

Form No:HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.227807/2018

Haroon Farooq Versus Government of 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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14.07.2020

Mr. Arslan Riaz, Advocate for the petitioner.
Syed Kamal Ali Haider, Advocate for Water
Commission.
Sardar Balakh Sher Khosa, Advocate for Cantonment
Board.
Mr. Muhammad Rizwan Rasheed, Advocate vice
counsel for the LDA.
Mr. Zahid Sikandar, Assistant Attorney General.
Mr. Anis Ali Hashmi, Addl.A.G.

Mr. Usman Naeem has appeared on behalf of a
Non-Governmental Organization by the name of
International Growth Centre which is based at
University of Management and Sciences, Lahore and is
closely collaborating with the Environmental Protection
Department of the Government of Punjab in analysing
the pollution generally of Lahore and the causes of
pollution in particular being caused by the industrial
units. He seeks some time to file a joint report with the
Environmental Protection Agency before the next date of
hearing so that necessary direction can be issued by this
Court on the basis of that report in order to assess the
causes of environmental pollution in Lahore. For the
purpose he requests for enlisting of factories in Lahore
District in steel and textile sector which is in the
possession of Urban Unit which is the department of the
Government of Punjab. Learned Addl.A.G present in the

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Court shall ensure that the listing requested for is provided to the representative present in the Court as well as EPA within a period of one week.

2. According to the report No.61 filed by the Judicial Water Commission, short term plan has been formulated which includes the shutting down of brick kilns which are running on old technology and which have not converted to zig zag technology. Also stubble burning which is major cause of environmental pollution should not be permitted and ought to be monitored under the supervision of the Administrative Department and clear directions should go out to the Deputy Commissioners of each district to ensure that no one indulges in stubble burning. Also Section 144 Cr.P.C should be imposed and no brick kiln should operate during that period. It is also made clear that in case violation is made within the area of a particular District, the Deputy Commissioner of that District will burden the responsibility to answer for that violation and apart from other administrative action, he will be held for contempt of this Court's order. This direction should be passed on clearly to the Administrative heads of the Districts. For the purpose Secretary Agriculture shall convene a meeting and apart from passing of these directions, take measures for strict compliance of the steps which are necessary for the smog to be curtailed.

3. Report No.62 has been filed which relates to the water tank which is part of the project of rain water harvesting and currently is being constructed at Lawrence Road, Lahore. According to the learned counsel for Judicial Water Commission, the water tank is being completed, however, funds which are necessary

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for its completion are not being released by Government and this creates an impediment in the way of its entire construction. Learned Addl.A.G shall seek instructions as to why funds are not being released. It is made clear that the water tank is being constructed with the active intervention of this Court and the efforts being put in by the Water Commission appointed by this Court. In this regard on numerous occasions this Court had to issue directions for the release of funds which were withheld by the Government and due to which the project could not be completed to this day. However the entire funds required for its completion are still being withheld by the Government. It is also made clear that the Government including its ministers or any of other functionaries should not take undue credit as being reported in the media regarding ownership of this project and its completion which owes entirely to the efforts by the Water Commission appointed by this Court. However, it is expected that the Government shall initiate similar projects which are essential for water conservation and for raising the level of aquifer of Lahore.

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4. Learned counsel for Water Commission also informs that the project which is underway at Data Darbar for the storage of ablution water is also not being completed owing to lack of funds which are not being released by the relevant department. Learned Addl.A.G shall seek instructions in this regard and inform this Court on the next date of hearing.

5. Adjourned to 05.08.2020.

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C.M.No.21/2020

6. Notice. Learned Addl.A.G shall seek instructions, however, it is made clear that the core members of the team shall not be transferred as undertaken by the Chief Secretary.


(SHAHID KARIM)
JUDGE

Abdul Waheed

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