may also inhale second-hand smoke. The WHO's guidance on protection from tobacco smoke emphasises that there is no safe level of exposure to second-hand tobacco smoke and that even brief exposure can cause harm. It identifies completely smoke-free indoor public places as the effective means of protecting the public from the adverse consequences of such exposure.[4]

13. The WHO Regional Office for the Eastern Mediterranean has also addressed the prohibition of waterpipe use in public places in its publication *Banning the Use of Tobacco and E-Cigarettes in Public Places*. The publication explains that prohibiting smoking in public places, including waterpipe use, protects non-smokers from inhaling the toxic constituents of second-hand smoke. It also records that a number of countries in the Eastern Mediterranean Region adopted temporary waterpipe restrictions during the COVID-19 pandemic, in part because the sharing of mouthpieces and hoses and the communal nature of waterpipe use created particular difficulties for preventing transmission.[5]

14. Although the measures adopted during the pandemic were influenced by the exceptional circumstances prevailing at that time, the experience demonstrates that restrictions on waterpipe use in public places are capable of being adopted and implemented as public-health measures. The lasting relevance of that experience lies in the recognition that the communal use of waterpipes creates concerns that extend beyond the individual smoker and may justify intervention by the competent public authorities.

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[4] https://www.who.int/teams/health-promotion/tobacco-control/ protecting-people-from-tobacco-smoke.

[5] https://applications.emro.who.int/docs/ 9789290224020-eng.pdf.

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15. The international experience demonstrates that States have adopted differing measures to address the health risks associated with Sheesha or waterpipe smoking. These measures range from prohibitions on indoor public-place smoking to temporary restrictions on waterpipe use in cafés and restaurants, and, in some jurisdictions, a broader prohibition on shisha tobacco itself.

16. The WHO Framework Convention on Tobacco Control (WHO FCTC) provides the principal international treaty framework for comprehensive tobacco control. Its Article 8 concerns protection from exposure to tobacco smoke, while Articles 9 to 16 address, among other matters, tobacco-product regulation, packaging and labelling, education, advertising and promotion, reduction of tobacco dependence, illicit trade and the protection of minors. The WHO's waterpipe-specific guidance explains how these obligations and associated implementation measures are relevant to waterpipe tobacco smoking.

17. In its *Advisory Note* of 2015, WHO recommended that waterpipe smoking be addressed through comprehensive tobacco-control measures, including the extension of smoke-free policies to waterpipe cafés and lounges. More recently, on 16 October 2025, the WHO FCTC Secretariat published *Waterpipes, Waterpipe Tobacco and Waterpipe Tobacco Smoking: Guide to Drafting Regulation to Implement the WHO FCTC*. The stated purpose of this guide is to assist States in ensuring that waterpipe tobacco smoking is covered by their national tobacco-control legislation and regulations and in identifying and filling gaps in existing regulatory frameworks. The guide specifically favours the inclusion of waterpipes within comprehensive tobacco-control legislation

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rather than treating separate legislation for waterpipes as invariably necessary.[6]

18. The 2025 guide is particularly pertinent where the operation of Sheesha cafés is alleged to fall outside an adequately developed regulatory framework. It recognises the need to address not only tobacco itself but also waterpipes and their accessories, insofar as their characteristics may affect the toxicity, addictiveness or attractiveness of waterpipe smoking. It therefore supports the conclusion that a regulatory gap concerning waterpipe smoking is a matter requiring deliberate and effective governmental action, rather than a reason to disregard the health risks associated with the activity. The Convention, its implementation guidelines and the technical publications of WHO must, nevertheless, be understood according to their respective legal status. The scientific findings and technical recommendations provide authoritative guidance concerning the risks and appropriate regulatory responses. The Convention establishes international obligations for its Parties within its scope. The creation of a particular domestic offence, the imposition of a penalty, or the enforcement of a blanket prohibition must still be supported by the applicable domestic legal framework and the lawful authority of the State.

19. Where the competent authorities acknowledge that no specific rules or regulations have been framed to govern the offering of Sheesha within the Islamabad Capital Territory, the resulting regulatory position must be examined in the light of the existing legal framework, the nature of the activity, the

[6] WHO FCTC Secretariat, 2025, https://fctc.who.int/ resources/publications/m/item/waterpipes-waterpipe-tobacco-and-waterpipe-tobacco-smoking-guide-to-draft-regulation-to-implement-the-who-fctc.

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health risks established by the available scientific evidence, and the responsibilities of the public authorities concerned.

20. The decisive consideration is that an activity posing established risks to public health should not be permitted to continue on the assumption that the absence of a tailored regulatory framework renders governmental intervention impossible. Where the governing law already prohibits the relevant conduct, that prohibition must be enforced. Where the existing framework does not adequately address the activity, the competent authorities must take such measures as are authorized by law to protect the public and discharge their legal duties.

21. In this context, WHO's express recommendation that indoor waterpipe smoking in public areas be prohibited is of particular significance. It provides a reasoned public-health basis for distinguishing the offering of Sheesha in commercial establishments accessible to the public from the purely private conduct of an individual. The former exposes employees, customers and other persons present to risks that they may neither have chosen nor be able effectively to avoid. The regulation of such establishments is therefore not merely an interference with commercial activity; it is also a means of protecting the health and interests of persons who use or work in those premises.

22. The international examples referred to above further demonstrate that restrictions on waterpipe use in public places have been adopted as direct public-health interventions. They do not bind this Court as foreign law, but they provide relevant comparative material showing that such restrictions are neither unprecedented nor inherently incompatible with the lawful regulation of commercial establishments.

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Ultimately, the question is not whether Sheesha has acquired social acceptance or whether establishments offering it may derive commercial benefit from the practice. The question is whether, in the absence of a sufficiently developed regulatory framework, the continued operation of such establishments may be allowed notwithstanding the recognised health risks and the State's responsibility to protect the public. That question must be answered by reference to the governing domestic law, the constitutional responsibilities of the State and the Court's lawful jurisdiction, informed by the scientific evidence and recommendations of WHO.

23. It is an admitted position that there exists no rules or regulations to govern the serving the flavoured/non-flavoured Sheesha (tobacco and tobacco free) and related substances and the concerned restaurants/Cafes are being operated under the NOCs/Permits issued by the District Administration.

24. It is not the first instance whereby the Government has been inquired about any Rule or Regulation in respect of subject establishments/Restaurants/Cafes as the matter has been remained pending before this Court since long. Earlier, on the subject, this Court has already passed judgment dated 21.10.2022 in case titled "Yassa Khan v. Federation of Pakistan through Secretary M/o NHSRC and others" (**W.P No.4242 of 2021**). Nevertheless, no action was taken and consequently for implementation of the judgment, another petition i.e. W.P No.310 of 2025 was filed. During the pendency of said writ petition, this Court in a number of occasions was assured on behalf of Federal Government that "Prohibition of Sheesha Smoking Rules, 2023" are in the process for approval by the Government. Even before this Court, the situation remained same, which factum has been

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incorporated in order dated 09.09.2026, the relevant paragraphs of which is reproduced hereunder:-

> "**3**. When called upon to explain the existing legal regime governing Sheesha Cafés, learned counsel for the petitioner in W.P. No.3820 of 2026 disclosed that the petitioner had already instituted W.P. No.310 of 2025, titled *TOPNOTCH Restaurant and Café (Private) Limited v. Federation of Pakistan and others*, on the same subject, which is pending adjudication before another Bench of this Court. In the said petition, this Court, vide order dated 12.02.2026, was informed by the officials of the Ministry of NHSR&C, along with the learned AAG, that the **Prohibition of Sheesha Smoking Rules, 2023** were under consideration before the Federal Cabinet and had not yet been finalized. The orders dated 27.04.2026 and 22.06.2026 reflects the same position and the matter is still pending. It is a matter of grave concern that an issue of such vital importance, directly affecting the well-being of the younger generation, which constitutes the future of the Country, has been left unresolved before the Government for a considerable period. Despite the pendency of the proceedings before this Court, the matter has not been finalized.
>
> **4**. In these circumstances, the learned Advocate General, Islamabad and Additional Attorney General, are directed to take up the matter with the competent authority at the appropriate level, pursue the finalization of the requisite regulatory framework, and ensure compliance with the orders of this Court **within one month**. A compliance report shall be submitted before this Court positively within the stipulated period."

Surprisingly, even today, it has been apprised to the Court that draft of "**Prohibition of Sheesha Smoking Rules, 2023**" has been finalized and placed before the Cabinet Committee for Disposal of Legislative Cases (CCLC), however, said Committee has once again issued direction to the Ministry of NHSR&C to resubmit the rules after reconsideration. However, unfortunately, despite sufficient time having been granted to the relevant authorities, no regulatory framework has been finalized till date.

25. During the course of arguments, learned Prosecutor General, referred to the order dated 19.10.2016 passed in *Suo Moto Case No.11 of 2006* wherein the august Supreme Court of

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Pakistan while issuing directions to the concerned department in all the provinces banned the import and use of flavoured/non flavoured Sheesha (tobacco and tobacco free) and related substances. The relevant paragraph is hereby reproduced as under:-

> "3. This being the position, instant suo moto proceedings stand disposed of, with the observation that the concerned departments in all the provisions shall ensure that the Ban on import and use of flavoured/non flavoured sheesha (tobacco and tobacco free) and related substances is strictly and effectively implemented, so that *Sheesha* smoking culture is not continued further in their respective provinces. However, if any individual has any further grievance in this regard, he may move an appropriate application for resurrection of this matter. It has been pointed out that Constitutional Petitions in respect of use of Sheesha and Tobacco are pending before various High Courts. We are sanguine that such petitions will be decided by the High Court expeditiously, in accordance with law."

26. So far as the contention of learned counsel for the other writ petitioners/restaurants that they are carrying on their businesses pursuant to the NOCs/permits issued by the District Administration, purportedly in the light of the judgment dated 21.10.2022 rendered by this Court in Writ Petition No.4242 of 2021, titled *"*Yassa Khan v. Federation of Pakistan through Secretary, Ministry of National Health Services, Regulations and Coordination and others,*"* is concerned, the same is misconceived and cannot be sustained in law. A careful reading of the relevant portion of aforesaid judgment reveals that this Court did not grant any blanket permission for the unrestricted use of sheesha or the operation of sheesha bars within the Islamabad Capital Territory (ICT). Rather, the directions issued therein required the Chief Commissioner, ICT, to take action, in accordance with law, to stop the smoking activities and operation of sheesha bars until the Federal Government notified the designated areas in terms of Section 5 of the relevant Rules. The said judgment, therefore, cannot be construed as conferring

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an unqualified or indefeasible right upon the proprietors of restaurants or other establishments to engage in sheesha-related activities merely on the strength of an NOC or permit issued by the District Administration.

27. It is also true that the aforesaid judgment contemplated the issuance of NOCs to persons engaged in businesses involving tobacco-related activities; however, such contemplation cannot be interpreted in isolation or as an authorization to carry on the said businesses in the absence of a prescribed regulatory framework. The issuance of an NOC or permit must necessarily be understood in the context of the applicable statutory provisions, rules and conditions governing the establishment, operation and regulation of the relevant business. An administrative permission, by itself, cannot be construed as a substitute for rules required to regulate such activities, nor can it be relied upon to justify conduct otherwise inconsistent with the applicable law or the directions issued by this Court. Admittedly, no rules or regulations have, thus far, been framed or brought into force to comprehensively regulate the operation of such establishments and the conduct of sheesha-related activities within the ICT. In these circumstances, the mere issuance of NOCs or permits by the District Administration does not, by itself, furnish a lawful basis for the unrestricted continuation of such activities. The petitioners, therefore, cannot derive an unfettered entitlement to operate their businesses in the manner claimed by them solely on the basis of the aforesaid judgment or the administrative permissions purportedly issued in pursuance thereof. The contention raised by learned counsel, being founded upon an interpretation that extends beyond the scope and purport of the judgment dated 21.10.2022, is devoid of legal force. For the

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sake of ready reference, the relevant portion of the aforesaid judgment is reproduced herein below:-

> "…the Chief Commissioner, Islamabad Capital Territory shall also visit all those Sheesha bars and public places and stop the smoking activities/Sheesha bars in accordance with law till the time Federal Government notifies the designates areas in terms of Section 5 of their rules.
>
> 13. In such eventuality the persons, **who are running such businesses relating to Tobacco may obtain NOC if any, settled by the Federal Government in their rules to run and manage the affairs of businesses accordingly**."

(Emphasis supplied)

28. The foregoing discussion reveals a serious regulatory vacuum concerning the operation of sheesha cafés within the Islamabad Capital Territory. Despite repeated assurances given before this Court regarding the finalization of the Prohibition of Sheesha Smoking Rules, 2023, the requisite regulatory framework remains unpromulgated. It has been apprised that although the draft Rules were finalized and placed before the Cabinet Committee for Disposal of Legislative Cases (CCLC), the Committee has once again directed the Ministry of National Health Services, Regulations and Coordination to resubmit the same after reconsideration. The prolonged failure to finalize the Rules, despite the matter having remained under consideration before this Court for a considerable period, is a matter of grave concern, particularly in view of the recognized health hazards associated with sheesha smoking and the potential exposure of the public, including young generation, to harmful substances.

29. The concern assumes greater significance in view of the order dated 19.10.2016 passed by the Hon'ble Supreme Court of Pakistan in Suo Motu Case No.11 of 2006, as mentioned above whereby the concerned departments were directed to

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ensure strict and effective implementation of the ban on the import and use of flavoured and non-flavoured sheesha, whether tobacco-based or tobacco-free, and related substances. The said directions cannot be viewed in isolation from the constitutional obligation of public authorities to protect public health and ensure compliance with the law. The absence of finalized Rules cannot, by itself, be construed as conferring an unrestricted entitlement upon any establishment to engage in activities otherwise prohibited under the applicable law or binding judicial directions. Equally, the issuance of an NOC or permit for the operation of a restaurant or café cannot be treated as authorization to undertake an activity prohibited by law.

30. In these circumstances, and in order to ensure effective implementation of the directions issued by the Hon'ble Supreme Court of Pakistan as well as earlier judgment passed by this Court and to safeguard public health, till the promulgation of relevant Rules/Regulations, all restaurants, cafés and other commercial establishments operating within the Islamabad Capital Territory are hereby **restrained** and **banned** from serving, offering or permitting the use of sheesha, whether flavoured or non-flavoured, tobacco-based or tobacco-free. Any NOC, permit or other authorization issued by the District Administration or any other authority shall not be construed as an exemption from the aforesaid restraint and shall be deemed to have been withdrawn. The *Chief Commissioner, Deputy Commissioner* and *Inspector General of Police, Islamabad* shall ensure strict compliance with this direction and take appropriate action, in accordance with law, against any establishment found to be acting in violation thereof. The learned law officers shall sensitize the competent Federal authorities for finalization of the Prohibition of Sheesha

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Smoking Rules, 2023, or such other appropriate regulatory framework as may lawfully be adopted, without further unnecessary delay.

31. With these observations all the above cases are **disposed of**. The Office is directed to transmit a copy of this judgment to relevant quarters for strict compliance.

32. Before parting with the judgment, this Court highly appreciates the assistance rendered by learned Prosecutor General, Islamabad, Advocate General, Islamabad, Assistant Inspector General of Police (Legal), Islamabad and Deputy Attorney General for Pakistan.

(CHIEF JUSTICE)

***S**hamroz **Ali**"*

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