

Ref: PILAP/HO/2020/353

July 15, 2020

1. The Chairman,
National Electric Power Regulatory Authority (NEPRA)
NEPRA Tower, Attaturk Avenue (East), G-5/1,
Islamabad
2. The Secretary,
Ministry of Energy, Power Division
2nd Floor, Block A, Pak Secretariat,
Islamabad

APPLICATION UNDER THE RIGHT OF ACCESS TO INFORMATION ACT, 2017

Dear Sirs,

The Public Interest Law Association of Pakistan (PILAP) is a public interest association concerned with the primary objective of enabling the citizens of Pakistan to attain the realisation of their civil, human, economic, social and political rights, as guaranteed by the Fundamental Rights laid down in the Constitution of the Islamic Republic of Pakistan. PILAP addresses matters of public interest by means of advocacy and by seeking redress for the people of Pakistan through the justice system. It respectfully submits as under:

1. That the details of the authorized person on behalf of PILAP are as under:
2. That attention is drawn to the recent large-scale electric power outages throughout the city of Karachi and the inability of K-Electric, the utility company responsible for the generation, transmission and distribution of electricity in Karachi, to adequately meet the electric power needs of the metropolis. It must be pointed out at the

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Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.
Phone: +9221 32417049, +9221 32417087, +9221-35304110 Email: info@pilap.pk

outset that these power outages have been repeating themselves over the years and show no signs of abating. They adversely affect businesses, industries and domestic consumers whose tax payments contribute to the national exchequer, hence paying for a service that is sub-standard and intermittent. In addition to the drain on the national exchequer, the power outages not only bring incredible hardship upon the people of Karachi who are already struggling through the intense summer heat, hamper economic growth, but also hinder the proper functioning of vital services such as public hospitals that may not have the means to generate their own electric power. A news item published in the Express Tribune on 2nd July, 2020, titled "Power Outages Continue to Plague Karachi" is attached herewith as reference, as is another story published on the ARY News website on 14th July, 2020, titled "K-Electric Fails to Deliver as Hospital, Industrial Units Face Power Outages in Karachi".

3. That in the absence of alternative forms of power generation, disruptions in K-Electric's power supply abridge the Fundamental Rights of the people of Pakistan that are provided for under the Constitution of Pakistan. In particular, the right to freely practice a trade or profession, guaranteed by Article 18, is curtailed in a number of ways, including the inability of businesses and industries to operate seamlessly and traders and professionals being encumbered in terms of arranging for their independent sources of electric power generation. To the extent that the outages affect the lives of people who are unable to bear the intense heat and those seeking healthcare at hospitals, K-Electric's power cuts infringe the right to life under Article 9 of the Constitution.
4. That NEPRA being the national regulator for provision of electric power, under the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (the NEPRA Act) has the power to "review the organizational affairs of generation companies that have been licensed by it in order to avoid any adverse effect on the operation of electric power services and efficient supply of such services" (emphasis added). NEPRA also has the authority to take appropriate action against licensees that do not fulfill the Guaranteed Performance Standards provided for in the NEPRA Rules.
5. That in view of the above, PILAP respectfully submits this application under the right granted by the Right of Access to Information Act, 2017 and Article 19A of the Constitution as under:

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- i) What measures have been taken by NEPRA in order to ensure seamless and quality supply of electric power by K-Electric?
- ii) How has NEPRA inquired into electric power outages caused by K-Electric's inability to meet demand in Karachi?
- iii) What policy steps have been taken by the Ministry of Energy, Power Division, to ensure uninterrupted electric power supply through K-Electric to the people of Karachi for the future?

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

Thank you.