

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1047 of 2003

Date Order with signature of Judge

For Regular hearing
(Notice issued for 04.2.2020)

04.2.2020.

Mr. Abbas Rasheed Razvi, advocate for the petitioners along with Mr. Shoaib Khatian, advocate.

Mr. Bilal Khilji, Assistant Attorney General for Pakistan for respondents No.1,2&5.

Mr. Shaiq Usmani, advocate for respondent No.3.

None present for respondent No.4.

Mr. Shahryar Mehar, Assistant Advocate General Sindh for respondent No.6.

Dr. Adeel Abid, advocate for respondent No.7.

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This constitutional petition has been filed with the following prayers:-

- i) *Order the respondents, jointly or severally, to pay monetary compensation of Rs.393,000,000 (393 Million) per month to the fishermen starting from the month of August 2003 till the time fishing in the sea adjacent to Karachi coasts becomes normal and permissible.*
- ii) *Order the respondents to take immediate and necessary steps to protect the Mangroves, marine life and sea environment around the coastal areas with further direction to make permanent measures to avoid similar environmental hazards and crisis in future.*
- iii) *Order the respondents to provide correct information regarding health hazards due to oil spillage and provide free health care facilities to fishermen and their families till the time pollution due to spillage is removed.*
- iv) *Issue directions to the concerned/competent Authority to initiate penal and criminal proceedings against Officers of the Respondents for committing criminal negligence.*
- v) *to direct the Federal and Provincial Governments to place the reports of enquiries conducted by them before this Hon'ble Court.*

- vi) *Grant any other/additional relief(s) as this Hon'ble Court may deem fit in the circumstances of the case.*
- vii) *Award cost of the proceedings.*

Learned counsel states that so far as the prayer clause (i) is concerned, since 13 suits in respect of the matter are pending he will agitate the issue in the said suits subject to all just exceptions after seeking necessary instructions from his clients. So far as the prayer clauses (iv) and (v) are concerned, we are of the view that these do not fall within the scope of Article 199 of the Constitution of Islamic Republic of Pakistan 1973; therefore the learned counsel does not press these prayer clauses.

Counsel for the petitioners and respondents have been heard in respect of prayer clauses (ii)& (iii) and record has been perused.

We are of the view that the issues raised in the instant petition are with regard to taking steps for protection of the Mangroves, Marine life and sea environment around the coastal areas, which require serious consideration. It is incumbent upon the respondent No.1 to make sure the protection of the mangroves, marine life and environment around the coastal areas and to take proper steps in this behalf. It is also incumbent upon the respondents No.1, 5&6 to make sure that no health hazards and oil spillage should take place and to ensure that health care facilities of the fishermen and their families are properly made. We, therefore under the circumstances, direct these respondents to device such mechanism so that mangroves, marine life and sea environment near the coastal areas should be protected and also to device mechanism to formulate future strategies to avoid any incident and happening as a result of oil spillage and to further device mechanism about the health care facilities for the fishermen and their families.

We, therefore in this regard direct the Chief Secretary, Government of Sindh and the Secretary, Ports and Shipping, Government of Pakistan to sit together along with the concerned officials responsible for complying with the above directions to device such methods so that the marine life and environment around the coastal areas are protected. We expect that some mechanism and method would be devised within a period of three

months from today. Let a report of the meeting, if conducted in this regard, be submitted to this Court through MIT-II for information. Let a copy of this order be sent to the concerned Secretaries and DAG for information and compliance. With these directions the instant petition stands disposed of.

JUDGE

JUDGE

Gulzar/PA