

Form.No:HCJD/C-121
ORDER SHEET

**IN THE LAHORE HIGH COURT LAHORE
 JUDICIAL DEPARTMENT**

Case No: W.P. No.34789/2016

Versus

Walid Iqbal

Federation of Pakistan, etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
-------------------------------	------------------------------	--

18. 19.12.2017 Mr. Sheraz Zaka, Advocate for the petitioner.
 M/s. M. Azhar Siddique, Adeel Hassan, M. Rizwan Gujjar,
 Liaqat Ali Qureshi, Barrister Hamza Randhawa and S.
 Parveen Mughal, Advocates for the petitioners in connected
 petitions.
 Mr. Tahir Mahmood Ahmad Khokhar, Deputy Attorney
 General for Pakistan.
 Mr. Anwaar Hussain, Additional Advocate General, Punjab.
 Ms. Sarah Belal, Advocate/amicus curiae.
 Mr. Saif Anjum, Secretary Environment, Government of the
 Punjab.
 Mr. Muhammad Nawaz Manik, Director (Law),
 Environment Protection Department, Punjab.
 Mr. Toquir Qureshi, Director (ML&I) EPA, Punjab.
 Mian Ejaz Majeed, Deputy Director (Legal) EPA, Punjab,
 Lahore.
 Mr. M. Naeem Akhter, Consultant for Secretary Primary &
 Secondary Healthcare.
 Mr. Nayyar Iqbal Ghorui, Advocate for respondent No.9 in
 connected matter W.P. No.11192/2011.
 Malik M. Ashfaq, Law Officer, Industries Department.

**ORDER REGARDING CONSTITUTION OF
 LAHORE SMOG COMMISSION**

Mr. Saif Anjum, Secretary Environment,
 Government of the Punjab has tendered appearance and
 submits that after order dated 14.11.2017 they reached out
 to US EPA, World Bank, International Institute for Applied
 Scientific Authority, Italy/France, Beijing Environmental
 Protection Bureau, NASA, World Health Organization and
 SUPARCO. After deliberation with the aforesaid
 international and local organizations, following information
 has come to surface:-

- (i) That the smog/air pollution has been persistent in Pakistan, in particular, in Punjab since 2011 or even before according to the data supplied by NASA, which has been submitted by the Secretary and placed on the record as Mark-A.
- (ii) Additionally, he submits that according to NASA smog/air pollution exists throughout the year but is visible in winter.
- (iii) The Provincial Government has come up with five years plan, which is still at the draft stage, however, in pursuance to the last order of this Court revised "Punjab Clean Air Action Plan" and "Standing Instructions for Management of Episodes of Poor Air Quality in the Punjab 2017" have been placed on the record.
- (iv) He also submitted that quality of air pollution in Pakistan, particularly in Punjab is the same as is in 91% of the big cities in the world, however, EPA has started working to identify the main sources of such pollution in order to address the issues of Smog.

2. Keeping in view the above position it appears that serious effort is required to combat Smog in Lahore/Punjab. Environment Protection Department requires more capacity and assistance in this regard. I therefore, constitute Lahore Smog Commission in the following manner:-

I. CONSTITUTION OF LAHORE SMOG COMMISSION.

Lahore Smog Commission is constituted under Order

26 CPC and shall comprise of:-

1.	Dr. Pervez Hassan, Advocate.	Chairperson
2.	Secretary, Environment, Government of the Punjab,	Member
3.	Secretary, Health Department, Government of the Punjab.	Member
4.	Mr. Anwaar Hussain, Additional Advocate General, Punjab (0333- 4199511)	Member
5.	Nominee of the Lahore High Court Bar Association.	Member
6.	Mr. Ali Habib, Managing Partner, Hima-verte (0321- 4002043)	Member
7.	Ms. Sarah Belal, Advocate/amicus curiae. (0321-8449932)	Member
8.	Mr. Sheraz Zaka, Advocate/ counsel for the petitioner. (0323-4239192)	Member

II. TERMS OF REFERENCE OF SMOG COMMISSION:-

To formulate a holistic Smog Policy for Punjab, which identifies the root cause(s) and prescribes a plan to protect and safeguard the life and health of the people of Punjab. The plan must specifically set standards which trigger preventive intervention by the Government as described in the earlier order of this case. The concept of Health Emergency is required to be recognized through the said Policy.

III. POWER OF THE COMMISSION

- a) The above constituted Commission shall enjoy the powers under Order 26 of the CPC in order to achieve the above terms of reference.

- b) The Chairperson shall have the power to co-opt any person/expert, at any stage. The Court shall be duly informed of any such cooption.
- c) The Commission can seek assistance of any Provincial Government Department by approaching the concerned department in writing and the concerned Departments are hereby directed to render full assistance to the Commission in respect of the above Terms of Reference.

IV. QUORUM AND BUSINESS OF THE COMMISSION:

The quorum of the Commission shall be 4 which shall include the Chairperson. The Chairperson will regulate the business and affairs of the Commission.

V. SECRETARIAT OF THE COMMISSION:

The seat of the Commission shall be the office of the Chairperson as decided by the Commission.

VI. EXPENSES OF THE COMMISSION:

- (a) Administrative/secretarial expenses, if any, of the Commission shall be borne by the Environment Protection Department, Government of the Punjab.
 - (b) In case of any doubt, the Commission may approach this Court at any stage to seek appropriate orders for facilitation of their work.
- r

VII. INTERIM REPORT

The Commission shall hold its first meeting on 05.01.2018 at 11:00 a.m. in the office of Chairperson and submit Interim Report by the next date of hearing.

3. To come up on 15.01.2018.

03/1
Subhan

TRUE COPY
In Case No. 34789/2018
Examiner: J.S. (Writ Branch)
Lahore High Court, Lahore

(Syed Mansoor Ali Shah)
Chief Justice