IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-6225 of 2023.
(Naeem Akhtar & others vs. Province of Sindh & others)

Date	**Order with Signature(s) of Judge(s)**

Before:
Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'

1. *FOR HEARING OF CMA. NO.16351/2025*
2. *FOR HEARING OF CMA. NO.20929/2025*
3. *FOR ORDERS ON OFFICE OBJECTION*
4. *FOR HEARING OF MAIN CASE*

Date of hearing & Order: 27.10.2026

Mr. Usman Farooq, Advocate for the Petitioner

Ms. Wajiha Mehdi, Assistant Attorney General for Pakistan

Mr. Abdul Jalil Zubedi, Additional Advocate General, Sindh.

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ORDER

Ali Haider 'Ada', J.- The principal contention of the petitioners is that they are residents of Gulshan-e-Jamal Housing Cooperative Project, developed by the Pakistan Railways Cooperative Housing Society, which falls within the jurisdiction of the Cantonment Board. They are aggrieved by the non-provision of water supply facilities, as the existing water supply system has not been extended or appropriately arranged for their benefit. Consequently, they have been compelled to incur substantial expenses by engaging private water tanker operators and suppliers to meet their daily water requirements. Learned counsel for the petitioners further submits that complaints were lodged before the Provincial Ombudsman, Sindh, seeking redressal of their grievances; however, no effective relief has been provided. Learned counsel for the petitioners submits that access to water is an essential necessity of life and that the residents cannot be deprived of this basic facility, particularly when they are compelled to purchase water from private suppliers at exorbitant rates. It is further contended that the provision of

an adequate water supply is an essential public service, and the concerned authorities are under an obligation to ensure that the residents are not deprived of this fundamental necessity.

2. On the other hand, the Karachi Water and Sewerage Corporation (KWSC), in its comments, has primarily contended that the matter falls within the jurisdiction of the Cantonment authorities and, therefore, the Corporation is under no obligation to redress the grievances of the petitioners. The learned Law Officers has also referred to the decision of the Office Superintendent, Faisal Cantonment, whereby the supply of potable water to the residents of Gulshan-e-Jamal was discontinued on the ground of non-payment of water charges.

3. Heard learned counsel for the parties and perused the material available on record.

4. At the outset, it is evident that the provision of water is an essential necessity of life and constitutes a fundamental right of every citizen. However, the enjoyment of such a facility is subject to a proper mechanism, including the payment of lawful charges levied against the consumers in accordance with the applicable law.

5. In this regard, **Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973**, provides that no person shall be deprived of life or liberty save in accordance with law. The term “life” carries a broad and significant meaning and encompasses all facets of human existence. Furthermore, in the same context the Supreme Court in case of **Shehla Zia v. WAPDA (PLD 1994 SC 693)**, held as under:

> *“Article 9 of the Constitution provides that no person shall be derived of life or liberty save in accordance with law. The word `life' is very significant as it covers all facts of human existence. The word `life' has not been defined in the Constitution but it does not mean nor can it be restricted only to the vegetative or animal life or mere*

existence from conception to death. Life includes all such amenities and facilities which a person born in a free country, is entitled to enjoy with dignity, legally and constitutionally. For the purposes of present controversy suffice to say that a person is entitled to protection of law from being exposed to hazards of electromagnetic fields or any other such hazards which may be due to installation and construction of any grid station, any factory, power station or such like installations. Under the common law a person whose right of easement, property or health is adversely affected by any K act of omission or commission of a third person in the neighbourhood or at a far off place, he is entitled to seek an injunction and also claim damages, but the Constitutional rights are higher than the legal rights conferred by law be it municipal law or the common law. Such a danger as depicted, the possibility of which cannot be excluded, is bound to affect a large number of people who may suffer from it unknowingly because of lack of awareness, information and education and also because such sufferance is silent and fatal and most of the people who would be residing near, under or at a dangerous distance of the grid station or such installation do not know that they are facing any risk or are likely to suffer by such risk. Therefore, Article 184 can be invoked because a large number of citizens throughout the country cannot make such representation and may not like to make it due to ignorance, poverty and disability. Only some conscientious citizens aware of their rights and the, possibility of danger come forward and this has happened so in the present case.

7. On the other hand, **Chapter XIII of the Cantonments Act, 1924**, deals with water supply and related matters. In this regard, **Section 217** of the said Act empowers the Cantonment Board to make arrangements for the provision of water supply in accordance with the provisions of the Act. For ready reference, Section 217 of the Act is reproduced as under:

217. Maintenance of water-supply. *(1) In every cantonment where a sufficient supply of pure water for domestic use does not already exit, the Board shall provide or arrange for the provision of such a supply.*

(2) The Board shall, as far as possible make adequate provision that such supply shall be continuous throughout the year, and the water shall be all time pure and fit for human consumption.

8. Thus, the Cantonment Board is also under an obligation to ensure the continuity of water supply in accordance with Section 217 of the Cantonments Act, 1924, subject to the statutory conditions prescribed therein, including the availability of water from other sources.

9. In the present case, the petitioners have demonstrated that the water supply facility has been discontinued by the Cantonment Board, Faisal. However, the provisions of **Section 220 of the Cantonments Act, 1924**, which govern the entitlement of an occupier of a building connected with the water supply system, subject to payment of the prescribed water tax and compliance with the applicable statutory requirements, must also be taken into consideration. Accordingly, the respective obligations of the petitioners and the Cantonment Board are required to be determined in accordance with the aforesaid statutory provisions.

10. In view of the foregoing facts and circumstances, respondent No. 4, Cantonment Board, Faisal, is directed to address the grievance of the petitioners and take appropriate steps to restore and ensure the provision of water supply without undue delay, in accordance with Sections 217 and 220 of the Cantonments Act, 1924, subject to fulfilment of the applicable statutory requirements.

11. Keeping in view the foregoing, this petition, along with the listed applications, if any, is disposed of.

JUDGE

JUDGE