

Public Interest Law Association of Pakistan (PILAP)

NEWSLETTER:
JANUARY - MAY 2022



■ TABLE OF CONTENTS

- Message from the Chairman
- New CEO Maham Ali Khan
- New structure, Citizens' Assembly

■ ADVOCACY

- Success and performance in
- Right to Information advocacy
- Plans for the year ahead
- PILAP in the press

■ LITIGATION

- Ravi Urban Development
- Authority & Environment
- Seaview Beach development
- CBC Karachi
- Sindh Education petition

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

Ms. Maham Ali Khan - Chief Executive Officer

VISION OF PILAP

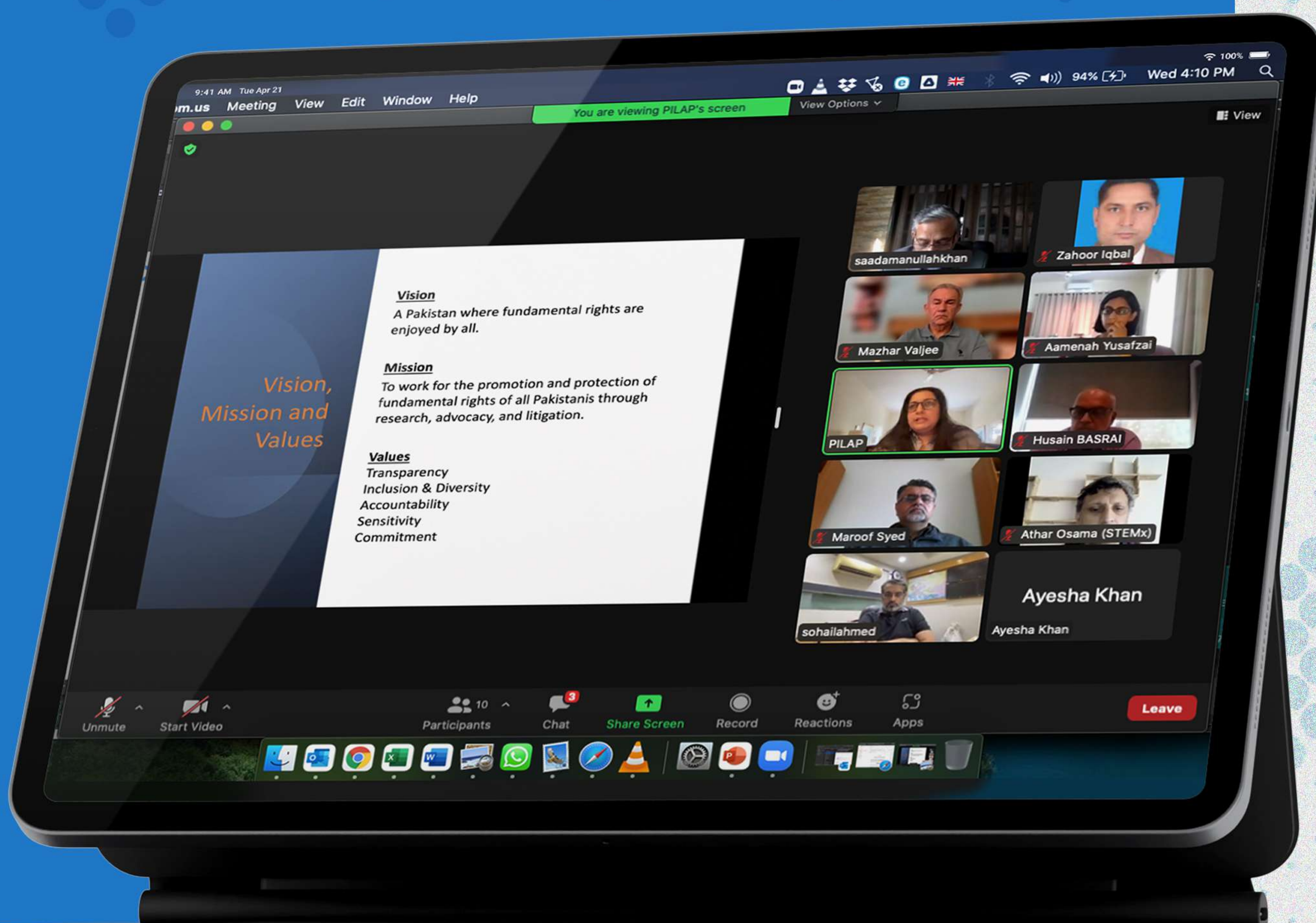
A Pakistan where fundamental rights are enjoyed by all.

MISSION OF PILAP

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 CHAIRMAN

SAAD AMANULLAH KHAN, CHAIRMAN

The year 2022 started with a lot of hope and expectations for PILAP as for the first time, we have a fully paid management team with a full time Chief Executive Officer. Today, we are living in uncertain times with increased political instability, a struggling economy and rapidly changing climatic changes which will have wide-ranging impacts on Pakistan.

Therefore, the work of PILAP in these times has never been more important and more challenging. No country and no society can progress without access to basic fundamental rights like access to clean drinking water, right to an education under Article 25-A of the Constitution of Pakistan, access to sewerage facilities for the disposition of sewage and industrial waste among many other issues.

I am very pleased to share with all of you that despite the very limited resources and small team of PILAP, we have managed to make significant progress in many of the causes that we have taken on whether its Right to Information which remains one of our most important work, advocacy or litigation and PILAP has established itself as a legitimate and important organization working on public interest matters.

However, the journey has just started and in order for us to make an even more substantial impact, we need each one of you to join hands with us, become members of the Citizens' Assembly and push us to pursue public interest matters that you are passionate about.

We are looking to expand our operations to other cities in Pakistan and to collaborate with like-minded organisations, students, universities, journalists, activists and lawyers who are passionate about public interest and to the hold the government accountable and to push for better governance.

I would also like to acknowledge our existing members of the Citizens' Assembly, our executive committee and other partners and stakeholders whose immense trust, belief and support in our work makes us even more determined to continue working for Pakistan and the people of this country and I have no doubt that with your continued support, we are going to get through these challenging times together.

MESSAGE FROM NEW CHIEF EXECUTIVE OFFICER



**MAHAM ALI KHAN,
CEO**

Since I was a student, I have always followed the work of American Civil Liberties Union (ACLU) and have always been in awe of the phenomenal work that they do across United States of America. Therefore, I joined as the Chief Executive Officer of PILAP earlier this year with a lot of hope and aspirations. I believe that every country esp a country like Pakistan needs to have a public interest and civil liberties firm which can hold the government accountable and push for better governance and transparency. There never has been a greater need for an organization like PILAP when the very constitution of Pakistan is under threat. It goes without saying that no country can progress until fundamental rights are enjoyed by each and every citizen of this country.

In the coming weeks and months, we plan to take on some very important cases esp with regards to climate change. We are also in the process of developing strategic, research and mutual partnerships with different universities, think tanks and other human rights organisations because we can only achieve our vision if we work collectively and not in isolation.

Therefore, in order for us to achieve our vision and ensure that justice is accessible to all, we need the help of every citizen of Pakistan who believes in a just, progressive and democratic Pakistan.

I appeal to each one of you to join the Citizens' Assembly of PILAP and champion the causes that you are passionate about yourself.

NEW STRUCTURE

CITIZENS' ASSEMBLY OF PILAP

The driving force behind PILAP is a group of dedicated members known as the Citizens' Assembly. Members are carefully selected by the Executive Committee from amongst citizens who have shown a commitment to public interest. The group operates on a democratic basis; it meets on a bi-annual basis to vote on the matters of public interest that are to be pursued by the organization each year. Given the exponential number of public interest issues plaguing our country, the ones that can be effectively addressed by the organization each year must be limited and thus the most critical ones are chosen by a majority vote of the Citizens' Assembly each year.

The first meeting of the Citizens' Assembly of PILAP was held on 9th February 2022



FOREIGN GIFTS

PILAP submitted a Right to Information (RTI) application to the Cabinet Division requesting information on all foreign gifts received since August 2018. We also asked about the method of their disposal as per existing Government policy. When we did not receive a response, we appealed to the Pakistan Information Commission (PIC). On appeal, PIC ordered Cabinet Division to provide the information sought in PILAP's RTI.

DHA STORM DRAINS

The monsoon rains in Karachi bring with them a surge of urban flooding each year. One of the reasons is ineffective storm drains. DHA-Karachi spent a colossal amount of public money on the construction of a network of storm drains within the vicinity of DHA—Karachi. And yet the monsoon rains of 2020 inundated most of this area, damaging entire houses and bringing small businesses to ruin. PILAP wrote an RTI to DHA inquiring into the amount of public money invested into this project, the process of selecting the contractor as well as the method of obtaining technical approvals. On appeal, PIC has passed an order requiring DHA-Karachi to provide the requested information. the information sought in PILAP's RTI.

RIGHT TO INFORMATION ADVOCACY

ORDERS OF THE PAKISTAN INFORMATION COMMISSION

MALIK RIAZ RECOVERY OF UNDISCLOSED FUNDS

In December 2019 information surfaced that the UK's National Crime Agency had uncovered an undisclosed amount of 190 million pounds sterling belonging to Pakistani property tycoon Malik Riaz. PILAP submitted an RTI request to the FBR to inquire as to whether an income-tax recovery process has been started against the property magnate. On appeal, PIC ordered FBR to provide the information requested in PILAP's RTI. Since the time period for complying with the order has long passed, PIC issued a Show Cause Notice to FBR. The said Show Cause Notice is still pending before PIC as FBR has neither complied with the order nor appeared to show cause as to why action under the Right of Access to Information Act 2017 should not be taken against it.

DIGITAL FREEDOMS

The Prevention of Electronic Crime Act, 2016 (PECA) is a draconian law that ostensibly regulates digital freedoms but stifles the fundamental rights to a free press, freedom of expression and the right to information, amongst others. The Rules enacted thereunder are problematic for a number of reasons, including the censoring of free speech without providing due process rights. PILAP wrote an RTI to the Ministry of Information Technology and Telecommunication (MoITT) inquiring into due diligence measures used when removing or blocking online content and measures taken to protect the rights of women generally and women journalists specifically under the provisions of PECA. On appeal, PIC ordered the MoITT to provide this information. The offending provisions of PECA have since been declared unconstitutional by the Islamabad High C

CDA FLOODING

In August 2021, Islamabad's E-11 sector faced a flash flood that claimed two lives. The flooding was caused by unregulated construction along a nullah, thereby obstructing the passage of rainwater. Such unregulated constructions have become a norm across the country, as is witnessed every so often by demolition drives. PILAP wrote an RTI to the Capital Development Authority (CDA) asking about the inquiry report into the incident, records pertaining to unauthorized buildings after first approval, as well as the names of officers who granted approvals and NOCs. On appeal, PIC has ordered CDA to provide this information.

TAX EVASION

Pakistan has an abysmal rate of income tax collection. Many citizens who would otherwise fall within the tax-payer net are excluded by declaring either a low income or do not choose to file returns. PILAP wrote an RTI to FBR asking about measures taken against those who under-report their income for tax-evasion purposes, especially those who would fall within the large-tax-payer category, how it monitors non-filers, the action taken against them and the measures adopted to increase the tax-payer net. On appeal, PIC has ordered FBR to provide this information.

PROVISION OF PPE FOR SANITARY WORKERS DURING COVID

When the Covid19 pandemic broke out in early 2020, many of the janitors and sanitary workers of the Metropolitan Corporation of Islamabad (MCI) were not provided with personal protective equipment by MCI. PILAP wrote an RTI to the MCI asking why masks and other protective equipment was not provided, and upon appeal, PIC ordered MCI to provide this information. Telecommunication (MoITT) inquiring into due diligence measures used when removing or blocking online content and measures taken to protect

“SECURITY TENTS”

DHA-Karachi has a large number of unregulated “security tents” pitched outside peoples’ residences. The tents have been installed to house armed, private security personnel employed by residents. Many of these installations encroach upon public property including public roads and footpaths. The security personnel openly display weapons causing harassment and a sense of insecurity (whether intended or not) amongst neighbours, road users and the general public. PILAP wrote an RTI to DHA-Karachi asking for a list of houses that continue to use such tents even after a Supreme Court order putting a ban on their use, the number of private security personnel employed by each resident as well as the number of armed weapons at each location, proposals to deal with encroachment of the tents of public roads, and the policy adopted to regulate private security tents. On appeal, PIC has ordered DHA-Karachi to provide this information.

PENDING RIGHT TO INFORMATION APPLICATIONS

TLP AGREEMENT

Tehrik-e-Labaik Pakistan (TLP) is a militant group that has a history of holding violent protests against the people of Pakistan. They have previously been responsible for bringing national life to a standstill by blocking major roads, and obstructing law enforcement officers in the performance of their duties by killing, injuring and torturing them, all of which are aggravated criminal offences. With this backdrop, the Federal Government has entered into an amnesty agreement with the group. Given that the agreement has been entered into on behalf of the people of Pakistan, PILAP has written an RTI to the Ministry of Interior asking for a copy of the agreement, the actions taken against assaults against police officers, as well as reasons for the release of prisoners. The Ministry has written back to say that there is no record of the agreement. Regarding the assaults on the police officers, it has said that this information would be available with the respective Provincial Governments.

HOUBARA BUSTARD LICENSES

In 2021 the Sindh Government issued Houbara Bustard hunting licenses to 14 foreign dignitaries. The Houbara Bustard 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. Since the licenses were issued at the recommendation of the Ministry of Foreign Affairs, PILAP wrote an RTI to the Ministry requesting information on the issuance of the licenses and monitoring mechanisms for hunting and export. At the hearing on appeal the Information Commission informed us that it had accepted the Foreign Ministry’s stance of keeping the information confidential given that the information sought in our request was exempted under the right to information laws as it would damage the interests of the Pakistan in its international relations with foreign countries. We wrote a rebuttal to this response which primarily states that the information was sought in the interest of wildlife conservation especially given that the Houbara Bustard has been internationally threatened with extinction. We have not received a response to this rebuttal but PIC has scheduled a hearing. On appeal, PIC ordered Cabinet Division to provide

OCCUPATIONAL HEALTH & SAFETY OF LABOURERS

When the much-highlighted Nasla Tower in Karachi was being demolished, video footage emerged showing labourers engaged in dangerous demolition work without any safety equipment. They could be seen working on the topmost floors of the 15 storied building without safety harnesses and helmets. This represents a microcosm in the greater scheme of occupational health and safety of labourers and construction workers. PILAP wrote an RTI to the Labour and Human Resources Department of the Government of Sindh asking about the implementation of the Sindh Occupational Safety and Health Act, 2017, any Rules enacted thereunder, and measures taken by the Sindh Government to ensure that demolition workers have the requisite safety equipment.

MEHRAN TOWN FIRE INCIDENT

A building in Karachi's Mehran Town which was operating as a factory was the scene of a disastrous fire in August 2021. It claimed at least 17 lives. The building in question was not meant to be used as a factory and yet it had no fire exits or ventilation systems and the windows had all been sealed with grills, thereby trapping the workers inside. It is all the more tragic that such incidents continue to occur even after the horrendous fire in Karachi's Baldia Town that took the lives of 258 workers in 2012. PILAP wrote an RTI to the Sindh Building Control Authority asking if the building had been the subject of safety inspections during and after construction, and how many buildings identified as dangerous have been examined by the Authority.

THE DIGITAL DIVIDE IN EDUCATION DURING THE COVID19 PANDEMIC

During the Covid19 lockdowns when schools went on-line, many school-going children had to discontinue their education owing to a lack of laptops, smart phones and other internet devices. PILAP

During the Covid19 lockdowns when schools went on-line, many school-going children had to discontinue their education owing to a lack of laptops, smart phones and other internet devices. PILAP

WATER SCARCITY

In view of the impending global climate crisis that is taking shape, a recent report released by the UN titled "The State of Climate Services 2021" points out that there are currently 2.3 billion people around the world who have inadequate access to water. This number is set to reach 5 billion by 2050. It highlights that while in South and Southeast Asian regions there was heavy flooding last year, many countries, including Pakistan, do not have the capacity to store that extra water for later use. Furthermore, in a list of the most water-stressed countries released by the World Resources Institute in 2019, Pakistan ranks at number 14 and the risk of water shortage is categorized as extremely high. PILAP wrote RTIs to the Ministry of Climate Change and the Ministry of Water Resources asking about the policies adopted to harvest rainwater and glacial melt, and any agreements or other measures adopted to resolve the points conflict with India in the Indus Waters Treaty with regarding to upper and lower riparian rights.

OCCUPATIONAL HEALTH AND SAFETY OF MINERS

There have been several mining accidents across the country and predominantly in Balochistan and KPK during the past few years which have resulted in death and injury. Miners are either suffocated underground, trapped, or injured. They are not provided with basic safety equipment and the mine practices are usually archaic and highly dangerous. There is no regulatory framework for the safety of miners and no government regulatory body that regulates, monitors or controls their occupational health and safety. ILO's Conventions including the Safety and Health in Mines Convention, 1995 (C176) has not been ratified by Pakistan. PILAP has written RTIs to the Ministry of Energy as well as the Ministry of Human Resources and Overseas Pakistanis asking for any measures taken to ratify this significant international instrument.

LITIGATION

RAVI URBAN DEVELOPMENT PROJECT

The proposed Ravi Urban Development Project at Ravi River is a multi-trillion Rupee development project that will create a Dubai-like city on the banks and floodplains of the Ravi River. Since proper environmental approvals have not been obtained as per the various environmental laws and regulations in place, PILAP filed a Writ Petition against the Punjab Environment Protection Agency; the Ravi Urban Development Authority and Engineering Consultancy Services (the consultancy service hired to conduct the environmental assessments).

The Lahore High Court has declared portions of the Ravi Urban Development Authority Act, the statutory framework that sets up the Ravi Urban Development Authority (RUDA), as well as land acquisitions undertaken for the project, unconstitutional. This order of the Lahore High Court has been challenged in an appeal before the Supreme Court of Pakistan which has stayed the operation of the order until further notice. PILAP is defending the order.

SEAVIEW BEACH DEVELOPMENT PROJECT

The Clifton Cantonment Board (CBC) started a development project along the coast at Seaview Beach, Karachi. The project presents serious environmental risks and will also make an otherwise open beach more exclusive in terms of being open to only certain segments of society. Furthermore, the requisite environmental approvals have neither been applied for by CBC and nor have these been required or granted by Sindh EPA. PILAP, along with other concerned citizens has filed a petition before the Sindh High Court against this development, construction, and how many buildings identified as dangerous have been examined by the Authority.

ENACTMENT OF REGULATIONS UNDER THE SINDH ENVIRONMENT PROTECTION ACT, 2014

Under the Sindh Environment Protection Act, 2014, the principal piece of environmental legislation for the Province of Sindh, the Provincial environment regulator, the Sindh Environmental Protection

Agency is required to enact regulations for, inter alia, the regularization of environmental consultants required to undertake environmental assessments under the 2014 Act. This has not been done to date with the result that the credibility of environmental assessments for major development projects remains doubtful at best. PILAP has filed a petition before the Sindh High Court asking for enactment of such regulations.

RIGHT TO EDUCATION

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 18th Constitutional amendment, 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. 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 court has ordered the formation of a Commission to come up with an education plan.

INDEPENDENCE OF THE SINDH POLICE FORCE

PILAP has challenged Sindh provincial laws that seek to curtail the independence and autonomy of the police force through two Writ Petitions before the Sindh High Court. The current laws are problematic as a) they take away the autonomy of the Inspector General of Police to transfer and otherwise manage the police force as against the Constitution and orders of the Sindh High Court and Supreme Court, and b) are not implemented in their letter and spirit to ensure the independence of the police force from interference by the elected provincial government. Postings and transfers are routinely interfered with by the Provincial Government thereby compromising the effective functioning of the police force. The petitions are currently on-going.

PILAP IN THE PRESS

DW RUDA/ASC Rafay Alam

<https://www.dw.com/en/pakistan-river-ravi-project-draws-ire-from-environmental-activists/a-60809786>

CBC & DHA Seaview

<https://www.dawn.com/news/1673369>

IGP Sindh Stay

<https://www.dawn.com/news/1529500>

RTIs

<http://rti.gov.pk/>

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

 info@pilap.com

 021-35304110

 18-C, 2nd Floor Office #202,
Zamzama Lane #2, Phase 5,
DHA, Karachi

 www.pilap.pk

 [pilap.pk2020](https://www.instagram.com/pilap.pk2020)

 twitter.com/PilapPk

 facebook.com/pilap.pk