

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT**  
**SUKKUR**

**Const. Petitions No. D – 1064, 1068, 1069, 1072, 1075, 1077, 1080, 1081, 1083, 1084, 1087, 1088, 1089, 1091, 1096, 1097, 1098, 1099, 1103, 1104, 1105, 1106, 1108, 1112, 1114, 1125, 1126, 1127, 1132, 1135, 1141, 1146, 1147, 1148, 1151, 1152, 1153, 1154, 1155, 1160, 1162, 1169, 1174, 1180, 1191, 1193, 1213, 1217, 1235, 1259, 1277, 1287, 1300, 1484, 1468, 1549, 1599 of 2022, 02, 107, 111 & 122/2023**

Date of hearing	Order with signature of Judge
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Mr. Justice Salahuddin Panhwar  
Mr. Justice Abdul Mobeen Lakho

**For hearing of main cases:**

**28.02.2023**

M/s Ghulam Shabbir Shar, Fidaullah Qureshi, Muhammad Raza Soomro, Sohail Ahmed Khoso, Abdul Qadeer Khoso, Waqar Ali Phulpoto, Muhammad Qasim Kandhro, Ubedullah Malano, Riaz Ali Shaikh, Athar Hussain Abro, Niazuddin N. Memon, Nusrat Hussain Memon, Shabbir Ali Bozdar, Badaruddin Memon, Muhammad Qayyum Arain, Deedar Ali M. Chohan, Abdul Mujeeb Shaikh and Achar Khan Gabol, Humail Rafi, Abdul Ghani, Sadaqat Ali Rid, Abdul Sattar Mahesar & Samiullah Rind, Advocates for the petitioners in C. Ps. No. D-1064, 1072, 1080, 1081, 1083, 1098, 1104, 1125, 1126, 1132, 1148, 1151, 1169, 1174, 1180, 1191, 1193, 1217, 1235, 1287 and 1549 of 2022.

M/s Jhando Khan Jarwar, Waqar Ali Phulpoto, Gul Feroze Kalwar, Asif Ali Bozdar, Muhammad Balam Sangi, Riaz Ali Maitlo, Aijaz Ali Shar, Samiullah Rind and Shabbir Hussain Talpur, petitioners in person in C. Ps. No. D-1084, 1088, 1091, 1096, 1099, 1135, 1147, 1152 and 1153 of 2022.

Mr. Sanwan Khan Jagirani, Legal Advisor of SIDA along with Faisal Ahmed (Executive Engineer, Nara Canal Division, Khairpur @ Sukkur).

Mr. Shafi Muhammad Chandio, Additional Advocate General Sindh and M/s Mehboob Ali Wassan, Assistant Advocate General Sindh along with Suhail Ahmed Qureshi, Secretary (Irrigation), Shariq Ahmed, Secretary (Works and Services Department), Syed Salman Shah, DG PDMA, Imdad Hussain Siddiqui, Director PDMA, Maqsood Hussain Soomro, Deputy Director, PDMA Sindh, Shahzeb Shaikh, Deputy Commissioner, Naushahro Feroze, Sharjeel Noor Channa (Deputy Commissioner, Khairpur), Muhammad Usman Abdullah Deputy Commissioner,

Ghotki, Maqsood Hussain Soomro, Deputy Director, PDMA Sindh, Liaquat Ali Kalhoro ADC-I, Sukkur Waseem Ahmed, AC-Rohri, Muhammad Adeel, Assistant Commissioner, Salehpat, Asadullah Khokhar, Assistant Commissioner, Mehrabpur Sajjad Ali Khaskheli, Mukhtiarkar Taluka Hussain Bux Mari, District Mirpurkhas, Dr. Jameel Ahmed, DHO Sukkur, Dr. Abdul Sattar, Director Health Services, Sukkur, Dr. Rehmatullah Solangi, DHO Khairpur, Rasool Bux Junejo, Abdul Majeed Panhyar, Executive Engineer, Provincial Highway Division Shaheed Benazirabad, Khursheed Ahmed, XEN Mirpur Mathelo, Irrigation Ghotki, Darya Khan Chandio, AC Kotdiji, Dr. Nadeem Memon, Focal Person, DHO Office Naushahro Feroze, Jawed Memon, Project Director, Sindh Flood Emergency Rehabilitation Project, Muhammad Hayat Shaikh (Project Director SCARP, Khairpur), Amjad Ahmed Memon (Project Director SCARP, North Rohri/Shahed Benazirabad), Zain-ul-Abidin Morio (Executive Engineer, Provincial Highways, Khairpur), Qaisar Ali Hashmi, District Accounts Officer, Sukkur.

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**Salahuddin Panhwar, J:-** Pursuant to order dated 25.01.2023, Secretary Rehabilitation present contends that they have complied with paragraph No.5. Being conducive, same is reproduced herewith:-

“5. Besides, it has come on record that Sindh Flood Emergency Rehabilitation Program (SFERP) infrastructures, livelihoods and Rescue 1122 components **have** been established on 5<sup>th</sup> December 2022 in the Executive Committee of National Council of Common (ECNEC), hence Project Director (SFERP) shall be in attendance along with complete record of funds **and their utilization on ongoing schemes**”.

2. Besides, he admits that Mr. Kansaro was Federal employee; however he is unaware that under what authority he was appointed as Project Director; however he assures that relevant paragraph of order dated 08.02.2023 has been complied accordingly with notification.

3. It is pertinent to mention that all projects of irrigation and rehabilitation with regard to funds provided by the donor agencies. Project Director shall be from the same department (parent department) and he shall be regular employee. Needless to mention, no one shall be appointed on contract basis as Project Director in any scheme. In case of any violation, contempt proceedings shall be initiated to the delinquent officers. All parties are satisfied with

regard to performance of Mr. Siddiqui. This Court will appreciate his efforts.

4. It has also come further on record Hands and Dawat-e-Islami has provided huge funds due to intervention of Mr. Siddiqui. This Court always appreciates the efforts of those who voluntarily worked for flood effectees in the flood effected areas.

5. Pursuant to order dated 08.02.2023, Secretary Rehabilitation contends that he has conducted Khuli Katcheries; however, it has come on record that public was not aware with regard to open katcheries, therefore, Secretary shall reschedule open katcheries in all places as mentioned in the above order and such publication will be given in local newspaper having wide circulation.

6. Mr. Imdad Hussain Siddiqui, Director (Rehabilitation) shall continue visits in view of mandate given by him; however, it has come on record that Finance Secretary are not releasing the funds despite of directions. Accordingly, earlier order shall be communicated to Finance Secretary in releasing of funds. In case of failure, he shall be in attendance.

7. Though Mr. Kanasro is removed on 13.02.2023, therefore, directions contained in above referred order are complied with in true letter and spirit, any officer of rehabilitation department having vast capabilities & expertise shall be appointed as Project Director of Sindh Flood Emergency Rehabilitation Project.

8. Director (PDMA) shall ensure compliance of paragraph-8 of order dated 12.01.2023 and paragraph-7 & 9 of order dated 25.01.2023 in its true letter and spirit without fail. In case of failure, such act seems to be pejorative act and delinquent officer shall be dealt with under contemptuous act in accordance with law. Being relevant, same are reproduced herewith:-

“8. **Section 11** and **12** of the Act *ibid* provides **guidelines** for minimum standards for relief.--Subject to **directions** of the National Commission, the National Authority shall lay down *guidelines* for the *minimum* standards of relief to be provided to persons affected by disaster which shall include-----

- (a) the **minimum** requirements to be provided in the relief camps in relation to **shelter, food, drinking water, medical cover and sanitation**;
- (b) the special provisions to be made for vulnerable groups;

- (c) **ex-gratia assistance** on account of loss of life as also assistance on account of damage of houses and for **restoration** of means of **livelihood**; and
- (d) such other relief as may be necessary.

12. **Relief in loan repayment**, etc.---Subject to such *directions* as the National Commission may give, the **National Authority** may, in cases of *disasters* of severe *magnitude*, **give directions** regarding relief in payment of **loans** or for grant of fresh **loans** to the persons **affected** by **disaster** on such **concessional** terms as may be appropriate.

7. Director, PDMA present submits report showing therein that DG (PDMA) along with Secretaries of the relevant Departments conducted open *Katcheries*, during that *directives* have been issued to the Deputy Commissioners (DCs) as well that they shall conduct survey and submit their demand with regard to relief **items**. Accordingly, Deputy Commissioners of all four districts i.e. Ghotki, Khairpur, Sukkur and Naushahro Feroze shall ensure that they have submitted demand after re-survey of the flood effected areas of their respective districts within three (03) days; besides, DG PDMA shall ensure that all demands submitted are fulfilled and flood relief items shall be provided to the DCs within one week without fail. They shall also ensure that quality and standard of the flood relief items including blanket and warm clothes i.e. sweaters, jerseys and pullovers proposed to be provided to the flood effectees should be appropriate and reasonable for utilization and in this regard, PQ&SA shall *monitor/observe* the same diligently **and carefully**. DCs shall ensure distribution of the flood relief **items** in transparent manner, among the flood *effectees* with full respect and reverence, without any discrimination including Political affiliation and no one shall remain unattended; Whereas, homeless persons, who are known as High Risk Families having no permanent abode shall be provided all basic facilities.

9. At this juncture, Director (PDMA) contends that in their survey conducted under the supervision of the Military Personnel, there is claim of 4000 casualties due to electric shocks, roof damages, drowning and snake bites and according to them, they have paid one million to the legal heirs of each deceased person up-today and they have settled the claim of 232 persons died in the present flood. Whereas, rest of the claims will be settled after seeking verification reports from Deputy Commissioners. Hence, the Deputy Commissioners shall conduct complete survey, with the help of NADRA & BISP and submit complete details along-with relevant documents like death certificate to PDMA within fifteen (15) days. PDMA authorities are hereby directed to pay the compensation to the legal heirs of the victims within one month after proper verification from concern quarters and all the payment shall be made through Banking Channels in the account of the legal heirs; Moreover, appropriate compensation to those flood effectees be paid, who have lost their whole earnings in shape of dwellings owing to such flood in all districts of the Province of Sindh. As reported, some of flood affected areas have been surveyed; however, some are remained to be surveyed, thus prompt steps in this regard be taken to complete the entire survey immediately in order to compensate them accordingly from the funds reserved for flood effectees with availability of their data with NADRA & BISP".

With regard to housing scheme project, that scheme shall include property rights of the land, if government land is not available in order to ensure their permanent abode. No one shall be deprived on account of legal character. Chief Secretary Sindh shall ensure framing of comprehensive policy in this regard without fail.

With regard to **compensation** of **damaged houses**, it is pertinent to mention that majority of effectees are poorest/*haries* and they do not have their residence/land showing their ownership documents then their shall not be a rider with regard to title of the

same and such compensation be given on the basis of **possession**, in addition to title, if any, without fail. In case of failure, concerned officer(s) shall expose himself for contempt proceedings.

To come up on **06.04.2023**. Needless to mention, earlier orders yet not complied with shall be remained in field.

JUDGE

Faisal Mumtaz/PS

JUDGE