

Ref: PILAP/HO/2020/369

July 29, 2020

**Chief Information Commissioner
Pakistan Information Commission
First Floor, National Arcade, A-4 Plaza,
F-8 Markaz, Islamabad**

APPEAL UNDER SECTION 17 OF THE RIGHT TO INFORMATION ACT, 2017

Dear Sir,

The Public Interest Law Association of Pakistan (PILAP) is a public interest association registered under the laws of Pakistan and is concerned with addressing issues of public interest in accordance with the Fundamental Rights guaranteed by the Constitution of the Islamic Republic of Pakistan. Our organization requested information from the Cantonment Board Clifton (CBC) under the Right of Access to Information Act, 2017 through an Application ("RTI Application"), attached herewith for your reference. PILAP has not received a response from CBC within the ten (10) day time period stipulated by the 2017 Act, hence this appeal under section 17 of the Right of Access to Information Act, 2017. We submit as under:

1. That PILAP submitted an application to CBC and the Sindh Environment Protection Agency (SEPA) on 6th July, 2020 on the public interest issue of a proposed development project undertaken by CBC along a stretch of Seaview Beach, Clifton, Karachi, as reported in Dawn on 5th July, 2020 (attached herewith as Annexure A).
2. That the news article reports that although the proposed CBC project has been approved by the Sindh Environmental Protection Agency (SEPA), the approval was granted without a detailed Environmental Impact Assessment (EIA). Under the provisions of the Sindh Environmental Protection Act, 2014, once an EIA has been submitted by a proponent of a project, CBC in this case, SEPA is required to review it before such approval is granted. Every such review is to be carried out with public participation and after full disclosure of the project details. No such review was carried out.
3. That the right to information is a Fundamental Right guaranteed by the Constitution of Pakistan under Article 19A. Article 19A provides that *"every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."*

PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN

Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.
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4. That the matter agitated by PILAP in its RTI application is a matter of public importance. The proposed project involves a potential adverse impact on the surrounding environment, including the coastline. It would also pose a risk in terms of polluting the water, and hence threatening the flora and fauna, as well as the health of the human population. Under Article 9, the Constitution guarantees the right to life. This has been interpreted by the Supreme Court of Pakistan to include the right to a healthy environment. The matter at hand is, therefore, one of public interest and involves Fundamental Rights.
5. That it must also be mentioned that the decision by SEPA to approve CBC's proposal is one that relates to members of the public, and hence declared to be part of the public record under Section 6 (d) of the Rights of Access to Information Act.

In view of the above, it is humbly requested that your respected office accept this appeal and direct CBC to furnish the information sought. In particular, PILAP requested the following information from CBC:

- i) What measures, if any, has CBC taken to ensure that the proposed project shall be open to all citizens, in line with the pronouncements of the Honourable superior courts that have pronounced that the right to open access to public spaces is a fundamental right?
- ii) What steps, if any, has CBC taken to ensure that the proposed project does not adversely impact the environment, including the sea and coastline, flora and fauna and human health?

Best regards,



Public Interest Law Association of Pakistan (PILAP)
Through its Chief Executive Officer
Pervez Said

Address for reply:

Public Interest Law Association of Pakistan (PILAP),
Office No.202, 2nd Floor, Zamzama Commercial Lane # 2,
Defence Housing Authority, Phase-5,
Karachi.

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BY COURIER

Ref: PILAP/2020/344

July 06, 2020

1. **Cantonment Board Clifton,
Through the Cantonment Executive Officer,
CC-38, 10th Street,
Khayaban-e-Rahat,
Phase VI, DHA,
Karachi**
2. **Sindh Environment Protection Agency
Through its Director General
EPA Complex,
Head Office,
Plot No. ST-2/1, Sector 23,
Korangi Industrial Area,
Karachi**

REQUEST FOR INFORMATION UNDER THE RIGHT OF ACCESS TO INFORMATION ACT, 2017

Dear Sir,

The Public Interest Law Association of Pakistan (PILAP) is a public interest association registered under the laws of Pakistan and is concerned with addressing issues of public interest in accordance to the Fundamental Rights guaranteed by the Constitution of the Islamic Republic of Pakistan. It respectfully submits as under: -

1. That the details of the authorized person on behalf of PILAP are as under: -

Name of the Applicant:	Pervez Said
CNIC No.:	42301-0954324-1
Father's Name:	Muhammad Said
Address:	51-I, Khayaban-e-Hilal, Phase-6, DHA, Karachi
Phone No.:	0300-8235570

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2. That please refer to the article published in *Dawn* on 5th July, 2020, titled "Clifton Beach Development Project Poses Serious Environmental Risk, Experts Warn". The said article is attached herewith for ease of reference.
3. That the above mentioned article draws attention to a development project currently being undertaken by the Cantonment Board Clifton (CBC) along a stretch of Seaview Beach. Though the project has been approved by the Sindh Environmental Protection Agency (SEPA), the approval was granted without a detailed Environmental Impact Assessment (EIA). Under the provisions of the Sindh Environmental Protection Act, 2014, once an EIA has been submitted by a proponent of a project, SEPA is required to review it before such approval is granted. Every such review is to be carried out with public participation and after full disclosure of the project details.
4. That the citizens of Karachi are stakeholder in the proposed CBC project and hence it is their right to be a part any decision-making process that has an impact on their lives. The Constitution guarantees the right to life, which has been interpreted by the Supreme Court of Pakistan to include the right to a healthy environment. The citizens, therefore, are entitled to be a part of any review process that could have an impact on their lives.
5. That the proposed project could potentially have an adverse impact on the surrounding environment, including the coastline. It would also pose a risk in terms of polluting the water, and hence threatening the flora and fauna, as well as the human population.
6. That, in light of the above, PILAP respectfully submits this Application requesting for information under the right granted to all citizens of Pakistan under the Right of Access to Information Act 2017 as under: -
 - i) What is the reasoning behind SEPA's failure to conduct a review of CBC's proposed project, as it is required to do under the law?
 - ii) What is the reasoning behind SEPA's failure to meet the requirement of seeking public participation in its review of the CBC project, as it is required to do under the law?
 - iii) What measures, if any, has CBC taken to ensure that the proposed project shall be open to all citizens, in line with the pronouncements of the Honourable superior

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courts that have pronounced that the right to open access to public spaces is a fundamental right?

iv) What steps, if any, has CBC taken to ensure that the proposed project does not adversely impact the environment, including the sea and coastline, flora and fauna and human health?

7. That in the circumstances, PILAP would be grateful for a reply at the earliest.

Thank you.

Best regards,


Public Interest Law Association of Pakistan (PILAP)
Through its Chief Executive Officer
Pervez Said

Address for reply:

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