

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Sh. Riaz Ahmad, C.J.

Re: SUO MOTU ACTION

ORDER

The environmental pollution in various forms emanating from different sources is at its peak in the country. Heaps of filth abound in the cities and improper sewerage systems contaminate the drinking water. Another major cause is the smoke emitted by the public transport vehicles/rickshaws, etc. with diesel engines in all cities. Smoke, especially in the northern areas and hillside is also extremely injurious for the vegetative life without which human life simply cannot exist. Given the poor health facilities in the country, even the walkways/verandas in the hospitals fail to house the long queues of patients. Unfortunately, no attention is being paid to check the environmental pollution, the mother of most of the diseases and the situation is deteriorating day by day.

2. Although the Government of Pakistan has set up Ministry of Environment, but no substantial steps have so far been taken to overcome this menace. A number of NGOs set up with the aim of protecting environment have also not been able to play any role either at their own or in coordination with the Ministry of Environment.

3. The Supreme Court, in the exercise of suo motu powers and in the public interest, hereby directs the Secretary, Interior Division and the Secretary, Ministry of Environment, the Chief Secretaries of the four

Provinces, the Provincial Transport Secretaries and the Deputy Inspectors General of Police in charge of traffic in the four provinces to examine the matter and submit within two weeks for consideration of this Court an exhaustive report with a plausible action plan laying emphasis on monitoring system. In connection with smoke related pollution, they shall also explore the possibility/desirability of encouraging use of CNG instead of diesel and the modus operandi for its enforcement. They shall appear before this Court on 1st June, 2003 for appropriate orders.

Islamabad
23rd May 2002

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Jawwad S. Khawaja

Suo Motu Case No. 03 of 2003.
(Environmental Pollution)

On Court notice: Mr. Yusuf Leghari, A.G. Sindh, with
Mr. Khurram Gulzar, DIG Traffic
Mr. Anwar Subhani, AIG, Legal, Sindh.

Qazi Muhammad Amin, Addl. A.G. Punjab, with
Mr. Muhammad Iqbal, Secretary, P.T.A. Punjab.
Malik Matloob, SP Traffic, Rawalpindi.

Mr. Ishtiaq Ibrahim, Add. A.G. NWFP, with
Mr. Tayyab Awan, Director, Transport, NWFP.
Mr. Suleman Nisar, Dy. Director, Transport -do-
Mr. Feroz Shah, AIG, Traffic, NWFP.
Mr. Asif Sahibzada, DD (Planning), EPA, NWFP

Mr. Asif Shujah Khan, D.G., PEPA,
Mr. Nawaz Malik, Dy. Director, EPA, Punjab.
Mr. Malik Shaukat Hayat, D.O. Environment, Rwp.
Mehr Malik Khattak, DS (Law), M/O Interior.
Malik Ali Muhammad SO (Law) -do-

Voluntary Syed Mansoor Ali Shah, ASC.
Appeared.:

Date of hearing: 09.06.2009

ORDER

In compliance of the earlier order passed by this Court, reports have been submitted by all the Provinces perusal whereof indicates that certain measures have also been suggested for controlling the environmental pollution. These pollutants emanate from different sources including filth which abounds in the cities. Improper sewerage systems contaminate the drinking water and

smoke is emitted by the public transport vehicles/rickshaws etc. with diesel engines etc.

2. Mr. Asif Shujah Khan, Director General, Pakistan Environmental Protection Agency stated that for want of capacity of police and other agencies, the relevant laws are not being implemented. However, he stated that few steps have been suggested to control the environmental pollution by the Federal Government etc.

3. Be that as it may, let the Provincial Governments through Chief Secretaries and respective Environment Secretaries prepare comprehensive reports in respect of the suggestions submitted earlier with regard to the compliance of the same within a period of two weeks. In the meanwhile, Mr. Asif Shujah Khan also complained that so far the Federal Government has not appointed full time heads of the Environmental Tribunals in the Province of Punjab, NWFP, Sindh and Balochistan. However, Advocate General Sindh stated that in the Province of Sindh Presiding Officer has been appointed alongwith other members. Advocate General further stated that the Tribunal is functioning accordingly. As far as NWFP is concerned, Additional Advocate General stated that he has to check out the position. Admittedly, in the Province of Punjab, presently, no Presiding Officer is holding the charge. As far as Balochistan is concerned, it is not known because there is no representation on behalf of Balochistan. In this view of the matter, we direct the Secretary Law, Justice & Human Rights Division to

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Sh. Riaz Ahmed CJ
Mr. Justice Mian Muhammad Ajmal
Mr. Justice Muhammad Nawaz Abbasi.

Suo Moto Case No.3 of 2003
(Environmental Pollution)

In attendance: Mr. Zafar Javed,
Secretary Environment, Govt. of Pakistan
Mr. S.N. Sarwar GM HDIP
Mr. Hafeez Akhtar Randhawa, Chief Secretary Punjab
Mr. Kamran Lashari Secretary Environment Punjab
Mr. Muhammad Athar Tahir, Secretary Transport
Dr. Mutawakal Qazi, Chief Secretary Sindh
Mr. Aslam, Secretary Environment
Raja Abbas, Secretary Transport Sindh
Dr. Qazi Khalid Addl. AG Sindh
Mr. Muhammad Yameen Khan, DIG Traffic Sindh
Dr. Tahir Soomro, EDO, City Govt. Karachi
Mr. Noorul Haq, Secretary Transport & Environment
Dr. Muhammad Bashir, DG Environment
Mr. Tariq Javed, DIG NWFP
Mr. Asif Paracha, AIG Operation Balochistan
Applicant in person (In CMA 1231/2003)

Date of hearing 11.6.2003

ORDER

In pursuance of suo moto notice taken by this Court, the Chief Secretaries have entered appearance along with Dy. Inspectors General of Police (Traffic) and have apprised us about the efforts being made to minimize the traffic pollution in their respective Provinces. Before proceeding further, we would direct them to supply the particulars of various Transporters' Associations engaged in public transport sector within one week's time.

take up this issue immediately and appoint full time independent Tribunals in all the Provinces within a period of two weeks under section 20 of the Pakistan Environmental Protection Act, 1997. Let this case be adjourned to 30.6.2009.

Islamabad, the

9th June, 2009

A.Rehman/*

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Ch. Ijaz Ahmed

Mr. Justice Jawwad S. Khawaja

Suo Motu Case No.3 of 2003

(Environmental Pollution)

On Court Notice:

Khan Dil Muhammad Alizai, DAG

Mr. Asif Shuja Khan, D.G. PEPA

Mr. Abdul Fateh Malik, Addl A.G. Sindh,

Mr. Ashraf Ali Jamani, Secy. P.T.A, Sindh

Mr. Naeem Fazal, Director, Environment,

Ch. Khadim Hussain Qaiser, Addl. A.G. Pb

Mr. Shahbaz Cheema, Secy. P.T.A. Pb.

Dr. Shugufta Shah Jehan, D.G., EPA

Mr. Nawaz Malik, Dy. Director, EPA

Malik Shaukat Hayat, D.O. Environment, RWP

Mr. Akhtar Abbas, CTO, Rwp.

Malik Matloob, S.P. Traffic, Rwp

Mr. Zahid Yousaf, Addl. A.G. NWFP

Mr. Tayyab Awan, Director Transport

Mr. Suleman Nisar, Dy. Director, Transpt.

Mr. Feroz Shah, AIG, Traffic, NWFP

Mr. Asif Sahibzada, DD (Planning) EPA

Mr. Azam Khattak, Addl. A.G. Baluchistan

Mr. Sulman Ali, Secy. RTA

Date of hearing: 30.06.2009

ORDER

Mr. Asif Shujah, Director General, Ministry of Environment states that the vehicles being plied in all the provinces with diesel are a big source of pollution. On this, the Secretary Transport, Punjab stated that steps were being taken by the Govt. of Punjab to replace all buses running on diesel. He also stated that a scheme was being prepared to replace 2-stroke rikshaws with the 4-stroke rikshaws. Same steps were also being suggested in the

Provinces of NWFP, Sindh and Baluchistan. In this behalf, it would be appropriate if the Secretaries Environment of all the provinces, in consultation with each other, prepare separate comprehensive reports and plans, copies of which shall be sent to the Ministry of Environment, Government of Pakistan, where feasibility of the suggestions so given, shall be examined. Meanwhile D.G. Environment shall also examine whether it is possible to extend financial help to the Provincial Governments so as to replace or convert busses, wagons and rikshaws to CNG. The plans/suggestions acceptable to the Government shall also be submitted to this Court for passing further orders in this behalf. However, we would make it clear to the concerned authorities that they should not adopt any procedure/measures, which will render rikshaw drivers unemployed because they have to support their families. Ways and means should be explored to extend them financial assistance according to law, so they may abide by the decision of the Government to convert or replace their buses, wagons or riksh~~as~~ etc.

2. As is evident from the facts available on record, black smoke being emitted by these vehicles is a major and dangerous source of pollution. On this consideration we could have directed the Government for replacement of all such vehicles by taking them off the roads. This, however, is not being done as we are giving an opportunity to the Government as well as to the drivers and owners of the vehicles to come up with a solution, on the basis of which the replacement or conversion of vehicles takes place and at the same time livelihood of drivers is not put at stake.

3. Let the Provincial Governments and the Federal Government take necessary steps in this regard on the above lines and submit a report to this Court within a period of two months. As far as the traffic police of all the provinces is concerned, they are directed to implement the law on the subject strictly on the basis of which plying of such vehicles has been restricted or banned and if there is no such law, then the concerned governments may take

steps to provide for such matters in the Motor Vehicles Ordinance and the Rules, framed thereunder.

4. The Secretary, Ministry of Law and Justice shall furnish a report within three days to the Registrar for our perusal in Chambers in respect of the appointments of Chairmen Environmental Tribunals alongwith Members under section 20 of the Pakistan Environmental Protection Act, 1997.

Islamabad, the
30th June, 2009

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3/7 at 3.28 pm