

## ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE  
JUDICIAL DEPARTMENT

Case No. W.P No.227807/2018

Haroon Farooq Vs Government of the Punjab etc.

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary.
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05.09.2019

Syed Kamal Ali Haider, Advocate for Water Commission.  
Mr. Abu Zar Salman Khan Niazi, Advocate for the petitioner.  
Mian Irfan Akram and Mohsin Mumtaz Advocate for WASA.  
Sahibzada Muzaffar Ali, Advocate for LDA.  
Sardar Balakh Sher Khosa Advocate for respondent No.6.  
Mr. Sibtul Husnain Advocate for DHA.  
Ch. Ishtiaq Ahmad Khan, Addl. Attorney General.  
Mr. Azmat H. Lodhi, Asst. Attorney General.  
Mr. Anis Ali Hashmi, A.A.G with Nawaz Manik Director (Legal), Saira Laique AD(Legal), Faheem Nasim, Dy. Dir. (R&I) and Ali Ijaz, Dy. Dir. (F) of EPA Punjab.

A report has been filed by the Chairman Water Commission Lahore which delineates the various steps taken by the Water Commission pursuant to the directions issued by this Court. A summary of the steps which have been taken is as follows:

1. That the quality of ground water is constantly being contaminated by Soaking Pits which is an unregulated undefined method of disposal and has not been covered under the Punjab Environmental Protection Act, 1997. Soaking Pit is a recognized method of contamination internationally.
2. That the EPA provided a list of 223 industries located at Multan Road Lahore Injecting Waster Water into Sub Soil water /discharge of Liquid effluent without treatment the list has been annexed along with the main report.
3. The factories /industrial units/housing society's generally non compliant with the PEQS Punjab Environmental Quality Standards for Municipal and Liquid industrial effluents as per Notification (120 of 2016) which clearly defines the parameters that

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*require a particular chemical ingredient or containment to be treated.*

4. *By virtue of the 41 reports and surveys conducted by the focal person appointed on behalf of the Water Commission the Water Commission issued notices to the same and out of the 41 industrial units 18 have tendered their affidavit to the following effect:*

- a. That they will immediately stop injection of Waste Water /Sewage Waste into Soakage pits.*
- b. That incase of Waste Water discharge, immediate installation Waste water treatment plants.*
- c. That incase of Sewage Waste discharge, immediate installation waste water treatment plant and septic tanks.*

5. *That the Water Commission under the auspices of this honorable court had issued directions to the aforementioned industrial units by virtue of the order dated 29.9.2018 passed in W.P No.231266/2018 by the Lahore High Court Lahore for Installation of Waste Water Treatment Plants.*

2. The steps taken by the Water Commission and the supporting staff are commendatory and would go a long way in ensuring that the future generations of Lahore avail the benefits of clean groundwater and sustainability so that the levels of groundwater can be properly maintained. The learned counsel for Water Commission has taken this Court to the report of Sustainable Development published in the Journal of Pollution Effects and Control which refers to the current situation of Aqueous Arsenic contamination in Pakistan, focused on the Provinces of Sindh and Punjab. It also dilates upon the impact of Soaking Pits on groundwater table. The following

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observations are pertinent and are reproduced for reference:

*"Punjab province, both the water sources from depths of less than 100 feet and above 100 feet have arsenic contamination problems. In addition, data analysis gathered by UNICEF for 6 wells 3 shallow and 3 deep in Muzaffargarh, Punjab province located at lateral distance of 65 feet to 165 feet apart from each other revealed that arsenic in shallow well 20 to 35 feet deep ranged from 2.2 ug/L while in deep wells 100 to 350 feet deep, it was from 61 to 170 ug/L the results suggesting that the increase of arsenic with depth in this specific locality."*

3. The report of Water Commission makes extensive reference to the industrial units which are injecting waste water / sewage through soaking pits into subsoil / discharge of liquid effluents without treatment causing serious contamination to aquifer /groundwater in the district of Lahore. Substantial steps have been taken by Water Commission with the aid of the focal person and a representative of the Environmental Protection Department, Govt. of the Punjab. It has been brought forth in the report that undertaking has been submitted by various industrial units to follow up on the steps which would ensure the treatment plants to be installed in those units so that industrial waste does not contaminate the groundwater through soaking pits. Forty three industrial units have been identified till now of which eighteen have been sealed. Most of them have furnished an undertaking to comply with the basic requirements of disposal of industrial waste. The

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Water Commission shall ensure that these units follow up on their undertaking. In case they do not do so, a further report shall be filed on the next date of hearing so that proper action is taken against these industrialists. The D.G Environmental Department is also present in Court and assures that full assistance shall be provided to the Commission in identifying industrial units which are in violation of the environmental standards with regard to the disposal of industrial waste.

4. It is made clear that any action being taken by the Water Commission is on the directions issued by this Court and shall be deemed to be in pursuance to such directions. Therefore it is reiterated that all public officers and functionaries in the Province of Punjab ought to extend full cooperation to the Water Commission in the fulfillment and discharge of its duties.

5. Learned A.A.G has also placed on record report of D.G EPA in compliance with the directions issued on 31.7.2019. The said report brings forth and highlights the steps which are being taken by EPA while assisting the Water Commission for the discharge of its functions. The said report is also placed on record.

6. Learned A.A.G has also produced the minutes of the meeting held on the directions of this Court

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under the Chairmanship of Chief Secretary Punjab. Certain decision were taken in that meeting which have been highlighted in the minutes. However, the meeting was held on 1.8.2019 but there has not been a follow up meeting which is essential in view of the fact that the issue is of urgent and pressing nature. The learned A.A.G shall convey to the Chief Secretary Punjab to convene a meeting during the month of September in order to deliberate whether the decisions taken in the first meeting were not like a mere painting, only to be looked at. Also it is expected that the Chief Secretary will not be required to be nudged each time in this regard.

7. Learned Asst. Attorney General has informed that he is in touch with the relevant officers of FBR as to the matter of customs duty on meters which are sought to be imported by WASA. He shall file a report on the next date of hearing.

8. The focal person Usama Sharoon Niazim Assistant Commissioner Govt. of the Punjab is present in Court and has undertaken this difficult and onerous assignment placed upon his shoulders by this Court in an extremely efficient and diligent manner. It has been informed by the counsel for Water Commission that he is receiving threats to his life by various unknown persons. This is indeed an alarming situation. A direction is therefore issued to

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CCPO, Lahore to look into the matter and to file a report on the next date of hearing. The learned A.A.G shall ensure that CCPO, Lahore files a comprehensive report into the allegations of life threats to the focal person. Pursuant to the directions of this Court issued on 1.7.2019 the CCPO, Lahore is directed to provide further security to the Assistant Commissioner while he is on an assignment relating to any of the functions being undertaken by the Water Commission. At least four policemen should accompany the focal person on such assignments and the CCPO, Lahore shall pass necessary directions to the police stations within the jurisdiction of which the focal person is to carryout the assignment. It is made clear that these directions shall be complied with in letter and spirit so as to ensure the safety of the focal person.

9. Adjourned to **19.09.2019**.

*Rafiqat Ali*  
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*(Signature)*  
**(SHAHID KARIM)**  
**JUDGE**