



Ref: PILAP/HO/2020/430

Dated: 24 September, 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 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 with the Fundamental Rights guaranteed by the Constitution of Pakistan. Our organization requested information on the construction of storm-drains from Defence Officer's Housing Authority, Karachi (DHA Karachi) under the Right of Access to Information Act, 2017 through an Application ("RTI Application") dated 2nd September, 2020, attached herewith for your reference. PILAP has not received a response to the said RTI application from DHA Karachi 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 RTI application dated 2nd September, 2020 to DHA Karachi requesting information on the building plans, drainage system and general flood and disaster mitigation processes in the area of DHA Karachi.
2. That the RTI application dated 2nd September, 2020 has not been responded to within the ten day time period stipulated by the 2017 Act.
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."*
4. That the information requested by PILAP in its RTI application dated 2nd September, 2020 relates to the Fundamental Rights guaranteed by the Constitution. A failure to foresee and plan for a monsoon spell that fell upon the city during the last days of August, 2020 is a breach of the Fundamental Rights of the people guaranteed by the Constitution. In particular, it affects security of the person (Article 9); freedom of

PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN

Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.
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trade, business or profession (Article 18) and the right to free movement (Article 15). It is, therefore, a matter of public interest.

5. That information requested of DHA Karachi is declared to be part of the public record under section 6 (b) of the Right of Access to Information Act, 2017 as it is expenditure undertaken by a public body. It is also declared as such under section 6 (c) of the 2017 Act as it is information regarding contracts and agreements made by a public body.

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

- i) Given the colossal amount of public money spent on the construction of DHA Karachi's storm-water drains, why were they not able to drain away a majority of the rain water?
- ii) How much capital has been spent on building DHA Karachi's storm-drain system? How much of this was paid for by DHA residents in the form of taxes and other charges?
- iii) What was the decision-making process for selecting the contracting company that built the storm-drains?
- iv) Who was responsible for the technical approvals of the storm-drain construction project?
- v) What is the mechanism for approving house and building construction plans? What systems and procedures are in place to ensure that rain-water does not accumulate on residential and commercial buildings?

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, 2nd Floor, Zamzama Commercial Lane # 2,
Defence Housing Authority, Phase-5,
Karachi.

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1210 05405100 KHI

Domestic Tax Invoice

DOMESTIC

Shipper Information

To: PTT

Address: PTT

Tel: _____

Consignee Information

To: DOHA

Address: DOHA

Tel: _____

Dimensions of Shipment

Length (cm): _____

Width (cm): _____

Height (cm): _____

Total Weight: _____

Service Type

Overnight

Special Handling

Second Day

Same Day

Sunday/Holiday

Other

This is a non-negotiable receipt. It is subject to the terms and conditions set forth on the reverse of this receipt. Shipper agrees that M&P shall not be liable for special handling, unusual weight, delay, or damage arising from improper handling. M&P declines all liability for damage or loss of contents unless specifically stated on this receipt. The shipment is not to be opened or tampered with. The value will be treated for customs purposes.

Insurance: Do You Require Coverage? YES NO Ins. Premium: _____

Shipment Contents: _____ Declared Value: _____

Shipper's Signature

Signature Date: _____

Collection by: 2/9

Code: 13924 Set: _____

Tel: _____

NTN: 0860540-8

CASH	<input type="checkbox"/>
CREDIT	<input type="checkbox"/>
Charged Rates	
DBM Charge	
Insurance	
Taxes	
Other Fees	
Total Amount	

Customer Care: +(92-21) 111 202 202 - contact@muphilog.com

BY COURIER

Ref: PILAP/HO/2020/408

Dated: 02 September, 2020

1. **Cantonment Board Clifton,**
Through the Cantonment Executive Officer,
CC-38, 10th Street,
Khayaban-e-Rahat,
Phase VI, DHA,
Karachi
2. **Defence Officers' Housing Authority, Karachi,**
Through the President
2-B, East Street,
Phase 1, DHA,
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

3. That PILAP seeks information on the building plans, drainage system and general flood and disaster mitigation processes in place in the area of Defence Housing Authority (DHA), Karachi.

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4. That the immense damage caused due to the recent spell of monsoon rains in Karachi has ruined homes, businesses, personal properties and the already crumbling infrastructure of DHA, Karachi. Many residents had to be evacuated from their homes at their own cost and expense. Similarly, businesses, both big and small have been adversely affected due to a lack of proper civic facilities. Waist-high rain water continued to remain standing on the fourth day after the rains. Neither is there an outlet for the accumulated rain water and nor did DHA or CBC attempt to drain the water in a timely manner. It fell upon private citizens, acting as good Samaritans, to take on the onerous task of draining public roads streets, again at their own cost and expense.
5. That had there been an efficient drainage system in place, much of the damage caused by urban flooding could have been averted. In addition, since many of the houses built in the area get inundated with just a few millimeters of rainfall, the question arises as to what kind of building by-laws and inspections processes are in place to ensure that the built properties are able to withstand the level of rainfall that a coastal city such as Karachi is expected to receive.
6. That a failure to foresee and plan for a monsoon spell that fell upon the city during the last days of August, 2020 is a breach of the Fundamental Rights of the people guaranteed by the Constitution of Pakistan. In particular, it affects security of the person (Article 9); freedom of trade, business or profession (Article 18) and the right to free movement (Article 15). It is, therefore, a serious issue of public interest.
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 and Article 19A of the Constitution as under: -
 - i) Given the colossal amount of public money spent on the construction of DHA Karachi's storm-water drains, why were they not able to drain away a majority of the rain water?
 - ii) How much capital has been spent on building DHA Karachi's storm-drain system? How much of this was paid for by DHA residents in the form of taxes and other charges?
 - iii) What was the decision-making process for selecting the contracting company that built the storm-drains?
 - iv) Who was responsible for the technical approvals of the storm-drain construction project?

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- v) What is the mechanism for approving house and building construction plans?
What systems and procedures are in place to ensure that rain-water does not accumulate on residential and commercial buildings?

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, 2nd Floor, Zamzama Commercial Lane # 2,
Defence Housing Authority, Phase-5,
Karachi.

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