

equally responsible to ensure a proper mechanism of checking. The authorities should not wait to its responsibilities in checking the *safety precautions* at relevant places only after an alarming unfortunate incident nor the duties of an authority comes to an end by writing I issuing such letter but it starts the moment it gives a license and continues till continuity thereof which (*continuity*) is always subject to adhering / complying with all laws, rules and policies.

7.

Further, when it comes to the lives or safety of *general public*, the Courts, being the ultimate guardians of rights of *individuals* can ask the authorities to do what the mandate of law demands them (*authorities*) to do. Though directions have been issued by defendant No.1 to relevant forums but when the defendant no.1 *himself* admitted it to be related to '**public safety**' then such direction(s) shall not serve its purpose and object if they are not framed/designed as per *international standard* by taking all concerned/related on *board* which should include a *least* practicable time for its enforcement in letter and spirit. Accordingly, it would be in the interest of justice that Federation along-with all relevant institutions including defendants while taking the Provincial Governments onboard, constitute a high level Committee consisting on the following authorities as its members **to examine the existing law as well practice whether it matches to international standards of safety and security particularly while transporting explosive/dangerous material.**

(1) Hydrocarbon Department Institute of Pakistan, Office at Plot No.18, Street No.6, H-9/1, Islamabad.

(2) Chief Inspector of Explosives, Ministry of Industries, Head office Islamabad Department of Explosives, 269, Block F, Mughal Plaza, Satellite Town, Rawalpindi.

(3) Directorate General Gas, Ministry of Petroleum & Natural Resources, Islamabad.

(4) I.G(s) of all Provinces.

(5) Motor Vehicle and Fitness Department, All Provinces.

(6) Deputy Secretary, Ministry of Petroleum.

8. It is expected that the Federal Government will form such commission/committee within fifteen days. It is further expected that such forum will decide the issue preferably within two months with compliance report to this Court.'

Record is not reflecting whether any compensation as paid by the state to victims of present incident or any commission was established to take measures in order to stop future incidents as well compliance of above directives. The above directives were always of binding effect which, even otherwise, were demanding nothing more than that of discharge of legal obligations and duties by quarter concerned and the State therefore, it would be appropriate to call for progress report in that regard which would also include actions against any illegal runner of oil tanker or vehicle, being used for carrying/transporting explosive/dangerous articles. Accordingly, issue notice to DAG and A.G. Sindh. Order dated 30.05.2016 passed in the civil suit including this order shall be communicated to all concerned authorities. Besides office shall tag file of suit No.1043/2016 with explanation that whether compliance report was called or not.

To come up on 03.05.2019 at 9.30 am for hearing of instant matter, merits, as well progress report and measures, if any, taken by State regarding said issue."

2. Despite acknowledgment of seriousness of the issue, the compliance is not made. Further on 03.05.2019 this Court passed order that :-

"By order dated 18.03.2019 in Civil Suit No.1043/2016 report was called with regard to compliance of order dated 30.09.2016; similarly by order dated 23.04.2019 specific directions were issued to DAG and A.G. Sindh for compliance of referred order. Learned Assistant Attorney General and A.A.G present, waive notice and seek time to submit compliance of order dated 30.05.2016. It is expected that Advocate General Sindh and Additional Attorney General Sindh will pursue these matters personally and will ensure that Commission is established within fifteen days and they shall appear before this court for further assistance if any. To come up on 20.05.2019 at 9.30 a.m."

3. Learned Assistant Attorney General present on behalf of the Federation contends that he has communicated all orders of this

court on this important issue to the concerned officers yet he has not received any response however seeks fifteen days further time for compliance that commission is established. Sending copies of judgments / orders of this Court, law allows me to insist, is not sufficient but compliance / progress thereof matters. A representative is always expected to speak of his **principal** which he (*representative*) cannot do unless there exists a *direct* link between representative and principal. Thus, I am forced to say that statement of non-receipt of response is not a better statement from the representative of the Federation particularly when he (*representative*) himself acknowledges the issue as **important**. Accordingly, it is hoped that on next date the representative would come with better statement which could not be short of **progress report** towards **compliance**.

4. Learned Assistant Advocate General Sindh present also seeks time, though he contends that by order of this court dated 30.05.201 Federation is required to establish a commission and Province will provide every assistance to the Federation.

5. Since this issue is very pertinent and relating to the common man and *prima facie* there is no check and control with regard to oil tankers and CNG cylinders (substandard fuel carrier vehicles carrying inflammable material) therefore province will not be justified in avoiding its obligation towards its subject merely by saying that issue relates to Federation. It may well be added that if consequences are directly to be borne by the provinces then it is responsibility of the province *too* to ensure an action to prevent the consequences. To have safety is *undeniable* right of every single individual and if same is threatened or likely to be threatened by such like running explosions then to ask for proper documentations and fitness by *province* , in no way, would

amount in interference in affairs of Federation. Thus, I would say that even in such like issues, the *Province* has its role to play *least* for safety of its subjects by making assure that no breach is committed by such wheels on roads of *province*. The province is always expected to use all available legal remedies, including but not limited to an action within meaning of section 144 Cr.P.C, with regard to vehicles carrying fuels without any requisite measures therefore it is expected that the Province and the Federation will also examine this issue and will take action against all those fuel carrier vehicles which are *likely* to result into explosions or fire because of any breach / violation of law, particularly when same at the cost of heavy loss of the lives of people of *province*.

6. Office shall communicate this order as well other orders and order passed in civil suit to the Federal Cabinet Secretary and the Chief Secretary Sindh for action and compliance in accordance with law.

To come up on 24.06.2019.

J U D G E