

In re: Human rights Case (Environment Pollution in Balochistan)

Supreme Court of Pakistan

27 September 1992

Human Rights Case No.31-IC/92(Q),

Citation: PLD 1994 Supreme Court 102

Judges: Saleem Akhtar,J

ORDER

Saleem Akhtar,J- 1. I have noticed a news item reported by APP published in `Dawn dated 3-7-1992 entitled "N-Waste to be dumped in Balochistan?" In the report, apprehension has been expressed that business tycoons are making attempts to purchase the coastal area of Balochistan and convert it into a dumping ground for waste material which may be a big hazard to the developing ports of Guwadar, Pasni, Ormara and Jiwani. The coastal land of Balochistan is about 450 miles long. To dump waste materials including nuclear waste from the developed countries, would not only be a hazard to the health of the people but also to the environment and the marine life in the region. In my view, if nuclear waste is dumped on the coastal land of Balochistan, it is bound to create environmental hazard and pollution. This act will violate Article 9. It is, therefore, necessary to first enquire from the Chief Secretary, Balochistan whether coastal land of Balochistan or any area within the territorial water of Pakistan has been or is being allotted to any person. If any allotment has been made or applicants have applied for allotment, then full particulars should be supplied. A letter may also be written to the Editor `Dawn' referring to the news item requesting him to supply further particulars or give the name and address of the reporter of APP from whom necessary information may be obtained.

2. In compliance with the notice issued on 9th July 1992, the Chief Secretary had made inquiries from various departments, namely, from the Commissioner of Makran, Commissioner of Kalat Division and also from the Board of Revenue who had submitted their reports which were forwarded to this Court. From the reports submitted, it seems that besides the land allotted to the Pakistan Navy and Maritime Agency for defence purposes, 112 ship breaking plots measuring 336 acres in Gadani Beach and Lasbella District have been allotted to ship breakers for ship-breaking purposes by the Balochistan Development Authority. Furthermore, land measuring 29.2.2 acres has been allotted to one Muhammad Anwar son of Qadir Bukhsh for

agriculture purposes. The Chief Secretary while giving details has stated that the allotment of land for ship-breaking was made by the Balochistan Development Authority while the plot measuring 29.2.2 acres was allotted by the Chief Minister on the recommendation of Balochistan Development Authority. The officials present have reported that no plot has been allotted to any party for dumping nuclear waste. The Commissioner, Makran Division has pointed out that the law enforcing agencies on the high seas are always on the alert and can locate any vessel from a distance of more than 500 miles.

3. It may be noted that no one will apply for allotment of land for dumping nuclear or industrial waste. This would be a clandestine act in the garb of a legal and proper business activity. The authorities are therefore not only to be vigilant in checking the vessels but regularly check that the allottees are not engaged in dumping industrial or nuclear waste of any nature on the land or in the sea or destroying it by any device. It seems that the plots have been allotted by Balochistan Development Authority and all the relevant terms and conditions will be available with them. In these circumstances, the following interim order is passed:

(1) The Balochistan Development Authority should submit to the Assistant Registrar, Supreme Court, Karachi a list of persons to whom land on the coastal area of Balochistan have been allotted giving their name and full address along with copies of the letters of allotment, lease or license which may have been issued in their favour.

(2) The Government of Balochistan and the Balochistan Development Authority are directed that if any application for allotment of coastal land is pending or in future any party applies for allotment of such land, then full particulars of such applicants shall be supplied to the Assistant Registrar, Supreme Court of Pakistan, Karachi before making any allotment to any such party.

(3) The Government functionaries, particularly the Authorities which are charged with the duty to allot the land on the coastal area, should insert a condition in the allotment letter/license/lease, that the allottees shall not use the land for dumping, treating, burying or destroying by any device waste of any nature including industrial or nuclear waste in any form. The Balochistan Development Authority should also obtain similar undertaking from all the allottees to whom the allotment has been made for ship-breaking, agriculture or any other purpose whatsoever.

Before parting with the order I record my appreciation for the officials present who have shown their interest and keenness in tackling the problem. Such eagerness coupled with public

awareness can eliminate much of the problems creating health hazard to the citizens.

A copy of this order be sent to all the officers present and the Balochistan Development Authority, Quetta.

Order accordingly