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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

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Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Ghulam Rabbani

HUMAN RIGHT CASE NO. 3747 OF 2006

(COMPLAINT BY GULZEB)

For the complainant : Nemo.
For the respondent : Mr. Muhammad Ilyas Khan, ASC. D
On Court Call : Mr. Anwar Mansoor Khan,
Attorney General for Pakistan.
On Court notice : Mr. Abdul Fateh Malik, Addl:AG Sindh.
Mr. Naeem Ahmed Mughal, DG EPA
Mr. Abdullah Soomro,
Chief Engineer, SITE.
Mr. Hamid Ali Khan,
Environment Engineer, SITE.
Mr. Iqbal-ud-Din, Dy. Secy.
Ministry of Environment.
Syed Shaukat Ali, SHO.
Date of hearing : 09.03.2010.

ORDER

It is informed that despite happening of unfortunate incident taking place on 4th May 2006, in which a child namely Iftikhar had died, no precautionary measures are being taken on the site, adjacent to Abidabad residential area to prevent such incidents in future. Under these circumstances, on the last date of hearing i.e. 3rd February 2010, a comprehensive order was passed whereby Mr. Naeem Ahmed Mughal, DG Environment, Government of Sindh, was directed to submit a

comprehensive report in the matter. In response thereto, he has filed one page report, along with certain annexures, showing registration of cases, etc. however, during the course of hearing, he informed that on account of limited means, it is not possible for his agency to control the dumping of damaging industrial toxic wastage in the area of SITE which is still going on without any effective check.

Issue notice to the Attorney General for Pakistan, the Provincial Police Officer, Sindh, the Provincial Secretary Environment as well as to Mr. Farooq Gharib, owner of Gharib Sons for next date of hearing. Notice be also issued to the Chairman SITE Association of Industries and the Managing Director, KATI, Karachi to appear in person and submit a comprehensive report about the steps taken by them for preventing the dumping of industrial toxic wastage.

Adjourned to 11th March 2010.

Karachi,
09.03.2010.
Irshad/*
10/3/10

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IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.

MR. JUSTICE CH. IJAZ AHMED

MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 3747 OF 2006

(Complaint by Gulzeb regarding Children - victims of Chemical Waste)

For the Victims Iftikhar	Mr. Khawaj Muhammad, F/o deceased Mr. Ali Sarwar with his son Shiraz (Victim)
On Court Notice	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Mr. Umar Hayat Sandho, DAG Mr. M. Sarwar Awan, Addl. A.G. Sindh
Voluntary appeared	Mr. Munir A. Malik, Sr. ASC
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For M/o Environment Govt. of Sindh	Mir Hussain Ali, Secretary, Environment Mr. Fateh Muhamad, Deputy Secretary Mr. Naeem Ahmad Mughal, D.G. EPA Sindh Mr. Manzoor Ahmad Kanasaro, M.D SITE
For Sindh Police	Mr. Sultan Salahuddin Babar , PPO Sindh Mr. Wasim Ahmad, C.P.O Karachi Mr. Anwar Subhani, AIG, Legal Mr. Shaukat, SHO, SITE
For Factory Owner	Mr. M. Ilyas Khan, ASC With Mr. Farooq Gharib, Owner
For SITE Association	Mr. Ahsan Arshad Ayyub, Sr.VC Mr. Naseem Ahmad , Secretary
Date of hearing	11.3.2010

ORDER

In response to directives of the Court Khawaj Muhammad, father of deceased minor (Iftikhar) and Ali Sarwar father of injured (Shiraz) appeared alongwith his son whose fingers of right hand have

been imputed and the left foot badly affected and deformed and he is now a disabled boy. Mr. Munir A. Malik, learned Sr. ASC states that he had agitated the case on behalf of these two victims and succeeded in getting them compensation of an amount of Rs.22 lacs, however, as far the remaining victims of the incident are concerned, they had not contacted him. He further states that steps have already been taken for admission of Shiraz, the victim, in the school of disabled children. Let the concerned SHO SITE investigate and find out the names of other minor children who had sustained injuries in this episode and submit report as to whether any compensation has been made to them or not. Mr. M. Ilyas Khan, learned counsel appearing on behalf of Gharib Sons (Pvt.) Ltd. states that compensation has been paid as per statement of Mr. Munir A. Malik in respect of two persons, namely, deceased Iftikhar and injured Shiraz.

It is reported that so far as dumping of the industrial waste and chemical fossil is still going on. Mr. Naeem Ahmad Mughal, Director General Environmental Protection Agency has appeared in response to the notice and has placed on record the statement contents whereof are reproduced herein below:

"It is submitted before the Honorable Supreme Court of Pakistan that the undersigned will initiate action against the industrial units located in the SITE Industrial Area, Karachi for the purpose of management and efficient disposal of Industrial Solid Waste. The course of action will be as follows:

1. *That Environmental Protection Order under the Section 16 of Pakistan Environmental Protection Act 1997 will be issued to Chairman Site Association of Industry and M.D. Site limited for removal/shifting of waste to the designated landfill site which is presently dumped/placed in the open plots in the jurisdiction of Site*

Industrial Area. This action shall be completed within seven days.

2. *That Notices under the provision of PEPA, 1997 will be issued to all industrial units located in the said industrial area to forthwith stop disposal of industrial solid waste out side the factory premises.*
3. *That the Site limited shall with a comprehensive strategy with the cooperation of Site Association take effective step for collection, storage and transportation of solid waste.*
4. *That in case of non-compliance of orders issued under Environmental Protection Order the contraveners will be prosecuted before Environmental Protection Tribunal for legal action under Section 17 of PEPA, 1997.*
5. *That similar action will also be initiated against all industrial areas in Karachi City and within the Town Administrator limits of Karachi."*

He also makes a statement that so far as dumped chemical water and toxic material, etc. is concerned it shall be removed from the SITE area by following the relevant provision of law within a period of 7 days.

Let this case be also tagged with HRC Nos. 14-K/1992, 11-K/1994 etc. which have been adjourned for a date after one month subject to availability of Bench.

Karachi
11th March, 2010
(Zulfiqar)

Zulfiqar
15/3/10

(6)

(6)

H.R. number 3747/00

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اللہ علیہ وسلم

39
18/5

07/06

SLC

جناب افتخار جوہری صاحب
سپریم کورٹ (اسلامی امور پاکستان)

3747

7/7

AL
8/7/06

DEO

مضمون: ہم غریب لوگوں کے بچوں کی جانوں
کا زیاں اور ان کا ابا بچ اور معذور ہونا

جناب عالی:

آپ سے موربانہ درخواست کی
جاتی ہے کہ ہم غریب لوگ فیکٹری مالکان پر مقدمہ
کرنے اور اس کو جاری رکھنے کی استطاعت نہیں
رکھتے ہیں براہ معریانی سپریم کورٹ اس امر کا

از خود (Sou Moteo) نوٹس لے اور Site

کے علاقہ سے مرنے والوں اور زخمیوں کے بارے
میں حکومت سے پوچھ لگھ لگھ کرے۔ کیونکہ پولیس
اور فیکٹری (Site) والے ہمیں مسلسل جان سے

مارنے کی دھمکیاں دے رہے ہیں۔ ہمارے پاس
علاج کے لئے رقم بھی نہیں ہے یہ لوگ دھنڈا رہے
ہیں۔ جبکہ اس سلسلے میں تفصیل اور ان کی ضرورت
میں حسبِ رہی ہے۔

فقط
گل زیب

عابدہ آباد

Site Karachi