

# Public Interest Law Association of Pakistan (PILAP)

PILAP QUARTERLY NEWSLETTER  
JAN-MAR 2023



# TABLE OF CONTENTS:

- **Message from the Chairman**
- **PILAP Board, vision, and mission**
- **Welcome message to new legal and social affairs team members SZ+HN**
- **3rd CA's Strategy Voting Session Jan-2023**
  - Population Management and
  - Child Labor
- **CA Engagement, Information Sessions**
  - Info Session #5 on Right to Education by Dr. Amjad Waheed
- **Research**
  - Population Management, situation, methods, legislation, grounds for litigation.
  - Child Labor, existing laws including prov /fed legislations, grounds for litigation.
  - Robotic Sewage Jetter – to replace human life risk/effort with NED University.
  - Miners' Safety, Subcommittee of PILAP under leadership of Mr. Shamsuddin Sheikh.

- **Advocacy**

- Citizenship Rights Education
- Right to Information
- Training session with young Garbage-Can volunteers.

- **Litigation**

- Petition at LHC for Agricultural Land issue to corporate farming
- Discharge of sewage water in Arabian Sea
- RUDA petition
- Progress in SHC Education Petition

- **Need more members in Citizens' Assembly for sustainability.**
- **Need funds for Arabian Sea petition and Sewage Jetter with NED**



# MESSAGE FROM THE CHAIRMAN

Pakistan as you all will agree is going through very challenging and testing time. Unfortunately, in this crisis the ones who are hurting the most are those living at the bottom of the pyramid, i.e., the poor, the children, the uneducated and the people with no connections or contacts. Promoting and protecting the fundamental rights of these citizens of Pakistan is extremely essential. That is PILAP's mission.



**SAAD AMAANULLAH KHAN**

This mission can only be realized if we are able to turn PILAP into a sustainable institution. PILAP has started getting its act together since the launch of Citizens' Assembly (CA) in Jan 2022. Since then we now have 47 high-profile CA members. We have started touching lives in a positive way such as making a gutter cleaner for sewage workers, filing petition to stop dumping of sewage and industrial effluence in the sea, simplifying bureaucratic processes, addressing education issues in Sindh, getting Population management back on track, etc.



I cannot emphasize enough how critical it is to turn PILAP into a sustainable institution in 2023. We do not have much time, if we cannot garner enough support from concerned citizens to join PILAP's CA, we will be unable to deliver on expectations (as will not be able to hire more lawyers and researcher) and PILAP's mission will remain undelivered.

Pakistan needs 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. To be sustainable, we need to double our CA membership to 100 members. Our current board is committed in helping PILAP become sustainable and get to the magic 100 number in 2023.

Please if you believe in fundamental rights, in a society where everyone's rights are respected despite whether they are poor, handicap, children, exploited, etc. We as a society have a responsibility to do whatever is in our power to bring equity and equality in the life of its citizens – the best way to deliver these expectations is only through an institution that single-mindedly is focused on protecting fundamental rights of the citizens of Pakistan.

**Saad Amanullah Khan**  
**Chairman PILAP**

# PILAP BOARD



Saad Amanullah Khan  
Chairman



Maleeha Humayun  
Bangash  
Vice Chairman



Raheel Qamar Ahmed  
EC Member



Athar Osama  
EC Member



Ayesha Khan  
EC Member



Ahmad Rafay Alam  
EC Member



Maroof Ali Syed  
EC Member



Afia Salam  
EC Member

## • VISION

Pakistan where fundamental rights are enjoyed by all.

## • MISSION

To work for the promotion & protection of fundamental rights of all Pakistanis through research, advocacy,

## • VALUES

- 1) Transparency
- 2) Inclusion and Diversity
- 3) Accountability
- 4) Sensitivity
- 5) Commitment

# 3RD BI-ANNUAL CITIZENS' ASSEMBLY

## VOTE—JAN 2023

The Citizen's Assembly held its third bi-annual meeting in January 2023, where it presented and voted on issues to be taken up by PILAP for the next 5-6 months. The top 2 issues, as well as the proposed strategies are listed below:

### **1. POPULATION MANAGEMENT:**

To work against the high population growth rate in Pakistan.

- **Strategies to work:**

#### LEGAL:

- Adding an Intervenor Application to the existing Suo moto case in the SC protesting the now 18% Sales Tax on condoms.
- Review proposed and passed provincial legislation.

#### ADVOCACY:

- Social Media campaign geared on population management to spread awareness about alarming population growth and encourage family planning to prevent deteriorating health and other risks associated with poor planning strategies.
- Enhanced reach on PILAP Twitter account by covering RTI Law and requests we have filed. These have been very well received.
- SC litigation on Population Management contains a detailed Action Plan which will be the source of all the RTIs to be filed by the 30th of March.
- Prepared a Survey on public attitudes towards population growth rate and issues related to that.



## 2. CHILD LABOUR

To work against the employment of children by Government either directly or indirectly by its partners.

### • **Strategies to work:**

#### LEGAL:

- Review all existing legislation on Labour and identify how it affects children.
- Review existing legislation that outlaws Child Labour or lays out conditions for its safe implementation.
- Identify International Treaties and Pakistan's commitments on the issue.

#### ADVOCACY:

- Write a Report and identify gaps on the issue in the legal framework.
- Focus on SSWMB's outsourcing of cleaning duties to Chinese Companies that have been known to employ children.
- Submit RTIs questioning this and hold the Government accountable.
- Conduct a Survey on people's attitudes and incidence of Child Labour.

These two topics will be pursued along with the 5 topics voted in 3rd Bi-Annual voting session in January 2023:

- 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.
- 2) Discharge of untreated waste into the Arabian Sea and adjoining rivers in Karachi.
- 3) Advocating against the inhumane conditions under which sanitary workers are made to keep sewers running efficiently.
- 4) Countering bureaucratic “red tape”, making government departments accountable for policies and decisions, and demanding their overall efficiency.
- 5) Implementing occupational health and safety measures for miners.

## **5 CITIZENS’ ASSEMBLY ENGAGEMENT INFO SESSIONS — JUL-2022 to JAN-2023**

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.

| Month          | Topic  | Speaker  | PILAP Strategy  |
|----------------|--|--|---|
| August 2022    | Right to Information   | Advocate Anwar Kashif Mumtaz, Specialist: RTI Taxations and CADR         | Engage with Government authorities to make RTI more robust in practice.                       |
| September 2022 | Justice for Sanitation Workers                                   | Social Activist: Mr. Naeem Sadiq   | RTIs to CBC, DHA, SSWMB   |
| October 2022   | Problems with the Malir Expressway and urban planning in Karachi | Renowned Architect: Mr. Arif Belgaumi                                    | PILAP pursuing SEPA for the Environmental Initial Assessment (EIA) report                     |
| December 2022  | Untreated Sewage in Arabian Sea                                  | Advocate Supreme Court: Ahmed Rafay Alam (RUDA, River Ravi, Sand Mining) | A PILAP subcommittee is following up on the legislative side and plans to propose legislation |
| January 2023   | Right to Education   | Dr. Amjad Waheed Founding member of PILAP                                | Dr. Amjad Waheed supporting and pursuing a petition at Sindh High Court                       |

These video sessions are available on our website at <https://pilap.pk/citizens-assembly-engagement/> for your kind perusal and support. We appreciate if you, or any of your acquaintance has expertise on the issues PILAP is working, can talk about these issues, support, please contact to host a session.



# **RESEARCH UPDATES**

## **• Population Management:**

The issue of explosive population growth was highlighted by the Supreme Court when it took up suo motu notice on Population Management in 2018, under CJ Saqib Nisar. Human Rights Case No. 17599 of 2018 through which a Task Force was formed which proposed recommendations to numerous government departments to increase contraceptive use and work with the private sector through the development of an Action Plan (2019-2024).

Despite the Plan which proposed amongst other measures contraceptive security and access the Federal Government in 2022 imposed sales tax of 17% on contraceptives like condoms which had thus far been exempt because they were designated an essential item. In 2023 this sales tax has been increased to 18% in the Finance (Supplementary) Act, making vital contraceptives further unaffordable. We have discovered that Greenstar Social Marketing has filed a petition in the Sindh High Court challenging this sales tax imposition and its first hearing is scheduled in early April.

PILAP strategy is to file an intervenor application in HRC No. 17599 of 2018, to revive governmental action. PILAP is also exploring the potential of attaching itself via intervenor status to the Greenstar petition in SHC challenging sales tax on contraceptives. Our research has found that contraceptive commodity security is supposed to be ensured as per the Sindh Reproductive Healthcare Rights Act, 2019.

Further PILAP strategy includes organizing expert panel talks on the issue of population management, engagement with universities through presentations on public interest and RTI, and raising awareness through electronic/print/social media campaigns on the issue of population management. It is direly required to highlight the need for: reducing the population growth rate of 2.4 percent per annum; raising the contraceptive prevalence rate from its currently low value of 34 percent; and emphasize the health risks associated with unwanted pregnancies, unsafe abortions, poor birth spacing, and its impact on mother and child's health with Pakistan having the region's poorest indicators of maternal mortality and infant mortality rates.

### • **Child Labor:**

There is limited data available on child labor prevalence in Pakistan as the last national level Child Labor Survey was conducted in 1996. Since then, another survey was launched in 2019 but it has only been completed in Punjab and G-B. According to UNICEF, 3.3 million children in Pakistan are trapped in child labor.

Relatedly, only 34 percent of children are registered at birth. There is a need to ensure higher birth registration rates so as to make implementation of child labor laws more realizable.

There is substantial legislation on proscribing or limiting the practice of child labor, however a major loophole is that such legislation establishes a distinction between “child” and “adolescent”, allowing the latter to be employed albeit in non-hazardous work

conditions. This is not in sync with international conventions on child labor to which Pakistan is also a signatory. There is thus a need for conformity of the legal definition of child with Pakistan's international commitments.

PILAP strategy is to engage in advocacy on issues related to birth registration and loopholes in child labor legislation, through media campaigns and expert panel talks and group discussions.

PILAP has also narrowed its focus specifically based on reports suggesting the extensive use of child labor in waste collection in Karachi. We have found that Sindh Solid Waste Management Board (SSWMB) has subcontracted waste collection in Karachi to three Chinese firms. Our strategy involves deploying RTI requests to investigate whether these firms have further subcontracted to any other organizations and if there are any underage workers employed directly or indirectly for the purposes of waste collection. The intention is to hold these public bodies accountable through RTIs. We also intend to collect primary data through field surveys at a select few waste collection sites in the city, speaking to waste workers.

PILAP has further engaged other organizations working in this field. We have signed an MoU with Garbage Can, an NGO working on pollution management strategies, to facilitate collaborative activities with them. We have also conducted a workshop with Pakistan Maholiati Tahaffuz Movement, on climate consciousness and pollution control, with



conditions. This is not in sync with international conventions on child labor to which Pakistan is also a signatory. There is thus a need for conformity of the legal definition of child with Pakistan's international commitments.

PILAP strategy is to engage in advocacy on issues related to birth registration and loopholes in child labor legislation, through media campaigns and expert panel talks and group discussions.

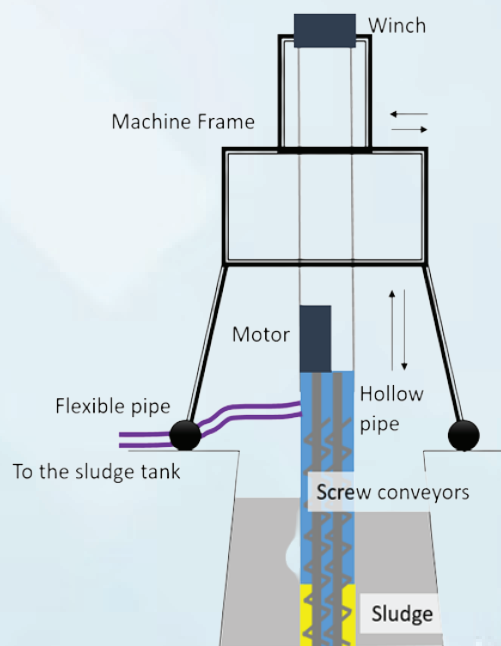
PILAP has also narrowed its focus specifically based on reports suggesting the extensive use of child labor in waste collection in Karachi. We have found that Sindh Solid Waste Management Board (SSWMB) has subcontracted waste collection in Karachi to three Chinese firms. Our strategy involves deploying RTI requests to investigate whether these firms have further subcontracted to any other organizations and if there are any underage workers employed directly or indirectly for the purposes of waste collection. The intention is to hold these public bodies accountable through RTIs. We also intend to collect primary data through field surveys at a select few waste collection sites in the city, speaking to waste workers.

PILAP has further engaged other organizations working in this field. We have signed an MoU with Garbage Can, an NGO working on pollution management strategies, to facilitate collaborative activities with them. We have also conducted a workshop with Pakistan Maholiati Tahaffuz Movement, on climate consciousness and pollution control, with

specialized informational sessions on RTI requests as it relates to our RTI experience with population management and child labor. We are also engaging Save Our Children Foundation in our ongoing research into the issue of child labor.

- **Robotic Sewage Jetter**

To replace human life risk/effort with NED University. PILAP is following up on NED for the prototype of Jetter production. NED has started work on the manufacturing side now. PILAP has collected some funds but needs further support to complete the prototype.



- **Miners' Safety**

Subcommittee of PILAP under leadership of Mr. Shamsuddin Sheikh is working with experts and activists in the field to suggest fixing of diverse and multiple existing legislations. PILAP will pursue the suggested legislation with the government at Federal and Provincial levels.

# ADVOCACY ACTIVITIES

Citizenship Rights Education. PILAP has been contacted by Dr. Mariam Chughtai from the National Curriculum Council for review of the Pakistan Studies Curriculum for grade 9-12. Upon review it was discovered that the review would be more informed if more stakeholders were included there Summaiya contacted a fellow lawyer Nida Chaudhry and Greenstar to provide feedback, the former for the theme of Constitution of Pakistan and the latter for the theme on Population. Summaiya reviewed these sections including those related to Citizenship and Pakistan's history because of her PhD in legal history of South Asia.

Right to Information. Great progress has been seen in the Sindh Information Commission office at Karachi with support from the Federal Commission. Five hearings were conducted on different RTIs filed during Pervez Said's time as PILAP's President. One related to faulty construction was disposed of as resolved, another related to trainings of Cantonment Staff was provided but is pending. The third was related to the budgeted accounts of DHA and in this a big success was the Commission's declaration that the DHA is a public body and therefore is bound to provide budgeted accounts as requested.

Training session with young Garbage-Can volunteers were trained on what public interest is and the work that PILAP does in the area. This Presentation also



included raising awareness on Right to Information including the process of filing a request as the best way of holding the government accountable.

## **LITIGATION UPDATES**

- **Petition at LHC for Agricultural Land issue to corporate farming:**

On receiving the news of about 45000 acres of agricultural land being issues to the military land division, PILAP board took steps to raise the issue, to stop this conversion of agricultural land, Pakistan is already under severe climate change repercussions. The petition is filed by Advocate Rafay Alam (who has earlier won in River Ravi Commission and RUDA cases on behalf of PILAP) after the approval of PILAP board at the Lahore High Court. The application has met with some objections by the court registrar, he will review and file again removing the objections.

- **Discharge of sewage water in Arabian Sea:**

The petition is prepared, and hunt is on for a competent lawyer in Karachi to assist Mr. Rafay Alam to file at Sindh High Court.

- **Progress in SHC Education Petition:**

In this regard, UNICEF and SELD- Government of Sindh hosted a consultative session on Out-Of-School Children and how to improve enrollment. PILAP's Chairman Mr. Saad Amanullah Khan, Founding Member Dr. Amjad Waheed and past Vice Chairman Mr. Murtaza Ahmed Ali attended the session and contributed with valuable input based on PILAP research.





# 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](mailto:info@pilap.com)

 021-35304110

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

 [www.pilap.pk](http://www.pilap.pk)

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

 [twitter.com/PilapPk](https://twitter.com/PilapPk)

 [facebook.com/pilap.pk](https://facebook.com/pilap.pk)