

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P. No.D-1309 of 2013

Date	Order with signature of Judge
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1. For orders on CMA No.10670/2013
2. For hearing of main case.

22.02.2023

M/s. Shafique Ahmed Babar Leghari, Qurban Ali Malano,
advocates for the Petitioner
Mr. Khuda Bux Chohan, Advocate for SMC
M/s. Ali Raza Balouch and Zahid Farooq Mazari, AAGs along
with Barkat Ali Khawaja, Chief Engineer, Public Health
Engineering Department, Dr. Jameel Ahmed, DHO Sukkur,
Liaquat Ali Kalhoro, ADC-I, Sukkur, Muhammad Ali Shaikh,
M.C SMC, Dr. Essa Khan, Assistant Commissioner, Sukkur City,
Haq Nawaz Ali, Focal person on behalf of Chief Engineer,
Sukkur Barrage Left Bank Region, Sukkur

SALAHUDDIN PANHWAR, J This petition pertains to
quality of Indus water and drainage of Sukkur city
plummeting/dropping in Indus River.

2. By order dated **09.02.2023**, directions were given to
concern authorities, **firstly** with regard to **examination** of Indus
River water, **Secondly**, quantity and the quality of water
treatment plants meant for drinking water for Sukkur city.
Thirdly, pursuant to that samples of raw water were directed to
taken directly from Indus and from treated water plants
respectively.

3. Learned **AAG** has submitted report, showing therein that
on different sites drain water is pouring in Indus without
treatment. **Reports** of Agha Khan University Hospital Karachi,
Pakistan Council of Research in Water Resources, Ministry of
Water Sources, Government of Pakistan, are available, which
seems to be alarming/disquieting. Being relevant, same are
scanned with this order for the sake of ready reference as under:-



PAKISTAN COUNCIL OF RESEARCH IN WATER RESOURCES

Ministry of Water Resources
Government of Pakistan

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WATER QUALITY TEST REPORT

Report No.	7376	Total No. of Pages	01
Client Name & Address	M/S Executive Engineer Public Health Engineering Division, Sukkur Received Through Office of The Additional Advocate General Sindh High Court Building, Sukkur, vide Ref. No. Addl.AG-300 of 2023 Sukkur Dated 14.02.2023 (Intake, Bandar Road)		
Client Code	S-01 Raw Water (Intake from Indus), Secured from Water Works Point Phase-1, Bandar Road from Indus River		
WQL Sample code	PCRWR/KHI/7376/02/2023	Sample Receipt Time	11:15am
Temp of Sample @°C	25.7	Sample Receipt Date	15.02.2023
Date (s) of analysis	15.02.2023 To 17.02.2023	Reporting Date	18.02.2023

PHYSICAL & AESTHETIC PARAMETERS

Sr. #	W.Q Parameters	Unit	Det. Limit	Ref. Method	Permissible limits*	Results
1	Color	--	--	Sensory evaluation	Colorless	Muddy
2	Odor	--	--	Sensory evaluation	Unobjectionable	U.O
3	E. Conductivity	µS/cm	0.11	APHA, 22 nd Edition	NGVS	546
4	pH	--	0.03	APHA, 22 nd Edition	6.5-8.5	7.84
5	Turbidity	NTU	0.01	APHA, 22 nd Edition	--	477

MAJOR CHEMICAL PARAMETERS:

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Alkalinity as Ca CO ₃	m.mol/l	--	APHA, 22 nd Edition	NGVS	2.8
2	Bicarbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	140
3	Calcium	ppm	5.0	APHA, 22 nd Edition	NGVS	36
4	Carbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	Nil
5	Chloride	ppm	2.0	APHA, 22 nd Edition	250	44
6	Hardness as Ca CO ₃	ppm	5.0	APHA, 22 nd Edition	500	120
7	Magnesium	ppm	5.0	APHA, 22 nd Edition	NGVS	7.3
8	Potassium	ppm	0.02	APHA, 22 nd Edition	NGVS	4.9
9	Sodium	ppm	57	APHA, 22 nd Edition	NGVS	63
10	Sulfate	ppm	0.24	APHA, 22 nd Edition	250	55
11	Nitrate -N	ppm	0.03	APHA, 22 nd Edition	10	1.012
12	Fluoride	ppm	0.02	APHA, 22 nd Edition	1.5	0.25
13	Iron	ppm	0.02	APHA, 22 nd Edition	0.3	0.03
14	Arsenic	ppb	0	Merck 1.17927	50	5
15	TDS	ppm	--	APHA, 22 nd Edition	<1000	299

MICROBIOLOGICAL PARAMETERS

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Total Coliform	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	TNTC
2	E.Coli	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	TNTC

APHA = American Public Health Association, B.L. = below detection limit U.O = Un Objectionable TNTC = Too Numerous to Count NGVS = No Guideline Value Set NSDWQ = National Standard for Drinking Water Quality

Note: The sample is provided by the client and this report is valid only for the sample provided.

Remarks: Found **Unsafe** for drinking purpose for highlighted parameters under prescribed standards.

Prepared by		Tech. Manager (Micro.)		Tech. Manager (Chem./QC)	
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TNTC → Too numerous to count.

1 ppb = 1 µg/l

Address: PCRWR Regional Office, Main University Road, Behind Naseer Tower, Near KW&SB Reservoir, Gullistan-e-Jahar, H.C.C-1, Karachi. Tel No.021-34028062, 021-34156668

1 ppm = 1 mg/litre

1 ppm = 3 NTU



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WATER QUALITY TEST REPORT

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Client Name & Address	M/S Executive Engineer Public Health Engineering Division, Sukkur Received Through Office of The Additional Advocate General Sindh High Court Building, Sukkur, vide Ref. No. Addl.AG-300 of 2023 Sukkur Dated 14.02.2023 (W/Works Bunder Road)		
Client Code	S-02 Treated Water, Secured from Water Works Point Phase-I, Bandar Road from Indus River		
WQL Sample code	PCRWR/KHI/7377/C2/2023	Sample Receipt Time	11:15am
Temp of Sample @°C	25.7	Sample Receipt Date	15.02.2023
Date (s) of analysis	15.02.2023 To 17.02.2023	Reporting Date	18.02.2023

PHYSICAL & AESTHETIC PARAMETERS

Sr. #	W.Q Parameters	Unit	Det. Limit	Ref. Method	Permissible limits*	Results
1	Color	--	--	Sensory evaluation	Colorless	Muddy
2	Odor	--	--	Sensory evaluation	Unobjectionable	U.O
3	E. Conductivity	µS/cm	0.11	APHA, 22 nd Edition	NGVS	477
4	pH	--	0.03	APHA, 22 nd Edition	6.5-8.5	7.88
5	Turbidity	NTU	0.01	APHA, 22 nd Edition	<5	485

MAJOR CHEMICAL PARAMETERS:

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Alkalinity as Ca CO ₃	m.mol/l	--	APHA, 22 nd Edition	NGVS	2.6
2	Bicarbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	130
3	Calcium	ppm	2.0	APHA, 22 nd Edition	NGVS	32
4	Carbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	Nil
5	Chloride	ppm	2.0	APHA, 22 nd Edition	250	37
6	Hardness as Ca CO ₃	ppm	5.0	APHA, 22 nd Edition	500	110
7	Magnesium	ppm	1.0	APHA, 22 nd Edition	NGVS	7.3
8	Potassium	ppm	0.02	APHA, 22 nd Edition	NGVS	4.9
9	Sodium	ppm	1.57	APHA, 22 nd Edition	NGVS	55
10	Sulfate	ppm	0.24	APHA, 22 nd Edition	250	48
11	Nitrate -N	ppm	0.03	APHA, 22 nd Edition	10	1.011
12	Fluoride	ppm	0.02	APHA, 22 nd Edition	1.5	0.17
13	Iron	ppm	0.02	APHA, 22 nd Edition	0.3	0.03
14	Arsenic	ppb	0	Merck 1.17927	50	5
15	TDS	ppm	--	APHA, 22 nd Edition	<1000	267

MICROBIOLOGICAL PARAMETERS

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Total Coliform	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	TNTC
2	E.Coli	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	TNTC

APHA = American Public Health Association, BDL= Bacteriological detection limit U.O= Un Objectionable TNTC =Too Numerous to Count NGVS = No Guideline Value Set NSDWQ* = National Standard for Drinking Water Quality

Note: The sample is provided by the client and this report is valid only for the sample provided.

Remarks: Found **Unsafe** for drinking purpose for highlighted parameters under prescribed standards.

Prepared by		Tech. Manager (Micro.)		Tech. Manager (Chem./QC)
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Address: PCRWR Regional Office, Mair University Road, Behind Naseer Tower, Near KW&SD Reservoir, Gulistan-e-Johar, Block-7 Karachi. Tel No. 021-34028062, 021-34156668



PAKISTAN COUNCIL OF RESEARCH IN WATER RESOURCES

Ministry of Water Resources
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WATER QUALITY TEST REPORT

Report No.	7379	Total No. of Pages	01
Client Name & Address	M/S Executive Engineer Public Health Engineering Division, Sukkur Received Through Office of The Additional Advocate General Sindh High Court Building, Sukkur, vide Ref. No. Addl.AG-300 of 2023 Sukkur Dated 14.02.2023 <i>Numaishgah Water Works (Supply Point)</i>		
Client Code	S-04 Treated Water, Secured from Water Works Phase-3, Qureshi Goth Old Sukkur		
WQL Sample code	PCRWR/KHI/7379/02/2023	Sample Receipt Time	11:15am
Temp of Sample @°C	25.7	Sample Receipt Date	15.02.2023
Date (s) of analysis	15.02.2023 To 17.02.2023	Reporting Date	18.02.2023

PHYSICAL & AESTHETIC PARAMETERS

Sr. #	W.Q Parameters	Unit	Det. Limit	Ref. Method	Permissible limits*	Results
1	Color	--	--	Sensory evaluation	Colorless	Turbid
2	Odor	--	--	Sensory evaluation	Unobjectionable	U.O
3	E. Conductivity	µS/cm	0.11	APHA, 22 nd Edition	NGVS	369
4	pH	--	0.03	APHA, 22 nd Edition	6.5-8.5	7.71
5	Turbidity	NTU	0.01	APHA, 22 nd Edition	<5	12.3

MAJOR CHEMICAL PARAMETERS:

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Alkalinity as Ca CO ₃	m.mol/l	--	APHA, 22 nd Edition	NGVS	1.4
2	Bicarbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	70
3	Calcium	ppm	2.0	APHA, 22 nd Edition	NGVS	24
4	Carbonate	ppm	5.0	APHA, 22 nd Edition	NGVS	Nil
5	Chloride	ppm	2.0	APHA, 22 nd Edition	250	41
6	Hardness as Ca CO ₃	ppm	5.0	APHA, 22 nd Edition	500	100
7	Magnesium	ppm	1.0	APHA, 22 nd Edition	NGVS	9.7
8	Potassium	ppm	0.02	APHA, 22 nd Edition	NGVS	4.5
9	Sodium	ppm	1.57	APHA, 22 nd Edition	NGVS	36
10	Sulfate	ppm	0.24	APHA, 22 nd Edition	250	51
11	Nitrate -N	ppm	0.03	APHA, 22 nd Edition	10	0.869
12	Fluoride	ppm	0.02	APHA, 22 nd Edition	1.5	0.26
13	Iron	ppm	0.02	APHA, 22 nd Edition	0.3	0.03
14	Arsenic	ppb	0	Merck 1.17927	50	0
15	TDS	ppm	--	APHA, 22 nd Edition	<1000	212

MICROBIOLOGICAL PARAMETERS

Sr. #	W.Q Parameters	Units	Det. Limit	Reference Method	Permissible Limits*	Results
1	Total Coliform	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	TNTC
2	E.Coli	CFU/100ml	<1.0	APHA, 22 nd Edition	0/100ml	11

APHA = American Public Health Association, BDL = Below detection limit U.O = Un Objectionable TNTC = too Numerous to Count NGVS = No Guideline Value Set NSDWQ* = National Standard for Drinking Water Quality

Note: The sample is provided by the client and this report is valid only for the sample provided.

Remarks: Found **Unsafe** for drinking purpose for highlighted parameters under prescribed standards.

Prepared by		Tech. Manager (Micro.)		Tech. Manager (Chem./QC)	
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Address: PCRWR Regional Office, Mun. University Road, Behind Naseer Tower, Near KW&SB Reservoir, Gullistan-e-Johar, Block-1, Karachi. Tel No.021-34028062, 021-34156668



آغا خان یونیورسٹی ہسپتال، کراچی
The Aga Khan University Hospital, Karachi

Stadium Road, P.O. Box 3500, Karachi - 74800
Pakistan
Muslim Housing Society Collection Unit Tel (071)
5632646

Medical Record # : L25990916 (SV172174)
Patient Name : C/O RAW WATER (INTAKE FROM INDUS)
Specimen ID : P025801192R
Clinical Information / Comments : WATER WORKS PHASE 01
Age / Gender : 2023 / Unknown
Location : SUKKUR2
Requesting Physician : SUKKUR HIGH COURT
Account # : C38569998 - OSR
Requested on : 14/02/2023 - 16:56
Collected on : 14/02/2023 - 16:56
Reported on : -

SOURCE: WATER

SPECIMEN DATA - [Final Report]

PLACE SOURCE : C/O RAW WATER (INTAKE FROM INDUS)
PHASE
SAMPLE : WATER AS MARKED
500 ML STE CONTAINER RECEIVED.

RESULTS - [Final Report]

TOTAL COLONY COUNT : 1300 CFU/ML
TOTAL COLIFORMS : TOO NUMEROUS TO COUNT CFU/100 ML
FAECAL E. COLI : NIL
FAECAL STREPTOCOCCI/ENTEROCOCCI : 54 CFU/100 ML

COMMENTS - [Final Report]

The sample submitted is bacteriologically Unsatisfactory (See reference value given below)

Recommended value for drinking water
(piped supply/ well water)

Organism	Recommended value
Total colony count	less than 500 cfu/ ml
Total coliforms	0/100 ml
Faecal E. coli	0/100 ml
Faecal streptococci/Enterococci	0/100 ml

Presence of E. coli, faecal streptococci and enterococci
is suggestive of faecal contamination.

NOTE: Chemical and toxin analysis was not performed on this sample
The above results cannot be used for advertising purpose.

Reported by: A Consultant: [Signature]
Printed on/by : 21/02/2023 12:38 PM / israr.ahmed

Dr. Afa Zafar
MBBS (H.C. Pathology)
Professor

Dr. Erum Khan
MBBS, FCPS (Microbiology)
Professor

Dr. Rumina Hasan
MBBS, FRCR (Path) FRC (University of
London)
Professor

Dr. Seema Irfan
MBBS, FCPS (Microbiology)
Professor

Dr. M. Asim Beg
MBBS, PhD, FRCR (Path)
Professor & Consultant Dermatologist

Dr. Kausar Jabeen
MBBS, FCPS (Microbiology)
Professor

Dr. Javeria Farooqi
MSc, MBBS, FCPS (Microbiology)
Assistant Professor

Dr. Inam Ahmed
MSc, MBBS, FCPS (Microbiology)
Assistant Professor

Dr. Mohammad Zeeshan
MBBS, FCPS (Microbiology)
Assistant Professor

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4. Undisputedly and unequivocally, water is life and pure and clean water is not only fundamental right of human but marine species as well¹. Hon'ble Apex Court, elaborated and explained the applicability of Article 9 in broader sphere in the celebrated judgement passed in the **Ms. Shahla Zia**² case wherein held as follows:-

Article 9 of the Constitution provides that no person shall be deprived of life or liberty save in accordance with law. The word life is very significant as it covers all facts of human existence. **The word life has not been defined in the Constitution but it does not mean nor can be**

¹ See Article 9 & 24 of Constitution of Pakistan

² Ms. Shehla Zia Vs WAPDA PLD 1994 SC 693

restricted only to the vegetative or animal life or mere existence from conception to death. Life includes all such amenities and facilities which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally. A person is entitled to protection of law from being exposed to hazards of electromagnetic fields or any other such hazards which may be due to installation and construction of any grid station, any factory, power station or such like installations. Under the common law a person whose right of easement, property or health is adversely affected by any act of omission or commission of a third person in the neighbourhood or at a far-off place, he is entitled to seek an injunction and also claim damages, but the Constitutional rights are higher than the legal rights conferred by law be it municipal law or the common law. Such a danger as depicted, the possibility of which cannot be excluded, is bound to affect a large number of people who may suffer from it unknowingly because of lack of awareness, information and education and also because such sufferance is silent and fatal and most of the people who would be residing near, under or at a dangers distance of the grid station or such installation do not know that they are facing any risk or are likely to suffer by such risk. Therefore, Article 184 can be invoked because a large number of citizens throughout the country cannot make such representation and may not like to make it due to ignorance, poverty and disability. Only some conscientious citizens aware of their rights and the possibility of danger come forward.

5. Nonetheless, it has come on record that Indus River water is completely polluted owing to falling/dropping of Municipal drainage, industrial chemical and hospitals' waste, and the same is not fit for ***human consumption or even for consumption of other living spies.*** Agha Khan University Hospital report further shows ***“presence of E.coli, faecal streptococci and enterococci is suggestive of faecal contamination”.***

6. Reports of Pakistan Council of Research in Water Resources reflects that physical chemical microbiological test was conducted and micro-bectro level is higher in numbers than required.

7. At this juncture, Chief Engineer, Public Health Engineering Department contends that by orders headed by Mr. Justice Amir Hani Muslim, Indus River was studied completely and in such study, it was found 828 points are found with regard to pouring/dropping of drainage by Municipal Corporation, wastage of industries and wastage of hospitals. Accordingly, directions were issued with regard to diversion or treatment plants on 828 points and in this regard different projects were announced in phase-I and Phase-II as well. It shall be advantageous to reproduce chart issued under Water Commission as under:-

ELIMINATION OF SEWERAGE DISCHARGING IN IRRIGATION CANALS AND LAKES IN SINDH

S.No	Reference # as per Feasibility Report.	Name of Districts	Points Identified by				Points to be plugged in on-going Schemes PHED & Local Govt.	Points to be plugged in PHED (Phase-I)	Points to be plugged in PHED (Phase-II) / WASA	Points Occurred due to Encroachment on Bund of Canals	Points Pertains to Industrial Waste	Saline Water	Duplication Points	Points No Found	Total Points
			Irrigation Deptt:	PHED	RCC Consultants	Total Points									
			a	b	c	d = (a+b+c)									
1	6.1	BADIN	14	5	0	19	15	4	0	0	0	0	0	0	19
2	6.2	DADU	30	0	5	35	3	5	4	5	1	10	3	4	35
3	6.3	Ghotki @ Mirpur Mathelo	8	0	0	8	8	0	0	0	0	0	0	0	8
4	6.4	HYDERABAD	73	0	0	73	17	0	56	0	0	0	0	0	73
5	6.5	JACOBABAD	10	0	0	10	0	0	0	0	0	0	10	0	10
6	6.6	JAMSHORO	9	0	5	14	2	5	0	0	7	0	0	0	14
7	6.7	KASHMORE @ KANDHKOT	10	0	9	19	6	13	0	0	0	0	0	0	19
8	6.8	KHAIRPUR	78	0	10	88	11	18	29	3	2	10	2	13	88
9	6.10	LARKANA	135	0	1	136	12	41	71	9	0	0	0	3	136
10	6.11	MIRPUR KHASS	6	14	0	20	17	0	3	0	0	0	0	0	20
11	6.12	MATIARI	8	0	1	9	0	3	5	0	1	0	0	0	9
12	6.13	NAUSHAHRO FEROZE	43	0	6	49	1	22	7	1	0	16	2	0	49
13	6.14	KAMBER SHAHDADKOT @ KAMBER	87	0	26	113	0	35	30	28	0	20	0	0	113
14	6.15	SUJAWAL	2	0	0	2	0	2	0	0	0	0	0	0	2
15	6.16	SHIKARPUR	36	0	0	36	5	0	9	5	0	6	0	11	36
16	6.17	SUKKUR	97	0	5	102	10	21	0	63	1	0	6	1	102
17	6.18	SANGHAR	10	0	0	10	0	0	4	2	0	4	0	0	10
18	6.19	SHAHEED BENAZIRABAD	50	0	0	50	8	0	1	0	2	35	0	4	50
19	6.2	THATTA	6	0	0	6	0	0	0	0	0	6	0	0	6
20	6.22	TANDO MOHAMMAD KHAN	9	0	2	11	2	9	0	0	0	0	0	0	11
21	6.23	TANDO ALLAHYAR	8	10	0	18	0	18	0	0	0	0	0	0	18
Total			729	29	70	828	117	196	219	116	14	107	13	46	828

8. Chief Engineer, Public Health Engineering Department contends that they have already established 17 laboratories with concrete structure, procured lab equipment; however these labs are not functioning due to non-approval of SNE(s) though he contends that matter is lying with Finance department since more than six months.

9. Admittedly, the sensitivity of this issue realized by the Water Commission pleased to issue appropriate directions, yet the Province of Sindh has failed to complete the projects within time. Chief Engineer, Public Health Engineering Department contends that Public Health Engineering Department is working only on 196 points and they have acquired the land by that they will divert the drainage of Sukkur city to the ponds near *Qureshi* village.

10. At this stage, DHO Sukkur contends that at present Indus River Water cannot be allowed for human consumption in view of water analysis reports, resulting thousands of masses of Province of Sindh are in serious bacterial diseases. He has submitted chart of various diseases because of consumption of this Indus River Water, which shows ***bacterial water pneumonia, ear infection, bacterial meningitis, cholecystitis, bacteremia, cholangitis, urinary tract infection (UTI), diarrhea, nausea, vomiting and other clinical infections such as neonatal, meningitis and pneumonia***”.

10. Above findings are alarming for the peoples of Province of Sindh having consumption of such polluted water and living worse than a situation of war. Nevertheless, the Province of Sindh has failed to provide pure and clean water for human consumption; besides irrigation authorities have failed to look after Indus River and its canals from this filthy

water/drainage/chemical wastage of corporations, towns, industries and hospitals.

11. **It is matter of fact that the Indus River is the main artery and lifeline for Pakistan in general and for Sindh as well as reported by Chief Engineer Public Health that all the drainage of Multan is pouring in Chunaab, which later on falls in Indus River from Panjnad and ultimately pollute the Indus which is only source of irrigation to Sindh. At present, this is dumping ground of drainage, industrial, chemical and hospitals waste, factories, hospitals, Municipal Corporations and Towns are pouring all their junks in it.**

12. Needless to mention here, that Irrigation Officers are custodian of irrigation system, which regulates the water; however, Chief Engineer (Irrigation) is not available. Counsel for the petitioner contends that even he is not qualifying the post of Chief Engineer as he entered into plea bargain (PB)/ voluntary return (VR). Focal person of irrigation department seeks time. Accordingly, Chief Engineer (Irrigation) Sukkur Barrage shall be in attendance along-with his all credentials and he shall submit details of such purpose as claimed, if any. Besides, Secretary Public Health Engineering Department shall pursue the SNE(s) of 17 laboratories and submit a summary with the Finance department. Accordingly, Finance Department shall approve the same within fifteen (15) days. Besides, there shall be mechanism of patrolling by the irrigation authorities and they shall ensure that filthy water is not poured in near future.

13. At this juncture, it would be pertinent to mention here, that this Court has observed on various occasions while deciding issue of different new projects; besides observed that department are very fast to raise the construction and to procure the equipment, whereas, SNE(s) are lacking in every department to

run such projects. It is strange that in what manner without SNE(s), an institution can be run. On query, Chief Engineer, Public Health Engineering Department, contends that PC-I also reflects operation of that projects. Accordingly, at the time of approval of such projects, Planning and Development shall ensure that SNE(s) is already approved. In case of non-SNE(s), they shall not approve any scheme as there is no fun to procurement of equipment as there are no operators or establish a school or hospital without teaching or health faculty.

14. **With regard to** samples taken from water treatment plants, results of laboratories show that **treated water provided** to the citizens of Sukkur **is worse than the Indus River Water**. As per reports, present **quality of water cannot be called pure as drinking water** and that is complete share of drainage, which is being supplied as treated water to the citizens and they are using the same with expectations and assurance that they are receiving/getting this water as treated water. At this juncture, Chief Engineer, Public Health Engineering Department contends that in fact it is saddled water and cannot be termed as treated water. On query with regard to that, it has come on record that drainage lines are mixed with the water lines coming from Indus River thereby water provided to treated plants is apparently clean, but the same is completely injurious to health. In this regard, Chief Engineer, Public Health Engineering Department seeks one week's time to ensure that drainage water shall not be plummeted/ dropped in the water taken from Indus River for the treatment plants.

15. In such circumstances, judicial propriety demands that public should be aware with regard to such situation and how poisonous water can be provided to the common man by claiming it as treated water. In this situation, **criminal negligence on the part of respective departments and delinquent officers shall be arraigned under penal law**.

16. In such state of affairs, it is relevant to mention here that surprisingly Rohri Lab report shows this water is free from any germs/bacteria and same negates the reports of Pakistan Research Council and Agha Khan University Lab, which amounts that they lack the experience and lab facilities and just they have prepared a report proposed at the wishes of authorities. Accordingly, show cause notice be issued to Incharge, Rohri Lab that why criminal proceedings shall not be initiated against him.

17. Besides, Chief Secretary Sindh is hereby directed to form a Council/ Committee comprising on Secretary (Health), Secretary (Irrigation), Secretary (Public Health Engineering Department), Secretary (Industries), Secretary (Planning and Development) and Sindh Environmental Agency including participation of other stakeholders, who shall ensure that polluted/ drainage water is not poured in Indus River and stipulated period shall be provided with terms of reference particularly in view of study be carried out under the orders of Water Commission therefore, the Secretary Ministry of Water and Power Government of Pakistan be taken on board as well. Besides, Administrators/ Deputy Commissioners shall affix penaflex near to treatment plant in District Head Quarters and Taluka Head Quarters in the manner that Indus River Water is not fit for human consumption unless it boils. Administrator Sukkur shall also affix this penaflex near treatment plants highlighting condition of water in view of reports with note of caution that such water is used after boiling. Such photographs regarding affixation of penflics shall be submitted before this Court on the next date without fail.

18. Since Indus River starts from Skardu and while passing from different provinces and ends in Arabian Sea

and it has come on record that whole Indus River Water is polluted / contaminated, hence Federation is required to indulge into issue. In this regard, Federal Secretary, Ministry of Water Sources, Government of Pakistan, shall inspect Indus River from Sakrdu to borders of Sindh till sea and such study report shall be submitted with regard to pouring of polluted water i.e. drainage, chemical waste, residential waste and hospitals' waste as well within two months without fail. Besides, Council shall also submit progress reports in this regard on every two months without fail through Additional Registrar of this Court.

19. Moreover, learned AAG seeks further time for appearance of consultant of this project and schemes prepared/ approved with regard to pillaring of these 828 points. Hence, matter adjourned to 28.02.2023; to be taken up at 09:30 a.m., when Secretary (Public Health Engineering Department) and Director General (Sindh Master Plan Authority) shall be in attendance along-wtih progress reports as directed without fail.

JUDGE

Faisal Mumtaz/PS

JUDGE