

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No. D-653 of 2021

[Aftab Ahmed & Ors. vs. Federation of Pakistan & Ors]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioners:	By Mr. Gulzar Ali Almani, advocate
Private respondents :	By M/s Ghulam Murtaza Shaikh, Faiza Ubaid Memon & Khalid Saeed Soomro, advocates
Federation of Pakistan:	Ms. Shamim Mughal, Assistant A.G. Sindh
Province of Sindh:	By Mr. Rafique Ahmed Dahri, Assistant A.G
Date of hearing:	27.11.2025
Date of decision:	27.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J:- Through captioned petition, the petitioners, claiming themselves as residents of Taluka Johi District Dadu, have sought the following relief(s):

- (i) *That, this Honourable Court may kindly be pleased to direct the respondents to Utilize one percent income (01%) funds being leased under Welfare Community Development Funds which issued for Local Villagers being covered within the 05 KM of OPPL of Zamzama Gas Plant Taluka Johi District Dadu as per orders Honourable Supreme Court of Pakistan and submit the report before this Honourable Court.*
- (ii) *That, this Honourable Court may kindly be pleased to direct the all respondents to provide Gas, RO Plant Water Supply, School, Medical Dispensary in area/locality within the periphery 05 KM area of Zamzama Gas Plant.*
- (iii) *That this Honourable Court may be pleased to direct the respondent No.10 and 14 to provide legal protection to the petitioner and other villagers from hands of Political influence as well as Zamzama company.*

2. At the outset, learned Assistant Advocate General Sindh submits that in C.P. No. D-988 of 2021, this Court had already issued directions regarding the

installation of RO Plants in the area, and the said directions now stand complied with; therefore, the prayer to that extent amounts to repetition. As regards the establishment of a medical dispensary/hospital in the petitioners' village, learned AAG undertakes that the same shall be established after allocation of the budget in the upcoming financial year.

3. Learned counsel for the petitioners, being not satisfied with the statement of learned AAG, submits that the decision be made on merits.

4. We have heard the parties and examined the record. It is well-settled through the landmark judgment of the Supreme Court in Ms. Shehla Zia v. WAPDA (PLD 1994 SC 693) that the right to life under Article 9 of the Constitution includes the right to a clean, healthy, and safe environment. Provision of safe drinking water, reasonable health facilities, and protection from environmental hazards fall squarely within this constitutional obligation. Furthermore, the mandatory Community Development Funds allocated by corporations operating in an area must be utilized exclusively for the welfare of the local population, as reiterated in various public-interest cases decided by the Supreme Court, including Human Rights Cases concerning development funds.

5. In view of the foregoing legal framework, and in light of the statement made by the learned AAG Sindh, the instant petition is disposed of in the terms that the Deputy Commissioner, Dadu, shall ensure strict, transparent, and duly audited utilization of the mandatory 01% Welfare Community Development Funds for the benefit of the residents situated within a 05 KM radius of the Zamzama Gas Plant. Such utilization must be in accordance with law and strictly aligned with the principles laid down by the Supreme Court in Shehla Zia's case and other binding precedents. The concerned departments shall further ensure the provision and uninterrupted functioning of the civic amenities sought by the petitioners, including clean drinking water through fully operational RO Plants as per need of the people and area and arsenic removal units; supply of gas to the local inhabitants; establishment and maintenance of educational facilities; and the setting up of a medical dispensary/hospital, to be undertaken upon allocation of funds in the forthcoming financial year. Respondents No.10 and 14 are directed to provide full legal protection to the petitioners and other villagers and to safeguard them against any form of political pressure or undue influence from any quarter, including the company operating the Zamzama Gas Plant. The Deputy Commissioner, Dadu, shall submit a comprehensive compliance report confirming: (i) the functionality of the arsenic removal units as highlighted by the Commissioner in the report dated 12.02.2024; and (ii) the proper and lawful

utilization of all development funds for the welfare of the local community. However, it is made clear that the aforementioned direction shall not be ignored at all by the department concerned and Deputy Commissioner Dadu; in case of failure, they shall expose themselves to contempt proceedings under Article 204 of the Constitution. Let a copy of this order be communicated to all concerned for strict compliance in time.

JUDGE

JUDGE

Sajjad Ali Jessar