

**ORDER SHEET****IN THE LAHORE HIGH COURT, LAHORE  
JUDICIAL DEPARTMENT****Case No. W.P No.227807/2018**

Haroon Farooq      Vs      Govt. of the Punjab &amp; others

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary.
------------------------------	------------------------------	--

29.12.2023 Mrs. Hina Hafeez Ullah Ishaq, Sayed Kamal Ali Haider and Ch. Zulfiqar Ali, Advocates/Members Judicial Commission.  
 Mr. Faiz Ullah Khan Niazi, Advocate for counsel for the petitioner.  
 M/s M. Azhar Siddique, Talaat Farooq Sh. and M. Yasin Hatif, Advocates for the petitioners in connected petitions.  
 Mr. Shazib Masood, Advocate for counsel for CBD.  
 Sahibzada Muzaffar Ali and Abdul Hanan, Advocates for Lahore Development Authority.  
 Mr. Haris Azmat and Maryam Hayat Advocates for respondent-PHA.  
 Mian Irfan Akram and Mohsin Mumtaz, Advocates for WASA.  
 Mr. Dilnawaz Ahmad Cheema, Mian Ejaz Latif, Rana M. Afzal Razzaq Khan, Ghulam Abbas Haral, Umar Rafiq, Abdul Latif, M. Adeel Ch., Qari Zuhaib ur Rehman Zubairi and Mian M. Waseem, Advocates for the applicants.  
 Mr. Asad Ali Bajwa, Deputy Attorney General.  
 Mr. Hassan Ejaz Cheema, Assistant Advocate General, M. Nawaz Manik, Director Law, EPA, Touqeer M. Wattoo, Director (Coord.) PDMA, Shahzad Khan, DSP Traffic, Umer Hayat, Law Officer and Ghulam Akhtar, Law Officer.  
 Mr. Irfan Sana Ullah Khan Kakar, Advocate in C.M No.74 of 2023.

The report has been submitted by the Members of the Water & Environment Commission appointed by this Court that alludes to the sustainable efforts which continued during the year 2023 which has now come to a close. These actions taken on the directions of this Court have been narrated in the report which is being made part of this order *in extenso*:

**A. "WATER:**

- i. *Construction of Ablution Water Tanks in over 200 Mosques, and subsequent re-use of the water;*

- ii. Construction of Recharge Wells (over 100 and continuing) in various educational institutions, parks and housing societies, several sponsored by World Wide Fund (WWF);
- iii. Construction of Rainwater Storage Tanks at Lawrence Gardens and Sheranwala Gate, Lahore;
- iv. Construction of Rainwater Harvesting Tank at Sports Complex, Gaddafi Stadium, Lahore, sponsored by World Wide Fund (WWF);
- v. Mandatory installation of Car Wash Recycling System and 'U' Channels;
- vi. Regulation of Tube-well Operation Timings;
- vii. Control of Water Wastage and Abuse by Commercial and Domestic Consumer, by imposing substantial fines; formation of WASA and Dolphin Squads for enforcement;
- viii. Procurement and Installation of Water Meters by WASA (under process);
- ix. Installation of Effluent Treatment Plants in Industry located in Punjab, including but not limited to Sugar Mills, Textile Units, Quaid-e-Azam and Sunder Industrial Estate, Lahore, Sialkot and Kasur Tanneries;
- x. Closure of Injection Pits in Industry over 400 in number;
- xi. Installation of Filtration / Reverse Osmosis Plants, upon learning of Arsenic Contamination in the villages of Kasur and Sahiwal;
- xii. Construction of Sewage Treatment Plants in various Housing Societies;
- xiii. Imposition and Collection of Aquifer Charges (more than Rs 2 billion in WASA's Account) from Housing Societies;
- xiv. Cleaning of Charar Drain and Gaddafi to Model Town Drain;
- xv. Sampling and work being carried out by WWF and PCRWR for Surface Water Classification;
- xvi. Sampling of waste water and multilevel groundwater testing;
- xvii. Sampling for Lead Contamination in Shadipura, Lahore;
- xviii. Discouraging extraction of groundwater for irrigation of parks and cleaning of roads by opening non-operational canal outlets / moghas in Lahore, and promoting use of surface water;
- xix. Amendments in Lahore Development Authority's Regulations for greywater recycling;
- xx. Frequent liaison with Central Business District (CBD), for promotion and incorporation of eco-friendly measures in the project;
- xxi. Approval / Commencement of frozen Water Supply Schemes in Cholistan Desert, Bahawalpur;
- xxii. Release of frozen funds of multiple projects of Aab-e-Pak Authority, to ensure continuity and provision of safe drinking water to the public.
- xxiii. Alternate irrigation mechanism, instead of groundwater extraction, for Golf Courses in Lahore Gymkhana and Royal Palm Clubs.

a. ENVIRONMENT:

- i. Conversion of 100% Brick Kilns in Punjab from Bull Trench to Zig-Zag Technology; however, due to lack of enforcement by the Environment Department there is an estimated reversion of 30%;
- ii. Coordinated efforts with Transport Department and Traffic Police, to control Vehicular Emissions, by strict enforcement of Vehicle Inspection & Certification System;
- iii. Promulgation of Specifications for 3-Wheelers and Qingqis, for implementation of Honourable Supreme Court's Judgement, reported as 2017 SCMR 1098, and closure of illegal workshops; instructions for provision of soft loans / Qarz-e-Husna to affected owners for conversion, to ensure continuation of livelihood;
- iv. Promotion of Mass Transit and Public Transport Systems to control vehicular traffic and pollution; instructions for special discounted fares for students, women, elderly and people with disabilities; awareness drives and practical in schools;
- v. Provision and handing over of several new buses to public colleges / universities;
- vi. Instructions for procurement of buses on connector routes;
- vii. Instructions / Directions to Private & Public Educational Institutions for purchase of school buses, for at least 50% students;
- viii. Enhancement of Traffic Violation Fines in offences which contribute to traffic congestion, air pollution and deterioration of air quality;
- ix. Mandatory implementation of M-Tag on Motorways to prevent vehicular congestion and excessive emissions;
- x. Promotion of cycling and provision of E-bikes to Government Staff;
- xi. Establishment of Vehicle-free zones and areas;
- xii. Tackling of Shah Alam Market and Walled City congestion and pollution;
- xiii. Realignment of roads to reduce choking points leading to traffic jams and congestion; provision of barriers to City Traffic Police for effective traffic management and awareness campaign on the same;
- xiv. Exploring avenues and mechanism for conversion of small, standard public transport to electric, by engaging with professionals and stakeholders;
- xv. Regulation and Enforcement of Parking spaces in buildings and roads;
- xvi. Monitoring and Reporting through Safe Cities' cameras for violations and enforcement; further acquisition of PTZ Cameras for PDMA;
- xvii. Anti-encroachment operations to prevent traffic congestion;
- xviii. Registration of Rehris / push-carts for effective traffic control and continued provision of livelihood;
- xix. Regulation of business and restaurant closure times;
- xx. Mandatory provision of installation of rooftop gardens and/or solar panels in commercial buildings;
- xxi. Ban on use of Polythene Bags- being implemented by major stores;

- xxii. Guidelines / Direction on cutting and pruning of trees by PHA and LESCO- placement of ban on tree cutting;
- xxiii. Extensive tree plantation / urban forestation (inclusion / plantation of shrubs, vines, indigenous plants with abilities to absorb road pollution) - Miyawaki Forest planted by Nishat Group in Johar Town under Honourable Court's Directions for promotion of Corporate Social Responsibility (CSR);
- xxiv. Removal of concrete from greenbelts, green verges and green areas; lowering of greenbelts for easy recharge of groundwater / aquifer and prevention of loss of water through run-off;
- xxv. Removal of encroachments, especially parked vehicles from Greenbelts and enhancement of fines;
- xxvi. Rehabilitation and encroachment removal from Parks;
- xxvii. Sprinkling of surface and ablution water to wash roads / greenbelts to control dust by PHA and LWMC; use of ablution water for Emergency Rescue 1122;
- xxviii. Enforcement of municipal laws for prevention of municipal waste burning, commercial littering, placement of 3-Bin Recycling initiative through LWMC;
- xxix. Tackling the issue of Lakhodaer Landfill and action against illegal dumping sites; including multilevel groundwater testing;
- xxx. Enforcement of Heat Wave Management Plan, submitted by Urban Unit, Punjab;
- xxxi. Conversion of Generators to eco-friendly, by use of Catalytic Convertors- action against Smoke-emitting and polluting Generators;
- xxxii. Instructions to Pakistan Cricket Board (PCB) for replacement of Halogen Lights, as well as construction of hotel near the stadium to prevent road blocks due to Team movements during matches;
- xxxiii. Control of Industrial Emissions and enforcement through installation of Emission Control system (wet and/or dry scrubbers), including but not limited to, Steel Re-rolling Mills, Rice Mills;
- xxxiv. Stubble-Burning control and prevention mechanism-enforcement through substantial fines, awareness and provision of Super-Seeders; reporting of violations by Motorway Police;
- xxxv. Stubble Burning Prevention Instructions by JWEC, to all Deputy Commissioners of Punjab through the following mechanism:
- Announcements through all local mosques
  - Announcements through visual, social and print media
  - Announcements through the Union Councils, Revenue Officials and Lambardars
  - Announcements through 'Dhol'
  - Announcements through 'Pasting' in prominent places, including centers / shops for buying / selling seed, agricultural products and machinery, fertilizer, local mandi / market place

- xxxvi. Identification of Thermal Anomalies through daily data provided by SUPARCO;*
- xxxvii. Action against substandard fuel and Pyrolysis Plants;*
- xxxviii. Promulgation of SMOG Rules 2023;*
- xxxix. Declaration of SMOG as a ‘Calamity’ and assigning Lead Role to Provincial Disaster Management Authority (PDMA) and setting up of a Control Room for enforcement;*
- xl. Direction to the Ministry of Climate Change, Government of Pakistan, to touch base with the Government of the People’s Republic of China, for assistance and support in combating Air Pollution, as they had managed in Beijing and Shanghai; the Punjab Government was directed to coordinate with the Federal Government in this regard.*
- xli. Formation of Anti-SMOG Squads;*
- xlii. Research into establishment of SMOG Towers- shelved because of effectiveness issues;*
- xlii. Development of SANS Application through PDMA and Urban Unit for effective monitoring and resolution of environmental complaints;*
- xliv. JWEC Dashboard for redressal of complaints on ‘Khidmat Aapki Dehleez Pey’;*
- xlv. Awareness and Advertising Campaigns through Electronic Media and PHA LCD Screens;*
- xlvi. Inclusion of Emergency Number 15 as Helpline for Reporting of Traffic Congestion;*
- xlvii. Content Development for Awareness through Primary & Secondary Health Department, as to causes, effects and prevention of SMOG;*
- xlviii. Seminars, Talks at Educational Institutions;*
- xlix. Work on appointment of ‘Smog Ambassador’, “to run awareness-raising campaigns through electronic media, local awareness drives / events and other potential sources,” in a bid to save Pakistan from the disastrous effects of Climate Change, exacerbated by human action and inaction.*
- 1. Initiation and Implementation of an Internship Program for Students with diverse educational backgrounds, by the JWEC.*
- 2. In the area of water conservation, the significant measures taken by the Commission are regarding construction of 200 ablution water tanks in Mosques as well as construction of Recharge wells which are over 100 in number. More Recharge wells are being constructed which will continue during the next year. The construction of rainwater storage tanks at Lawrence Garden and Sheranwala Gate, Lahore have been completed. Likewise, on the*

directions of this Court the Commission has ensured the installation of Effluent Treatment Plants in different industries located in Punjab including but not limited to sugar mills, textile units and Kasur tanneries. As a result, there has been closure of injection pits in at least 400 industries. Likewise, installation of filtration / reverse osmosis plants to deal with arsenic contamination in the villages of Kasur and Sahiwal has been completed on the directions of this Court and under the supervision of the Commission. In order to discourage extraction of groundwater for irrigation of parks and cleaning of roads, initiative was taken for opening non-operational canal outlets / *Moghas* in Lahore and thereby promoting use of surface water. Amendments have been made in the LDA's Regulations for grey-water recycling. Frequent liaison has been established with Central Business District for promotion and incorporation of eco-friendly measures in the projects of CBD.

***Environment:***

3. Similarly, in the field of environment steps have been taken which include conversion of 100% brick kilns in Punjab to zig-zag technology. In a bid to reduce pollution generally and smog in winter provision and handing over of several new buses to public colleges/ universities has taken place on the specific directions of this Court. Initiatives have started and instruction gone out to public and private educational institutions for purchase of school buses for at least 50% of students. Mandatory enforcement of M-Tag on motorways was ordered by this Court to prevent vehicular congestion and excessive emission. Steps have been taken

on the directions of this Court to promote cycling and E-Bikes by the government staff. Extensive tree-plantation / urban forestation has been undertaken by the Parks & Horticulture Authority (PHA) which includes plantation of Miyawaki forest at different places in Lahore. Instructions were issued to all Deputy Commissioners in Punjab for control of stubble burning which is one of the contributors to smog during the winter season. In this regard, the office of the Commissioner, Lahore played a lead role. Promulgation of Smog Rules, 2023 also took place during the year which envisage stringent measures regarding industrial units contributing to spike in smog and air pollution. On the directions of this Court smog was declared as a calamity and PDMA was assigned a lead role which set up a control room for enforcement of remedial measures to control smog.

4. It is clear from the narration above that substantial and practical steps have been taken to control air pollution and to preserve groundwater. During the winter season these steps largely contributed to lowering AQI at different places in Lahore and thereby smog was controlled which had initially assumed dangerous proportions. This is an illustration of judicial review in action, and enforcement of climate justice. These actions are beyond mere judgements which adorn law journals and fail to address in actual terms, the climate chaos which surrounds us. It is, in essence, a case of continuing mandamus or supervisory jurisdiction where orders of this Court are enforced by a Commission set up to compel implementation. The departments in turn, come back with reports of compliance and further orders are issued for

complete climate justice and to protect fundamental rights of persons. This is a unique tool being employed by this Court which has yielded substantial results.

5. The Members of the Commission submitted that Lahore Waste Management Company (LWMC) was still using groundwater for sprinkling on roads. It is directed and this direction shall be conveyed not only by the Members of the Commission but also by the learned A.A.G that LWMC shall not use groundwater for the purpose of sprinkling on the roads but shall use surface water or water from ablution tanks. In case this is found to be done, WASA will be held responsible and the tube-well being operated by WASA will be sealed.

6. It has also been informed that there are multiple violations by industrial units despite sealing orders and imposition of fines. It is directed that LESCO shall cut off electricity supply to these units on the recommendations of the Members of the Commission if they find in a particular case that the industrial unit in question is not complying with the directions and is in breach of its legal obligations. This order shall be conveyed to M.D LESCO by the learned D.A.G present on Court's call.

***Tree Plantation:***

7. An order has already been passed restraining cutting of trees in and around Lahore. Any violation of the order has been visited by prompt action and strict penalty. The regulatory authorities tasked with the development of Lahore and its planning have initiated steps for plantation of miyawaki forests in Lahore at different locations identified by LDA and PHA. One such forest under the corporate

social responsibility programme has been planted by Nishat Group at Johar Town. The initiatives set in motion by this Court includes plantation of rooftop gardening and trees in public colleges and schools. This movement has gained traction during the last few months and by now a total number of 56632 rooftop plants and trees have been planted at different colleges and schools. The tree plantations drive and rooftop gardening is also being spread to private schools and commercial buildings to stunt the effect of heat during summers. This would not have been possible without the selfless and untiring efforts of the members of the Commission who have devoted their energies to this monumental task. The counsels of different departments and regulatory authorities have also come on board as friends of the Court and the environment to lend a hand in this enterprise.

**C.M.No.74 of 2023**

8. The notices are accepted by learned Members of the Water & Environment Commission who shall look into the matter and inform this Court on the next date of hearing.
8. Adjourned to **12.01.2024**.

**(SHAHID KARIM)**  
**JUDGE**

*Approved for reporting.*

***JUDGE***

★

*Rafaqat Ali*