

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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18.11.2021

Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.

Syed Kamal Ali Haider, Advocate for Judicial Water Commission.

M/s Ahmad Rafay Alam, M. Azhar Siddique, Sheraz Zaka and M. Yasin Hatif, Advocates for petitioners in connected petitions

Mr. Farooq Amjad Mir, Advocate in C.M.No.32/2020.

Mian Irfan Akram, Advocate for WASA.

Mr. Waqar A. Sheikh, Advocate/Legal Advisor for PHA.

M/s Shezada Mazhar, M. Jawwad Khan Lodhi and Syed Samir Sohail, Advocates for DHA, Multan.

Barrister Osama Zafar, Advocate for applicant in C.M.No.04/2021.

Mr. Amer Riaz Amir Minhas, Advocate for the respondent in C.M.No.04/2021.

M/s. Mansoor Usman Awan and Barrister Hamza Shehram Sarwar, Advocates in C.M.No.06/2021.

Mr. Sahibzada Muzaffar Ali, Advocate for the LDA with Syed Mazhar Hussain Chief Engineer, LDA.

M/s. Nadeem Ahmad Sheikh, Jahanzeb Sukhera and Osama Qamar, Advocates for RUDA.

Mr. Ashtar Ausaf, Advocate in C.M.No.34/2020.

Sardar Balakh Sher Khosa, Advocate for Cantonment Board.

Syed Samir Sohail Advocate for DHA, Multan.

Mr. Ahmad Pervaiz Advocate in C.M.No.10/2020.

Mr. Arslan Riaz, Advocate for the respondent-PEPSI.

M/s. Asad Ali Bajwa and Ehtsham Ahmad, Deputy Attorney General.

Mr. Anis Ali Hashmi, Addl.A.G with Mansor Ahmad D.G, PDMA.

Mr. Asad Ali Bajwa, Deputy Attorney General.

Muhammad Nawaz Manik, Director Law EPA and Miss Nabila Khalid, A.D (Legal), EPA and Kashif Sajjan Assistant Legal EPA.

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Report No.105 has been submitted which primarily relates to the directions issued by this Court on the last date of hearing regarding holding of an emergent meeting with the Judicial and Environmental Water Commission in chair at the WASA Headquarters and which was attended by the Director General, PDMA, Additional Secretary Agriculture, Director General EPA as well as other officers of EPA. Following decisions were taken in the meeting:

"A. That Stubble burning will be monitored by PDMA on daily basis and the thermal anomalies map will be shared by the same with district Administration and Agriculture Department. Furthermore, in order to expedite the process of complaints regarding stubble burning the Patwari and the respective Agriculture Officer of the area circle will closely monitor and give information to the concerned Deputy Commissioner in the form of writing. The Patwari along with Agriculture Officer shall be responsible for the area of its jurisdiction.

B. That the PDMA will monitor the progress of each Deputy Commissioner and shall submit their report to the Judicial Commission before the next meeting which shall be held on every Wednesday till the subsistence of the Smog season.

C. The Chairman of the Commission on suggestion of the Director General further issued a direction that if the Air Quality Index (AQI) of a particular area exceeds 400 AQI a notice shall be issued through the education department for the closure of the respective schools or to conduct online classes as the case may be.

D. In compliance of the Honorable Lahore High Court order's the Commissioner Lahore has facilitated

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the Judicial Water and Environment Commission by extending 5 vehicles which shall monitor and take action as per the direction of the Honourable Court and the Judicial Commission in sealing of industrial units which are involved in the use of substandard fuel or are without emission control devices and to follow up on the progress of brick kilns.

E. It is for the being directed by the Chairman of the Commission that if the Air Quality Index for a particular area reaches 500 AQI than all the activities being committing by the respective industries shall be shut down. The traffic volume of the Area having High AQI will be reduced to 50% using the technique of odd and even numbers which in turn shall be enforced by the local police and traffic police.

F. It was further recommended by Chairman of the commission that due to the state of emergency of fine of 50,000 to 100,000 may be ordered to be imposed against the industry units without omission control devices and which are using substandard fuel. Copy of minutes of meeting are annexed as Annexure A."

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2. The above decisions are approved by this Court with the following caveat.

- With regard to 'A' motorway police may also be involved in the issue since stubble burning mostly takes place around the areas straddling M2 motorway. Learned Deputy Attorney General, on Court's call, shall convey the order of this Court to officers of the motorway police to report at once any instances of stubble burning to the relevant officers of the District. This will also help in further curtailing the instances of stubble burning.

B

- As regards 'B' it is insufficient that PDMA should alone be monitoring the proceedings with the Deputy Commissioners. For the purpose a smog crisis room shall be set up in the office of PDMA and a meeting once a day at least shall be held under the chair of Judicial and Environmental Water Commission. The meeting shall be attended by Director General PDMA, D.G EPA as well as Commissioner Lahore Division who shall form a committee constituted by this Court to deal with the short term measures for tackling the situation of smog and pollution in Lahore which has once again been declared as most polluted city of the World. The meeting shall be convened and held at a convenient time of the day but it is made clear that the progress shall be monitored on a daily basis and a report shall be compiled for the perusal of this Court. Action against polluting industries in the area of Lahore shall be taken under the directions of the Committee and special teams shall be constituted for the purpose. Any industry or factory which is found involved in violating the standards of environmental protection agency shall be sealed forthwith and this action shall be taken without any discrimination and across the board. It is also directed that similar crisis rooms shall be set up in the offices of Commissioners of Gujranwala and Faisalabad Divisions. Learned Additional Advocate General shall convey directions of this Court in this regard. In the like manner a daily meeting shall be held under the chairmanship of the Commissioners of these Divisions and a report

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shall be sent to the office of the D.G PDMA for its perusal by the committee constituted above.

- As regards 'C' it has been suggested that closure of schools may be undertaken. This would affect the academic activities of the students who have already suffered because of the lockdown during the pandemic. However, it is directed that the Government of Punjab shall issue a notification on the same lines as the lockdown notifications being issued during the height of pandemic which shall require private offices being operated by companies and other individuals to ensure that 50% of the employees work from home at least in the next seven days. Likewise, the Government of Punjab shall also take similar measures in respect of the Government offices to the extent feasible to be implemented. This means that Government of Punjab shall take necessary steps so that as many officers as possible may work from home during next week. Apart from above, in order to curtail traffic congestion, Chief Traffic Officer, Lahore is directed to arrange for one dedicated telephone line or a Whatsapp application which shall be displayed on all major roads of Lahore. These lines will be used by people who find a particular road to be congested owing to any reason including accident etc. This telephone line/Whatsapp application shall be set up expeditiously and a report shall be filed before the next date of hearing. After such a telephone line has been made functional, as soon as a call is received regarding an accident or other cause of congestion of any major road of Lahore, the traffic

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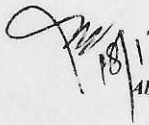
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police shall promptly take action to clear the congestion by whatever means.

3. The LDA has also filed a report regarding three major projects being undertaken. According to the report, focal persons have been appointed for each project who shall coordinate with the officers of EPA so that compliance of the standards regarding environmental pollution are not breached. The Deputy Director EPA shall coordinate with the focal persons on a daily basis and ensure that dust and other particles are kept under control and do not contribute to environmental pollution.

4. Adjourned to 19.11.2021.


(SHAHID KARIM)
JUDGE


18/11
Abdul Waheed

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