

Form No:HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Case No. W.P No.227807/2018

Haroon Farooq Vs Govt. 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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11.09.2020

Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.
Syed Kamal Ali Haider, Advocate for the Commission.
Mr. Anis Ali Hashmi, Addl.A.G.
Mian Irfan Akram, Advocate for WASA.
Mr. Zahid Sikandar, Asst. Attorney General.
Sahibzada Muzaffar Ali and Mr. Amir Saeed Rawn,
Advocates for LDA with S.M Imran, Vice Chairman,
LDA.
Mr. Shehryar Kasuri, Advocate for the applicant in
C.M No.8 of 2020.
Mr. M. Azhar Siddique, Advocate for applicant.
Mr. Altaf ur Rehman, Advocate for DHA.
Mr. Nawaz Manik, Director Law, E.P.A.
Mr. Usman Naeem, IGC/NGO.

Learned Addl. A.G has placed on record a letter of July, 2020 addressed by the Environmental Protection Department to the Director, Environmental Protection Agency directing the adherence to the timeline for the conversion of old technology brick-kilns to zigzag technology. It seems that the timelines settled and notified on 31.1.2020 were sought to be implemented in letter and spirit in that letter. However, it is unclear whether the timelines have been complied and the steps taken by E.P.A pursuant to the above letter. Learned Addl. A.G shall seek instructions from both E.P.D as well as E.P.A on the timelines which were notified on 31.1.2020 and if at all owing to the

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pandemic it was not possible to adhere the timelines already notified the next steps that are intended to be taken in future. Also independent of the conversion to zigzag technology by the brick-kilns, learned Addl. A.G shall also apprise this Court regarding strategy of E.P.D on dealing with these brick-kilns during the winter season so as to counter accumulation of smog in the atmosphere.

2. In continuation of the above it is directed that a meeting shall be convened by the Chief Secretary (by Skype or Zoom) with all the Deputy Commissioners of the districts of Punjab for implementation of the orders passed by this Court on previous dates of hearing regarding stubble burning and operation of brick-kilns. The entire emphasis of the meeting should be to counter the accumulation of smog in the atmosphere during the winter season and to take necessary steps to prohibit the use of methods which contribute largely to smog. The Water and Environmental Commission appointed by this Court shall co-chair the meeting along with Chief Secretary and will also apprise the Deputy Commissioners to sensitize them of smog and urgency to deal with the issue before hand. The meeting shall be held during the next week and a report shall also be filed by learned Addl.A.G on the next date of hearing.

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3. Mr. Usman Nacem, Country Economist of International Growth Centre (IGC) an NGO which is working in collaboration with LUMS has filed a report regarding proposed design for the anti-smog towers. He undertakes to assist this Court on the next date of hearing regarding effectiveness and evaluation of anti-smog towers which have already been set up in various cities of the world. The learned counsel for the petitioner as well as counsel for Water Commission shall also assist this Court on the effectiveness of these towers and whether a direction should go out to the government for their erection in various parts of Lahore.

4. The representative of E.P.A has informed that the operation in respect of plastic bags is underway. However, the administration of DHA has been reluctant in permitting E.P.A from taking action against various retail outlets who are using plastic bags. It is made clear that E.P.A has initiated actions on the direction of this Court and any action will be thus deemed to be an action pursuant to the orders of this Court. The administration of DHA is directed not to hinder in the functionality of E.P.A in respect of plastic bags. This order shall be placed before Chief Executive Officer of DHA who shall ensure that the instructions are sent out to the officers of DHA not to resist or come in the way of action being

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undertaken by E.P.A. It is also noted that DHA has been at the forefront of the directions issued by this Court for the implementation of the orders with regard to water conservation, banning of use of plastic bags as well as other environmental issues which are the subject matter before this Court. In fact, DHA has gone further in putting in place the steps on a voluntary basis which complement the directions issued by this Court. It goes without saying that various issues which form the subject matter of this petition and on which directions are being issued by this Court relate inextricably to the welfare of our future generations and must be complied with by all authorities.

5. To come up for further proceedings on 17.09.2020.


(SILAHID KARIM)
JUDGE

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Rafaqat Ali

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