

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.
------------------------------	------------------------------	--

07.02.2020

Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.
 Syed Kamal Haider, Advocate for Water Commission.
 Mian Irfan Akram,, Advocate for WASA.
 Mr. Altaf ur Rehman, Advocate for DHA.
 Sardar Balakh Sher Khosa, Advocate for Cantt Board.
 Sahibzada Muzaffar Ali, Advocate for LDA.
 Ch. Zubair Ahmad Kasana, Asst. Attorney General.
 Mr. Anis Ali Hashmi, A.A.G with Capt. (Retd.) Liaqat Ali Malik, CTO, Lahore, Syed Ali Raza Zaidi, Deputy Director (Law) and Mian Ijaz Majeed, D.D (L&E) EPA.

Capt. (Retd.) Liaqat Ali Malik, CTO, Lahore appeared pursuant to the directions issued by this Court on the last date of hearing. He gave a presentation of the various issues confronting the traffic police of Lahore in controlling the ever increasing number of cars and other vehicles plying on the roads of Lahore and which in turn contribute to the environmental pollution. In a nub, according to him, the traffic police is concerned with the enforcement part of the issue whereas the planning has to be done by other departments of the Govt. of the Punjab and unless a proper plan is put in place to work in coordination with the traffic police, all efforts in this regard solely by the traffic police will be in vain. Thus according to him it is imperative that directions be issued to both the TEPA as well as

ATTACHED
 Copy of the order
 Lahore High Court, Lahore

h

the Transport Department to come up with a transport master plan for implementation and which can be enforced by the traffic police of Lahore. There is much substance in the submissions made by CTO and the problems relating to congestion and saturation of the traffic can only be dealt with if a proper plan is put in place for the vehicles to comply with. It is thus directed that the Chairman Water Commission appointed by this Court shall convene a meeting of the stakeholders i.e. CTO, Lahore, Managing Director TEPA as a representative of the Transport Department, Govt. of the Punjab. It is further directed that the learned Chairman Water Commission shall oversee the formulation of a transport master plan by TEPA regarding the infrastructural and other issues of the roads of Lahore for approval by this Court and implementation in due course of time. This shall be done within a period of two weeks from today. In the first instance, the plan shall envisage the major roads and arteries of Lahore on which it shall be implemented. The learned Chairman shall also be empowered to require the presence of the MD of Lahore Parking Company who shall unveil a plan regarding the parking of vehicles on service roads etc. and for the purpose shall do so within the next two weeks. LDA on its part is directed to undertake a comprehensive

ATTESTED
Copy of Judgment
Lahore High Court, Lahore

17.

campaign against encroachments. In the first phase, the major roads shall be targeted for that campaign and DG LDA or the concerned officer of LDA in respect of encroachments shall file a report on the next date of hearing. The learned Chairman shall also coordinate with CTO Lahore as well as any other authority relevant for the purpose and shall require the colleges as well as hospitals and other commercial entities operating on the jail road so that a plan can be devised for parking, temporary as well as permanent, so that the traffic flow is not disrupted unnecessarily. The first phase of the meeting shall be held and a proper report shall be filed on the next date of hearing. It will be impressed on these colleges, hospitals and other commercial entities that in case of lack of viable plan on their part, stern action shall be taken which will include sealing of these premises.

2. Dr. Wasim, the Director Planning Unit, Vehicular Inspection and Certification System appeared and according to him centers have been set up across Punjab to determine the efficiency and safety of the public vehicles. However, the remit of the authority does not extend to private vehicles which contribute 90% of the vehicular omission. For the purpose, systems are being installed and will require some time to do so. However, according to

ATTESTED
Examiner
Copy Supply Section
Lahore High Court, Lahore

h.

him, the authority is closely monitoring the efficiency and safety of the public vehicles and a six-month inspection is carried out. Be that as it may, the Director shall file a report on the next date of hearing regarding the steps taken for the purpose and the standard operating procedures employed by the authority in this regard.

3. It has been apprised by Mr. Anis Ali Hashmi, A.A.G as well as counsel for WASA that Lahore Waste Management Company (LWMC) has the ability to carry out sprinkling and mechanical cleaning which is an essential ingredient in controlling environmental pollution. In this regard, the water being stored in the tanks built with the various mosques in Lahore can be utilized for the purpose. The learned Chairman Water Commission shall convene a meeting with the MD of LWMC as well as PHA to devise a plan for the water stored in those tanks to be utilized for the purposes of sprinkling and mechanical clinic. According to Deputy Director E.P.A this part constitutes an important element in controlling the environmental pollution and smog which accumulates during winter season. A report to this effect shall be filed by both the LWMC as well as PHA and in that report a comprehensive plan shall be laid out for approval by this Court.

ATTESTED
Examiner
Copy Supply Section
Lahore High Court, Lahore

12

4. The learned Asst. Attorney General apprised this Court regarding steps taken by the Federal Government for adoption of Euro IV standards for diesel and petrol fuels. According to the representative of the Ministry of Climate Change, it falls within the authority of Ministry of Petroleum to do so. In this regard he has referred to an office memorandum whereby the Petroleum Division has been required to submit a summary to the Cabinet for approval. The Asst. Attorney General shall seek instructions from the Secretary Petroleum Division, Government of Pakistan and apprise this Court as to when the summary shall be placed before the Cabinet for approval. It is pertinent to mention that low-grade fuel is a major contributory of environmental pollution and comprises 45% of the pollution that afflicts our environment.

5. The Agriculture Department also filed a report which delineates the various projects undertaken by the Agriculture Department and the targets which are required to be achieved. Thus includes the national program for improvement of watercourses in Pakistan as well as community watercourse development. The report also refers to the promotion of high value agriculture through solerization of drip and sprinkler irrigation systems. A follow up report

ATTESTED
Examiner
Copy Supply Section
Lahore High Court, Lahore

h.

shall be submitted by the Agriculture Department every two-weeks for the perusal of this Court.

6. To come up for further proceedings on 14.02.2019.


C.M No.2 & 3 of 2020

7. This is an application for compelling Govt. of the Punjab to place an immediate ban on the manufacturing, sale and usage of polythin bags in the Province of Punjab. Learned counsel for the applicant refers to two orders passed by this Court which required the ban to be imposed. Be that as it may, notices are issued to the respondents on this application. In the first phase, it is directed that all major departmental stores and wholesale outlets shall take immediate steps to stop the use of polythin bags at their stores. For the purpose, a time of two weeks is granted in which alternate arrangement shall be made by these stores to shift to alternate modes. The EPA is directed to convey this order to all major stores in Lahore who shall display the terms of the order at a prominent place to make it known to the shoppers and customers. A compliance report shall be filed by EPA in this regard. The Deputy Director EPA apprised this Court that oxobiodegradable bags have been made compulsory by the department for compliance by the major departmental stores in the city. This has yielded substantial results. However,

ATTESTED
Emilia
Copy Section
Lahore High Court, Lahore

N.

it is imperative that the polythin bags in all forms ought to be banned completely as they are a major source of biodegradation and environmental degeneration. According to the officer, various meetings have been held of all the stakeholders and a complete implementation of the proposed bank is likely to take some time.


(SHAHID KARIM)
JUDGE

☆

Rafiqat Ali

ATTESTED
Copy of Section
Lahore High Court, Lahore