**THROUGH DISPATCH RIDER**

**ISLAMABAD HIGH COURT, ISLAMABAD**
**JUDICIAL DEPARTMENT**

No. _____
Dated: _____

**Crl. Org. No.** 171/2020

The State .....Petitioner

**VS**

Malik Amin Aslam & others .....Respondent

**From,**

**The Deputy Registrar (Judicial),**
Islamabad High Court,
Islamabad.

**To,**

**Ms. Marriyum Aurangzeb,**
Member National Assembly,
Parliament House, Constitution Avenue,
G-5/2 Islamabad.

**Subject: SHOW CAUSE NOTICE**

**Whereas**, petitions were filed before this Court raising grievances regarding mismanagement of the Marghazar Zoo (*hereinafter referred to as the **"Zoo"***) and exposing its inmates i.e. living animal species to harm. It was reported that because of the mismanagement and lack of care the caged living beings, some on the list of critically endangered species, were subjected to pain and suffering.

**Whereas**, the management of the Zoo was controlled by the Metropolitan Corporation Islamabad. On 25-06-2019, this Court was informed that a summary was forwarded to the Federal Cabinet for consideration of transfer of the management of the Zoo to the Islamabad Wildlife Management Board (*hereinafter referred to as the **'Board'***) constituted under the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (*hereinafter referred to as the **'Ordinance of 1979'***). It was further informed that the summary was initiated by the Ministry of Climate Change.

**Whereas**, the officials of the Zoo, which then was under the control of the Metropolitan Corporation, Islamabad, informed this Court on 25-06-2019 that they lacked capacity and resources to take care of the caged living beings. Keeping in view the urgency and the obligations of the Ministry of Climate Change to give effect to the international conventions / treaties ratified by the State of Pakistan, in respect of conservation and preservation of endangered species, the Secretary of the Ministry was directed to take such actions/steps as may be necessary to prevent further harm to the caged living beings.

**Whereas**, on 29-08-2019 an official of the Ministry of Climate Change stated before this Court that the Federal Cabinet had approved transfer of the management of the Zoo to the Federal Government. It was further informed that in order to ensure proper care and protection of the caged living beings, the Zoo was being jointly managed by the Metropolitan Corporation, the Board and the Ministry of Climate Change.

**Whereas**, on 25-04-2020, Mayor, Metropolitan Corporation, Chairman of the Board and Secretary, Ministry of Climate Change appeared and the latter unequivocally stated that the Ministry had taken steps for safeguarding the welfare and wellbeing of the caged animals.

**Whereas**, alongwith a written report, copy of notification, dated 16-03-2020, was submitted. This Court was informed that the said notification had been issued after the decision of the Federal Cabinet i.e. Federal Government, pursuant to powers vested under section 4 of the Ordinance of 1979. The composition of the Board, inter alia, included public office holders and officials of the Ministry of Climate Change. The notification was duly made part of the judgment, dated 21-05-2020, passed in W.P. No.1155/2019 titled *'Islamabad Wildlife Management Board through its Chairman v. Metropolitan Corporation Islamabad through its Mayor & 4 others' (*hereinafter referred to as the **'Judgment'***)*.

**Whereas**, it was, inter alia, directed to relocate the caged living beings to "appropriate sanctuaries" and having regard to notification, dated 16-03-2020, it was explicitly held that the Ministry of Climate Change and members of the Board shall be jointly and severally liable for the welfare and wellbeing of each animal till they are relocated to their respective sanctuaries.

**Whereas**, the Ministry of Climate Change and the Board remained involved in the entire proceedings before this Court, which had ultimately led to rendering of the Judgment.

**Whereas**, this Court was informed by the Board, through an application, regarding decision taken in relation to relocation of the incarcerated Asian Elephant namely, "Kaavan". A copy of press release issued by the Ministry of Climate Change was also submitted and the relevant portion thereof was reproduced on page 3 of order, dated 18-07-2020. In response to the said press release, this Court besides appreciating the resolve of the Ministry of Climate Change had highlighted the latter's obligation to protect and preserve endangered species.

**Whereas**, an application was filed by the Board regarding relocation of two Himalayan Brown Bears and it was reported that they were kept in deplorable conditions at the Zoo. The Himalayan brown Bears have been declared as critically endangered species and thus the welfare and protection of the said species was the obligation of the Board and the Ministry of Climate Change because the latter is an integral part of the Board.

**Whereas**, members of another critically endangered species i.e. a lion and a lioness were treated in an intolerably inhumane and cruel manner during their relocation to some private property in violation of the unambiguous direction of this Court. The footages of the horrific treatment of the two endangered animals were aired by the electronic media and reported in print media.

**Whereas**, the lion and lioness did not survive the cruel and inhumane treatment while the two Himalayan brown Bears, belonging to a critically endangered species, continue to be subjected to pain and suffering on account of neglect on part of the Board and the Ministry of Climate Change. Even otherwise, the Ministry of Climate Change had represented before this Court during the proceedings that it owes a duty of care towards the endangered species.

**Whereas**, it appears to this Court that because of your acts / omissions, neglect of obligations on part of your Ministry/ Board/organization, as the case may be, irreversible loss has been caused besides subjecting living beings to unimaginable pain and suffering. Your acts and omissions appear to be in violation of the Judgment.

**Whereas**, your acts and omissions continue to be in violation of the Judgment and order, dated 18-07-2020, because it appears that there is no end to the pain and suffering of the caged animals at the Zoo.

**Whereas**, your acts and omissions, prima facie, attract proceedings under the Contempt of Court Ordinance, 2003.

You are, therefore, directed to submit a reply within **seven** days from the date of receiving this notice explaining why proceedings may not be initiated against you under the Contempt of Court Ordinance, 2003.

**GIVEN UNDER MY HAND IN THE SEAL OF THIS COURT THIS 18th DAY OF AUGUST, 2020 AT ISLAMABAD**

**Assistant Registrar (Writ)**
*For Deputy Registrar*

**IN THE HONORABLE ISLAMABAD HIGH COURT**

**ISLAMABAD**

**Crl. Org. No 171/2020**
**In**
**Writ Petition No. 1155/2019**

**Subject:** **CONTEMPT NOTICE U/S 3 OF THE CONTEMPT OF COURT ORDINANCE**

## SHOW CAUSE NOTICE

The State

..Petitioner

**VERSUS**

1. Malik Amin Aslam, Special Assistant to the Prime Minister on Climate Change
2. Ms. Zartag Gul, Minister of State for Climate Change
3. Ms. Naheed S. Durrani, Secretary Ministry of Climate Change
4. Ms. Rukhsana Naveed, Parliamentary Secretary of Climate Change
5. Amer Ali Ahmad, Chairman Capital Development Authority, Islamabad
6. Syed Shafaq Hashmi, Chief Metropolitan Officer, Metropolitan Corporation Islamabad
7. Muhammad Sulaiman Khan, Inspector General Forests, Cabinet Division, Climate Change Division
8. Capt. (R) Muhammad Asif, Secretary Forest and Wildlife Punjab
9. Mr. Shahidullah, Secretary Forestry Environment and Wildlife Department KP
10. Sheikh Ansar Aziz, Mayor Islamabad
11. Dr. Tariq Fazal Ch. Ex-MNA
12. Maryyum Aurangzeb, MNA
13. Mushahid Hussain Syed, Senator
14. Dr. Zahid Baig Mirza, Biodiversity Specialist
15. Mr. Aitzaz-ud-din, Margallah Hills Society
16. Mr. VaqaR Zakria, Himalayan Wildlife Foundation (HWF)
17. Dr. Anis-ur-Rehman, HWF (Chairman Islamabad Wildlife Management Board)
18. Dr. Ghulam Akbar, WWF
19. Dr. Tariq Hassan, Advocate Supreme Court

...Respondents