

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.D-1024 of 2021
(Amena Khan Sherwani & others versus Federation of Pakistan & others)

Constitutional Petition No.D-6962 of 2021
(Naeem Sadiq & others versus Federation of Pakistan & others)

Constitutional Petition No.D-1156 of 2022
(Anwar Mansoor Khan versus Federation of Pakistan & others)

Constitutional Petition No.D-6131 of 2022
(Roohi Rasheed & another versus Federation of Pakistan & others)

Constitutional Petition No.D-2211 of 2023
(Samiah Zia versus Federation of Pakistan & others)

Constitutional Petition No.D-5001 of 2023
(Qazi Khalid Ali versus Federation of Pakistan & others)

Constitutional Petition No.D-5682 of 2023
(Syed Moiz Hussain versus Federation of Pakistan & others)

Constitutional Petition No.D-5683 of 2023
(Raana Hyder Zaidi versus Federation of Pakistan & others)

Constitutional Petition No.D-5684 of 2023
(Raana Hyder Zaidi versus Federation of Pakistan & others)

Constitutional Petition No.D-3737 of 2024
(Abdul Rehman & others versus Federation of Pakistan & others)

Constitutional Petition No.D-1294 of 2024
(Yasmin Sohail & others versus Federation of Pakistan & others)

Constitutional Petition No.D-3510 of 2024
(Samira Mahamadi versus Federation of Pakistan & others)

Constitutional Petition No.D-1919 of 2025
(Haroon Nisar & others versus Federation of Pakistan & others)

Date	Order with signature of Judge(s).
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Dated of hearing and order: 08.04.2026

Mr. Muhammad Jibrán Nasir, Advocate for Petitioner in C.P. No.D-6962/2021.

M/s. Asim Mansoor Khan and Zeeshan Bashir Khan, Advocates for Petitioners in C.P. No.D-1156/2022 and 2211/2024.

Mr. Tahmasp Rasheed Rizvi, Advocate for the Petitioner in C.P. No.D-6131/2022.

M/s Ameer Nausherwan Adil, Abdul Razzak and Zeeshan Ahmed, Advocates for the Petitioner in C.P. No.D-5682/2023.

M/s. Ghazi Khan Khalil, Aftab Ali and Syed Kumail Abbas, Advocates for the Petitioner in C.P. Nos.D-5683 and 5684 of 2023.

Mr. Muhammad Irfan Siddiqui, Advocate for the Petitioner in C.P. No.D-5001/2023.

Mr. Daniyal Muzaffar along with Ms. Maimoona, Advocates for the Petitioner in C.P. Nos.D-3737/2024, 1294/2024 and 1919/2025.

Petitioner Samira Mahamadi in person in C.P. No.D-3510/2024.

M/s. Zain A. Soomro, Tahir Ali Soomro and Muhammad Naeem, Advocates for the Respondent No.4 in C.P. No.D-5001/2023 and for Respondent No.5 in C.P. No.D-1024/2021.

Mr. Abdullah Munshi, advocate for CBC in C.P. Nos.D-3737/2024 and 3510/2024.

Mr. Talha Abbasi, Advocate for Respondents.

Mr. Syed Zaeem Hyder, Advocate for Respondents.

Mr. Zaheer Hussain, Advocate for Respondents.

Ms. Bushra, Advocate for Respondent-DHA in C.P. Nos.-D-3737/2024 and 3510/2024.

Mr. Masroor Ahmed, Advocate for Respondent-KW&SC.

Mr. Jawad Dero, Advocate General Sindh.

Ms. Wajiha Mahdi, D.A.G.

ORDER

Adnan-ul-Karim Memon, J. The Petitioners in all petitions generally pray for a direction to the Cantonment Board Clifton (CBC) and other concerned Municipal authorities to ensure the continuous and adequate supply of clean and potable water to the residents of the Defence Housing Authority (DHA), including the installation of water meters where required. Furthermore, the Petitioners request a declaration that DHA, particularly Block 8, being a predominantly civilian residential area, cannot lawfully be treated as part of a Cantonment. Consequently, they have prayed that the CBC be declared to have no lawful jurisdiction over the properties situated in DHA Block 8. The Petitioners also seek a declaration that the inclusion or transfer of such civilian areas within the limits of a Cantonment is illegal and contrary to the provisions of sections 3 and 4 of the Cantonments Act, 1924. Owing to the similarity of legal and factual issues, the petitions are taken up together for disposal.

2. Mr. Asim Mansoor Khan, learned counsel, assisted by Mr. Zeeshan Bashir Khan, Advocate for the Petitioners in C.P. No. D-1156 of 2022 and C.P. No. 2211 of 2024, led the case and apprised this Court that the very establishment of the CBC is legally flawed and unsupported by any valid notification issued by the Federal Government. He submitted that the CBC claims its creation through Notification SRO 7(I)/83 dated 27.02.1983; however, such reliance is misconceived. According to the learned counsel, the said SRO pertains to sales tax exemptions and not to the creation or demarcation of a cantonment area. This position is substantiated by SRO 346(I)/2002 dated 15.06.2002, which rescinded SRO 7(I)/83 in the context of sales tax, as well as Sales Tax Circular No. 1 of 1990 dated 11.01.1990, both of which refer to the SRO in a purely fiscal context. Consequently, it was argued that no valid Federal Government notification exists establishing the CBC or defining its territorial limits as required under the law. Reliance was placed on the judgment reported as **1988 MLD 1415** (*Zila Council*

Bahawalpur v. Cantonment Board), wherein it was held that a cantonment can only be created through a valid notification issued by the Federal Government; in the absence thereof, the assumption of authority by a cantonment board is unlawful. Learned counsel further submitted that under Section 3 of the Cantonments Act, 1924, a “Cantonment” is defined as a place where the armed forces are quartered. Historically, the provision referred to the “regular forces or the regular air force,” which was later substituted by the term “armed forces” through Act XLVII of 2023. Section 4 of the Act empowers the Federal Government to declare or alter the limits of a cantonment by issuing a formal notification. It was contended that DHA Block 8 is a predominantly civilian residential area with no substantial presence of armed forces and, in the absence of a valid notification under Sections 3 and 4, its inclusion within the jurisdiction of the CBC is without lawful authority. Without conceding to the issue of jurisdiction, learned counsel argued that even if the CBC is assumed to possess lawful authority, it remains statutorily bound to ensure the provision of potable water to the residents under Chapter XIII of the Cantonments Act, 1924. In particular, Section 217 mandates the Board to make adequate provision for a continuous supply of pure and fit water for human consumption throughout the year. Section 218 empowers the Board, with the sanction of the Federal Government, to control and develop sources of public water supply, including lakes, streams, springs, wells, tanks, or reservoirs, whether within or outside the cantonment limits. Therefore, the CBC cannot evade its responsibility by attributing non-supply to the Karachi Water and Sewerage Board (KWSB). Reference was also made to Sections 219, 220, 221, 223, and 224, which collectively confer wide powers upon the Board to regulate, maintain, and ensure the provision of water supply, while clarifying that the limited protection under Section 223 does not absolve the Board of its primary statutory duty. It was further contended that the CBC is legally obligated to create and maintain independent water sources, including obtaining connections from nearby lakes such as Kalri and Haleji, installing wells and reservoirs, or establishing desalination facilities, rather than relying solely on external agencies. Learned counsel emphasized that the denial of clean drinking water constitutes a violation of the fundamental right to life under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. In support of this contention, reliance was placed on several judicial pronouncements, including **PLD 1994 SCMR 693** (*Ms. Shehla Zia v. WAPDA*), which recognized that the right to life encompasses the right to a healthy and clean environment, including access to safe water; **2018 SCMR 1612** and **2018 SCMR 2001** (*Barrister Zafarullah Khan v. Federation of Pakistan*), affirming access to clean and potable water as a fundamental human right; and **2017 SCMR 732** (*Shahab Usto v. Government of Sindh*), highlighting the State’s responsibility to ensure equitable water distribution. Further reliance was placed

on **2004 CLC 578** (*Nazar Ali v. KWSB*), holding that authorities cannot levy water charges where no water supply is provided; **2001 YLR 3145** (*Emirates International v. Federation of Pakistan*), confirming the responsibility of cantonment boards for bulk water supply under Section 217 of the Act; order passed by this Court in **2017 CLC 1129** (*Rukhsana Yahya v. Federation of Pakistan*) and **2016 CLC 170** (*Muhammad Rafiq Sra v. Province of Sindh*), emphasizing the statutory obligations of public authorities to ensure water supply and curb illegal hydrants; and **1974 SCMR 140**, establishing that legal action may be taken where a statutory authority neglects to perform its duties. He further submitted that the imposition and collection of municipal or water taxes without providing the corresponding services are unlawful and liable to constitutional challenge. In light of the foregoing submissions, learned counsel contended that the creation and jurisdiction of the CBC over DHA Block 8 lack lawful basis due to the absence of a valid Federal Government notification under Sections 3 and 4 of the Cantonments Act, 1924. DHA Block 8, being a predominantly civilian residential area, cannot legally be classified as a cantonment. Even if jurisdiction is presumed, the CBC remains under a statutory obligation to ensure the continuous supply of clean and potable water, and the denial thereof constitutes a violation of the fundamental right to life guaranteed under Article 9 of the Constitution. Furthermore, the levy of taxes without the provision of corresponding services is unlawful and liable to be set aside. In view of the above, learned counsel prayed that this Court to allow the petitions in their entirety and grant the reliefs sought therein.

3. Learned counsel for the remaining Petitioners unequivocally adopted the arguments advanced by the learned counsel representing the Petitioners in C.P. No. D-1156 of 2022 and C.P. No. D-2211 of 2024. However, they added that the Petitioners are bona fide residents of the Defence Housing Authority (DHA), Karachi, who have consistently discharged all municipal and property-related taxes, including conservancy and water charges levied by the CBC. Despite fulfilling these statutory obligations, the Petitioners have been deprived of the basic necessity of life, namely, a clean and uninterrupted supply of potable water due to the inefficiency, indifference, and alleged corrupt practices of the Respondents. It was contended that Respondent No. 2, being the developer of DHA, and Respondent No. 3, the Cantonment Board Clifton, acting as a municipal authority under the Cantonments Act, 1924, are under both statutory and constitutional obligations to provide essential civic amenities, particularly a reliable piped water supply. Instead of ensuring such provision, the Respondents have shifted responsibility onto each other, leaving residents dependent on expensive water tankers, often controlled by a so-called “tanker mafia,” allegedly operating with the tacit approval of the authorities. Learned counsel further

argued that the imposition and collection of water taxes by Respondent No. 3, in the absence of corresponding services, is illegal, arbitrary, and without lawful authority. Such conduct, it was submitted, violates the fundamental rights of the Petitioners guaranteed under Articles 4, 9, 10-A, 14, 18, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Particular emphasis was placed on Article 9, the right to life, which has been interpreted by the superior courts to include access to clean and safe drinking water. It was also submitted that several initiatives aimed at addressing the water crisis, such as the establishment of Reverse Osmosis (R.O.) plants during the years 2015-16 and 2017/18, were either obstructed, mismanaged, or diverted from their intended purpose. A Reverse Osmosis plant with a capacity of 600,000 gallons per day, established by DHA, is allegedly being utilized to supply water to clubs and VIP residences rather than to the general public. Similarly, a 100,000-gallon-per-day R.O. plant donated through the Chinese Consulate is reportedly being used for the commercial sale of water tankers instead of providing free piped water to residents. Counsel further highlighted that the existence of illegal hydrants along the main supply line and severe leakages in the overhead pipeline from Korangi Crossing to DHA have exacerbated the water shortage, resulting in substantial losses. Despite judicial directions by this Court in the case of *Rukhsana Yahya v. Federation of Pakistan*, as discussed supra and widespread public awareness, including media coverage, the Respondents have failed to undertake the necessary remedial measures and comply with the directions of this Court. It was additionally contended that the reliance on water bowsers is discriminatory and financially burdensome, enabling preferential treatment to certain residents while the majority are compelled to purchase water at exorbitant rates. This practice not only leads to the wastage of public resources but also undermines transparency and accountability in the utilization of public funds. Learned counsel also challenged the jurisdiction of the Cantonment Board Clifton over DHA Phases VI, VII, and VIII. It was argued that these areas are reclaimed civilian localities that do not fall within the ambit of Sections 3 and 4 of the Cantonments Act, 1924, and that no lawful Federal Government notification exists declaring them as cantonment areas. Consequently, the levy of taxes and the exercise of authority by the CBC in these areas were asserted to be without lawful authority. In view of the foregoing submissions, it was contended that the persistent failure and inaction of the Respondents in ensuring an adequate and equitable water supply constitute illegal, arbitrary, and unconstitutional conduct. The Petitioners, therefore, seek the intervention of this Court under Article 199 of the Constitution to enforce their fundamental rights by directing the establishment of an efficient piped water supply system within a specified timeframe, ensuring the interim provision of water bowsers without additional charges, mandating transparency through proper metering and auditing, and declaring the unlawful extension of

cantonment jurisdiction over the DHA areas. It was finally urged that the Respondents have deprived the Petitioners of the most essential necessity of life, thereby infringing their fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973. It is urged that the Respondents are wasting precious public resources by failing to design, develop, and implement an efficient water supply system for DHA residents. The continued reliance on water bowsers was/is described as merely a temporary and unsustainable solution, constituting a waste of public funds, a source of nuisance for residents, and a hazard to the environment. They prayed to allow these petitions.

4. Petitioner Samira Mahamadi in person in C.P. No.D-3510/2024 submitted that this court in the case of *Rukhsana Yahya v. Federation of Pakistan* supra has already decided the subject issue which needs to be implemented in its letter and spirit wherein it was committed on behalf of the CBC that due to the acute shortage and intermittent supply of water, the Board, in its capacity as a municipal authority, has been arranging additional water through bowsers for residents of DHA who are not receiving a regular supply through the water distribution lines. Under the prevailing policy, residents are required to apply online, upon which computer-generated coupons are issued for the allocation of up to five water bowsers per month per property, each having a capacity of 1,000 gallons, however, subject to the availability of water and the regular payment of applicable dues. And this court directed that CBC shall not charge or collect water tax from residents who are not provided water through supply lines or bowsers. She prayed for directions to ensure transparency, accountability, and an adequate water supply to the residents of DHA, including an order requiring CBC to place before this Court the compliance report and upload on its website; the 1999 MOU with KWSB for the supply of 9 MGD of water. She further sought directions for KWSB to honour the agreement and for CBC to initiate proceedings under Sections 37 and 57 of the Sale of Goods Act, 1930, for damages resulting from any short or non-delivery of the agreed quantity. She prayed to allow this petition.

5. Learned counsel for the respondent, CBC, submitted that the CBC is a duly constituted statutory body established under President's Order No. 07 of 1980 and the Cantonments Act, 1924. As a corporate municipal authority, it exercises civic administration over the Clifton Cantonment area as defined through official Gazette notifications, including S.R.O. 207(I)/83 issued by the Federal Government. It was contended that CBC is legally entitled to levy water charges only to the extent of the water actually supplied, a principle already affirmed by this Court in the case of *Rukhsana Yahya v. Federation of Pakistan*, as discussed supra, which remains binding. In this regard, counsel supported the installation of water meters in all residential units, in line with the National Water Policy, to ensure that residents are charged strictly on the basis of actual

consumption. He further clarified that the present water crisis does not stem from any negligence on the part of CBC but is primarily attributable to the acute shortage of bulk water supplied by the Karachi Water and Sewerage Corporation (KWSC). While the total demand within CBC's jurisdiction is approximately 14-16 million gallons per day (MGD), the supply has significantly declined to about 4-5 MGD, resulting in low pressure and irregular pipeline distribution, particularly in areas with incomplete infrastructure. As a remedial and hardship measure, CBC has implemented a regulated water bowser system under an approved policy issued through CBR No. 24 dated 08.02.2017 to ensure fair and transparent distribution. The charges levied for Bowser supply are subsidized and intended only to recover part of the additional operational costs rather than to generate commercial profit. Given the limited resources comprising a fleet of 44 bowsers catering to more than 43,000 residential units, it is practically impossible to provide an uninterrupted supply to all residents through this mechanism; nevertheless, CBC continues to make its best efforts to supply water, including to the petitioners, in accordance with its policy and the directions of this Court. Learned counsel referred to the report and submitted that, pursuant to the Court's order dated 02.02.2024, CBC has filed a compliance report demonstrating regular delivery of water bowsers to the petitioners and other residents, supported by photographic evidence. To address the long-term shortage, a joint meeting between KWSC, CBC, and the Station Headquarters resulted in a comprehensive roadmap comprising short-, mid-, and long-term measures. In the short term, KWSC has proposed the establishment of two official water-filling stations at Kashmir Road, Karachi, subject to the resolution of existing stay orders, with implementation anticipated within fifteen days of this Court's permission. For the mid-term, a dedicated water supply project is planned, involving the installation of a new pipeline from Dumlottee to DHA Phase VII, along with a filtration plant and pumping station, at an estimated cost of PKR 6 billion, financed by the Government of Sindh. DHA will provide the necessary land and install flow meters at the source and delivery points. This project is expected to become operational by June 2026 and will ensure a dedicated supply of at least 8 MGD, in addition to the existing 5 MGD supplied by KWSC, with an estimated tariff of 60-65 paisa per gallon. In the long term, the matter will be taken up with the Federal Government to secure an additional 10 MGD of water from the under-construction K-IV water project, anticipated to be available by June 2028. It is urged that CBC clarify that only about 1 MGD of water is supplied through bowsers, while the majority is delivered through pipelines. The reliance on bowsers is necessitated by insufficient pressure and the absence of pipeline infrastructure in certain areas, particularly Phase VII Extension. The standardized policy ensures transparency and uniformity in distribution. Counsel also emphasized the point that the petitioners have not approached this Court with

clean hands, having suppressed material facts relating to infrastructural limitations and the ongoing remedial efforts undertaken by CBC. Furthermore, it was argued that the petitions involve disputed and complex questions of fact, such as adequacy of supply, infrastructure constraints, and distribution logistics, which cannot be effectively adjudicated within the constitutional jurisdiction of this Court without detailed evidence. Lastly, learned counsel submitted that the petitioners possess adequate and efficacious alternate remedies under the law, which they have failed to avail. Consequently, the present constitutional petitions are not maintainable and are liable to be dismissed on the grounds of disputed questions of fact, lack of locus standi, and the availability of alternate remedies. He prayed to dismiss the captioned petitions.

6. The learned Assistant Attorney General and remaining official respondents adopted the arguments advanced by learned counsel for the Cantonment Board Clifton and prayed for dismissal of the listed petitions.

7. However, the learned Advocate General, Sindh, assisted by learned counsel for the KW&SC, referred to the report and submitted that, in compliance with the order dated 05.09.2023 passed by this Court in the instant Constitutional Petitions regarding a permanent solution for the regular supply of water to the residents of DHA/CBC, the Chief Executive Officer and Chief Engineer (Water) of KW&SC were directed to enhance the water supply up to 6 MGD within ten days and to take effective measures to eliminate leakages and theft from the main pipeline between Pipri Pumping Station and Chakra Goth. It was further submitted that KW&SC is presently supplying water to the Clifton Cantonment Board (CBC) and DHA through 11 connections, comprising 5 connections for DHA and 6 for CBC, at different points of the distribution system. Owing to the acute shortage of water, the supply is being regulated under a structured rationing schedule, and approximately 6 MGD of water is being supplied from all available sources. Learned counsel for KW&SC further stated that the ongoing drive against illegal connections from Pipri Reservoir to Korangi and Chakra Goth is still underway, aimed at improving the overall supply to DHA and CBC. Through strict valve operations and rationing measures, the supply has been enhanced to approximately 6 MGD in compliance with the directions of this Honourable Court. It was also submitted that a joint meeting between representatives of DHA, CBC, and KW&SC was held in the office of the CEO/MD, KW&SC, to explore measures for increasing water supply and resolving the persistent shortage. He prayed for further appropriate directions that shall be complied with in accordance with the law.

8. In view of the pleadings, submissions of learned counsel for the parties, and the record placed before this Court, the following questions arise for determination:

1. *Whether the inclusion of DHA Phases/Blocks within the jurisdiction of the Cantonment Board Clifton (CBC) is lawful in the absence of a valid Federal Government notification under Sections 3 and 4 of the Cantonments Act, 1924?*
2. *Whether the CBC is under a statutory obligation under the Cantonments Act, 1924, to ensure a continuous and adequate supply of potable water to residents within its jurisdiction, and whether such obligation can be avoided on the ground of shortage of bulk water supply from KW&SC?*
3. *Whether the levy and recovery of water charges by CBC is lawful in circumstances where an adequate or continuous water supply is not being provided to the residents?*
4. *Whether the reliance on water bowsers as a substitute for a piped water supply is legally permissible under the Cantonments Act, 1924, and whether such an arrangement satisfies the statutory duty of water supply?*
5. *Whether the Petitioners are entitled to relief under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, in respect of the enforcement of their fundamental rights to life, dignity, and access to clean drinking water under Article 9 and allied provisions?*
6. *Whether the petition raises disputed questions of fact regarding the adequacy of water supply, infrastructure limitations, and distribution mechanisms, which are not amenable to adjudication in constitutional jurisdiction?*
7. *Whether the Petitioners have failed to avail alternate and efficacious remedies available under the law, thereby rendering the constitutional petitions not maintainable?*

9. During the course of the hearing, it was brought to the notice of this Court that the Supreme Court, in C.P. No. 9 of 2010, along with C.M.A. No. 770-K of 2020, vide order dated 30.12.2020, observed that the Clifton Cantonment Board shall ensure the availability of water to all residents of the area and was directed to undertake necessary measures and submit a compliance report before the Court within one month.

10. It was brought to the notice of this Court that in Constitution Petition No. 6644 of 2014, decided on 01.03.2017, this Court had considered the grievance of the petitioner regarding enhanced water supply from 2,000 gallons to 4,000 gallons per week through water bowsers. This Court noted that although an earlier order dated 18.08.2015 directed enhancement of water supply to 4,000 gallons per week, such direction was subject to the prevailing acute shortage of water, with an interim obligation on the respondents to provide a reasonable supply. This Court observed that the respondent-CBC was responsible for municipal water supply within its jurisdiction; however, the entire city of Karachi was facing a severe and continuing water shortage due to inadequate bulk supply and lack of new water infrastructure projects. It was further noted that the issue of “water stress” had reached a critical level due to both physical scarcity and management constraints, affecting multiple municipal areas, including CBC. In these circumstances, this

Court held that CBC could not be absolved of its responsibility to supply water, but its obligation had to be assessed in light of the prevailing shortage. It was further observed that, as a reasonable interim arrangement, CBC had already agreed in related proceedings to supply five water bowsers per property per month (each of 1,000 gallons), which was considered a fair standard during the period of scarcity. The Court clarified that no preferential treatment could be granted to any individual petitioner and that the interim arrangement for bower supply constituted a reasonable response under the prevailing water crisis. It was further directed that the original entitlement of enhanced supply would be restored once the water shortage situation normalized and additional bulk supply projects became operational, and disposed of the application. Subsequently, the matter was challenged by the respondent Contentment Board before the Supreme Court in CPLA No. 285-K of 2017. However, vide order dated 19.12.2017, leave was refused, and the petition was dismissed, by observing that due to the prevailing scarcity of water and the already ongoing suo motu proceedings regarding water shortage, no further direction of the nature sought could be granted.

11. This Court in the case of Rukhsana Yahya v. Federation of Pakistan supra observed that the CBC admittedly charges and collects annual water tax from all residents of the DHA, including the petitioner, although regular water supply through the main distribution line has not been provided. Instead, water has been supplied through bowsers merely as a stopgap arrangement. Since the petitioner has fulfilled all legal requirements and is not in default of any dues, CBC is legally bound to ensure an adequate and continuous water supply. Relying on Sections 217 and 220 of the Cantonments Act, 1924, this Court held that CBC has a statutory duty to provide a sufficient and continuous supply of pure water to all residents within its jurisdiction in consideration of the water tax collected. Furthermore, under Section 221 of the Act, CBC's failure to issue notice or take necessary steps to ensure proper water supply reinforced its obligation to fulfill this duty. This Court also invoked the constitutional principles laid down by the Supreme Court in Ms. Shehla Zia v. WAPDA, supra, emphasizing that the right to "life" under Article 9 of the Constitution encompasses access to basic amenities such as clean water and a healthy environment. Consequently, the non-supply or irregular supply of water affects not only the petitioner but also a large number of residents, warranting treatment of the matter as one of public interest. Although CBC contended that its water supply depends on the KW&SB, this Court held that such dependence does not absolve CBC of its statutory and constitutional responsibilities. After approving construction and collecting water tax, CBC must arrange water from the principal or alternative sources to meet residents' needs. This Court further observed that indiscriminate approvals for new constructions without ensuring adequate water resources violate the principle of demand and

supply and may curtail the fundamental rights of existing residents. Public authorities were reminded that their duties must be performed with prudence, responsibility, and foresight to safeguard citizens' welfare and dignity. However, during the proceedings, respondents submitted a statement acknowledging the shortage of water and confirming that, as per existing policy, residents not receiving a regular supply would be provided five water bowsers per month (each of 1,000 gallons), subject to availability and payment of dues. By consent of the parties, the petition was disposed of in terms of this statement with the directions that CBC shall submit monthly compliance reports to the Member Inspection Team (MIT) of the Court for six months. CBC shall not charge or collect water tax from residents who are not supplied water through pipelines or bowsers. CBC shall display the statement and the Court's directions on its website and notice boards, and these shall not be removed without the Court's permission. Accordingly, the petition and the accompanying application were disposed of with no order as to costs.

12. From the above, it is inferred that access to clean and safe drinking water is an integral component of the right to life guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. The superior Courts of Pakistan have consistently held that the term "life" does not merely connote animal existence but encompasses all amenities necessary for a dignified human existence. In *Shehla Zia's case (PLD 1994 SC 693)*, the Supreme Court expansively interpreted Article 9 to include the right to a healthy and safe environment, which necessarily includes access to potable water. Similarly, in the *Karachi Water Crisis* case, the Supreme Court emphasized the State's obligation to ensure equitable distribution of water and directed all relevant authorities, including municipal bodies, to take immediate remedial measures to address shortages and leakages.

13. The CBC, being a statutory municipal authority established under the Cantonments Act, 1924, is legally bound to provide essential civic amenities, including water supply, within its notified jurisdiction. The collection of conservancy and water taxes from residents creates a corresponding legal duty to ensure the provision of such services. Failure to provide these amenities, while continuing to levy taxes, constitutes arbitrary and unreasonable conduct, offending Articles 4 and 25 of the Constitution.

14. At the same time, the Karachi Water and Sewerage Corporation, as the bulk water supplier, bears the primary responsibility for ensuring adequate provision of water to municipal authorities, including CBC. The shortage of bulk supply, though a relevant factor, does not absolve CBC of its duty to adopt effective distribution mechanisms and infrastructure improvements.

15. Coming to the contentions of the petitioners that they challenged the jurisdiction of the CBC over DHA Phases VI, VII, and VIII, including Block 8, on the ground that no valid Federal Government notification exists under Sections 3 and 4 of the Cantonments Act, 1924. CBC, however, relies upon S.R.O. 207(I)/83 as the basis of its jurisdiction. It is well settled that a cantonment can only lawfully exist and operate within limits declared through a Federal Government notification under the Act. Although Petitioners have raised a serious objection, CBC has produced an official notification which carries a presumption of legality unless rebutted by cogent evidence. In the absence of conclusive material negating the same, jurisdiction cannot be declared unlawful at this stage. Nevertheless, CBC is bound to place complete gazette notifications on record, and any ambiguity shall restrict its authority, particularly in respect of taxation. Under Sections 217 to 221 of the Cantonments Act, CBC is under a statutory duty to ensure a continuous supply of potable water and maintenance of water infrastructure. This obligation cannot be avoided on the grounds of a shortage of bulk supply from KW&SC, as municipal responsibility is output-based. Even in cases of scarcity, CBC is required to adopt effective remedial measures, including reduction of leakage, equitable distribution, and infrastructure improvement. The principles laid down in *Shehla Zia's case* and **2018 SCMR 1612** confirm that access to clean water forms part of the fundamental right to life under Article 9, thereby imposing a continuing constitutional duty on public authorities. CBC remains legally bound to ensure at least a minimum essential water supply. The levy of water charges must correspond to actual service rendered, as recognized in administrative law principles and reported case law. Charging without proportional supply, particularly where bowzers substitute piped water, violates Articles 4, 9, and 25 of the Constitution. The bowser system, while not illegal per se, can only operate as a temporary arrangement and not as a substitute for a permanent water supply system, as previously affirmed by this Court in earlier petitions. The defence based on logistical constraints is not sustainable, as administrative difficulty cannot override fundamental rights. The superior Courts have consistently held that the right to life includes access to safe drinking water, and State authorities are under a non-derogable obligation to ensure such access. Consequently, failure to provide potable water constitutes a continuing violation of Article 9.

16. The objections regarding maintainability of the petitions on the ground of disputed facts and alternate remedies are without force, as Constitutional jurisdiction is fully attracted where fundamental rights are involved and statutory duties are alleged to have been breached. In the present case, the issues are primarily legal and arise from admitted deficiencies reflected in the official record

as well as previous orders passed by this court in earlier rounds of litigation, whereby the compliance was/is required, which has not been made, prima facie.

17. In view of the foregoing, CBC's jurisdiction is not set aside but remains subject to verification of lawful notifications under Sections 3 and 4 of the Act. Therefore, the CBC is under a continuing statutory and constitutional obligation to ensure a potable water supply, irrespective of bulk supply constraints. Water charges must be rational, transparent, and linked to actual supply, while the bowser system may continue only as an interim arrangement pending development of a permanent infrastructure, which has been pending for a long time without progress. Therefore, the CBS is required to ensure water supply, transparent billing, and transition to a sustainable piped system. The aforementioned exercise shall be completed within three months.

18. Furthermore, the report submitted by the Karachi Water and Sewerage Board acknowledges the disparity between demand and supply but also highlights systemic issues such as leakages, illegal hydrants, and inequitable distribution. These findings reinforce the Petitioners' grievances and demonstrate that the water crisis is not merely a logistical issue but also a matter of governance and accountability. The MD Karachi Water and Sewerage Board is directed to ensure the supply of water to CBC so that they shall provide to the petitioners, subject to usual charges as required under the law. However, irrespective of that, the CBC shall ensure the supply of water to petitioners without discrimination; if found, they shall be liable to proceedings under Article 204 of the Constitution without further notice, subject to fulfillment of codal formalities under the law.

19. The objection regarding the maintainability of the petitions on the grounds of disputed questions of fact and availability of alternate remedies is not sustainable. Where fundamental rights are alleged to have been infringed, particularly the right to life and human dignity, this Court is empowered under Article 199 of the Constitution to exercise its constitutional jurisdiction. The Supreme Court reaffirmed that the existence of an alternate remedy does not bar constitutional jurisdiction where fundamental rights are at stake.

20. With regard to the challenge to the jurisdiction of CBC over DHA Phases VI, VII, and VIII, the determination of territorial jurisdiction depends upon official gazette notifications issued under Sections 3 and 4 of the Cantonments Act, 1924. Since CBC has relied upon S.R.O. 207(1)/83, its authority cannot be declared unlawful in the absence of cogent evidence to the contrary. However, transparency demands that CBC place the relevant notifications on record and ensure that its actions remain strictly within the bounds of law.

21. Consequently, these petitions are disposed of with direction to the Cantonment Board Clifton that they shall, in compliance with its earlier undertaking before this Court, ensure the provision of a regular and equitable water supply to the residents of DHA within its jurisdiction. The Karachi Water and Sewerage Corporation shall take all necessary measures to enhance bulk water supply to CBC and to eliminate illegal hydrants and leakages along the transmission lines, particularly the pipeline from Korangi Crossing to DHA. Until a sustainable piped water supply system is established, within three months by the CBS. CBC shall continue to provide water through bowsers to the residents strictly on a no-profit, no-loss basis, ensuring transparency and non-discriminatory distribution. A clear schedule of bowser supply shall be publicly notified and made accessible to all residents. The competent authority of CBC is directed to install proper metering and maintain audited accounts of water charges and expenditures incurred in the provision of water services to the petitioners. KW&SC shall submit quarterly progress reports before the Nazir of this Court regarding improvements in bulk supply and measures taken against illegal hydrants. Any Reverse Osmosis (R.O.) plants established within DHA, including those funded through public or foreign assistance, shall be utilized primarily for the benefit of the general residents without fail. Their operation and distribution mechanisms shall be subject to periodic audit. CBC shall place on record the relevant gazette notifications establishing its jurisdiction over DHA Phases VI, VII, and VIII within a period of four weeks. In the absence of such lawful notification, it shall refrain from levying municipal taxes in those areas. The Respondents are reminded that access to potable water is a fundamental right, and any failure to ensure its provision would expose the responsible officials of CBC to proceedings under the law, including contempt of Court.

22. The pending applications in all petitions are disposed of in the aforesaid terms. The Respondents shall ensure strict compliance with this order within a period of three months, and the office is directed to fix a compliance hearing thereafter.

Office to place a copy of this order in the connected petitions.

JUDGE

JUDGE