

**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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15.02.2019 Presence as above.

Today the matter was adjourned for seeking the opinion of the Advocate General, Punjab with regard to the setting up of a Commission on the issue of water supply and control and development of water sources including ground-water management (to be known hereinafter as Water Commission). The Advocate General, Punjab despite an opportunity has chosen not to appear and no plausible reasons have been put forth in this regard. Learned A.A.G appearing in his stead has stated that the Government of the Punjab is in the process of drafting laws regarding water conservation etc. pursuant to the Water Policy approved by the Cabinet and since laws are on the anvil, this Court may not proceed with the appointment of Water Commission. This contention of the learned A.A.G is premature and can only be considered once laws on water conservation and its wastage are enacted by the legislature. In the meantime and during the interregnum it is expedient that a Water Commission be issued to formulate a report on emergency basis and to suggest various steps which ought to be taken by the Government in view of the dire situation portrayed in the reports of high-powered bodies

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conservation of ground water as well as drinking water. These studies show that there is a clear and present danger of depletion of ground-water level and that the issue is not merely a media hyperbole. Reference may also be made to the similar orders made by the Supreme Court of Pakistan *inter alia* in Human Rights Cases No.14-K of 1992 and 11-K of 1994 and connected matters and in particular the order dated 14.01.2018 in the above cases by which a Water Commission was set up for the Province of Sindh. Thus it is necessary to meet the exigencies of the time and in order to confront a palpable threat that a Commission be issued to investigate that threat for the purpose of elucidating the matter in issue. On similar premise therefore, a Water Commission initially for the District of Lahore is ordered to be issued comprising of the following:

- i) Mr. Justice (Retd.) Ali Akbar Qureshi
(Chairman)
- ii) Mr. Rafay Aalam, Advocate (Member)

2. Mr. Muhammad Azhar Siddiq, Advocate has placed on record the report of the Commission of Inquiry appointed by the High Court of Sindh pursuant to the orders passed by the Supreme Court of Pakistan in C.P No.38 of 2016. The learned counsel for the petitioner has also referred to the precedent **2017 SCMR 732** in which the Supreme Court of Pakistan having taken cognizance of a similar issue passed orders which had far reaching

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nudge the Government of the Punjab on this sensitive issue which it seems requires a constant intervention and oversight of this Court in order to put in place tangible steps on all aspects concerning water conservation and water supply. As a first step the Water Commission shall compile a report keeping in view the various factors relating to water conservation and which report shall be placed before the next date of hearing for passing of necessary orders on that report. The report shall focus on the emergent steps which are required to be taken and in respect of which necessary directions are to be issued by this Court for compliance by the respective departments of the Government. In order to enable the Commission to effectively discharge its functions as a delegatee of this Court, the Registrar, Lahore High Court, shall make arrangements, commensurate with the high status of the Commissioner (Chairman) to be housed in the premises of this Court and suitable office space (preferably in the old Judges Library) to be provided. It is made clear that the Commission is being appointed by this Court and for all intents is the nominee of this Court and exercises powers conferred by rules 16 and 17 of Order XXVI CPC. It is also directed in terms of rule 18 that the parties shall appear before the Commissioner. In the compilation of its report, all officers and departments of the Government of the Punjab shall act in aid of the Commission as if the directions have been issued by this

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Under Commission

the Government of the Punjab.

3. To come up for further proceedings and for the perusal of the preliminary report on 28.02.2019.



(SHAHID KARIM)
JUDGE

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Rafaqat Ali

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Clerk
Criminal Section
Lahore High Court, Lahore