

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitution Petition No. D - 1072 of 2022
Constitution Petition No. D - 1083 of 2022
Constitution Petition No. D - 1172 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For orders on CMA No. 4744/2024.

04-09-2024.

M/s Ghulam Shabbir Shar, Alam Sher Khan Bozdar and Sohail Ahmed Khoso, Advocates for the petitioners.

Mr. Ali Raza Baloch, Assistant Advocate Generals Sindh along with Mansoor Memon Chief Engineer Irrigation Department Sukkur Barrage Sukkur, Syed Sardar Shah, Ex-Chief Engineer Irrigation Department Sukkur Barrage Sukkur and Muhammad Hayat Shaikh Project Director SCARP Khairpur.

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These matters were fixed today for hearing the contempt application with regard to the formation of Committee as envisaged by this Court's Order dated 02-06-2023 to form a High Level Committee comprising of at least three (03) Senior officials of Irrigation Department, Government of Sindh for preparation of Regional Master Plan for the Left and Right banks of Indus River, Delta and Coastal Zone for implementation of feasibility study, carried out under Water Sector Improvement Project (WSIP) by International Consultant Louis Berger Group Inc. in association with Indus Associated Consultants (Pvt.) Ltd.

Counsels for the petitioners submit that till today neither the committee has been constituted nor any progress has been made by the alleged contemnors to make compliance of the Court orders, which however is denied by Assistant A.G. Mr. Baloch by drawing this Courts attention to today's comments, where vide Notification dated 11-07-2023, such a

Committee has been constituted. It is further pointed out that Court through orders dated 12-01-2023 and 25-01-2023 directed PDMA to pay the compensation to the legal heirs of the victims within one month after proper verification from concern quarters and all the payment be made through Banking Channels in the account of the legal heirs and appropriate compensation to flood effectees also be paid, who have lost their earnings as well dwellings owing to heavy floods in various Districts of the Province. Learned counsel further pointed out that flood water of the year 2022 is still accumulated in certain flood areas which has not been removed and if the orders passed by the Court are not implemented by the respondents/alleged contemnors, the entire edifice of administration of justice would collapse and there would be no adequate and efficacious remedy available with the petitioners to reap the fruit in terms of orders passed by this Court in their favour.

The respondents/alleged contemnors submit in their statement that updated Region Master Plan for the left bank of Indus Delta & coastal Zone involves input of multiple disciplines like Engineering surveys, Hydrology Hydraulics,, 2D/3D Mathematical Modeling, GIS environmental and social surveys, where the Committee had technical resources limitations, thus the Committee in its meetings advised to expedite the hiring of the consultancy services for updating region master plan for enhancing and improving the Indus left Bank Drainage system under recommendations of study conducted by the Lois Berger Group Inc. In association with Indus association consultants (Pvt) Ltd, during 2013 and studies being conducted for right bank river Indus under the World Bank funded Sindh Flood and rehabilitation project (SFERP).

Learned AAG submits that the irrigation department through a summary approved by the Chief Minister Sindh moved Concept paper for updation of the Lois Berger Feasibility Report 2013 and Government of Sindh through Annual Development Plan have approved through PWDP meetings and through World Bank financed project (SFERP) have constructed several works and approved a substantial number of schemes and studies are being carried out to further improve and enhance the flood drainage network on Left and Right Banks of Indus River; therefore the Irrigation Department and Government of Sindh have taken all the possible efforts to comply with the Court orders.

It seems that in the year 2022, the unusual monsoon rains and flood caused widespread devastation, resulting in the destruction of public property, infrastructure and loss to livestock, human lives, and affected vulnerable individuals and faced such havoc. Millions of people were displaced from their homes due to substantial damage to their houses, crops, livestock, lack of town planning and emergency management, but still the flood water has not been removed when the network of River Protective Bunds, flood protective bunds and drainage system also exists to drain out the excessive water during floods. This Court has ordered (many times) concerned officials and departments to drain out rainwater from geologically depressed areas through natural watercourses and channels, etc and with the exception of few areas, the stagnate rainwater has now drained out, but it is just a temporary relief for the affected people, which smell negligence on the part of the government officials. This Court has to see what measures have been taken by the respondents/alleged contemnors to comply with the Court order dated 02-06-2023. M/s Ghulam Shabbir Shar, Sohail Ahmed Khoso advocates for the petitioners and President of High Court Bar Sukkur be

updated time to time in this regard by the Committee constituted by Notification dated 11-07-2023.

Let Director PDMA Imdad Siddiqui, Deputy Commissioners of Districts Sukkur, Ghotki, Khairpur and Naushahro Feroze be present on the next date of hearing update this Court who to file their statements in advance. Project Director SCARP is present; he is directed to submit report as to how a number of Tube-Wells are not functioning and why the flood water of the year 2022 has not been removed. He is directed to remove the rain water through pumping machines from the agricultural lands as well as Government lands. Office is directed to tag the CPD No. 224/2023 along with these petitions.

To come up on 25-09-2024 at 11:00 am. Office to place a signed copy of this Order in all the captioned connected matters, whereas, officials present today shall remain in attendance. Office to **facsimile** copy of this order to all concerned for strict compliance; besides copy be also provided to Additional Advocate General Office and Additional Attorney General, Registrar for information and compliance.

JUDGE

JUDGE