

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-8713 of 2017

Date	Order with signature of Judge
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Present

**Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito**

M. Nadeem A. Shaikh & another.....Petitioners

Versus

Government of Sindh & others.....Respondents

Heard on 04.06.2021

M/s. M. Nadeem A. Shaikh Advocate/Petitioner & Saleem Michel, Advocate.

Ms. Leela Kalpana Devi, Addl. A.G. Sindh.

Mr. Makhdoom Gulzar, Manager, Keenjhar lake Resort.

Muhammad Ali Mazhar, J: The petitioners in person have brought this petition in the larger public interest. During pendency of this petition an untoward incident occurred at Keenjhar Lake where many persons drowned during boat ride due to lack of proper safety measures while allowing boats to operate commercially for tourists. It was averred by the petitioners that according to Boat Rules, 1953 no licensed boat shall carry a greater number of passengers than the number allowed by its license or under these Rules. He complained that two serious incidents occurred including the incident of 17.08.2020 but no SOP has been formulated so far while many innocent persons have lost their lives. Keeping in mind the sensitivity and importance of the matter, we issued notices to Deputy Commissioner Thatta and SSP Thatta to appear in person. The SSP submitted comments along with some documents. The learned AAG submitted that on 24.05.2019, SOP was made for the safety and security arrangements by STDC at Keenjhar Lake but what we noted that despite formulation of SOP, a drowning incident happened on 17.08.2020 at Keenjhar Lake in which ten persons drowned in the lake while boating and lost their precious lives. The Deputy Commissioner, Thatta stated that there are two

types of permissions/licenses one is for the fishing boat and another for tourism but the incident occurred in the fishing boat which was not authorized to use that boat for tourism. On this, we in clear terms observed that if this is a case then it is the responsibility of the local administration to make out proper standard operating procedure so that the fishing boat may not be engaged for the tourism.

2. This court in public interest issued various directions from time to time in this petition to improvise the safety and security measures at Keenjhar Lake to facilitate the tourists and to avoid any untoward and ugly incident. On 10.11.2020, Mr. Aijaz Ahmed Shaikh, Managing Director, STDC, Mr. Gulzar Makhdoom, Manager/ In charge Keenjhar Lake Resort and Mr. Adil Ahmed, Assistant Director STDC appeared in person when the court passed following order:

“None present for the petitioner. On the last date of hearing, in compliance of the directions given by this Court on 27.08.2020, the SOP was furnished by the Deputy Commissioner, Thatta as well as SSP Thatta. For the purpose of implementation of such SOP, on the last date of hearing we directed the learned A.A.G. to call Mr. Aijaz Ahmed Shaikh, Managing Director, STDC and Mr. Gulzar Makhdoom, Manager / In charge Keenjhar Lake Resort. Both are present today. Mr. Aijaz Ahmed Shaikh has submitted progress report in respect of the different tasks assigned to STDC for SOPs / Mechanism for Keenjhar Lake Thatta under the Chairmanship of the Commissioner, Hyderabad Division. In the progress report it is clearly stated that one Jetty has been built and three others will be built once the water level will go down. The court asked the possibility as to when the water level will go down, the Managing Director STDC has informed us that there is possibility that water level will go down within two months. It is further stated that a ticket counter has been built with all essential equipment / accessories but it will get functional when the committee, after registration of boats, will allow them to take visitors. Again Court has asked that when the boats will be registered, he has responded that within a month all the boats will be registered. It is further stated that fitness of boat will be approved and for this purpose a committee has been formulated to ensure safe boat riding and regulate boating activity. It is further stated that as soon as the boats will be registered the policy will be implemented in its letter and spirit. Lifesaving jackets will be kept at tickets center and boat owner will also keep the lifesaving jackets on boat. It is further highlighted in the progress report that a route is fixed within the two kilometers area of Keenjhar from the resort. Safety sign boards have been installed for awareness and three Watchtowers will be built as soon as the water level will go down. In the report it is explicated that 09 divers and rescue boats with staff are also stationed at strategic points. Sirens within two kilometers coverage radius have been installed and it rings at the boating closing time at 5.00 p.m. It is further stated in the report that the committee has been constituted and the area police is on board to stop fishing boats to enter in picnic area. Police has also established a visitor facilitation center. Progress report further reflects that the rescue center with all essential equipment / accessories are established by STDC and staff is provided by Health Department and the CCTV Cameras are installed. It is further stated that Mazaar of Noori is not safe to disembark, therefore, no one should be allowed to disembark at Mazaar. The progress report submitted today showing

substantial compliance of the order passed by this court is taken on record. Accordingly, the matter is adjourned with directions to all concerned including Managing Director, STDC to ensure strict vigilance and further compliance of the directions given by this Court within two months. Remaining two Watchtowers and Jetties will be built within two months and exercise of the registration of boats shall be completed within one month. No boating shall be allowed before registration and completing all the safety measures. Before disposing of this petition, we would like to request learned District & Sessions Judge, Thatta to visit Keenjhar Lake, conduct physical inspection and submit his report whether compliance as shown in the progress report submitted by the Managing Director, STDC today in the Court has been made or not. Copy of this order along with progress report submitted by the Managing Director, STDC today in court may be transmitted to the learned District & Sessions Judge, Thatta. Adjourned to 15.12.2020 when the further progress report will be submitted by the Managing Director, STDC”.

3. The Managing Director, STDC was directed to ensure strict vigilance and compliance of the directions given by this Court that no boating shall be allowed before registration and completing all the safety measures. We also directed District & Sessions Judge, Thatta to visit Keenjhar Lake, conduct physical inspection and submit the report whether compliance as shown in the progress report submitted by the Managing Director, STDC has been made or not. The District & Sessions Judge, Thatta submitted his report on 12.12.2020 which shows that some positive efforts in compliance of the order of this were made for the public safety with the arrangement of some better facilities for tourists at Keenjhar Lake. Makhdoom Gulzar Incharge/Manager Keenjhar Lake Resort submitted that process of registration of the boats started and at least 32 boats have been registered and remaining registration is pending for the purpose of presentation of fitness certificate. He further submitted that all the tourists boats are equipped with lifejackets and no person is allowed to sail in the boats without wearing of the same including crew members of the boats. On next date, Makhdoom Gulzar, Incharge, Keenjhar Lake Resort submitted that two watch towers have been built up while two are under construction, whereas, sixty (60) boats have been registered and only registered boats are allowed to operate. Two jetties have been built up and so far as third jetty is concerned, he informed us that there are some issues of encroachment for which meeting will be convened with the Deputy Commissioner, Thatta for an early action. Necessary provisions have been made for the

life jackets before ride in any boat. The ticket counters have been established. The emergency rescue center is already in operation with the provision of ambulance. Two Sub Inspectors and sixteen police constables have been deployed at the rescue center. The siren has been installed which is working. CCTV cameras have been installed. Finally, a progress report was submitted on 04.06.2021 which is for the ease of convenience reproduced as under:-

REPORT OF TASK ASSIGNED TO STDC FOR SOPs/MECHANISM FOR KEENJHAR LAKE THATTA UNDER CHAIRMANSHIP OF COMMISSIONER, HYDERABAD DIVISION

SR. NO.	<u>TASK</u>	<u>PROGRESS</u>
1.	03 Floating jetties for arrival and departure of boats	Task is completed. Floating Jetties are built (Pictures attached at page 3 and 5)
2.	Boats must not be rented by visitors randomly rather a boating counter should be established and visitors should buy ticket from counter	Task is completed. Ticket counters are built with all essential equipment and accessories are already mentioned (Picture are attached at page 5)
3.	Fitness of boat must be approved from relevant authority and boat driver must be certified	Task is completed. Pakistan Navy Head Quarter 32 nd Creeks Battalion, Sujawal visited Keenjhar Lake resort Thatta from 16.01.2021 to 17.01.2021 for taking test of Boat Drivers and Divers and to inspect boat body and engine as pre-requisite for boat registration (Pictures are attached at page 7)
4.	Life Jackets with tested quality must be compulsory for each boat rider.	Task is completed. As per policy, Boats are registered, lifesaving jackets are kept at tickets centre and boat owners have also kept the lifesaving jackets on boats.
5.	Visitor boat should not navigate randomly in the lake there must be a fixed route rescue boats must remain stationed on the route.	Task is completed. Routes are fixed within 02 Kilometer area of Kenjhar from the resort. Safety sign boards are installed for awareness.
6.	Watch towers may be established at desired locations to monitor whole area	Task is under completion. One watch tower is completed, other watch tower material is prepared but need to be installed (Pictures are attached at page 9)
7.	Well equipped divers recruited in sufficient numbers and should be stationed at strategic points.	Task is completed. Pakistan Navy has given training to all the boat drivers and divers including rescue boat staff

		who are stationed at strategic points.
8.	Boating activity must stop at 5 pm	Task is completed. Siren within 02 kilometer coverage radius is installed and rings at the boating closing time at 5 pm.
9.	Fishing boats must not be allowed to enter picnic area	Task is completed. Committee is constituted and police is on board to stop fishing boats to enter in the picnic area. Police has also established a visitor facilitation centre.
10.	Rescue and response centre must have established with First Aid equipments and expert human resource to save life in case of drowning incident.	Task is completed. Rescue centre (Building) with all essential equipment & accessories is established by STDC and staff is provided by health department. An Ambulance of STDC is also present at Keenjhar lake resort.
11.	Provision of CCTV Camera with control room.	Task is completed. CCTV Cameras are installed (Picture are attached at page 11)
12.	Disembarking on islands within Keenjhar lake must be banned	Task is completed. No one is allowed. Boating is banned.
13.	Mazaar of noori is not safe to disembark therefore, no one should be allowed to disembark at Mazaar	Task is completed. No one is allowed. Boating is banned.

4. Since the directions given by this court from time to time in order to make necessary provisions and availability of facilities in the public interest for the safety of tourists at Keenjhar Lake have been seemingly complied with to avoid any future incident or accident therefore this petition is disposed of with the directions to the Managing Director, STDC, Deputy Commissioner, Thatta and SSP to ensure strict compliance with regard to all safety measures religiously. Office is directed to transmit copy of this order to the worthy Chief Minister Secretariat, Sindh, Managing Director, STDC, Deputy Commissioner, Thatta, DIG Hyderabad and SSP Thatta as well as the learned Advocate General, Sindh.

Judge

Judge