

Syed Mansoor ul

IN THE SUPREME COURT OF PAKISTAN
(SUO MOTO JURISDICTION)

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ.
 MR. JUSTICE JAVED IQBAL
 MR. JUSTICE M. JAVED BUTTAR
 MR. JUSTICE TASSADUQ HUSSAIN JILLANI
 MR. JUSTICE SYED SAMMUD ALI

Suo Mote No. 1452 of 2005

(Environmental Hazard of Proposed New Murree Project)

For Federal Government: Mr. Makhdoom Ali Khan,
 Attorney General for Pakistan

For Govt. of Punjab: Mr. Ajab Iqbal Chaudhry,
 Advocate General, Punjab.
 Mr. Afshan Ghazanfar, AAG
 Mr. Khushnood Ali Lashari,
 Additional Chief Secretary.

For New Murree Dev. Authority: Mr. Azmat Ali Ranjha,
 Director General, New Murree Development Authority.

For Environmental Protection Agency: Mr. Asif Shuja,
 Director General, Environmental Protection Agency.

For Chairman CDA: Malik Muhammad Nawaz, ASC

For public: Raja Shafiqat Abbasi, ASC

Date of hearing: 10.9.05

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. Learned Attorney General stated that in terms of Section 2 (xxiv) of the Pakistan Environmental Protection Act, 1997, hereinafter referred to as 'the Act, 1997', initial environmental examination is being carried out and its report will be submitted to Environmental Authority under Section 12 of the Act, 1997. Copy of the same shall also be placed on the file of this Court. Thereafter environmental impact assessment of the Project in accordance with Section 2 (xi) read with Section 12 of the Act, 1997 will be carried out and the report will be placed before the Environmental Committee.

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2. Mr. Asif Shuja, Director General of the Environmental Protection Agency who is present in Court, stated that Agency will review the initial environmental examination report and it will also review the environmental impact assessment in accordance with law and the environmental impact assessment will be carried out after a public notice and with public participation. To substantiate his contention, he has placed following statement in writing:-

i) The EPA has been informed that an "initial environmental examination" of the Patriata Project ("Project") is being carried out in terms of Section 2 (xxiv) of the Pakistan Environmental Protection Act, 1997 (PEPA). After the examination is complete and a report is received the EPA will examine it in terms of Section 12 of PEPA.

ii) It has been informed that "environmental impact assessment" as defined in Section 2 (v) of PEPA has been commenced. As soon as a report in this regard is received by EPA it will be reviewed in terms of Section 12 of PEPA. The review will be carried out with "public participation" as required under PEPA.

iii) That this Hon'ble Court will be kept informed fully and on a continuous basis of the proceedings of EPA in this regard as well as about all actions taken and orders passed.

3. Mr. Azmat Ali Ranjha, Director General of the New Murree Development Authority is also present in Court and stated that no tree shall be felled and no hill shall be tinkered without the provisions of law and the Act, 1997. In support of his statement he has also placed on record a statement which is reproduced hereinafter below:-

1. That no physical action has been taken till date on the site of Patriata Project and in particular no tree has been felled or hill altered.

2. *It may, however, be clarified that some chalets were built in the Project area during the first term of office of the then Prime Minister of Pakistan Mian Muhammad Nawaz Sharif by Mr. Saifur Rahman. The Government of Punjab after fulfilling the legal requirements resubmitted the land and demolished the chalets.*
3. *That an "initial environmental examination" is being carried out in terms of Section 11(xiv) of the Pakistan Environmental Protection Act, 1997 (PEPA). As soon as this examination is complete a report will be submitted in terms of Section 12 of the Act, 1997 to the Pakistan Environmental Protection Agency ("EPA")*
4. *That an "environmental impact assessment" as defined in Section 3 (xi) of PEPA, has also been commissioned. As soon as it is complete and a report is ready it will be submitted to EPA in terms of Section 12 of PEPA.*
5. *That no work will be commenced on the Project until all the requirements under PEPA are complied with.*
6. *It is further stated that work is about to commence for a pipeline to bring water from the river Jishun to the residents of old Morree with future provision for the new development i.e. the Patriata Project, which Project as stated above will be commenced only in accordance with PEPA.*
7. *The Authority has also prepared a detailed presentation which explains the Project and establishes that it is in consonance with the principles of sustainable development and the requirements of PEPA. Leave of this Hon'ble Court is sought to make this presentation to this Hon'ble Court at a time and date convenient to this Hon'ble Court.*

1. Adjournd to a date in office. To be fixed after the completion of above legal formalities by the concerned authorities under the Act, 1997. However, the Court shall be apprized about the progress in this behalf from time to time.

J.V.

At, the
20/12/2011
Iqbal Khas
21/12/2011