



In the Pakistan Information Commission, Islamabad

Appeal No 2051-07/22

Saba Afzal

(Appellant)

Vs.

Ministry of Climate Change

(Respondent)

ORDER

Date: November 01, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 05, 2022 to the Commission, stating that she submitted an information request to the H.E. Mr. Ameen Aslam, Minister & Special Assistant to PM for Climate Change, The Ministry of Environment on October 18, 2021 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 - i. *"I request the Ministry to provide me the Chimney Smoke emission testing results along with a feasibility report on Zig-Zag technology.*
 - ii. *The working class of brick kilns have little or no knowledge about Zig-Zag technology. In order to satisfy their quarries as to why Govt of Pakistan is emphasizing on this very expensive technology.*
 - iii. *I requested for Zig-Zag feasibility report from D.G. EPA, but she simply refused to share any documents with us. Furthermore, she categorically denied that EPA has anything to do with this Zig-Zag technology."*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on August 24, 2022 and its text is as under:

"I am directed to refer to PIC's letter No. NIL dated August 15, 2022 in view of the Appeal No. 2051-07/22 and information request filed by appellant Ms. Saba Afzal under captioned subject
- i. *It is apprised that the Appellant Ms. Saba Afzal initially requested Mr. Amin Aslam, Special Assistant to Prime Minister (SAPM) for Climate Change on January 01, 2021 for a representation of her proposed Smoke Density Reduction (SDR) device for Bull Trench Kilns (BTC). Upon directions of SAPM, Pak-EPA convened a meeting with Ms Saba Afzal in the presence of senior technical and legal officers of this Agency in committee room of Pak-EPA on February 23, 2021. Director General, including technical and legal officers Pak-EPA appreciated the efforts and focus of Ms. Saba Afzal towards the elimination of environmental pollution associated with the Brick*

- Kilns in Pakistan. Since the presentation along with submitted reports were entirely based on theories rather than experimental data, therefore, Pak-EPA supported the idea and advised Ms. Saba Afzal to conduct a pilot study so that the public could get the benefits of that proposed device.*
- ii. *Whereas, in spite of the fact stated above, Ms. Saba Afzal showed her desire while requesting Director General, Pak-EPA for endorsement of the Agency and recommendation of her proposed Smoke Density Reduction (SDR) device to owners of the Brick Kins for onward installation. Because the proposed SDR device has never been demonstrated practically or installed for providing the evidence of its effectiveness, therefore, the said device could not be endorsed or recommended at this stage. The said stance of Pak-EPA was conveyed to Ms. Saba Afzal with clarity during the final remarks of DG, Pak-EPA*
 - iii. *Further, keeping in view of the information requested by Ms. Saba Afzal regarding the "au laboratory testing results and feasibility of Zig Zag technology", it is to submit that the said technology has been introduced by ICIMOD (International Center for Integrated Mountain Development) who is the leading partner for UN's Climate and Clean Air Coalition (CCAC) Brick Initiative and helped the implementation of cleaner brick production in Pakistan by working with the government organizations as well as the private sector in the country. Being the sole proprietor of the technology, ICIMOD is authorized to share any of the technical details or feasibility report as per their convenience. Moreover, the Zig Zag is a patent technology, therefor, asking for feasibility report and technical details is unjustified. The said stance of Pak-EPA has been conveyed to Ms. Saba Afzal vide this Agency's letter No. File No. 1(1)/2016-DIXEE&TT, dated August 22, 2022 (copy enclosed) and the same was also conveyed to Ms. Saba Afzal during the follow-up meeting of their letter dated October 14, 2021.*
 - iv. *Foregoing, it is pertinent mention here that Pak-EPA appreciates and supports the initiatives of the public sector, private sector, academia, individuals etc. for their endeavors pertaining to the protection, conservation and rehabilitation of the environment and sustainable development. Correspondingly, we support the Zig Zag technology like any other environment friendly technology. However, insofar as the technical data or feasibility report is concerned, Ms Saba Afzal may be advised to get the desired information from ICIMOD."*
4. The Appellant submitted her response on August 29, 2022 and its text is as under:
 "With reference to letter No. 1(1)2016-DD(E&T) dated August 23, 2022, on the subject cited above and request you once again that the undersigned did not request in the letter dated August 18, 2022, the basic information like whether Zig Zag is a technology or methodology and who introduced it or sole proprietor of this methodology except laboratory testing results /feasibility study report.
 Reference to your reply in para number 4 and question was raised about how the ICIMOD and UN's Climate and Clean Air Coalition (CCAC) brick kilns initiative implemented this methodology in Pakistan without the main support of PAK-EPA which is a Federal Environment Regulatory Agency and also without getting its proper document details (Basic information plus laboratory test/ feasibility report etc.) were allowed them to proceed. Furthermore, the PAK-EPA as a regulatory agency cannot support any technology, especially methodology, firstly unless not confirmed before the Laboratory test /feasibility report, in which any environment-friendly technology/methodology emissions parameters comply with PAK-EPA's NEQS (National Environmental Quality Standards). For this, he has to be performed different Laboratory tests directly or by using other certified laboratories according to his prescribed methods. PAK-EPA as a federal central regulatory body is authorized to get or provide any public-related environmental technical information, except patent-related

information about any environment-friendly technology /methodology which is directly or indirectly under his support.

As per para number 5 undersigned did not request the information about the function of this Agency and at the same time, you acknowledge that the PAK-EPA supports Zig Zag methodology like other environment-friendly technologies/methodologies. It was also advised to the undersigned to get desired information from ICIMOD. It is astonishing to say here how any type of support is provided by this agency without conducting laboratory testing/ or feasibility study.

It is pertinent to mention here that PAK-EPA, acknowledged that more than eight thousand brick kilns have been converted their kilns over Zig Zag methodology. The question here raised firstly, how can one technology like BTK technology can be converted into Zig Zag methodology, costing approximately 20-30 million PAK-Rupees and secondly, how many still working, at what locations, and how many of them are converted brick kilns whose emissions were tested by this agency. If tested please share the desired testing /feasibility report.

Submitted with a request to provide the desired captioned information and no further delay, please.”

5. Hearing on the instant Appeal was fixed for October 06, 2022 vide letter dated October 04, 2022. The Appellant also attended the hearing. The Respondent was represented by Aamir Abbas, PIO / Pak-EPA.
6. The Respondent submitted his response on October 10, 2022 and its text is as under:
“Please refer to the subject cited above and hearing summon dated 04.10.2022.
“The required information as provided by the concerned officer of Lab /NEQS section of Pak-EPA is attached herewith”.

C. Issues

7. The instant appeal has brought to the fore the following issue:
Is the requested information available with the Respondent and can it be disclosed under the provisions of the Right of Access to Information Act, 2017?

D Discussion and commission’s views on relevant issues:

8. The Appellant has requested “Chimney Smoke emission testing results along with a feasibility report on Zig-Zag technology”. However, the Respondent has submitted that “the laboratory testing results and feasibility of Zig Zag technology, it is to submit that the said technology has been introduced by ICIMOD (International Center for Integrated Mountain Development) who is the leading partner for UN's Climate and Clean Air Coalition (CCAC) Brick Initiative and helped the implementation of cleaner brick production in Pakistan by working with the government organizations as well as the private sector in the country. Being the sole proprietor of the technology, ICIMOD is authorized to share any of the technical details or feasibility report as per their convenience. Moreover, the Zig Zag is a patent technology, therefor, asking for feasibility report and technical details is unjustified. The Appellant, in her rejoinder submitted that “the PAK-EPA as a regulatory agency cannot support any technology, especially methodology, firstly unless not confirmed before the Laboratory test /feasibility report, in which any environment-friendly technology/methodology emissions parameters comply with PAK-EPA's NEQS (National Environmental Quality Standards)”.
9. The response submitted by the Respondent demonstrates that the requested information about Chimney Smoke emission testing results along with a feasibility report on Zig-Zag technology is not available with the Respondent.

10. This commission is not mandated to make any judgement on the assertion of the Appellant that the PAK-EPA as a regulatory agency cannot support any technology, especially methodology, firstly unless not confirmed before the Laboratory test /feasibility report, in which any environment-friendly technology/methodology emissions parameters comply with PAK-EPA's NEQS (National Environmental Quality Standards)".

E. Order

11. The Appeal is disposed of as the requested information about Chimney Smoke emission testing results along with a feasibility report on Zig-Zag technology is not available with the Respondent.
12. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

November 01, 2022

This order consists of 4 (four) pages, each page has been read and signed.