

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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24.06.2021

Mr. Faiz Ullah Khan Niazi, Advocate for the petitioner.

Syed Kamal Ali Haider, Advocate for Judicial Water Commission.

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

Mian Irfan Akram, Advocate in C.M.No.08/2021.

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

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

Mr. Sahibzada Muzaffar Ali, Advocate for the 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.

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

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

M/s. Mirza Nasar Ahmad Addl. Attorney General, Tahir Mehmood Khokhar, D.A.G and Rao Javed Khurshid, Assistant Attorney General.

Mr. Anis Ali Hashmi, Addl.A.G.

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

Abdul Razzaq Chief Engineer, Lahore Development Authority.

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C.M.No.32/2020

Learned counsel for WASA as well as Syed Kamal Ali Haider, Advocate shall seek instructions from the Managing Director, WASA regarding the drains to be covered which pass through the heart of Lahore. Adjourned.

C.M No.11 of 2021

2. This is an application by which the Chairman Judicial Water and Environmental Commission has placed a report prepared by Directorate of Hydrology, WASA to depict the water level of Lahore which was lastly 50.150 meters in 2018 and since then till 2020 it is at 50 meters which plainly shows that there has been no further depletion of groundwater. This remarkable feat has been achieved by the brilliant efforts put together by the Commission appointed by this Court on 15.02.2019. Further, in the application, it has been mentioned that the Prime Minister of Pakistan in his statement issued on 21.02.2021 has conferred compliments on the Govt. of the Punjab for taking steps which have resulted in further depletion of groundwater lever of Lahore. This order is being made to put the record straight so that true facts are brought to the notice of Prime Minister by the learned Addl. Attorney General for Pakistan who is

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present on Court's call. This litigation was commenced as a public interest litigation on 03.08.2018 primarily with the aim to conserve groundwater level of Lahore. It has gradually morphed into a petition for the conservation of ecosystem as well. As stated above, a Water and Environmental Commission was appointed by this Court and Mr. Justice (Retd.) Ali Akbar Qureshi was tasked with the execution of the directions issued by this Court precisely to fulfill the goal of water conservation as well as to undertake short term measures so that further depletion could be sustained. As adumbrated, remarkable efforts have been set in motion since the time when the Commission was appointed and the entire set of steps which the Prime Minister has brought forth in his statement are in fact the result of directions issued by this Court and which consequently translated into the present report filed by WASA. This litigation is an ongoing and continuing mandamus and on each weekly date of hearing report is filed by the Water Commission and necessary directions are issued for the implementation of which the Water Commission springs into action. The first important direction was with regard to the use of plastic bags. Gradually and over a period of time the use of plastic

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bags in Lahore has been replaced by use of biodegradable bags and Lahore is now rid of the use of plastic bags to a substantial extent. Unfortunately, this effort could not be replicated in the rest of Punjab. Secondly, through a consistent and concerted effort, the entire brick-kilns of Punjab have now been converted to a modern zigzag technology and their operations no more pollutes to the environment. This is a huge step for lowering the pollutants in the ecosystem of Punjab. Thereafter, this Court embarked upon a project to construct ablution water tanks with the mosques in Lahore. More than 350 ablution tanks have so far been constructed of which the biggest has been constructed at Data Darbar, Lahore which contributes to the saving of enormous amount of fresh water daily. The amount of water which accumulates in the water tank at Data Darbar is then taken out by the tankers of PHIA and different parks of Lahore are supplied water for their plants and horticulture. Towards the same end, by directions of this Court, the service stations of Lahore have been compelled to install recycling plants so that water used to service cars etc. does not go waste and is recycled to be used again. Likewise, large industry in and around Lahore has been required to install

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treatment plants as previously untreated waste from these industries was being injected into the aquifer of Lahore resulting in fresh groundwater to be polluted with chemicals etc. For the first time in Lahore WASA was required to construct a rain water tank at Lawrence Garden, Lahore for the storage of rain water during the months of Monsoon season. That water tank has now been completed and is a huge source to replenish groundwater level. On each step of the construction of these projects this Court had to issue directions as the funds were not released on time. A complete pictorial has been prepared by WASA which was presented to the President of Pakistan by the Water Commission as well as to the Chief Minister Punjab who acknowledged the services rendered by the Water Commission and which have now borne fruit in the form of a report filed by WASA regarding groundwater depletion. For the first time, the sugar mills of Punjab have been required by an order of this Court to install treatment plants so that untreated waste does not enter the groundwater. These and many other steps which are ongoing clearly show that this social action petition has yielded tremendous results and was a huge success. Thus, the credit must lie where it belongs and it is hoped that the

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Prime Minister will duly acknowledge the efforts put in by the Commission and takes steps in his discretion to replicate these steps not only throughout Punjab but also throughout Pakistan. This will be a great service to the future generations to whom we owe a debt. Lastly, I must acknowledge that although the directions were issued by this Court yet the Govt. of the Punjab lended its full support in the execution of the directions of this Court. The learned Addl. Attorney General for Pakistan has been asked to place this order as well as the previous orders duly highlighted and the booklet prepared by WASA with the Principal Secretary to the Prime Minister who shall in turn place before the Prime Minister for his perusal.

3. Adjourned to 01.07.2021.


(SHAHID KARIM)
JUDGE


30/06
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Rafiqat Ali