

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**C.P.No.D-653 of 2021**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objections.
2. For orders on MA-9335/2021
3. For hearing of main case.

**26.06.2024.**

Mr. Gulzar Ali Almani, Advocate for Petitioners alongwith Petitioner No.2-Ali Akbar.

M/s. Ayaz Hussain Tunio and Ghulam Murtaza Shaikh, Advocates for Applicant/Intervener.

Ms. Faiza Ubed Memon, Advocate for Respondents No. 3 to 5.

Mr. Muhammad Ismail Bhutto, Additional A.G and Ms. Urooj Fatima Bhutto, Assistant A.G alongwith Mr. Faheem Ahmed Chachar, Deputy Commissioner Dadu.

Mr. Parkash Kumar, Deputy Attorney General alongwith Mr. Shahid Malik, Head Legal, OPPL Company.

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A detailed Report is filed by Respondent No.10 (Deputy Commissioner, Dadu), *inter alia*, about utilization of Social Welfare Funds; it is taken on Record {Office is directed to flag and page the same}. Two separate Statements are filed on behalf of private Respondents No.3 to 5 (Orient Petroleum Pty Limited-**The Company**), disclosing information about contribution towards social welfare projects in the vicinity. Both Statements are also taken on Record.

On the last date of hearing, a specific question was put to the Legal Team of the Respondents and in particular the above Company, about the 'ARSENIC Removal Units' mentioned in the Commissioner's Report dated 12.02.2024; wherein it is stated that these ARSENIC Removal Units are non-functional. The Deputy Commissioner and the Representative of the Respondent Company have stated that infact these are Water Filtration Plants and are non-functional because the Water Table has decreased. The name ARSENIC Removal Unit *prima facie* suggests that these units have a specific purpose to remove hazardous substance from water, in order to avoid any water

contamination. The reply is not satisfactory and therefore, this crucial issue which could pose a direct threat to the life and environment of the vicinity, in particular the inhabitants of the area, necessitates a further probe.

The Registrar of Mehran University of Engineering & Technology (**MUET**) Jamshoro, is directed to submit a Report in this regard, after a thorough inspection of these ARSENIC Removal Units mentioned in the Commissioner's Report. The cost of this Survey, sampling and any other thing relating thereto shall be borne by the Respondent Company. The Report should be submitted before next date of hearing. Learned Additional A.G and Deputy Commissioner shall act as Coordinator. If required, the Official of this Court who has prepared the above Report can be associated in this Task.

Serial Nos.41 and 48 of the above Commissioner's Report have disclosed the following: -

SR.NO.	PROJECT NAME	DISTANCE FROM GAS PLANT.	FOR THE FOLLOWING PROJECT/SCHEME WHATEVER STATED BY THE REPRESENTATIVE OF OPPL AND REMARKS.
41.	Health Clinic Village Allah Bachayo Jamali	17 KM	This Health clinic was constructed by Government in 2002 and run by company upto 2017. <b>Now this Clinic is not functional. However, it was being used as Otaq where one Tractor and a Car were found standing in the premises.</b>
48.	Health Clinic Village Ghulam Mohammad Jamali	22 KM	The building of this Clinic was stated to have constructed by the Company in year 2012 and was functional upto 2017. Now it is in possession of one Murad Jamali and using it as house.

The Deputy Commissioner has undertaken to remove the encroachment from the above two premises and their restoration to the original state.

During proceeding it is stated by the Petitioners' Counsel that the funds have to be utilized in social welfare schemes under the supervision of 'Social Welfare Committee', **as envisaged in the Guidelines for utilization of Social Welfare Funds dated 31.03.2021- The**

**Guidelines of 2021**, appended with the Reply/Comments of the Respondent Company, as ANNEXURE".A". This Document [**The Guidelines of 2021**] is perused. The Chairperson of the Social Welfare Committee is "*Any elected Member of the Constituency, Federal or Provincial, in which the relevant PCA falls, or any notable Member of the Constituency*"; besides, Deputy Commissioner, Representative of E&P [Exploration and Production] Companies, Members elected under the Local Government System and Heads of the other government functionaries of the area.

The Petitioners, Representative of the Respondent Company so also the learned DAG agree that there is no statutory requirement that in the above Social Welfare Committee, a Member of the Parliament or a Provincial Assembly should be made a Chairperson.

We are of the view that these funds have to be utilized for the uplifting of the designated area in which the exploration activity is carried out and the citizens/ inhabitants are the actual beneficiaries. The nature of the welfare schemes in the designated area, where these E&P Companies operate, should be decided by its inhabitants, through notable(s) of the community or constituency, in association with the E&P Company and the Executive, that is, government functionaries of the area, as mentioned in the above Guidelines for Social Welfare Committee. Member of National Assembly (MNA) or Member of Provincial Assembly (MPA) of the area is not required to be a Chairperson; instead, the Deputy Commissioner can head the Committee. The Public and Social Welfare Schemes can be executed diligently and efficiently, if there is a close coordination between the notables of the communities [who are the actual beneficiaries of these schemes] and the Executive, that is, the Deputy Commissioner(s) and the other Government Functionaries, or, at best, elected members under the Local Government System can be included, but, with a limited role. Exclusion of political influence is necessary for the sustainability of these welfare projects, otherwise, Clinics and Schools would be utilized as personal properties of those possessing political clout.

The main objective is that standard of living should improve of the inhabitants/persons, *inter alia*, by provision of standard health facilities and education (to say the least).

It is a matter of concern for everyone, that this Province is rich in natural resources, but, still in dire straits; this paradoxical situation is mainly due to rampant corruption and gross maladministration.

In view of the above, We direct the **Respondent No.1** (Secretary, Ministry of Petroleum and Natural Resources, Islamabad) to issue a Revised / Amended Guidelines within 03(three) weeks from today, excluding the Role of a Member of National Assembly (MNA) and of Provincial Assembly (MPA).

The Law Officers present today should ensure compliance of the directions mentioned hereinabove and act as coordinators.

To be listed on **24.07.2024 at 11:30 am.**

JUDGE

JUDGE

Shahid