

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C.P. No.D — 1616 of 2019.

DATE

ORDER WITH SIGNATURE OF JUDGE

24.05.2022.

FOR HEARING OF MAIN CASE.

Mr. Nouman Sahito Advocate for petitioners.

Mr. Fazal Hussain Jamali Advocate for applicants / intervenors.

Mr. Ayaz Ali Rajpar A.A.G. Sindh along with Mir Allah dad Talpur
D.G. Fisheries, Habib ur Rehman Narejo Director Fisheries Inland
Hyderabad (Livestock & Fisheries Department).

Number of individual petitioners have challenged different schemes of respondents, out of which tenders are being floated, some of which are in relation to feeding fry in Manchar Lake. On 1.6.2021 an injunctive order was passed that since the water of the Manchar Lake has been polluted being fed through MNV canal, the water quality is decreasing day by day and is hazardous for any kind of growth therein including fish. In consequence of such contention the tenders of different varieties of fish were restrained to be awarded without permission of this Court in view of the tentative water quality assessment of Manchar Lake. This position is seriously opposed by the officials of respondents and submit that every year the fish seed (fry) in the shape of different species of fish [commonly called seed] are being passed on and fed to the Lake for the purposes of human consumption and there is nothing of the nature as disclosed in the tentative order which could harm a human on account of consumption of this water breathing animals (aquatic animals).

Learned counsel appearing for the respondents and officials named above have assisted this Court by saying that the water from different parts / portions of the Lake could be obtained for Laboratory Analysis to see whether the quality of water is conducive for the natural growth of different fish varieties.

Since water quality plays significant role for aquatic life, we have enquired about tentative water quality assessment from officials who have not satisfactorily assisted. pH and TDS plays a significant role in determining the quality of water and its conduciveness for fish growth. It is very alarming if these tenders could be awarded without water assessment and thus would be a futile attempt for such purpose and may have a financial catch for some individual[s]. pH is a measurement of concentration of hydrogen ions in water. Lower pH means more hydrogen ions and higher PH means fewer hydrogen ions. pH has a scale from 1-14 which measures acidity and Alkalinity of water, anything above 7 in an alkaline based water whereas less than 7 is acidic. Similarly TDS is actually total dissolved solids in water which include both organic and inorganic substance. Research shows the effect of varying pH value differently on different commodity.

	Environmental Effects	pH Value	Examples
<p>ACIDIC</p> <p>↑</p> <p>↓</p> <p>NEUTRAL</p> <p>↑</p> <p>↓</p> <p>BASIC</p>		pH = 0	Battery Acid
		pH = 1	Sulfuric Acid
		pH = 2	Lemon Juice, Vinegar
		pH = 3	Orange Juice, Soda
		pH = 4	Acid Rain (4.2-4.4) Acidic Lake (4.5)
		pH = 5	Bananas (5.0-5.3) Clean Rain (5.6)
		pH = 6	Healthy Lake (6.5) Milk (6.5-6.8)
		pH = 7	Pure Water
		pH = 8	Sea water, Eggs
		pH = 9	Baking Soda
		pH = 10	Milk of Magnesia
		pH = 11	Ammonia
		pH = 12	Soapy Water
		pH = 13	Bleach
	pH = 14	Liquid Drain Cleaner	

As seen in the above research, fish cannot survive at 4.2 pH and unless water test of Lake is undertaken by our Fisheries Department, feeding of fry to

these Lakes would be a futile attempt and could only be a monitory gain for individuals having no interest in aquatic life, and its actual benefits.

Mir Allah Dad Talpur, Director General Livestock & Fisheries Department [Respondent No.4] has, at the very outset stated that three impartial departments are available such as (i) Department of Fresh Water Biology & Fisheries, University of Sindh Jamshoro, (ii) Karachi University and (iii) Department of Land & Water Management, Agriculture University of Tando Jam who could draw samples of the water from Manchar Lake on their own, independently and submit their Lab Analysis as to its conduciveness for the growth and production of different varieties of fish (fry) and as to whether such fish stock on its maturity, could be fit for human consumption. Respondent should also highlight the efforts of "Hatchery Department" who are responsible for feeding these Lakes with such seeds instead of achieving such object through tenders by outsourcing it. At one hand huge amount is being spent in maintaining Hatchery Department and on the other its benefit is being drawn by employees.

Since the interim order is operating and the tender process is halted, we are of the view that immediate steps be taken for the assessment of the water condition of Manchar Lake. Notices be also issued to the (i) Chairman, Department of Fresh Water Biology & Fisheries University of Sindh Jamshoro, (ii) Vice Chancellor, Karachi University for referring the matter to the appropriate faculty having interest in the subject issue and (iii) Chairman Department of Land & Water Management, Agriculture University of Tando Jam, enabling them to draw samples independently in presence of petitioners as well as official respondents and examine it in terms of the above as to water conduciveness, and report be submitted to this court before the next date of hearing so that the issue of tender be decided one way of the other.

To come up on 02.06.2022.

JUDGE

JUDGE

A.