

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI
C.P. No.D-3287 of 2022

DATE	ORDER WITH SIGNATURE(S) OF JUDGE (S)
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1. For order on Misc. No.19240/2024
2. For hearing of main case

30.09.2024

Petitioners M/s. Shahnawaz Ayuob & Syed Mohsin Abbas,
Advocates present in person a/w Mr. Muhammad Najeeb
Jamali, Advocate
Mr. Khurram Ghayas, Advocate for KMC
Mr. Rajinder Kumar, A.A.G.
Dr. Badar Jamil Mendhro, Secretary Forest & Wildlife
Department, Government of Sindh

AMJAD ALI SAHITO, J- Statements filed by the Petitioner No.1 and Secretary, Forest Department alongwith certain documents are taken on record. The petitioners, who are practicing advocates and members of the legal fraternity, have filed this petition on the grounds that the Government of Sindh has commenced construction on the track of the Red Line Bus Rapid Transit (BRT) Project. According to the official report, the project spans 26 kilometers and includes the construction of 42 stations, with an expected completion timeline of two years. Notices were duly issued, and in response, the respondents submitted their comments, which have been placed on record. At the previous hearing, this Court directed the Mayor of Karachi to submit the policy regarding tree plantation, particularly in relation to activities conducted over the last five years concerning the subject matter. The Court further directed that, in case of non-compliance, the Mayor should appear in person at the next hearing. However, on the present date of hearing, the Mayor of Karachi has failed to appear without prior notice and has also neglected to submit the required report regarding the tree plantation policy for the past five years. Consequently, a **show cause notice** is hereby issued to the Mayor of Karachi for non-compliance with the Court's directions.

2. Upon **perusal of the record**, it is evident that the Environmental Protection Agency (EPA) had granted approval for the subject contract on the condition that the contractor would plant five trees for every single tree felled. The inventory submitted by the EPA

indicates that approximately 3,802 trees were cut down in the course of the project. As per the stipulated policy, the contractor was obligated to plant five trees for each tree removed. However, it has come to the Court's attention that this obligation has not been fulfilled by the contractor.

3. Global warming, the gradual increase in Earth's temperature due to the excessive accumulation of greenhouse gases, is one of the most pressing issues humanity faces today. It is especially concerning for countries like Pakistan, which are highly vulnerable to the effects of climate change despite contributing relatively little to global emissions. Pakistan is already witnessing severe consequences, including unpredictable weather patterns, rising temperatures, and frequent heatwaves, particularly in urban areas like Karachi and across the Sindh province. Pakistan is experiencing the adverse effects of global warming at an alarming rate. The melting of glaciers, unpredictable rainfall, prolonged droughts, and extreme temperatures are becoming increasingly frequent. Cities like Karachi, where dense urbanization has resulted in limited green cover, are particularly at risk. The city has suffered from extreme heatwaves in recent years, resulting in loss of life and severe impacts on public health. As urban areas continue to expand without proper planning, the risk of environmental degradation escalates, leading to a vicious cycle of increased pollution, reduced air quality, and higher temperatures.

4. Trees play a crucial role in regulating the Earth's temperature by absorbing carbon dioxide (CO₂) from the atmosphere. Through the process of photosynthesis, they act as carbon sinks, helping to reduce the greenhouse effect that contributes to global warming. Furthermore, trees release oxygen into the atmosphere, a vital element for life. The more trees we plant, the greater the capacity to absorb CO₂ and regulate air quality. In the case of Pakistan, especially Karachi and other cities in Sindh, large-scale tree plantations could have several positive impacts:

1. Reduction of Carbon Dioxide (CO₂)

As one of the primary greenhouse gases, CO₂ is a significant driver of global warming. Urban centers like Karachi are prone to high levels of CO₂ due to vehicular emissions, industrial activities, and deforestation. Planting more trees in these areas

can help absorb excess CO₂ , directly mitigating its effects on the climate.

2. Temperature Regulation

Trees provide shade and release moisture through a process known as transpiration, which helps cool the surrounding air. This effect can be especially beneficial in cities like Karachi, where the urban heat island effect exacerbates the already soaring temperatures. By planting more trees, cities can create natural cooling systems that counteract heatwaves and rising temperatures, thus improving living conditions.

3. Pollution Reduction

Trees also act as natural filters by trapping pollutants such as particulate matter, nitrogen dioxide, and sulfur dioxide, which are prevalent in urban environments. Karachi, being one of Pakistan's largest cities, is no stranger to air pollution, which is detrimental to human health. Increasing the number of trees can help purify the air, making it cleaner and safer for residents.

4. Biodiversity Conservation

Trees provide habitats for various species of birds, insects, and small mammals. In urban environments, where wildlife is often threatened by habitat loss, tree plantations can help preserve biodiversity. This is particularly important in Karachi, where urban sprawl has encroached upon natural habitats, threatening the survival of many species.

5. Combating Desertification

Sindh is particularly vulnerable to desertification due to its arid climate and water scarcity. The plantation of trees can help stabilize soil, reduce erosion, and retain moisture, which are essential for combating desertification. In the long term, reforestation projects in Sindh could prevent further land degradation and promote sustainable agricultural practices.

5. Karachi, the economic hub of Pakistan, has been particularly vulnerable to extreme weather conditions. In recent years, it has experienced deadly heatwaves that have claimed hundreds of lives. The lack of green spaces in the city has exacerbated the effects of global warming. The provincial capital is densely populated, with limited room for nature. The deforestation of surrounding areas and urbanization have significantly contributed to the increase in temperatures and air pollution levels. Sindh, as a whole, also faces numerous challenges related to climate change. Rising sea levels, increased droughts, and shifting weather patterns are putting pressure on agricultural productivity and water resources. The province's forests, including the mangrove ecosystems along its

coastlines, are being depleted due to human activities, further worsening environmental conditions. Cutting down trees, especially in urban centers like Karachi and rural parts of Sindh, leads to disastrous environmental consequences. Deforestation reduces the number of trees that can absorb CO₂, leading to an increase in greenhouse gas emissions. This contributes directly to the warming of the atmosphere. As temperatures rise, more frequent and intense heatwaves occur, leading to:

- **Increased Mortality:** Extreme heat is a serious threat to public health, particularly for vulnerable populations like the elderly, children, and those with pre-existing conditions. Karachi has witnessed this firsthand during its heatwaves.
- **Higher Pollution Levels:** Without trees to act as natural air filters, pollutants from vehicles, industries, and other sources remain in the air for longer periods, worsening the air quality.
- **Oxygen Shortage:** Trees produce oxygen, which is vital for human and animal life. Deforestation leads to a reduction in oxygen levels, which can exacerbate respiratory problems for city residents, particularly those living in densely populated areas like Karachi.
- **Ecosystem Disruption:** Deforestation leads to habitat loss for many species, reducing biodiversity. The collapse of ecosystems can have a domino effect, affecting food chains and leading to the extinction of species.

6. Given the current climate emergency, it is imperative that Pakistan—especially the cities of Sindh like Karachi—prioritizes tree plantation efforts. Initiatives like the “Ten Billion Tree Tsunami” launched by the Pakistani government have made some progress, but localized efforts are equally essential. Karachi and other cities need to initiate tree plantation drives that focus on:

1. **Urban Greening:** Increasing green spaces in cities by planting trees in parks, along roadsides, and in residential areas.
2. **Reforestation:** Restoring forests in deforested areas of Sindh, particularly in rural and coastal regions.
3. **Community Involvement:** Encouraging public participation in tree plantation efforts to raise awareness and ensure the long-term success of these initiatives.

7. The need for tree plantation in Karachi and Sindh is undeniable, given the severe impacts of global warming and climate change on the region. Planting trees is not just an environmental necessity but a survival strategy for cities facing rising temperatures,

pollution, and declining air quality. By prioritizing large-scale plantation projects and preventing further deforestation, Pakistan can take significant steps towards mitigating the effects of global warming and safeguarding its environment for future generations. In light of the current environmental challenges, immediate action is required to ensure a sustainable and resilient future. Tree plantation campaigns are a vital part of this action plan, providing both short-term relief and long-term benefits in the fight against climate change.

8. Upon further perusal of the report, it is evident that it was previously decided that all trees obstructing the path of the BRT Project would be relocated. Despite this decision, approximately 3,802 trees were cut down during the execution of the project.

9. In light of the aforementioned facts, it is hereby **ordered** that no trees shall be cut down in the future within the province of Sindh. The Mayor of Karachi is specifically directed to ensure that no trees are felled within the city of Karachi unless absolutely necessary. In cases of such necessity, the concerned tree must be relocated to an appropriate location. Furthermore, the Secretary of the Forest Department, Government of Sindh, is directed to ensure that no trees are cut down without prior approval and to conduct a region-wise survey of the trees within the city. It is further emphasized that this responsibility lies solely with the Forest Department and shall not be assumed by the Local Government. Should the removal of any tree be deemed necessary, permission must be obtained from the **Sessions Judge** of the relevant District, who is serving as the head of the Committee in compliance with the orders of the Honorable Supreme Court.

10. The matter is adjourned to **22.10.2024 at 11:00 a.m.** The attendance of the Secretary, Forest Department, is hereby dispensed with until further orders. **Respondent No.11** shall ensure his presence on the next date of hearing. **Repeat notice** to the contractor, who shall be served through **Respondent No.14**.

JUDGE

JUDGE

PA/KAMRAN