

# Public Interest Law Association of Pakistan (PILAP)

NEWSLETTER:  
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# TABLE OF CONTENT

- **Message From The Chairman**
- **Research**
  - Petition against the discharge of untreated waste in Karachi
- **Advocacy**
  - Justice for Sanitation Workers
  - Protection of Houbara Bustard
  - Government Transparency
  - Right to Information
- **Litigation**
  - SEPA Regulations
  - Ravi Urban Development
  - Education Petition
- **Citizens' Assembly Vote**
- **Citizens' Assembly Engagement**



# **PILAP'S**

## **EXECUTIVE COMMITTEE**

**Mr. Saad Amanullah Khan - Chairman**  
**Mr. Ahmad Rafay Alam**  
**Mr. Raheel Qamar Ahmed**  
**Mr. Ashraf Adamjee**  
**Mr. Maroof Syed**  
**Mr. Imran Zia**  
**Ms. Ayesha Khan**

### **VISION**

**A Pakistan where fundamental rights are enjoyed by all.**

### **MISSION**

**To work for the promotion & protection of fundamental rights of all Pakistanis through research, advocacy, lobbying and litigation.**

### **VALUES**

**Transparency**  
**Inclusion and Diversity**  
**Accountability**  
**Sensitivity**  
**Commitment**



# MESSAGE FROM THE CHAIRMAN

Pakistan today is in need of a strong institution that stands for protecting and promoting the fundamental rights of the citizens of Pakistan. It is very unfortunate that even after 75 years of our independence, majority of our citizens have barely any rights which have been clearly defined in our constitution, whether it is the right to clean water, right to education, right to free speech, rights of minorities, etc. and I can go on and on.



**SAAD AMANULLAH KHAN**

PILAP is such an institution whose fundamental reason to exist is to promote and protect the fundamental rights of the citizens of Pakistan. Citizens' Assembly class of membership was created in Jan 2022 to help drive both PILAP's strategy and sustainability. Citizens' Assembly is already 40-member strong and growing.

USA was in the same predicament a century ago when US citizens created the ACLU (American Civil Liberty Union) which has been playing a leading role in protecting the rights of US citizens (<https://www.aclu.org>) — in fact, it was ACLU which took the Trump administration head-on when his administration started discriminating against minorities and their rights as US citizens. The founders of PILAP felt that is exactly the model Pakistan needed and hence PILAP was born.



PILAP seeks to make the system of justice more effective and accessible by adopting a multi-pronged strategy that begins with engaging the community through advocacy, creating awareness on public interest issues, and eventually, as a last resort, go for litigation (<https://pilap.pk>). The questions that each of you need to answer are:

1. Do you want an institution that protects your rights as a citizen of Pakistan?
2. Do you want a citizen led institution which keeps the government and its departments in check?
3. Do you want the ability to ask government officials questions related to their services and obligations to you?

If your answers to the above three questions is a unanimous YES, then you must help PILAP in its mission to help the citizens of Pakistan attain their basic rights as promised under our constitution. We must put our best efforts to show strong ownership for our country and make sure it is running in line with rights as enshrined in our Constitution.

Please join PILAP's Citizens' Assembly and recommend other like-minded family and friends to join as well.



# RESEARCH

## Petition against the discharge of untreated waste into the Arabian Sea

The Arabian Sea receives vast quantities of unfiltered municipal and industrial waste each year. This water travels through the rivers in Karachi and ends up in the sea. Not only is it adversely impacting the environment, but exposure to heavy metals, industrial chemicals and human waste is extremely harmful to human health. PILAP has organized a group of environmental experts and advocates to seek their input as it researches into this serious public interest, with the possibility of filling a petition against concerned government authorities before the Sindh High Court.





# ADVOCACY

## Justice for Sanitation Workers



This is one of the top 5 cases voted upon by the Citizens' Assembly during its July 2022 session. In September PILAP arranged an online informational session with Naeem Sadiq, a social activist in his own right, who has been working for the fair treatment of sanitation workers for many years. He has researched extensively on the issue and has successfully obtained an order from the Sindh High Court requiring Cantonment Boards across the country to pay at least the minimum wage to all sanitation workers within their respective jurisdictions. During the session he spoke about the problem at length; that many sanitation workers receive a salary that is much below the minimum wage, are not registered under EOBI or social security, do not get medical leave or 4 days leave in a month.



As a strategy to tackle the issue, he recommended a three-pronged approach: research (in- depth research into the matter), writing (to the concerned Government authorities to have the problem addressed) and advocacy. PILAP proposes to follow this recommendation.

- PILAP has written RTIs to Cantonment Board Clifton and DGML&C asking about the occupational health and safety measures undertaken to ensure the health and safety of sanitation workers.

- We have also written a letter to DGML&C calling for mitigation measures for the human rights violations in terms of workers getting less than minimum wage as salaries, a letter of appointment outlining their responsibilities and other details, not receiving medical leave, not being compensated for working on Sundays and other holidays, and not being provided with safety gear and other precautions when unclogging gutters.

- A similar letter was written to Murad Ali Shah, Sindh Chief Minister. In response to its letter to DGML&C, the National Commission on Human Rights (which was copied on the letter) has issued a letter to the former, requesting it to delve into the matter, as per law, and to submit a comprehensive report to the Commission on or before 25 th October 2022 for necessary action under National Commission for Human Rights Act, 2012.



# Protection of Houbara Bustards



**CONTEXT:** The Houbara Bustard is a species of bird that has been declared “vulnerable” by the IUCN Red List. It is also included in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) which has been ratified by Pakistan and given effect through municipal legislation. The said Appendix includes those species that are threatened with extinction. At the same time, the Government of Pakistan continues to recommend issuance of Houbara Bustard hunting licenses to foreign dignitaries. While it is the Provincial Governments that issue the licenses, it is the Federal Government through the Ministry of Foreign Affairs that gives recommendations for such issuance.



**PILAP ACTION:** PILAP wrote an RTI to the Ministry of Foreign Affairs asking details about the recommendations, as well as the regulation of the export of Houbara Bustard specimen as per Pakistan's international commitments and domestic legislation. When the Ministry did not respond, PILAP appealed to the Pakistan Information Commission (PIC). At a hearing summoned by PIC, the Ministry responded by saying that the question was one concerning relations with foreign states, and hence, under the Right of Access to Information Act, 2017, it was under no compulsion to respond. PIC upheld this response, even after PILAP appealed a second time.

## Government Transparency

**CONTEXT:** The 65th Commonwealth

Parliamentary Conference took place in Halifax, NS, Canada this summer. News

stories circulated about a 25-member

Pakistani delegation, accompanied by respective families, that had traveled to Canada to attend the conference. The news also mentioned that the delegation stayed at a 5-star hotel and used a rented limousine to move around town. At a time of economic strife in the country, and especially the loss to the exchequer caused by devastating flooding, this is hardly a time for the Government to be spending on non-essential luxuries.

65<sup>th</sup> Commonwealth  
Parliamentary Conference





**PILAP ACTION:** Over the years, PILAP has written hundreds of right to information (RTI) requests to various public bodies. In August, the organisation hosted an informational session for its members with Advocate Anwar Kashif Mumtaz, an expert on right to information laws. Mr. Mumtaz talked in-depth about the law and the process for requesting information, as well as the procedure to be followed with the Pakistan Information Commission.

Since its inception in 2011, PILAP has written hundreds of RTIs to various public bodies. Public interest issues addressed have been as wide and varied as wildlife conservation, government accountability and transparency, child labour, civil aviation regulation, banking regulations, heritage conservation, urban planning, measures taken to ensure online learning for all during the Covid19 pandemic, regulation of madrassahs, children's rights, provision of clean water, digital rights and freedoms, domestic violence and gender violence, climate change and the environment, nuclear safety, administration of justice, railway regulations, prisoners' rights, amongst others.



# LITIGATION

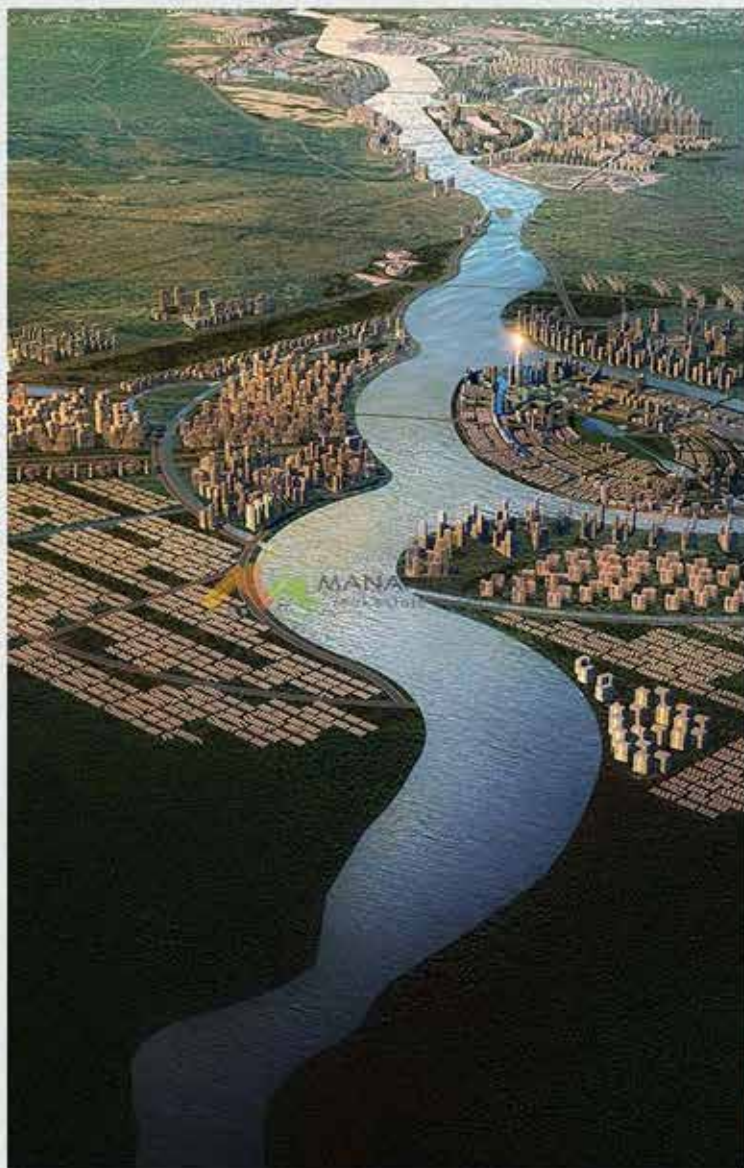


## SEPA Regulations

The Sindh Environmental Protection Agency (SEPA) is the Provincial authority responsible for all environmental approvals granted pursuant to environmental assessments conducted by any proponent of a project. The Sindh Environmental Protection Act, 2014 is SEPA's parent statute. It vests SEPA with power to frame rules and regulations for carrying out purposes that are not inconsistent with the provisions of the 2014 Act. The 2014 Act was enacted to protect, conserve, rehabilitate and improve the environment and to prevent and control pollution.



Amongst one of its powers is the authority to set up regulations for consultants who will conduct environmental assessments. To date, the said regulations have not been notified by SEPA. This results in inauthentic environmental assessments being conducted by unregistered consultants. PILAP filed a writ petition before the Sindh High Court praying for a direction to SEPA for the framing of such regulations. SEPA responded by informing the Court that it has drafted “guidelines”, which it attached in its reply. PILAP is preparing a response to challenge this claim since what is required are legally enforceable regulations.



## Ravi Urban Development Authority

**CONTEXT:** The Ravi Urban Development Authority (RUDA) was set up under the Ravi Urban Development Authority Act, 2020 to undertake urban development activities on the floodplains of the Ravi River. The plan is to create a mega-city on the outskirts of Lahore. There are many problems with the RUDA project. For one, it is environmentally unviable as it will adversely impact the environment given it's planned on a floodplain.



This is especially so since an authentic environmental assessment has not been undertaken by registered consultants. Secondly, the project takes over fertile farmland without paying adequate compensation to farmers who have been tending to the land for generations. It, therefore, contributes to already rising food insecurity, while also depriving farmers of inter-generational farmland. Based on these reasons,

**PILAP ACTION:** PILAP filed a writ petition before the Lahore High Court to put a stop to these development activities. The Lahore High Court, in a lengthy judgement, was pleased to declare RUDA's parent statute unconstitutional and thereby put a halt to all development activities under the RUDA project. The Punjab Government challenged this order of the LHC before the Supreme Court of Pakistan, which put a stay on the operation of the LHC order, but at the same time, only allowed RUDA to continue development activities on the land it had already acquired up until the date of the SC order i.e., 31.01.2022.

In flagrant violation of this order, RUDA continued to acquire more land in the area. The Punjab Government also enacted a RUDA Amendment Act, 2022 which was retrospective and gave legal cover to RUDA's earlier activities. PILAP then filed another petition before the LHC, challenging RUDA's violations of the SC order. On 11.10.2022, the LHC was pleased to restrain RUDA from conducting any further work on the project in violation of the SC order.





# Education

**CONTEXT:** Pakistan has a dismal state of education. According to UNICEF, 22.8 million children between the ages of 5 and 16 are currently out of school across the country. This is despite the fact that the Constitution safeguards the right to free and compulsory education as a fundamental right for all children between the ages of 5 and 16 under Article 25A. After the 18 th Constitutional amendment after which the subject of education has been devolved upon the Provinces, the Sindh Provincial Assembly passed the Sindh Right of Children to Free and Compulsory Education Act, 2013 which encapsulates the provisions of Article 25A. Despite the passing of this Act and the fundamental right to education safeguarded by Article 25A, the Government of Sindh spends a pitiful amount on education—1.6 percent of total GDP.



**PILAP ACTION:** Due to this failure of the Government, PILAP has filed a writ petition against the Sindh Government through the Department of Education and Federal Ministry of Education and Professional Training seeking enforcement of this fundamental right. The Petition has been filed before the Sindh High Court. The petition is on-going, and the Court has ordered the Sindh Government to submit an education plan for the province. PILAP plans to file similar petitions in the KPK, Punjab and Balochistan.

## CITIZENS' ASSEMBLY VOTE — JULY 2022



The Citizen's Assembly held its second meeting in July, where it presented and voted on issues to be taken up by PILAP for the next 5-6 months. The top 5 issues, as well as the proposed strategies are listed below:



## **1. Enforcement of Article 25A of the Constitution for provision of free and compulsory education for all children between the ages of 5 and 16 by Provincial and Federal Governments.**

**Strategy:** A Writ Petition on the enforcement of Article 25A instituted by PILAP is already pending before the Sindh High Court. Following the filing of the petition, the court appointed a commission to come up with an education plan for the Province of Sindh. PILAP plans to file similar petitions in other Provinces. PILAP held an informational session with Naeem Sadiq (see above) for its members to better understand the issue and come up with possible solutions.

## **2. Discharge of untreated waste into the Arabian Sea and adjoining rivers in Karachi.**

**Strategy:** PILAP is preparing to file a court petition in an attempt to address this serious environmental concern.

## **3. Advocating against the inhumane conditions under which sanitary workers are made to keep sewers running efficiently.**

**Strategy:** PILAP has written RTIs to various Government bodies asking about the treatment of sanitary workers. Many of them are not paid the minimum wage, are not registered with EOBI or even have access to safety equipment or other measures when unclogging sewers. We have joined a country-wide campaign against these injustices.

## **4. Countering bureaucratic “red tape”, making government departments accountable for policies and decisions, and demanding their overall efficiency.**



**Strategy:** Bureaucratic red tape in Pakistan often leads to inefficiency and tends to become a nuisance for the common citizen. PILAP plans to first meet, and then write to the concerned government officials to address this issue. It also plans to conduct a survey amongst its community to get a sense of how this issue affects the common citizen.

## **5. Implementing occupational health and safety measures for miners.**

**Strategy:** Most miners in Pakistan risk their lives during unregulated and dangerous mining operations, and hundreds are killed each year. PILAP has written RTIs to various Government Ministries and Departments, inquiring into the occupational health and safety measures taken for miners. We plan to continue communicating with concerned authorities to address this serious issue. We will be hosting Jalila Haider, a lawyer who has worked on justice for mine workers, at an online informational session in early November.

# **CITIZENS' ASSEMBLY ENGAGEMENT**





PILAPs future is dependent on having a vibrant and active Citizens' Assembly. Citizens' Assembly members get an opportunity to intervene every January and July, to suggest pressing public interest issues, vote on them and get the top 5 on PILAP's strategy document. In addition, Citizens' Assembly helps to provide sustainability to PILAP through their yearly subscription fee of Rs 100,000 per year.

To keep Citizens' Assembly members engaged and informed we put together an engagement calendar where we invited specialists and experts on issues PILAP is working on to provide perspective, suggest solution and help CA members better understand the idiosyncrasies and challenges related to that public interest issues.

You can see our calendar below, which ranged from sharing tools to questions government officials on their responsibilities via Right to Information, to session on Sewage Working Safety. We have in the pipeline session on Environment and Malik Expressway, Safety of Miners as well as Ombudsman and their role in our society.

Date	Topic	PILAP Strategy
August 2022	Right to Information	Engage with Government authorities to make RTI more robust in practice
September 2022	Justice for Sanitation Workers	Under the Research, Writing and Advocacy (RWA) approach
October 2022	Problems with the Malir Expressway and urban planning in Karachi	Under research and reviewing options to pursue
November 2022	Justice for Mine Workers	



Other ways for our Citizens' Assembly members can remain engaged and help PILAP deliver its mission and Vision is to do any of the following:

- 1.Champion a Cause:** By championing, we mean take a public interest issue close to their hearts and lead its execution with the PILAP team. Help finance the expense and drive the issue to its proper resolution. We have examples such as:
  - a.Dr. Amjad Waheed:** Leading the advocacy and litigation (if needed) on implementing Article 25(a), i.e., making Education free until the age of 19 years as envisioned in our constitution.
  - b.Shan Ashray:** Assisting PILAP team in getting Sindh Government fix the dumping of untreated sewage as well as industrial effluence into the Arabian Sea. He has agreed to provide financial support assess finding and remaining to be raised from other members of sources.
  - c.Ahmad Rafay Alam:** Rafay Alam has been at the forefront of a large majority of environmental PIL undertaken by PILAP. He was the driving force behind the petition that resulted in the formation of the River Ravi Commission formed to come up with solutions to clean up the Ravi River. He also undertook the petroleum standards case, the BT cotton case on behalf of PILAP, and more recently, the petitions against the Ravi Urban Development Authority (RUDA) that resulted in the LHC ordering RUDA's parent statute unconstitutional, hence stopping all development activities in the proposed project area. The order was later stayed by the Supreme Court which limited work only to land that had been already acquired by RUDA. In a second petition filed before the LHC against actions of RUDA contrary to a SC order, the LHC again declared the RUDA Amendment Act unconstitutional, and stayed all activities that go against the SC order. PILAP is grateful to Rafay for his continued support.





**2. Support PILAP in other Initiatives:** PILAP has created a “Citizenship Rights Education”, a curriculum in collaboration with the Teachers’ Resource Centre (TRC). PILAP’s Citizens’ Rights Education project aims to teach students about their rights in order to create responsible citizens. One of the root causes of systemic intolerance, discrimination and even violence stems from citizens being uninformed of their own rights and hence their duties and the rights of others.

To accomplish this, a teacher’s curriculum has also been developed for classes 1-10 teachers, which will enable students to learn about citizenship. The trained teachers will impart learned curriculum in day-to-day coaching of the students without adding any burden on students of textbook or homework. In designing the curriculum, we divided the topics into 4 themes and the activities were designed accordingly. The 4 themes chosen were Ethics, Environment, Country, and Digital Citizenship. Based on these themes 12 activities for each level, from Class 1 to 10 were designed.

We need champions to find ways to get this curriculum incorporated in schools so that our future generation is well versed on their rights as well as the rights of the government towards them.

You can view excerpts of these “Teacher Manuals” in the PILAP’s website at

<https://pilap.pk/citizenship-rights-education/>





## PARTNERSHIPS

PILAP has partnered with diverse and varied institutions and organisations to share ideas, and to mutually promote each other's objectives. We have signed Memoranda of Understand with the following organisations and institutions.

- 1. Pakistan Innovation Foundation:** PIF is a private-sector-driven and donor-supported non-profit organisation charged with promoting innovation across the Pakistan Society, particularly within the Corporate Sector of Pakistan. It delivers through a three-pronged strategy of awareness-building, reward and recognition, and research and advocacy.
- 2.CEJ IBA:** The Centre for Excellence in Journalism was set up in 2014 under a grant from the US State Department with the intention to set up a state-of-the-art training centre to be used by journalists and journalism students at the Institute of Business Administration, Karachi.
- 3.FACULTY OF LAW. Politics and Governance Ziauddin University:** Over the course of 20 years, Ziauddin University has earned the place of being one of the leading institutions of Karachi. This status has been earned due to the administration's constant effort to introduce new programmes and faculties.



# CALL FOR ACTION

Join PILAP as we work towards  
protecting the fundamental  
rights of the Citizens of Pakistan

**Become a member of the  
Citizens' Assembly of Pakistan  
– PKR 100,000 annual fees**

## CONTACT US

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