



Ref: PILAP/HO/2020/431

Dated: 24 September, 2020

**Chief Information Commissioner,  
Sindh Information Commission,  
State Life Building No. 3, Ground Floor,  
Kashmir Mujahid Colony,  
Karachi**

**COMPLAINT UNDER SECTION 11 OF THE SINDH TRANSPARENCY AND RIGHT TO INFORMATION ACT, 2016**

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 Pakistan. Our organization requested information from Sindh Environment Protection Agency (SEPA) under the Sindh Transparency and Right to Information Act, 2016 ("the 2016 Act") through an RTI Application dated 6<sup>th</sup> July, 2020, attached herewith for your reference. Thereafter, not having received a response within the time frame specified by the 2016 Act PILAP submitted an application for internal review dated 29<sup>th</sup> July, 2020 with SEPA. As of the date of submitting this complaint our organization has not received answers to questions asked in our RTI application dated 6<sup>th</sup> July, 2020. Hence this complaint under section 11 of the Sindh Transparency and Right to Information Act, 2016. We submit as under:

1. That PILAP submitted an RTI application dated 6<sup>th</sup> July, 2020 to SEPA requesting information on a proposed development project to be undertaken by Cantonment Board Clifton (CBC) along a stretch of Seaview, Karachi.
2. That the RTI application dated 6<sup>th</sup> July, 2020 has not been responded to within the fifteen day time period stipulated by the 2016 Act. A follow up application for internal review was submitted thereafter, however, that application has also gone unanswered as of the date of submitting this complaint.
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."*

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**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 information requested by PILAP in its RTI application dated 6<sup>th</sup> July, 2020 relates to Fundamental Rights guaranteed by the Constitution. In particular, it encompasses the right to security of the person under Article 9. The project has the potential to 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. As per the Honourable Supreme Court of Pakistan, the right to a healthy environment is included within the Fundamental Right of security of the person provided by Article 9. The issue is, therefore, one of public importance. In addition, the citizens of Karachi are stakeholders 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.

In view of the above, it is humbly requested that your respected office accept this complaint and direct the Environment Climate Change and Coastal Development Department to furnish the information sought in a timely manner. In particular, PILAP requested the following information from the Department in its RTI application:

- 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?

Yours Sincerely,

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, 2<sup>nd</sup> 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, 10<sup>th</sup> 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 5<sup>th</sup> 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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#### **PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN**

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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:

Public Interest Law Association of Pakistan (PILAP).  
Office No.202, 2<sup>nd</sup> Floor, Zamzama Commercial Lane # 2,  
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