

## 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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06.03.2020

Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.  
 Syed Kamal Haider, Advocate for Water Commission.  
 Mian Irfan Akram., Advocate for WASA.  
 Mr. Salman Akram Raja, Advocate for M/s Pepsi Co.  
 Mr. Farooq Amjad Mir, Advocate for Nestle.  
 Ms. Gulzar Butt, Advocate for Sufi Water Co.  
 Sardar Balakh Sher Khosa, Advocate for Cantt Board.  
 Sahibzada Muzaffar Ali, Advocate for LDA.  
 Mr. Azmat H. Lodhi, Asst. Attorney General.  
 Barrister Amir Abbas Ali Khan with Mian Ijaz Majeed,  
 D.D (L&E) EPA.

Report No.56 has been filed by the Chairman Judicial Water Commission. The report contains measures to deal with traffic congestion in Lahore and include intervention with no financial implications and other interventions which would entail financial implication. In respect of the latter, the learned A.A.G shall seek instructions and file a reply before the next date of hearing. The measures which have no financial implication, include a direction to LDA and Administrator Municipal Corporation, Lahore regarding removal of encroachments from all major choking points in Lahore. In this regard, evidence has been placed on record which has been compiled by the Pakistan Safe City Authority (PSCA) as well as other agencies

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including the Chief Minister Office. The report of the Chief Traffic Officer has also been placed on record with report No.50 of the Chairman. It goes without saying that illegal encroachments pose a major hazard in the free and efficient flow of traffic and ought to be removed without any delay. The relevant officers of LDA and Administrator MCL shall initiate the encroachment drive within their respective spheres of activity and jurisdiction. This shall be done under the supervision of the Chairman. In this regard, the LDA and the Administrator MCL shall rely upon the evidence already provided by PSCA to the Chairman Water & Climate Commission.

2. The learned counsel for the Chairman next contended that issuance of E-challan system was stalled and require amendments in the Motor Vehicle Ordinance, 1965. These amendments have been proposed and approved by the Cabinet and have to be placed before the Provincial Assembly. Learned A.A.G shall seek instructions on the next date of hearing as to when these amendments shall be placed before the Provincial Assembly for being enacted into law. Some of the major reasons delineated in the report for congestion on the roads are under-age driving, driving by non-license holders, overloading and non-compliance of helmets by motorcyclists. It

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is directed the City Traffic Police, Lahore in coordination with PSCA shall initiate a drive to impound such vehicles on the basis of data provided by PSCA which will ensure that the roads of Lahore are much safer place for all legitimate users. Further, the Excise & Taxation Department is directed to update the complete addresses of vehicle owners and link the data with data maintained by PSCA so that E-challan system can be improved.

3. One of causes of traffic congestion and the ensuing pollution which is of recent occurrence is the holding of a cricket event, PSL-5 in Lahore amongst other cities of Pakistan. The petitioner points out that important roads of the city remain blocked on account of traffic congestion since major arteries leading to the venue of the cricket mach are closed for traffic by the city administration. This not only causes extreme emotional trauma for the commuters and motorists but also is a major contributor to the pollution being added to the environment of Lahore which is already ranked as the second most polluted city in the world. Doubtless, such events ought to be held but their organization should be made efficient and with the minimum of fuss. It is common knowledge that during the time that a match is taking place, the commuters remain stuck in traffic for agonisingly long hours to their utter frustration.

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While the congestion persist, the exhaust pipes of thousands of vehicles continue to emit carbon monoxide to add to the environmental degradation of Lahore. Quite clearly it seems that the City Traffic Police as well as the other administrative departments have not been efficient and professionally sound in devising a traffic plan so that congestion may not be caused and the people plying their vehicles on these roads should not suffer the agony of long drawn traffic congestion. In this regard, the Chairman Water & Climate Commission is directed to hold a meeting this evening or tomorrow morning with the officers of Pakistan Cricket Board, the Traffic Department and other administrative agencies (as the Chairman may deem fit) shall participate and a plan shall be worked out for the flow of traffic to be made more efficient so that motorcyclists do not suffer the hazards of traffic congestion. This plan should be placed before this Court on the next date of hearing. The matter requires urgent attention by the Chairman and unless a workable plan is put in place, it will be difficult for the residents of Lahore to continue to suffer on this account.

4. It has been pointed out by the counsel for the Commission that the staff which was assigned to the Deputy Director EPA who is undertaking assignment

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on the directions of this Court is being transferred without reasonable cause. Learned A.A.G shall seek instructions from the Director General, E.P.A as to why the transfers are being made as the staff has been assigned to the Deputy Director on the directions of this Court and the Chief Secretary had also given an undertaking that no staff which is assigned to works being taken in this petition shall be transferred.

5. The compliance report with regard to the orders passed by this Court regarding use of polythene bags has also been placed on record. According to this report, the major stores and bakeries are now compliant of the orders of this Court. This shall continue to be the case henceforth. It is further directed that this order shall now apply to all departmental stores, big or small, as well as bakeries in Lahore and for which two weeks time is given to conform to the orders passed by this Court regarding prohibition on the use of plastic bags. The Deputy Director, E.P.A shall ensure that the order passed by this Court is conveyed to whom it has been directed. This shall also be brought to the notice of the owners of the stores and bakeries through electronic media which are specifically confined to the news regarding Lahore.


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6. The counsels for the companies which manufacture drinking water and dispense them in plastic bottles have also appeared. They undertake to file report on the next date of hearing regarding measures of corporate social responsibility which these companies propose to undertake voluntarily. This shall be done by each company on the next date of hearing.

7. Learned Asst. Attorney General has placed on record a summary prepared by Directorate General (Oil), Ministry of Energy (Petroleum Division). It is in the nature of a position paper regarding introduction of clean fuel. This position paper is ultimately to be considered by the Ministry which will adopt the recommendations concerning the way forward and the timeline which have been mentioned in the summary. Learned A.A.G shall seek instructions from the Secretary Ministry of Energy (Petroleum Division) with regard to way forward and the time within which the position paper and the recommendations made therein shall be considered and approved.

8. Adjourned to 09.03.2020.

  
(SHAHID KARIM)  
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Rafaqat Ali