



**SHEHRI**

FOR A BETTER ENVIRONMENT

# Advocating Good Governance THE SHEHRI STORY





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## **THE SHEHRI STORY**

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Author will welcome reproduction and dissemination of the contents of this report with proper acknowledgement.

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# FOREWORD

**T**oday, we are creating history

Each and every one of us citizens of Pakistan is creating history --- by our actions and deeds, or by our inaction and apathy. It is not merely conquerors and political giants that are remembered in the history books: the doings of all the peoples and societies that ever lived are recorded in the shape and profile of this earth.

My thoughts have been influenced in recent months by the extraordinary books of Jared Diamond, a Pulitzer Prize winning author of 'The Third Chimpanzee', 'Guns, Germs & Steel: A Short History of Everyone for the Past 13,000 years', and 'Collapse: How societies choose to fail or succeed'. Recommended reading for all.

A reviewer of the last book states: "If 'Guns' venerated the role that geographic chance played in societal development, Diamond's 'Collapse' restores human agency to the picture. Through a grab bag of case studies that range from the Mayan Empire to modern China, Diamond tries to distil a unified theory about why societies fail or succeed. He identifies five factors that contribute to collapse: climate change, hostile neighbors, trade partners (that is, alternative sources of essential goods), environmental problems, and, finally, a society's response to its environmental problems. The first four may or may not prove significant in each society's demise, Diamond claims, but the fifth always does. The salient point, of course, is that a society's response to environmental problems is completely within its control, which is not always true of the other factors. In other words, as his subtitle puts it, a society can 'choose to fail'."

Ardeshir Cowasjee, a friend of Shehri, states that "it is clear that Pakistan has chosen to fail", that we are on the road to ecological suicide, 'ecocide'. Many of us find some truth in this.

But this report in your hand is a compendium of essays about a small group which has decided that they will not allow Pakistan to fail without a protest, without trying to reverse the trend. It is a story of courage, of sacrifice, and of sheer madness. It is the story of a tiny circle of citizens that has resolved to show, within their limited means, a practical concern for the environment of the city of Karachi in particular, and the ecology of the country in general.

WWF's 'Living Planet Report 2006' released in October (downloadable in colour from [http://assets.panda.org/downloads/living\\_planet\\_report.pdf](http://assets.panda.org/downloads/living_planet_report.pdf)) alarmingly shows that, for more than two decades, humanity has exceeded this earth's ability to support an unsustainable,



consumptive and wasteful lifestyle. In this respect, the worst offender country is ....no, the USA comes in at No 2 ... the UAE! And, today, we Pakistanis, whose ecological footprint (consumption) is 200% of our bio-capacity (ecological capital), are inviting entrepreneurs from Dubai (ecological footprint = 1,500% bio-capacity) to show how to further over- exploit our natural resources, especially along the sea.

Shehri is now joining other concerned groups in fighting for free access to the beaches along the entire Karachi seafront, so that our and future generations have low-cost recreation and play spaces for all.

Aside from the founder members, many committed individuals have contributed to the Shehri effort over the past eighteen years with time, courage, integrity, humor, encouragement and financial resources. We are grateful to them, but it can never be enough. This 'Shehri Story' is an invitation for all citizens to show that they care, to join the fray, to fight for good governance, to combat corruption, to conserve what has been given to us by the Almighty, and to use it well and sustain ably. In short, to create a history for Pakistan of which we can all be proud.

The profound words of the anthropologist, Margaret Mead, say it all:

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.”

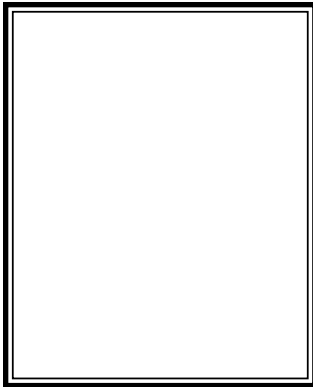
***Roland deSouza***  
Chairperson, Shehri-CBE

September, 2006



## MESSAGE FROM DR. SYED RAZA ALI GARDEZI

### *VICE-CHAIRPERSON*



**I**t was ten years ago that I became associated with Shehri-CBE when I faced the very same problems that Shehri was tackling. During this time I have seen Shehri grow from a vision shared by the founding members to the point where it has now started to influence the thinking of individuals by acting as a beacon for empowerment of citizens to wrest back their constitutional right to a better life. Success does not come overnight, but through a gradual process positive efforts culminating eventually into a visible change. For this we all have to rise, not just the chosen few. This for me is Shehri's vision, to inculcate in individuals a sense of ownership. This is our house, only we can set it right. Nobody from the outside is going to come and clean up the mess. It is our inherent and undeniable duty to tackle the filth of greed, corruption and bad governance. We owe it to our children to stand up and be counted, for otherwise, our next generation will hold us accountable for all the wrongs that we have set in motion.

To this end I wish Shehri-CBE the best of luck, for I perceive Shehri as not simply being an NGO, but rather as a movement, which like all movements, once it gains momentum will turn into a juggernaut to fight corruption and bring back accountability and good governance, which is also our constitutional right-----Insha-Allah.





## MESSAGE FROM MRS. AMBER ALIBHAI

### *GENERAL SECRETARY*



**W**hen I first came in touch with Shehri, while seeking help in pursuing a land violation case, I never thought that the organization would become an integral part of my life and provide me with the vehicle to exercise my rights as a citizen activist in campaigning for a better environment for people of my city and country. However, Shehri and the values and morals that it stands for has become an addiction with me. It has been a roller coaster of an experience. We have, over the years, stood firm against the forces of religious and ethnic intolerance and the urban mafias such the 'builder mafia' and can proudly claim to have brought about a positive change. The change can be witnessed in the growing level of awareness among the common citizens of the issues at hand and how they can pro-actively work to make the civic institutions accountable for their actions. The change can be witnessed in a more informed, more vigilant and more active judiciary that has on many occasions come to the rescue of the common man through people friendly interventions and land mark judgments. Shehri, since its formation has been in the forefront of the citizen campaign to ensure that the urban land use and zoning rules and regulations are not violated. Through influencing the policy debates, monitoring the status on ground and seeking justice through the courts, we have explored all avenues available to bring change and protect the urban built and natural environment. It has been a hard grind, but we struggle on in the hope of a better tomorrow.

I have had the privilege to work with a wonderful group of selfless and tireless citizen campaigners and staff that make up the Shehri team. We need to build on the success of Shehri and that can only happen when more and more citizens stand up for their rights get informed and exercise their rights as the citizens of this state. They are the real 'owners' of this country, a right given to them by the Constitution of the state. The sooner they realize this, the better. It is hoped that this 'Shehri Story' can act as a catalyst in inspiring much greater levels of citizen activism in the country.

September, 2006



## EXECUTIVE SUMMARY

**T**here is hardly any NGO which can claim to be a truly multi purpose one: Shehri-CBE, no doubt about it, can do so.

Started as a pure environment oriented organization, the committed members of this NGO reached a new level of civil engagement, step by step: very carefully, very slowly and most importantly with immense success. This said, it is no wonder that the NGO nowadays is fighting at the front of various issues of public concern. Besides environmental cases, Shehri-CBE activists are well-known for their selfless struggle in areas like public advocacy, good governance, community policing, nature Conservation, corporate social responsibility and last but not least crime control.

But what are the main accomplishments and stories behind Shehri-CBE's various achievements?

Shehri's work in 'Public Interest Litigation' is mainly focused on protecting the citizens interest in a struggle between a corrupt mafia trying to wrest illegitimate gains from a particular subject and secondly the government agency/department with the statutory mandate to protect that particular subject. The successful list of references speak in an unambiguous language: Sheri-CBE's efforts are a milestone for protecting public interest.

As far as 'Good Governance' is concerned, Shehri-CBE played a vital role in the process of re-notification of the KBCA Oversee Committee for ensuring transparency in government functions and the rule of law through active citizen involvement.

Shehri cases and a large part of it's success is based on activism in courts, namely by encouraging citizens to raise their voice and fight for their common rights. Therefore it's no wonder that Shehri-CBE has helped to set some important precedents for the protection of public interest and the urban environment documented by a huge list of references.

Beyond these activities, Sheri-CBE has also been involved in other projects to protect public interest like the 'Save Gutter Baghicha Campaign'. Another showcase of the organization is for sure, an effort to promote 'Community Policing' by building trust and cooperation in collaboration with the management of the Jamshed Town Police Station and the local residents. For that purpose, Sheri-CBE has initiated a 'Community Policing' project that aims to build trust between the community and the institution of local police through joint projects and programs



and to build capacity within the local police on matters such as human rights and gender for improved law enforcement.

Other successful projects have been implemented in the field of 'Nature Conservation', in particular for conservation of Karachi's unique coastal ecology through projects such as 'Helping the Turtles Survive' and by capacity building of local NGO's on the topic of 'Corporate Social Responsibility'. In this respect, Shehri joins the global NGO Network, the OECD Watch.

Shehri is also active in the field of human rights. It collaborated with the 'Citizens Police Liaison Committee' (CPLC) and the 'Human Rights Commission of Pakistan' (HRCP) to campaign for freeing the Pakistani society of the gun culture.

The organizational portfolio is diverse but finds a common theme in giving prime importance to the sanctity of rules and regulations of urban land use management and the adverse impacts that can occur in almost every aspect of urban governance should the rules and regulations get violated.

Shehri-CBE hopes that more people join them and further enhance their work. The recent enlargement of Shehri-CBE activities to place outside Karachi such as Lahore can be seen as a promising step into this direction.

Taking the words of the founding charter into account, there is no doubt that the aims have at least partially become reality. A new consciousness towards issues of public interest is looming over the horizon and there is justified hope that the ambitious roadmap of Sheri-CBE with their main target to raise awareness amongst the public and the policy makers is surging ahead, although it's by no means close to fulfillment.



# INTRODUCTION

Shehri charts a unique story. It is a story of courage and determination in adversity and against heavy odds. It is the story of a bunch of people who get together to do something to improve the environment they live in and provide the catalyzing effect that energizes and encourages other citizens to join hands and do the needful. Now as in the early days, the organization is fueled by the limitless zeal and energy of its volunteer force of citizen activists that begin everyday in the hope that they can make a difference and sleep every night with the hope of a waking up to a better tomorrow. To document the work of an organization like Shehri was not easy. A lot has been done that remains undocumented. Much of the work is in the form of citizen advocacy with members meeting with concerned citizens on a daily basis, sometimes offering a word of advice, sometimes forwarding a letter of support, boosting their spirits, building their capacities and enhancing their knowledge through conversations and dialogue. Staff support is limited and much gets done through volunteer inputs.

An effort nonetheless has been made to document Shehri's work through highlighting some of the major campaigns, legal battles, activities and projects that Shehri has engaged in over the years and has been able to set some landmarks in the policy, legislating, planning and development dimensions of urban governance. The portfolio is diverse but finds a common theme in giving prime importance to the sanctity of rules and regulations of urban land use management and the adverse impacts that can occur in almost every aspect of urban governance should the rules and regulations get violated. Whether it is saving a park, preventing an illegal construction or saving a precious natural habitat, the primacy of upholding the urban zoning and land use laws is indicated. Another area of interest for Shehri has been institutional strengthening. Major inroads in this regard have been made in building trust between the people and the institution of local police and enhancing the capacity of the police personnel to deal more effectively with human rights violations and gender related issues.

This 'Story' represents a collage of Shehri's interventions, mostly based in the city of Karachi and should serve as useful document of reference for urban activists, urban managers, students and all those interested in public advocacy for improved governance. In the compilation of this document, I have been greatly indebted to the guidance, advice and help offered by Mr. Roland de Souza, Mrs. Amber Alibhai and Dr. Syed Raza Ali Gardezi of the Shehri-CBE Managing Committee. Most invaluable have been the efforts of Sarwar Khalid and Mohammad Rehan Ashraf of the Shehri-CBE Secretariat in the collection and tabulation of the relevant information, records, photographs etc.

Farhan Anwar  
Urban Planner  
Member, Shehri-CBE



## The Founding Philosophy: Charting a Roadmap.....

All of us are painfully aware of the steady degradation of our environment. Whatever is done to overcome it is either insufficient or insecure. It is the impression of many citizens that professionals, policy makers, political parties, and the government have not done their homework on environmental and planning related issues. It is our intention to generate ideas that will effectively make the overall environment more responsive to human needs and our country a better place to live in. We intend to launch a citizen's pressure group on the urban and rural environment to act as a citizen's watchdog and to educate and popularize ideas that can lead to better living conditions and environment. It is our belief that the welfare of the people is critically dependent upon this.

One of the most pressing problems in Pakistan is the population explosion. It is anticipated that the country's population will reach 145 million by the year 2000. The impact of this demographic change on the environment is severe. It places a heavy burden on the urban infrastructure, on the land and services. In addition, it is leading to severe overcrowding and urban strife. Crime, violence, depression, drugs, and social breakdown are directly related to the issue of too many people in a limited space. Poor housing, infrastructure and transportation facilities in addition to pollution and lack of recreational space add to mental and physical stress.

There has been little concern of the environmental impact of present urbanization strategies. Noise and air pollution in Karachi is way above the maximum accepted international levels. Lack of garbage disposal and poor sewerage is creating not only health problems but extensive environmental decay. Rampant re-zoning is leading to the destruction of trees and

green belts in the city. Changes in zoning bring about inflationary pressures in terms of land prices and create shortages of services and causes spatial imbalances and inefficiency. It has also transformed the character of our city and destroyed its heritage and beauty. Planning and building codes need to be examined and strictly adhered to in order to provide citizen's a better environment to live in.

Any improvement in our physical quality of life requires more resources for growth or a better distribution of income. This additional financial burden requires better, more efficient and equitable resource mobilization and allocation in addition to appropriate fiscal policies for urban centers.

Ultimately the urban crises have deep political roots which need to be analyzed and studied. In order to successfully deal with the crises requires a political solution. Such a solution cannot come about without the use of the media to educate and inform the people.

Unless public representatives come to grips with the problem, they will continue to play into the hands of those who have played havoc with our living space. There is thus a pressing need for an open public discussion on these issues. It is only through raising public consciousness and effectively articulating public pressure can there be any hope of bringing about an improvement in our environment.

The Citizens for a Better Environment is the first step towards this objective. It aims to work as a public pressure and lobbying group. It intends to raise awareness amongst the public and the policy makers about these issues. It also intends to actively fight the process of the destruction of our environment through all available channels.

# THE BEGINNINGS

Briefly outlined are the founding aims and objectives that helped structure Shehri's organizational framework and direction

***Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has***

***- Margaret Mead***

Shehri-Citizens for a Better Environment was formed in 1988 (based in Karachi City), as a non-political, non-commercial, non-governmental organization (under the Societies Registration Act XXI of 1860) by a group of concerned citizens to provide the citizens with a platform to effectively voice their concerns in determining their future and taking action in arresting the deterioration in their living environment and proper reform with a view to improve the same. The organization was formed for the attainment of the following overriding objectives:

- To research, investigate, compile and disseminate information regarding existing laws, rules and regulations and/or contraventions thereof, or proposed legislation, pertaining to every aspect of the environment.
- To create public awareness on issues pertaining to the organization and maintenance of a healthy and secure physical and social environment.

The first 'Seminar' held by Shehri-CBE (November 3, 1988) very adequately identified the future contours to be set by the organizations trail blazing work in the area of urban land management and governance with the primary focus of attention being Karachi City - Pakistan's largest city that supports a population of over 13 million. The 'Seminar' dealt into the policy, planning and political dimensions



Leading the way (L-R): Present Chairperson, Roland deSouza, Former Chairpersons, Navaid Husain, Qazi Faez Isa and Khatib Ahmed

The Founding Members
Navaid Husain (Architect)
Humaira Rehman (Architect)
Barrister Qazi Faez Isa
Barrister Zain Sheikh
Danish Azar Zuby (Interior Designer)
Khalid Nadvi (Economist)
Dr.Kaiser Bengali (Economist)





*Getting going : Providing a platform for dialogue and consultation*

of Karachi's urban growth and brought together on one platform, government officials, academics, citizen activists and the media to discuss issues and seek solutions. This was the participatory approach that was to define Shehri-CB's advocacy philosophy in the years to come. As Shehri-CBE progressed in its work, it was able to carve out a niche and establish a unique name and expertise for itself specifically in the issues related with urban land management and the subsequent work conducted by the organization found conformity with its following stated objectives, identified at the time of its formation:

- To enquire into encroachment of amenity land and contravention of building laws and master plans and to provide legal assistance to citizens in this regard.
- To study and make suggestions towards improving urban planning standards, master plans and to inquire into violations thereof.
- To make efforts to save, protect preserve old buildings and areas.



# SHEHRI – A SNAPSHOT

*Shehri has in place an elected and participatory decision making process and a sound program and financial management system that has received due recognition.*

## Management and Finance

The core decision making body of the organization is the 'Managing Committee' (MC) that is answerable to the 'General Body' members. The MC members do not receive any payment in any form from the organization. The 'Charter' very clearly states that no member of the MC shall be appointed to any of the salaried office, or be paid an honorarium. The members meet at least once every month to discuss organizational matters and review and approve the progress of its undertaken programs. The members of the MC hold office for a period of two years, after which there is a fresh election.

The organization properly maintains documents pertaining to financial transactions like balance sheet, income and expenditure statement etc. Annual audit is conducted regularly and the audit report is duly circulated to all MC members immediately after finalization by the auditors. Information regarding capital expenditure, administrative affairs, maintenance of office and remuneration to staff is publicly disclosed. Majority of Shehri's work is volunteer driven and the organization presently operates with staff strength of only 05.

## Programs

The major thematic program areas include:

- Land use Management and Zoning
- Urban Services Improvement



**Top:** Shehri members attend the Certification Program for USAID management Standards

**Bottom:** A Shehri Annual General Meeting in progress





- Institutional Strengthening
- Recreational Development
- Advocacy Work
- Civil Society Mobilization
- Human Rights

### **The Board (Managing Committee)**

The members of the present Management Committee include:

Roland de'Souza	Chairperson
Dr. Syed Raza Ali Gardezi	Vice Chairperson
Ms. Amber Alibhai	General Secretary
Sheikh Rizwan Abdullah	Treasurer
Khatib Ahmed	Executive Member
Hanif Sattar	Executive Member
Derrick Dean	Executive Member

### **Recognition for Financial and Program Management**

Shehri-CBE has been certified (year 2005) with the Non Profit Certification Award by the Pakistan Center for Philanthropy in the areas of internal governance, financial management and program delivery.

Shehri-CBE has also been, in the year 2006, certified to comply with the USAID Management Standards after successfully participating in the Institutional Management and Certification Program implemented by the NGO Resource Center (A project of the Aga Khan Foundation).

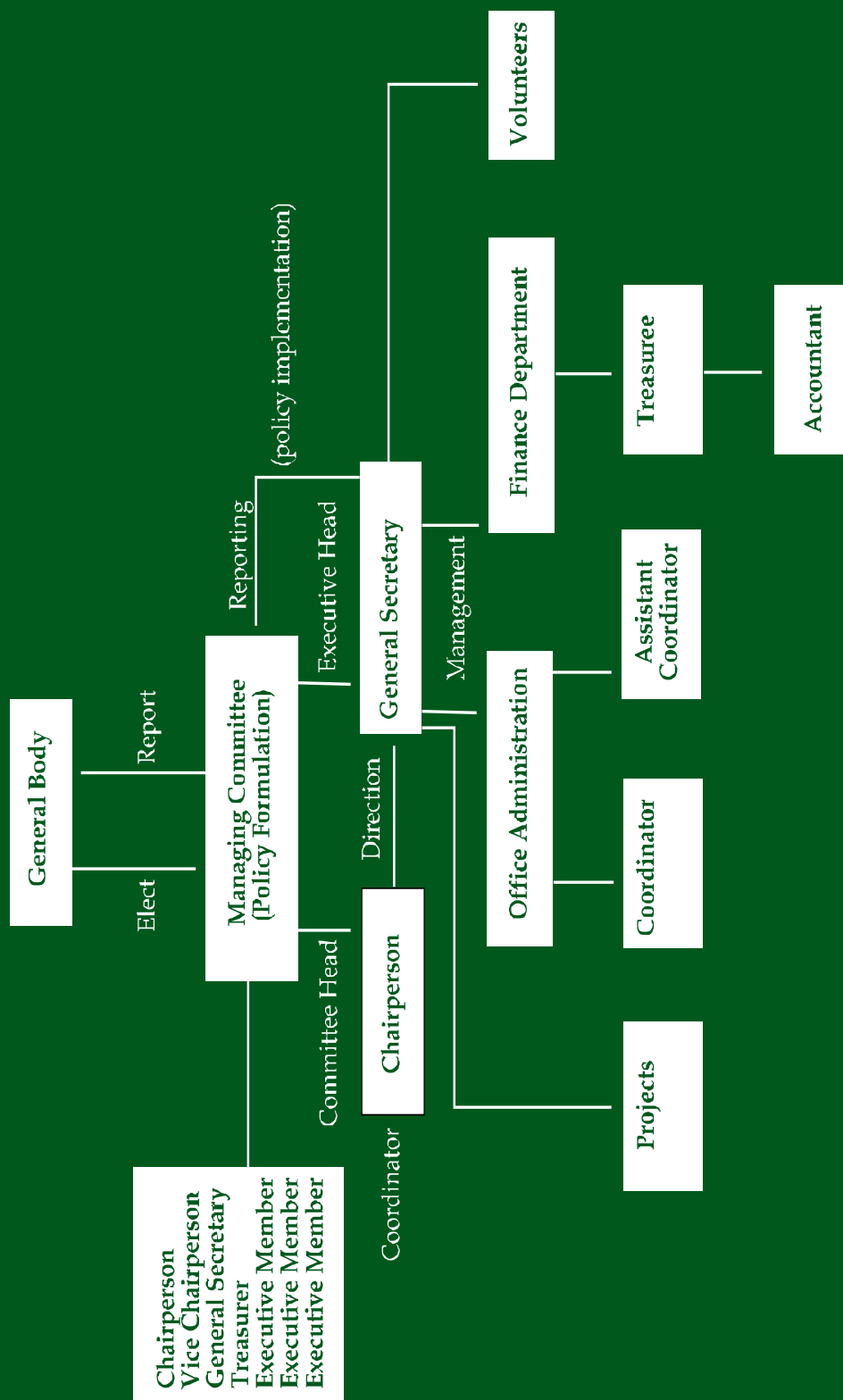
Donation to Shehri-CBE are approved under section 47(1)(d) of the Income Tax Ordinance 1979.

### **Shehri Publications**

In addition to having published a number of reports and case studies on various subjects ranging from land use management, solid waste management and local governance, Shehri regularly brings out Newsletters (twice a year) in English and Urdu languages documenting Shehri's activities and highlighting important topical issues of public concern.



# SHEHRI-CBE Citizens for a Better Environment





Ideas on Liberty. Training in Freedom.

Friedrich Naumann  
*Stiftung*

## BUILDING PARTNERSHIPS – SHEHRI-CBE AND THE FRIEDRICH NAUMANN STIFTUNG

*In the year 1990, Shehri entered into a partnership with the Friedrich Naumann Stiftung that has endured and grown stronger over the years. Spreading liberal values, thoughts and practices and strengthening efforts for good governance form the cornerstone of this strong partnership*

In the year 1990, Shehri-CBE entered into a partnership with the Friedrich Naumann Foundation – a partnership that continues to this day with the bonds mutual understanding and benefit growing stronger with each passing year. Friedrich Naumann Stiftung is a German foundation devoted to the principles of freedom and liberty in 80 countries of the world. The foundation cherishes values of individual freedom, social responsibility, rule of law and free market economy. Its political education and democratic training programs aspire to strengthen civil society and put politics within everyone’s reach so that the citizens can grasp the problems before them and exhibit civic courage to find solutions to them. Friedrich Naumann Stiftung started its work in Pakistan in 1987 and Shehri-CBE is one of its partner organizations in Pakistan.

Programs and projects are agreed for funding and collaborative execution on a year to year basis and the Friedrich Naumann Stiftung has funded and collaborated with Shehri-CBE in a number of seminars and workshops on urban governance, policy, planning issues, human rights concerns, police training and research and documentation on development and environmental issues facing Karachi city. In addition to funding and collaborating on projects and campaigns, the Friedrich Nauman Stiftung has facilitated training of Shehri-CBE members in the International Academy of Leadership (IAF) of the foundation. The IAF perhaps can be referred to as the market of ideas and activists as every month it hosts freedom activists from all over the project offices of the Foundation who are brimming with ideas and thirsty for training in making these ideas into a reality. The Academy is not a teaching Institute but



**Top:** Building long lasting trust and partnership

**Bottom:** Former Shehri Chairperson, Qazi Faez Isa (First from left) attends a training course at the FNF International Academy for Leadership





*Shehri delegation attends an FNF Partners meeting*

essentially provides an opportunity for activists to come together to discuss thematic ideas, exchange information, and inspire each other and most importantly to develop networks. Shehri-CBE's contribution to the IAF Pakistan Alumni pool is as follows:

- Navaid Husain
- Hassan Jaffery
- Qazi Faez Isa
- Roland deSouza
- Farhan Anwar
- Khatib Ahmed



# PUBLIC ADVOCACY - SHEHRI'S WORK IN PUBLIC INTEREST LITIGATION

*Public interest cases are gaining much recognition as one avenue for addressing the wrongs committed on the citizens of the state. Roland de' Souza highlights the Pakistani context in the backdrop of the work of Shehri*

Over the past sixty years, all citizens of Pakistan have contributed, actively or passively, to the state of affairs in which we find ourselves today. Our short history is replete with examples of courage, greed, sacrifice, and insincerity. Each of us is acutely aware of the quality of governance, the extent of hypocrisy, the nature of the 'sense of ownership', and the level of 'love of country' prevalent in our society.

The situation obtaining today can be likened in many ways to that of Britain in the early days of the Second World War: conflict, low morale, uncertainty, despondency, and confusion. Addressing a meeting on taking over, Winston Churchill asked the Lord Chancellor: "Are the courts functioning?" On being told that everything was in order, he observed that therefore there was nothing to worry about and that the future of the country seemed bright.

Can we say the same? At this hour, the courts seem to be our final frontier. The proper functioning of our justice system and the independence of our judiciary must act as a bulwark against the mushrooming anarchy in our country. We need a few men of courage and foresight to address the seemingly insurmountable problems of Pakistan, and establish 'rule of law' as the only basis for progress.

## Public Interest Litigation

The great majority of cases in our courts deal with private interest: each party to the dispute vigorously defends its own interest. Unfortunately, the public interest is not so privileged, and becomes the subject of an elaborate 'noora-kushti' between

- the mafia trying to wrest illegitimate gain from a particular subject, and



*Barrister Naim-ur-Rehman: In the forefront of leading legal battles of public interest cases*



▪ the government agency/department with the statutory mandate to protect that particular subject.

In many instances, particularly, but not solely, in the lower courts, the judge also becomes an interested party in this 'noora-kushti'.

A number of citizens' groups have, over recent years, entered these frays and tried to assist the courts at arriving at the truth so that the constitutional rights of all are protected. Shehri: Citizens for a Better Environment is one such advocacy group that has used public interest litigation (PIL) as a very useful and fairly effective tool in the continuing campaign being waged by concerned residents of Karachi to conserve the urban built environment and preserve the fundamental rights of all citizens to a decent life.

### Problems of the built environment

Most environmental degradation in the world has taken place over the last 200 years. Much built environment degradation in Karachi has taken place over the past 30 years. The 'right to life' for citizens is being increasingly interpreted by the superior courts as 'right to a clean, healthy and unpolluted environment'. People who live in urban areas have an entitlement to a person-friendly built environment, to open spaces for recreation and fresh air, to playgrounds for children, to schools, hospitals and social amenities, to libraries and theatres, to proper transport systems and roads, to freedom from air and noise pollution, to adequate utilities and infrastructure, and the like. This is ensured by proper utilization of land on the basis of town-planning principles. In PIL, the citizens have tried to convert 'right to environment' into a realistic enforcement of laws that make a clean and healthy environment a practical reality.

Unfortunately, owing to population pressures and mushrooming urban-rural migration, land in Karachi is being increasingly abused by violation of urban planning principles, including unlawful allotment of unplanned tracts, arbitrary conversion of land-use, and construction of illegal buildings. The applicable town-planning and building laws are ignored, misinterpreted or violated for personal gain. This has resulted in severe deterioration of the built environment of the city.

Construction of illegal buildings compounds environmental degradation by being a life hazard. Earthquakes do not kill --- falling buildings do! Over the past seven years, seismic tremors have killed 18,000 persons in 1999 in Izmit (Turkey), 20,000 in 2001 in Gujarat (India), 30,000+ in Bam (Iran), and over 70,000 in northern Pakistan, in addition to rendering hundreds of thousands homeless. Karachi lies in a belt of upper-moderate seismic activity, and existing earthquake-resistant building codes are being ignored with impunity.

The citizens have filed hundreds (if not thousands) of cases in order to try and help the judges of our high court realize the potential devastation for which they could be held (at least indirectly) responsible. This is because hundreds of unauthorized buildings were and are being erected in Karachi 'under the cover' of misused court orders. In 1999 SCMR 243, the Supreme



Court warned all concerned: “It may further be observed that some builders raise unauthorized constructions after obtaining status quo orders from the courts”.

### **Citizens’ experiences with PIL**

It may be held that the success story of Shehri: CBE is an ingredient of the success story of PIL in the courts of Pakistan. The citizens of Karachi would not have been able to make the headway they have (no matter how small) if some of the judges of our superior courts had not become active in comprehending the issues and boldly making the right decisions to tackle the problems.

Over the past decade, Shehri: CBE and its members/supporters have instituted numerous cases in the superior courts challenging various types of environmental ruin occasioned by violation of town-planning and building principles. We chose some of the bigger defaulters and more outstanding examples of environmental degradation so that a ‘trickle-down effect’ would emerge for other, related issues.

Some notable examples of built-environment PIL can be broadly classified as follows:

#### **Misuse of parks, playgrounds & amenity plots**

- ‘Gutter Baghicha’ in Trans-Lyari, Karachi
- KTC bus-depot amenity plots (11 Nos) in Karachi
- SRTC bus-depot amenity plots (16 Nos) in Sindh
- ‘Costa Livina’ in Bagh-e-Ibn-Qasim, Karachi
- Kirthar National Park, Sindh
- ‘Karachi Playhouse’ at Teen Talwar, Karachi
- ‘Doongi Ground’ park in Gulberg, Lahore

#### **Arbitrary conversion of land-use**

- KPT Officers’ Society land reclamation (130 acres) at Mai Kolachi, Karachi
- Arbitrary ‘commercialization’ of major roads in Karachi
- Hazardous/explosive goldsmiths’ workshops in Saddar, Karachi
- Contraventions of KDA’s Hawksbay Scheme, Karachi
- Privatization/‘commercialization’ of beaches at DHA, Karachi
- Fauji Foundation power plant on Korangi beachfront, Karachi

#### **Illegal construction of buildings**

- ‘Glass Towers’ in Clifton, Karachi
- 15 buildings around the Quaid’s Mazar, Karachi
- 35 buildings around the Quaid’s Mazar, Karachi
- 26 buildings along Shahrah-e-Faisal, Karachi

All litigation involving land, construction of buildings, conversion of land-use, amenity plots, encroachments, and allotment of property, is PIL because the issues impact on the built environment. These cases must be dealt with on an inquisitorial basis rather than the





conventional adversarial basis. In such questions of public interest, the government officials and the advocates themselves become parties to the issue, and it is their bounden duty to assist the court in arriving at the truth. Also, in such cases, the judges should feel as parties (as in cases of minors, where it is the duty of the court to look after minors' interests). Such litigation can never be considered as one of adversarial confrontation with the state. The judges must go far beyond deciding which party has the better lawyer!

In one noteworthy instance in 1998, the Chief Justice of the Sindh High Court converted into a writ petition a letter complaining about 35 unauthorized structures in the vicinity of the Quaid-e-Azam's Mazar. This eventually had the effect of bringing to a virtual halt the

### *The Judiciary acknowledges Shehri's work.....*

*In recognition of Shehri's expertise in matters involving the built environment, Shehri was appointed amicus curiae by the Sindh High Court in a number of public interest cases, including the following:*

- 1. Suit No.858/96 by Justice Musheer Alam through order dated 12-4-2004*
- 2. CP No.D-1970/98 by Justice Rana Bhagwandas and Justice Sabihuddin Ahmed through order dated 19-3-1999.*
- 3. Suit No.869/97 by Justice Muslehuddin Ahmed through order dated 12-3-1999.*

*In Suit No.1645/98, Justice Ali Aslam Jafri in his order dated 2-12-2000 has referred to Shehri's as an NGO "committed to better environment in the city of Karachi and it is acting like to watch dog to ensure that high-rise buildings in violation of law, rules and regulations are not allowed to be constructed, because such construction amounts to permanent nuisance not only at present but in the times to come when the citizen of Karachi might be deprived of utilities and basic necessities of like fresh air, water, electricity and sewerage, etc., which basic requirements even today in this 21st century are not fully available to the residents of this Cosmo Polition City, in the manner it ought to be".*

mushrooming illegal construction in the area, but indirectly led to the promulgation by the government of the infamous 'regularization ordinance' of 2002 (a piece of legislation that has the effect of robbing Peter, the residents of the affected areas, to pay Paul, the so-called 'innocent purchaser', while the robber, the illegal builder, goes scot-free).

Recently, increasing exploitation of the public beaches for private gain is being opposed by citizens. Using the centuries-old common law 'public trust doctrine' which mandates unfettered access to air, running water, and the sea/sea-shore for all citizens, the establishment of power plants, commercial plazas, ostentatious hotels and private sections on the beachfronts is being challenged.

Shehri: CBE has come of age. The superior court judges by and large accept that we are acting bona fide and have sufficient interest to move the courts for redressing public injury, enforcing public duty, protecting social and collective rights and interests, and vindicating public interest. We have stressed that class-action/PIL cases instituted on built environment issues relate more to diffuse interests than to specific injury to individuals.



Shehri: CBE's PIL is carried out in collaboration with other NGOs, concerned citizens, social and civic activists, and residents of the distressed areas. PIL has become a tool to mould and boost the awareness of people to the fact that it is they (the citizens) who are the owners of the air, water, land and environment of our cities, and it is they (the citizens) who must rise to protect their property from being stolen or destroyed by selfish and short-sighted private interests, who are colluding with the very managers (government servants/politicians) who have been appointed and are paid with citizens' tax monies to take care of the owner's property!

This collaborative PIL process has the salutary effect of helping the courts realize that a wide spectrum of people from diverse backgrounds are being adversely affected, while simultaneously creating public awareness, educating citizens on environmental issues, and making them conscious that 'something can actually be done!' While allegations of bias, personal ill will, or intent to blackmail have been advanced against environmentalists, NGOs and civic activists, the judges are extremely discerning. The principle of locus standi in environmental issues has been liberalized the world over, and the courts of Pakistan have not lagged behind. They have recognized that there are 'interests without groups' and that such interests can be legitimately promoted by an individual in his own right as a member of the citizenry to whom a public duty is owed.

Shehri: CBE has developed into a 'watchdog' over agencies charged with managing the built environment of Karachi. It acts as a pressure group on government in the formulation of policies. It takes up environmental litigation at different levels and thus conscientizes development institutions. It promotes public participation in drafting schemes, programs, and regulations.

## The Way Forward

The judges of the courts are men and women who live in the environment of Karachi, are daily witnesses to the loot and pillage, are acutely aware of the problems of society, and are affected observers of the continuing deterioration of the cityscape.

A few suggestions for the judiciary that would facilitate the public interest, advance the 'rule of law', and curb malpractices/corruption in questions relating to the built environment include:

- Be proactive in reducing widespread abuse of ad-interim orders
- Handle public-interest cases on an inquisitorial, rather than adversarial, basis
- Ensure that government officials who have colluded in the degradation of the built environment, or who do not implement court orders, are proceeded against promptly
- Recognize that delay in disposal of cases works against the public interest
- Educate oneself on built and other environment issues/laws adversely affecting the 'right to life'
- Promote special 'green benches' to expeditiously deal with such cases



Much damage to this built environment is carried out 'under the umbrella' of misused court orders obtained in frivolous and vexatious litigation filed by the mafia-government officials nexus: unlawful allotment of land and amenity plots, encroachments on public roads and footpaths, illegal construction, occupation of open spaces, etc. Thus, in addition to being judicially active, it is the responsibility of the courts to ensure that their orders (especially ad-interim orders) are not exploited and abused by corrupt elements.

It is also imperative that all courts examine cases concerning issues of public interest in Karachi on an inquisitorial basis rather than on an adversarial one. Departure from the conventional adversarial procedure is vital to enable the poor and the weak to bring necessary material before the courts in order to obtain enforcement of their fundamental rights under Articles 8, 9, 14, 23, 24 and 25 of the Constitution. The judge must not sit as a passive umpire, but must become actively involved in what is sometimes termed as 'collaborative litigation', i.e., inquisitorial. Else, the judicial process is reduced to a mockery of justice.

The citizens are discouraged to find that often, the concerned government officials ignore lawful orders of the courts; most of these are individuals who colluded with the built environment violators in the first place. The nexus first ignores the law, and then it ignores court orders. Unless such persons are punished, others come to believe that although they may be caught, nothing will actually be done to them. This must change.

Citizens are also discouraged by the virtual non-performance of the Environmental Protection Agency, a statutory body established under the Pakistan Environmental Protection Act 1997, and the non-establishment of environmental tribunals.

## In Conclusion

The journey has been a long one for Shehri: CBE --- and we've just started! Our experiences have been colored by apathy from the public, active opposition from various mafias, corrupt government officials and sleazy politicians (our founder chairperson was shot in 1997, and other members have been attacked on various occasions), severe lack of financial and human resources, interminable delays in court proceedings, frivolous use of 'contempt of court' procedures to defeat justice, and other like frustrations. The non-functioning of environmental tribunals or environmental magistrates under the PEPA 1997 has been a great setback to the cause of promotion of the environment in Sindh. On the other hand, we have identified a group of dedicated and courageous volunteers, created relationships with other citizens and groups of good will, and achieved small measures of success in our campaign to protect the built environment. Residents of other cities are now inviting us to share our experiences.

*Roland de' Souza is Chairperson, Shehri-CBE*

*For a complete list of Public Interest Litigation Cases involving Shehri-CBE, please consult appendix 1.*



## Appendix 1:

List of Public Interest Litigation Cases Involving Shehri-CBE In The Supreme Court of Pakistan:

S.No.	Case No.	Parties	Subject/Plot No.
1	HR # 4-K/92	In re: Pollution of Environment caused by Smoke Emitting Vehicles, Traffic Muddle	Smoke & Noise Pollution by Motor Vehicles & Rickshaws
2	CA # 14-K/92	Begum Saida Qazi Isa & Ors. Vs. Quetta Municipal Corp. & Ors.	Earthquake/Building Codes (Khasra # 238/140-141/142 -143, Zarghoon Road, Quetta)
3	HRC # 6-K/93	Mrs. Amber Alibhai & Ors. Vs. Director EPA Sindh & Ors.	Gutter Bagicha, Lyari.
4	CP # 78-K/93	A. Razzak Adamjee & Another Vs. M/s Datari Construction & Another	Summer Palace G-19, Block 5, KDA Sch.# 5
5	CP # 99/93	Ardeshir Cowasjee & Ors. Vs. Saleem Akhtar Rajput & Ors.	Clifton Broadway 13, FT-4, Clifton.
6	CA # 136/93	Multiline Associates Vs. Ardeshir Cowasjee & Ors.	Springfield Apartments 18, FT-3, Clifton.
7	CA # 556/93	A. Razzak Adamjee & Another Vs. M/s Datari Construction & Another	Summer Palace G-19, Block 5, KDA Sch.# 5
8	HRC # 42/94	Shehri: CBE & SCOPE Vs. KBCA	Built Environment
9	RA # 1-K/95	Ardeshir Cowasjee & Ors. Vs. Multiline Associates & Ors.	Springfield Apartments 18, FT-3, Clifton.
10	CPLA # 246-K/95	Jawad Mi Mohammadi & Ors. Vs. Haroon Mirza & Ors.	Avanti Park View 141-A/2, PECHS
11	CP # 61-K/96	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Costa Livina ; ST-15/3, Clifton.
12	CA # 1436/96	Jawad Mi Mohammadi & Ors. Vs. Haroon Mirza & Ors.	Avanti Park View 141-A/2, PECHS
13	CA # 1888/96	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Costa Livina ; ST-15/3, Clifton.
14	CA # 100-K/98	Arif Kasbati & Ors. Vs. Amina A. Sattar & Ors.	Designer Mall 157-S/2, PECHS
15	CPLA # 198-K/98	Ardeshir Cowasjee & Ors. Vs. Govt. of Sindh & Ors.	Glass Towers ; 2, FT-3, Frere Town Quarters.
16	CPLA # 506-K/98	Ardeshir Cowasjee & Ors. Vs. CCB & Ors.	The Plaza ; G-7/9, Clifton.
17	CA # 756 & 757/98	Excell Builders & Ors. Vs. Ardeshir Cowasjee & Ors.	Glass Towers ; 2, FT-3, Frere Town Quarters.
18	CPLA # 2026/00	S.M. Builder & Ors. Vs. Mrs. Amina Sattar & Ors.	Al-Faisal Shopping Mall 171-A/3, PECHS
19	CPLA # 2760/01	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Saima Trade Towers 2A/SR-13, Serai Quarters.
20	CPLA # 2761/01	Ardeshir Cowasjee & Ors. Vs. Province of Sindh & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.
21	CPLA # 2780/01	Asghar Ali Agha Vs. Farrokh K. Captain & Ors.	Gem Homes ; 20/1, CL-6, Civil Lines Qtrts.
22	CPLA # 2781/01	Mohammad Rafiq Vs. Farrokh K. Captain & Ors.	Parsa Heaven ; 12, CL-8, Civil Lines Qtrts.
23	CPLA # 2782/01	M/s RMS Associates Vs. KBCA & Another	Parsa Heaven ; 12, CL-8, Civil Lines Qtrts.
24	CPLA # 2783/01	M/s Murtaza Builders Vs. KBCA & Another	Gem Homes ; 20/1, CL-6, Civil Lines Qtrts.
25	CA # 860-K/03	M/s Seemco Estate & Another Vs. KBCA & Ors.	Serena Pride
26	CPLA#3140-K/03	ABAD Vs. Province of Sindh & Ors.	Sind Regulations & Control Ordinance No. VIII of 2002



**In The High Court of Sindh:**

S.No	Case No.	Parties	Subject/Plot No.
1	CP # D-1094/93	Farhat Asrar & Ors. Vs. Govt. of Pakistan & Ors.	Daewoo Car Showroom 162-A/3, PECHS
2	CP # D-3447/93	S.M. Idrees & Ors. Vs. Razzak Motiwala & Ors.	206-A&B/2, PECHS
3	CP # D-3448/93	S.M. Idrees & Ors. Vs. Razzak Motiwala & Ors.	206-D&E/2, PECHS
4	CP # D-3461/93	Shehri: CBE & Another Vs. KBCA & Ors.	125-N/2, PECHS
5	CP # D-3501/93	Mahmood A.Haroon & Ors. Vs. KBCA & Ors.	Costa Livina ; ST-15/3, Clifton.
6	CP # D-646/94	Dr. Ahmed Hussain & Ors. Vs. Metro C.H.S. & Ors.	Khooni Jheel, Plot # SNPA-6, Block 3, Dr. Mahmood Hussain Road, DMCHS.
7	CP # D-699/94	Mst.Zubaida A.Hussain & Ors. Vs. KBCA & Ors.	45/3, C. P. & Berar CHS
8	CP # D-1214/94	Roland deSouza & Ors. Vs. KBCA & Ors.	GRE 289, Garden East
9	CP # D-1590/94	Ardeshir Cowasjee & Ors. Vs. KDA & Ors.	Park on Plot # ST-2/8 , Clifton.
10	CP # 125/95 (QUETTA HIGH COURT)	Begum Saida Qazi Isa & Ors. Vs. Quetta Municipal Corp. & Ors.	Earthquake/Building Codes (Khasra # 238/140-141/142 - 43, Zarghoon Road, Quetta)
11	CP # D-2220/95	Arshad Zuberi & Ors. Vs. Province of Sindh & Ors.	Metro Garden GRE 216, Garden East
12	CP # D-2313/95	Ahmed Ali & Ors. Vs. Province of Sindh & Ors.	GRE 327/1-A, Garden East
13	CP # D-2314/95	Wamiq Zuberi & Ors. Vs. Province of Sindh & Ors.	Asma Arcade GRE 217, Garden East
14	CP # D-2373/95	O. B. Nazareth & Ors. Vs. Province of Sindh & Ors.	Lakhani Towers GRE 258, Garden East
15	CP # D-2374/95	Zarmeena Dastur & Ors Vs. Province of Sindh & Ors.	GRE 394, Garden East
16	CP # D-269/96	Aslam Suleman & Ors. Vs. Province of Sindh & Ors.	JM 660, Jamshed Quarters
17	CP # D-270/96	S.N.H. Jaffery & Ors. Vs. Province of Sindh & Ors.	Madni Heights JM 190, Jamshed Qtrrs
18	CP # D-271/96	Akhtar Mirza & Ors. Vs. Govt. of Sindh & Ors.	Poonawala Heights JM 665, Jamshed Qtrrs
19	CP # D-1280/96	Ardeshir Cowasjee & Ors. Vs. Govt. of Sindh & Ors.	Glass Towers ; 2, FT-3, Frere Town Quarters.
20	CP # D-549/97	Justice (Retd.) Dorab Patel & Ors. Vs. KBCA & Ors.	Gem Homes ; 20/1, CL-6 , Civil Lines Qtrrs.
21	CP # D-550/97	Justice (Retd.) Dorab Patel & Ors. Vs. KBCA & Ors.	Parsa Heaven ; 12, CL-8 , Civil Lines Qtrrs.
22	CP # D-942/97	Ardeshir Cowasjee & Ors. Vs. Govt. of Sindh & Ors.	11 KTC Amenity Plots
23	CP # D-1256/97	Tassadduq Hussain Thaverani & Ors. Vs. KBCA & Ors.	JM 131 (131 & 134), Jamshed Quarters.
24	CP # D-1272/97	Mrs.Naushaba Khalil & Shehri: CBE Vs. KBCA & Ors.	A/26, KDA Scheme # 1 (Ext.)
25	CP # D-1278/97	Desmond Vaz & Ors. Vs. KBCA & Ors.	Nagori Building; SB 2/2, Bahadur-Yar-Jung Road, Soldier Bazar.



S.No	Case No.	Parties	Subject/Plot No.
26	CP # D-1279/97	Roland de'Souza & Ors. Vs. KBCA & Ors.	GRE 395/3 , Garden East
27	CP # D-1523/97	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	JM 459, Jamshed Quarters.
28	CP # D-1524/97	Ardeshir Cowasjee & Ors. Vs. CCB & Ors.	The Plaza ; G-7/ 9, Clifton.
29	CP # D-1836/97 - D-1850/97	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	15 buildings around Quaid's Mazar
30	CP # D-2295/97	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Four Square Shopping Mall 21-A/2, PECHS
31	CP # D-160/98	Darius Dastur & Ors. Vs. KBCA & Ors.	35 buildings around Quaid's Mazar
32	CP # D-294/98	Ardeshir Cowasjee & Ors. Vs. CCB & Ors.	Continental Trade Centre ;G-6/ 8, Clifton.
33	CP # D-500/98	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	A-4, Bath Island.
34	CP # D-103/99	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Fortune Towers 43-1-A/6, PECHS
35	CP # D-1635/99	Ardeshir Cowasjee & Ors. Vs. Defense Housing Authority & Ors.	"McDonald's" Restaurant on Clifton Beach
36	CP # D-627/00	Roland deSouza & Ors. Vs. KBCA & Ors.	26 Illegal Buildings on Sharah-e-Faisal
37	CP # D-1002/00	Shehri: CBE & Ors. Vs. Govt. of Sindh & Ors.	Daily "Ummat " & "Qaumi Akhbar "
38	CP # D-1571/00	Shehri: CBE & Ors. Vs. Province of Sindh & Ors.	16 SRTC Amenity Plots
39	CP # D-1986/00	Shehri: CBE & Ors. Vs. Federal Govt. of Pakistan & Ors.	Kirthar National Park
40	CP # D-179/01	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Saima Trade Towers 2A/SR-13, Serai Quarters.
41	CP # D-1490/01	Ardeshir Cowasjee & Ors. Vs. Province of Sindh & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.
42	CP # D-856/02	Ardeshir Cowasjee & Ors. Vs. Province of Sindh & Ors.	Sind Regulations & Control Ordinance No. VIII of 2002
43	CP # D-887/02	Shahid Hassan Naseem & Shehri Vs. Mrs. Zarina & Ors.	61-O/2, PECHS
44	CP # D-1100/02	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	World Trade Centre FL 10/5,Kh-e-Romi, Clifton.
45	CP # D-1598/02	Syed Mahmood Haider Naqvi & Ors. Vs. Aziz-ur-Rehman & Ors.	Clifton Court Apartment G-24, Block 8, Clifton.
46	CP # D-1857/02	Mst.Shahida Bano & Ors. Vs. Abdul Saeed & Ors.	Plot # E-2, M.A.M.C.H.S.,Ghazi Salahuddin Road.
47	CP # D-333/03	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Glass Towers ; 2, FT-3, Frere Town Quarters.
48	CP # D-391/03	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Serena Pride 14-1-A/6, PECHS
49	CP # D-514/03	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Business Centre 19-1-A/6, PECHS
50	CP # D-515/03	Shehri-CBE & Ors. Vs. CDGK & Ors.	Commercialization of 6 + 9 Roads
51	CP # D-1277/03	Shehri-CBE & Another Vs. SBOR & Ors.	Hawksbay Scheme KDA Scheme # 42-A
52	CP # D-1309/03	Karachi Play House Vs. KDA & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.
53	CP # D-1386/03	Shehri-CBE & Ors. Vs. Prov. of Sindh & Ors.	NBP Sports Complex ST-5 & ST-6, Block 4, Sch.5
54	CP # D-1410/03	Shehri-CBE & Ors. Vs. KBCA & Ors.	Violations of Town Planning
55	CP # D- 549/04	Roland deSouza & Ors. Vs. KBCA & Ors.	GRE 289, Garden East



S.No	Case No.	Parties	Subject/Plot No.
1	Suit # 341/96	Mohammad Dawood Vs. KBCA & KMC	45/3, C. P. & Berar CHS
2	Suit # 470/96	Mrs. Amina A. Sattar & Ors. Vs. Arif Kasbati & Ors.	Designer Mall 157-S/2, PECHS
3	Suit # 471/96	Mrs. Amina A. Sattar & Ors. Vs. S.M. Builder & Ors.	Al-Faisal Shopping Mall 171-A/3, PECHS
4	Suit # 826/96	Fazlur Rehman Vs. Younus Ali Gillani & Ors.	144-A/2, PECHS
5	Suit # 858/96 (Shehri as Amicus)	M/S Gharib Nawaz Construction Co. Ltd. Vs. KBCA & Ors.	Blessing Centre FL 1,Block 2, Sch.5,Clifton
6	Suit # 1158/96	Mohammad Asif & Ors. Vs. KBCA (Roland's CMA # 1640/97 pending)	Metro Garden GRE 216, Garden East
7	Suit # 892/97	Mst.Shahnaz Jawaid & Another Vs. KBCA(Shehri's CMA # 5457/97 pending)	JM 459, Jamshed Quarters.
8	Suit # 215/98	Haji Ghaffar & Ors. Vs. KDA & Ors. (Shehri's CMA # 9988/99 pending)	CC-8, Block 8, Clifton.
9	Suit # 1545/98	Zafar Ali Rana & Another Vs. KBCA & Shehri: CBE	83-F/2, PECHS
10	Suit # 1645/98	Sohail Vs. Prov. of Sindh & Ors.	Anum Livina 154-A/2, PECHS
11	Suit # 118/99	Hilaluddin & Ors. Vs. The Creators Builders & Ors.	Anum Livina 154-A/2, PECHS
12	Suit # 327/99	Mrs. Masooma Mahmoodi & Ors. Vs. KBCA & Ors.	Anum Livina 154-A/2, PECHS
13	Suit # 531/99	S. M. Ilyas & Ors. Vs. KBCA & Shehri: CBE	International Trade Centre 10/2/SR-2, Serai Qtrrs.
14	Suit # 1319/99	Kayani & Ors. Vs. K.M.C. & Ors.	Plot # ST-30, Block 2, KDA Sch. 5, Clifton.
15	Suit # 1655/99	Mohammad Rahim Sheikh Vs. Prov. of Sindh & Ors.	JM, 73 Muslimabad
16	Suit # 1793/99	Rafiq Parsa (Peace Developers) & Ors. Vs. KBCA & Ors.	A-4, Bath Island.
17	Suit # 1079/00	Mohammad Rahim Sheikh Vs. Prov. of Sindh & Ors.	JM, 73 Muslimabad
18	Suit # 123/01	K.P.T.Officers Cooperative Housing Society Vs. Govt. of Sindh & Ors.	130 Acres KPTOCHS land near Mail-Kolachi ByePass
19	Suit # 165/01	Multiline Estates Vs. Prov. of Sindh & Ors.	Saima Trade Towers 2A/SR-13, Serai Quarters.
20	Suit # 735/01	K.P.T.Officers Cooperative Housing Society Vs. Govt. of Sindh & Ors.	130 Acres KPTOCHS land near Mail-Kolachi ByePass
21	Suit # 1130/01	Mohammad Arif & Ors. Vs. Mrs. Raana S.N.H.Zaidi	Avicenna School 43/5/B, Block 6, PECHS
22	Suit # 1320/01	Karachi Play House Vs. KDA & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.
23	Suit # 958/02	Shehri-CBE & Ors. Vs. KBCA & Ors.	Raja Terrace 86-S/2, PECHS



S.No	Case No.	Parties	Subject/Plot No.
24	Suit # 1127/02	Karachi Stock Exchange & Ors. Vs. Mohammad Ashqeen & Ors.	Plot # 1, RY-3, Railway Quarters
25	Suit # 833/03	Shehri-CBE & Ors. Vs. KBCA & Ors.	Faisal Motors 76-S/2, PECHS
26	Suit # 1269/03	Mohammad Saleem Asar & Ors. Vs. Prov. of Sindh & Ors.	Amenity Plot # 7-L, Block 2, PECHS (Near Model School)
27	Suit # 1309/03	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	Serena Pride 14-1-A/6, PECHS
28	Suit # 16/04	Pakistan Fisherfolk Forum Vs. Assamina Maritime Ltd. & Ors.	M.V. Tasman Spirit at Karachi Harbour
29	Suit # /04	Ardeshir Cowasjee & Ors. Vs. KBCA & Ors.	G/5,28/1,PR-2/I-V-B-103, Preedy Quarters
30	Suit # 187/04	Trustees of the Port of Karachi Vs. Sec. Govt. of Sindh & Ors.	Plot # 7, Miscellaneous Area, Keamari
31	Suit # 283/04	KBCA Vs. Shehri-CBE, Dr. Syed Raza Ali Gardezi & Roland de Souza	Shehri: CBE
32	Suit # 728/04	Navaid Hussain & Ors. Vs. C.D.G.K. & Ors.	Datari Arcade (Cheelwali Kothi) 151-A/2, PECHS

S.No	Case No.	Parties	Subject/Plot No.
1	HCA # 29/99	Roland de Souza Vs. Mrs. Mariam Bai & Ors.	Glass Towers ; 2, FT-3, Frere Town Quarters.
2	HCA # 184/99	S.M. Builder & Ors. Vs. Mrs. Amina Sattar & Ors.	Al-Faisal Shopping Mall 171-A/3, PECHS
3	HCA # 313/00	Mohammad Rahim Sheikh Vs. Prov. of Sindh & Ors.	JM, 73 Muslimabad
4	HCA # 347/00	Shehri & Ors. Vs. Peace Developers & KBCA	Parsa Palace A-4, Bath Island
5	HCA # 244/01	The Creators Builders & Ors. Vs. Hilaluddin & Ors.	Anum Livina 154-A/2, PECHS
6	HCA # 245/01	The Creators Builders Vs. Mrs. Masooma Mahmoodi & Ors.	Anum Livina 154-A/2, PECHS
7	HCA # 246/01	Sohail Vs. Prov. of Sindh & Ors.	Anum Livina 154-A/2, PECHS
8	HCA # 264/02	Shehri-CBE & Ors. Vs. KBCA & Ors.	Raja Terrace 86-S/2, PECHS
9	HCA # 289/02	Dr. Syed Raza Ali Gardezi & Ors. Vs. Nazam Ali & Ors.	Nice Trade Orbit 44-A/6, PECHS
10	HCA # 291/02	Mohammad Rafiq & Ors. Vs. KBCA & Ors.	Parsa Palace A-4, Bath Island
11	HCA # 21/04	Karachi Play House Vs. CDGK & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.





**List of Cases with Shehri-CBE as an Intervenor**

S.No	Case No.	Parties	Subject/Plot No.
1.	CP # D-549/97	Justice (Retd.) Dorab Patel & Ors. Vs. KBCA & Ors.	Gem Homes ; 20/1, CL-6 , Civil Lines Qtrs.
2.	CP # D-550/97	Justice (Retd.) Dorab Patel & Ors. Vs. KBCA & Ors.	Parsa Heaven ; 12, CL-8 , Civil Lines Qtrs.
3.	CP # D-1309/03	Karachi Play House Vs. KDA & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.

S.No	Case No.	Parties	Subject/Plot No.
1	Suit # 341/96	Mohammad Dawood Vs. KBCA & KMC	45/3, C. P. & Berar CHS
2	Suit # 858/96 (Shehri as Amicus)	M/S Gharib Nawaz Construction Co. Ltd. Vs. KBCA & Ors.	Blessing Centre FL 1,Block 2, Sch.5,Clifton
3	Suit # 1545/98	Zafar Ali Rana & Another Vs. KBCA & Shehri: CBE	83-F/2, PECHS
4	Suit # 1645/98	Sohail Vs. Prov. of Sindh & Ors.	Anum Livina 154-A/2, PECHS
5	Suit # 118/99	Hilaluddin & Ors. Vs. The Creators Builders & Ors.	Anum Livina 154-A/2, PECHS
6	Suit # 327/99	Mrs. Masooma Mahmoodi & Ors. Vs. KBCA & Ors.	Anum Livina 154-A/2, PECHS
7	Suit # 531/99	S. M. Ilyas & Ors. Vs. KBCA & Shehri: CBE	International Trade Centre 10/2/SR-2, Serai Qtrs.
8	Suit # 1655/99	Mohammad Rahim Sheikh Vs. Prov. of Sindh & Ors.	JM, 73 Muslimabad
9	Suit # 1793/99	Rafiq Parsa (Peace Developers) & Ors. Vs. KBCA & Ors.	Parsa Palace A-4, Bath Island
10	Suit # 1079/00	Mohammad Rahim Sheikh Vs.Prov. of Sindh & Ors.	JM, 73 Muslimabad
11	Suit # 123/01	K.P.T.Officers Cooperative Housing Society Vs. Govt. of Sindh & Ors.	130 Acres KPTOCHS land near Mail-Kolachi ByePass
12	Suit # 165/01	Multiline Estates Vs. Prov. of Sindh & Ors.	Saima Trade Towers 2A/SR-13, Serai Quarters.
13	Suit # 735/01	K.P.T.Officers Cooperative Housing Society Vs. Govt. of Sindh & Ors.	130 Acres KPTOCHS land near Mail-Kolachi ByePass
14	Suit # 1320/01	Karachi Play House Vs. KDA & Ors.	Karachi Play House ST H-1/A, Block 8, Clifton.
15	Suit # 1127/02	Karachi Stock Exchange & Ors. Vs. Mohammad Ashqeen & Ors.	Plot # 1, RY-3, Railway Quarters



## GOOD GOVERNANCE – RE-NOTIFICATION OF THE KBCA OVERSEE COMMITTEE

*In a landmark public advocacy effort, Shehri plays a leading role in the re-notification of a public oversight body in the Karachi Building Control Authority (KBCA) so that the citizens can play their due role in ensuring transparency in government functions and the rule of law. The Oversight body can provide a model for informed participatory citizen input thus contributing to ensuring good governance*

The Karachi Building Control Authority (KBCA) 'Oversee Committee' was re-notified for another term despite strong resistance offered by vested interest groups. Shehri-CBE played a pivotal role in both initiating and sustaining this effort aimed at bringing about transparency and the rule of law within KBCA. This process of citizen participation and public private interaction offers a model and a guideline for much needed similar initiatives in other civic bodies to ensure good governance.

Shehri and other committed citizens of the city kept up with their demands for the re-notification of the 'Oversee Committee' and as a result, not only has the 'Oversee Committee' was re-notified but its powers and functions were also enhanced.

During its first stint, the members of the 'Oversee Committee' were criticized for not being able to follow up on most of their recommendations whose proper implementation was often not achieved. To tackle this problem, a 'Secretariat' of the 'Oversee Committee' has now been set up. The responsibilities of the 'Secretariat' include coordination of the committee activities and ensuring that the decisions of the committee are properly followed up. Mr. Zaid-ul-Wasti Controller of Buildings, KBCA was appointed as the Secretary of the 'Oversee Committee Secretariat', while a nominee of Shehri-CBE, Mr. Sarwar Khalid was acting as the 'Oversee Committee Secretariat Coordinator'.

In the 'Oversee Committee' itself, Shehri-CBE is directly represented by its member, Mr. Roland deSouza, while the Chairperson of Shehri-CBE, Mr. Qazi Faez Isa is represented in the 'Committee' in his capacity as a noted legal expert of the city.



*Strict monitoring of illegal constructions required*



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It has been part of Shehri-CBE's agenda to empower the citizens by providing them information about the laws, rules and regulations which govern our civic bodies and facilitate their interaction with government agencies so that transparency is ensured. It is felt that this process has also resulted in improving the capacity of government officials to bring about positive changes in the system.



## SHEHRI CASES: TAKING THE CITIZENS INTERESTS TO THE COURTS

*Following are highlighted some landmark cases where either took part as a direct party to the case or as an interested party and helped set some important precedents for the protection of public interest and the urban environment*

### ▪ The Costa Livina Case

(Ardeshir Cowasjee and others versus Karachi Building Control Authority)

*Civil Appeal No.1888 of 1996*

**Brief Facts:** A building known as “Costa Lavina” was being constructed on Bagh-e-Ibne Qasim, Clifton, facing Arabian Sea, on a site which was earmarked for a revolving restaurant but which was got converted for a flat site for a 15 storey building. This conversion of land use was assailed by public-spirited citizens who filed a constitutional petition in the High Court. The matter went up in appeal to the Supreme Court and it was decided by a bench comprising five honorable judges. The judgment was authored by the Chief Justice of Pakistan. Some important precedents set by the Court are discussed as follows:



*Ardeshir Cowasjee: A tireless citizen rights campaigner*

**Conversion of designated land use can only be done by following the prescribed procedure.**

This can only be done by inviting public objections, considering the same, hearing necessary persons and in the light of the same submitting recommendations to the Government. The Supreme Court stated that:

“Clause 4 of Article 40 of the Order (Karachi Development Authority Order, 1957) provides that if any person desires to use any land for any purpose other than that laid down in the Zonal Plan Scheme notified under clause (3), he may apply to the Authority (Karachi Development Authority) for permission to do so and the Authority may order a public hearing and give notice to all persons it deems affected.”

“On receipt of an application under ... the Commissioner shall invite objections from the



general public through a notice published in English and one in vernacular leading daily newspapers and the objections, if any, shall be submitted to the Commissioner within 30 days from the date of the publication of the notice”. Thereafter, the Commissioner is required to “forward his recommendation along with the application and other connected papers to Government for Orders”.

The Supreme Court held that change of land use is prohibited unless the prescribed procedure is followed.

One notes that the public objections for conversion are being placed by the owner which is not in accordance with law and this judgment of the Supreme Court.

Moreover, it is noted that no “justification”, let alone the prescribed “full justification” are provided seeking the conversion. Clause 4-B of Schedule-D of the Karachi Building And Town Regulations Part-II mentions that among the other things which need examination include “the planning of the area, commercial facilities in the vicinity, road width, traffic flow and other relevant factors”, In addition the stipulated concerned authority and the Master Plan Environmental Control Department has to be consulted by the Commissioner before submitting its recommendations. The approval of the concerned authority and the Master Plan Environmental Control are mandatory (clause 4-A).

#### **Private parties can approach the court for enforcing building laws:**

The appeal was filed by the private parties. The question arose whether they had locus standi (standing) to file the appeal? The Supreme Court held:

In our view, because of the location of the park as highlighted hereinabove even a resident of a distant area like Lyari Quarters could have filed the above Constitution Petition. In this regard, reference may be made to para 15 of the Judgment in the case of Mst. Sardar Begum Farouqi and 6 others Vs. Rashid Khaton and 2 others (1990 C.L.C. 83 relevant at page 91) rendered by a Division Bench of the High Court of Sindh to which one of us (Ajmal Mian, CJ) was a party and author of the judgment, which reads as follows:

Apparently the instant case falls within the category of public litigation as the public at large is interested to ensure that the construction are not raised in violation of the building bye-laws and the Ordinance by misusing a status quo order of a court. The intervention by this Court will discourage the aforesaid illegal practice obtaining in Karachi.

#### **If any person/s is deprived form using any amenity plot (in this case a park) it could be constructed to be deprivation of a Constitution Fundamental Right:**

In our view, the appellants have the right to use the Park with all amenities as was envisaged under the approved KDA Scheme No.5. The use of the Park involves enjoyment of life which is covered by the word ‘life’ employed in Article 9 of the Constitution as interpreted by this Court in the above-quoted extract from the Judgment in the case of Ms. Shehla Zia Versus



WAPDA (PLD 1994 Supreme Court 693). The appellants, therefore, have the right to ensure that the official respondents do not grant approval of plan in respect of the Plot which may be violative of the provision of the Order and the Regulations and which may impinge on their right of enjoyment of life”.

**Legal plea, by way of defence, cannot be raised by one who has not acted honestly:**

“However, it managed and maneuvered approval of the plan not through the proper channel but because of the influence of then Chief Minister. In the above factual background, it is not open to respondents No.5 to raise the plea of laches or acquiescence. The above plea is only available to a respondent who acts bonafide under the belief that what he is doing is legal and proper and the same cannot be invoked in aid by a respondent who knew from the very inception that he was doing was on account of his own manipulation contrary to law.

**Third Party rights cannot be created if the law is being broken:**

In the present case the proposed building has not been completed but some construction work has been carried out despite protest of the public. Thirdly, the major part of the above portion of the proposed building has been constructed after the filing of the constitution petition and, therefore, the doctrine of “lis pendens” is applicable to the case I hand i.e. that the third party will be bound by the result of the litigation. In this regard reference may be made to the following cases:

- (i) Kamran Elahi versus The Settlement & Rehabilitation Commissioner (Lands) (1976 SCMR 143)

In which during the pendency of the litigation in respect of evacuee land the same was transferred to another person. Eventually the transferred laws was canceled and it was held that the petition in that case having purchased the land during pendency of the writ by the respondent was hit by the doctrine of lis pendens and was bound by ultimate outcome of decision.

- (ii) Aman Enterprises versus Rahim Industries Pakistan Ltd (PLD 1993 SC 292)

In the above case, this Court while setting aside the High Court Judgment declining the relief of specific performance on the ground that the suit property was sold to a thirty party, held that rule of lis pendens was fully applicable to the subsequent vendee as, if he had made inquiries from the establishment to which property in question originally belonged and with whose approval it could have been sold he would have come to know that agreement of sale existed between appellant/first-vendee and the respondent-vendor and thus the appellant/first vendee was entitled to a decree for specific performance of the agreement to sale.

The above reports are fully applicable to the present case. The third parties may have cause of action against respondent No.5, but they cannot defeat the right of the public-at-large.



### **Regularization cannot be done contrary to the Regulations:**

In the case of Abdul Razzak, this Court has held that the power to regularize is intended and designed to be exercised when irregularity of the nature which does not change the complexion or character of the original proposed construction not it adversely affects third parties' right/interests. It has been further held that the paramount object of modern city planning seems to be to ensure maximum comforts for the residents of the city by providing maximum facilities and that a public functionary entrusted with the work to achieve the above objective cannot act in a manner, which may defeat the above objective. It has been further held that deviation form the planned scheme will naturally result in discomfort and inconvenience to others. It has also been held that framing of a housing scheme does not mean simpliciter, leveling of land and carving out of plots, but it also involves working out approximate requirement of water, electricity, gas, sewerage lines, streets and roads etc. and if a housing scheme is framed on the assumption that it will have residential units 1+1 but factually the allottees of the plot are allowed to raise multi-storeyd building having flats, the above public utility services will fall short of requirements, with the result that everyone living in the aforesaid scheme will suffer. It has also been held that to reduce the miseries of most of the Karachiites, it is imperative on the public functionaries like the Authority to ensure adherence to the Regulations.

### **A housing or other scheme cannot be altered:**

Once a scheme is framed, no alterations can be done. Alterations in a scheme can be made for the good of the people at large, but not for the benefit of an individual for favoring him at the cost of other people.

The power to regularize ... is intended and designed to be exercised when irregularity is of the nature which does not change the complexion or character of the originally proposed construction. The Government or the Authority under the Ordinance does not enjoy unbridled or unfettered power to compound each and every breach of the Regulations. The Regulations should be applied for the benefit of the public and not for favoring an individual. Simpliciter the factum, that on account of tremendous increase in the population in Karachi the situation demands raising of high-rise buildings, will not justify the conversion of residential plots originally intended to be used for building ground-plus-one and allowing the raising of high-rise buildings thereon without providing for required water, electricity, gas, sewerage lines, streets and roads etc.



### ▪ **The Glass Towers Case**

**(M/s. Excell Builders & others versus Ardeshir Cowasjee & others)**

*Civil Appeal No.756 of 1998*

**(Ardeshir Cowasjee and others versus Government of Sindh and others)**

*Civil Appeal No.757 of 1998*

**Brief Facts:** On the Clifton Road in Karachi a building known as the Glass Towers was being constructed in violation of building laws. Once such violation was the fact that it was being built beyond the stipulated cut-line. The cut-line is a line shown on the map of the plot beyond which no construction can take place. The object of marking the maps in this manner is to retain the possibility of widening major roads. The Karachi Building and Town Planning Regulations stat that: The purpose of the road widening of major roads is to relieve traffic congestion on the existing roads, promote traffic safety on streets, convenience of pedestrians, general convenience and welfare of residential, commercial, industrial developments and to widen the roads in order to cater for the increased vehicular traffic.

The Supreme Court directed that the petition of the Glass Towers building which was constructed beyond the cut-line should be demolished, despite the fact that the builders during the pendency of the litigation had completed the building.

The judgment in this was delivered by the Supreme Court together with the judgment in the Costa Lavina case. The main legal principles are laid down in the Costa Lavina case which is referred to in his judgment. However, this case is nonetheless important and lays down certain important legal principles. The most important of which is that the stipulated cut-line must be strictly enforced.

#### **KBCA's statutory duty and building line (cut line):**

“KBCA which is the authority competent under the Ordinance to grant approval of a building and, therefore, KBCA is under statutory obligation to provide setback or outline or building line of a proposed building as per Regulations while according approval to its plan.

KBAC has the power to provide setback or building line while approving a building plan.

#### **Building Regulations cannot be violated even though not enforced earlier:**

The factum that earlier the above Regulation was overlooked or breached would not justify the repetition of the violation of the same.

**Despite conversion of designated land use, from residential to commercial, certain important factors have to be taken account of:**

The fact that the conversion of a residential plot on a main road into a commercial plot is





warranted on account of the change in the situation would not justify the violation of any provision of any law or building bye-laws or regulations, not it would warrant grant of permission for a high-rise building having 17/18 floors. The Government, or the Authority concerned is under obligation to decide the question of number of floors keeping in view the extent of availability of utility services like water, electricity, gas, sewerage lines, streets and roads in the locality involved and the permission for construction of a proposed building should be minimum floors, which may cause minimum inconvenience and discomfort to the residents of the locality”. Accordingly, even in respect of commercial plots building plans have to be approved after due consideration of:

- adequate availability of water
- adequate availability of electricity
- adequate availability of gas
- adequate availability of sewerage lines
- adequate streets and roads in the locality involved.
- keeping in view the locality the number of floors that should be permitted to be raised should be prescribed.
- the proposed building should cause minimum inconvenience and discomfort to the residents of the locality.

### ▪ The Doongi Park Case

Doongi Ground Park, located in the heart of Gulberg – II on M.M Alam Road, Lahore is the only park spread over almost 5 to 6 acres of land that is also a full fledged playground/field used by residents of the entire Gulberg for sports and healthy outdoor activity. Due to its central location it caters to the entire population of Gulberg (almost 600,000 people). One fine day, this park was cordoned off with six feet high steel sheets and for a long time the residents were under the understanding that the park is being renovated. Upon inquiry it transpired that an elite shopping/entertainment mall with the primary attraction of CINEPLEX (cinema) was being set up in collaboration with some foreign company by the name of IMAX.

A writ petition was filed immediately after the information was received by the residents (joined by Shehri at a later date). The residents petitioned that the public park was being illegally converted into a shopping mall and a cinema house by the illegal transfer of the public park to the respondent company by Lahore Development Authority (LDA). The Honorable Lahore High Court was pleased to grant interim stay. However, the respondents filed impugned Inter Court Appeal against the interim order. The learned Division Bench admitted the petition and went ahead to suspend the interim order. The petitioners were aggrieved of this order dated 9-3-2006 and the subsequent fixation of the writ petition before the larger bench which did not comprise the author judge. The matter went to the Supreme Court that on Monday, August 7, 2006, stopped the provincial government and the Punjab Entertainment Company from carrying out the civil work. The apex court issued the order accepting a petition for leave to appeal filed by Shehri-CBE, Ardeshir Cowasjee and 11 residents of the area through Advocate Syed Mansoor Ali Shah (2006).



### ▪ **The Shikarpuri Cloth Market Case**

Shikarpuri Cloth Market, M.A Jinnah Road, Karachi, constructed in 1934, had been declared a protected heritage under the Sindh Cultural Heritage (Preservation) Act 1994. Despite the fact that under the Act, anybody found damaging, removing and/or altering the protected heritage shall be punishable, the owner demolished some wooden structures. The tenants assisted by Shehri-CBE went court and relief was obtained (2006).

### ▪ **The Usmania Park Case**

The Defence Housing Authority wanted to convert a stretch of beach adjacent to the McDonald restaurant in Clifton into Shopping Mall. Shehri-CBE went to court and a stay has been obtained (2006).

### ▪ **Protecting the sanctity of the Quaid's Mausoleum**

A number of cases (JM-72, Muslimabad, CP 1836-1850/95, CP D-160/98, CP 125/95) were filed to prevent construction of structures within the zone around the Quaid's mausoleum where construction had been prohibited by law and the illegal construction was stopped.

### ▪ **KTC Amenity Plot Case**

Cases were filed (CP D-942/97, 1571/00) to prevent the illegal auctioning of the Karachi Transport Corporation (KTC) parking plots and the courts granted relief.



## FIGHTING INTOLERANCE – SHEHRI IN THE LINE OF FIRE

*Shehri has never been afraid to take the hard road. Standing up against the forces of religious, ethnic intolerance and the urban mafias has not been easy and Shehri has valiantly stood the trail – their crime “Working for a Better Environment”.*

A fundamental teaching of Islam is the propagation of goodness and protestation, against inequity and injustice in society. However, in a society where injustice is way of life and as a result the rule of law is conspicuous by its absence, it is often a tortuous and hazardous route to follow. Pakistan is a case in point. Those willing to risk upsetting the apple cart (the precious status quo) are subjected to various forms of harassment, ranging from physical abuse to public ridicule. Vested interest groups belonging to various sectors of the society, through years of practice and hard work have become most efficient in the art of throttling the faint yet persistent voice of a minute section of our civil society, brave enough to stand up for their rights and liberties. Shehri-Citizens for a Better Environment has over the years also stood this trial – their crime “Working for a Better Environment”.

In 1997, the founding Chairperson of Shehri, Navaid Husain was shot in his office by a lone gunman. Miraculously, he survived this deadly attack to keep up his struggle against the various mafia’s dotting the city landscape. Then in 1998, through public demonstration and use of media, a group of claiming to be the crusaders of Islam accused Shehri of protesting against the construction of two mosques in the city. The obvious inference being that Shehri is a Jewish organization (American and CIA influence an understood fact!) being patronized by non-muslim agents of hell. The classic time tested made in Pakistan conspiracy scenario, guaranteed to succeed. The only ingredient missing was the RAW element!

A very basic level of investigation into the accusation against Shehri proved the ridiculously apparent falsehood of the claim. A fake letter head of Shehri with forged signature of one its member was produced as a proof of the said claim. Later, the Karachi Building Authority (KBCA) itself denied receiving any such letter from Shehri. A local Urdu newspaper in which this false accusation was first carried, later on printed the denial of both Shehri and KBCA.

The ridiculous claim and the flimsy, false and fabricated nature of the evidence, was however not hidden from the actual perpetrators of this malicious campaign. They took refuge in the one issue capable of whipping up public emotions-religion. Shehri was accused of



harboring non-muslim agents having Jewish and American connections and calls were made to bring out a “Fatwa” for their death.

However, all these attempts met with failure as the public could distinguish between the works of an organization actively and publicly engaged in the welfare of the common men since the last ten years as against an organization which apparently did not even exist anywhere other than on the banners on the streets. To quote an article appearing in the News (September 27, 1998) “seemingly no traces of the said organization exists as all efforts to get IJI’s version failed to bear fruit” unquote.



## PROTECTING PUBLIC INTEREST – THE 'SAVE GUTTER BAGHICHA CAMPAIGN'

**P**re-independence Trans-Lyari Quarter boasts a large tract of open green forest space measuring 1,017 acres: this is Gutter Baghicha Plot No. K-28/108. Gutter Baghicha forms the lungs of old Karachi – the largest continuous open green space in this city of 13 million people. Located in SITE Town along the Manghopir Road, the most densely populated part of Karachi, Gutter Baghicha is a public amenity space. The story of Gutter Baghicha is a story of greed, connivance and land grabbing by some citizens and officials of this city, and a story of apathy and indifference by the rest of us who call this city our home. In the past three decades, Gutter Baghicha has become less and less of a 'baghicha' and more and more of a 'gutter'. Shehri-CBE has for the past 15 years led a determined struggle to save this public and social asset of the city and it is a struggle that goes on.

Established by the Karachi Municipal Committee, its surrounding area was transferred KMC by the British Crown free of cost. A map of 1892 shows that Plot No. K-28/108 is 113 years old i.e. circa 1877. The Karachi Hand Book (1913) describes Gutter Baghicha as "... an oasis in the desert and a paradise of insects, birds and naturalists" where cereals, vegetables, fruit and fodder are cultivated. Records of a primary Sindhi School for the year 1923 in Old Golimar show the names of children of the farm workers from Gutter Baghicha. At the time of Partition, the 'Baghicha', was referred to as 'the largest urban forest in Karachi'. Apart from the cultivated area, there were also large tracts of natural vegetation. Old inhabitants speak of deer roaming freely and of an abundance of flora and fauna. After partition, the influx of refugees from India settled in old Golimar and the first encroachment on Gutter Baghicha begins. Katchi abadis like Asif Colony, Zubair Colony, Hasrat Mohani Colony, Wilayat abad are established illegally over the next fifty years, on approximately 25% of the amenity space. In 1957, the Chief Commissioner Karachi under Notification No. 6/14/56-LSG dated 24th Jan 1957 refuses more land for the katchi-abadis of Asif Colony 1&2, Hasrat Mohany Colony, but this does not stop the encroachment. In 1983, Mayor Abdul Sattar Afghani proposes to establish a Sports Village in Gutter Baghicha and fixes a grant for this purpose in the KMC budget. No Sports Village is ever



**Top:** Shehri members discussing options and strategies with the SITE Town Nazim, Amir Nawab.

**Bottom:** Gutter Baghicha: In search of lost glory





**Top:** Rallying the political voices: Shehri organizes an all parties conference

**Bottom:** Nisar Baloch of the NGO Alliance: joining hands with Shehri to save the park

built. In fact , in the same year, by its Resolution No.907, passed under Clause (1) of para 3 of the Martial Law Order No.183, KMC regularizes the illegal katachi-abadis of Hasrat Mohany, Willayatbad Colony 1&2, Yasin Zubari Colony and Asif Colony off Manghopir Road. KMC records for the year 1993 show that municipality generates revenue of Rs. 2,460, 500 per anum from Gutter Baghicha. Then comes the major scam when in the year 1993, KMC Officers Cooperative Housing Society (KMC-OCHS) applies for 200 acres of Gutter Baghicha land for housing for their officer's colony (list of promoters of the illegal scheme includes Government of Sindh officials and private builders). The then Minister Local Government (Sindh) approves the proposal in principle to carve out 200 acres of allegedly "waste KMC Land at Sewage Farm, Manghopir Road" for housing purposes for KMC-OCHS @ Rs. 10 sq. yd (occupancy value) and @ 15/ sq. yd (development charges). These throw-away rates violate Rule 15 of Sindh People's Local Councils (Land) Rules 1975. KMC Council Resolution # 82 approves land lease (without auction procedure) in Gutter Baghicha to KMC-OCHS for 99 years for residential purposes. This is a violation of Section 45 of SLGO 1979. On a summary seeking approval of the Chief Minister, the Chief Secretary Syed Sardar Ahmed opines, "...it would be unfair to convert the open park/farm into housing society. May be regretted." This summary never reaches the Chief Minister Syed Muzaffar Hussain Shah. KMC advertises auction of industrial plots in Gutter Baghicha @ Rs. 1000/sq. yd reserved price. Without mentioning previous unfavorable remarks, fresh summary is floated to Chief

Minister Syed Muzaffar Hussain Shah (whose government is dismissed after 3 days), by-passing Chief Secretary Syed Sardar Ahmed by the Local Government department which amounts to "cheating and concealing of facts". On July 25, 1993 the Government of Sindh accords approval u/s 45(5) (i) of SLGO 1979 to KMC Council Resolution # 82 dated 1182 11-03-93. Lease deed for 200 acres executed without receiving full payment (Rs. 11 million still outstanding to date).

On August 23, 1993, Shehri-CBE files Human Rights Case No 6-K/93 under Article 184(3) of the Constitution in the Supreme Court against conversion of Gutter Baghicha amenity land to industrial, residential and commercial use, challenging consequential deterioration in the environment. Justice Saleem Akhtar of the Supreme Court of Pakistan orders KMC to stop sale or transfer of leasehold rights through auction. Five local/community based NGOs from around the Gutter Baghicha area become interveners in HR Case 6-K/93 filed in the Supreme Court by Shehri-CBE. Sindh EPA recommends to the Supreme Court that a public park be established on the Gutter Baghicha plot. Supreme Court restrains KMC or any other transferee from transferring or selling any part of Gutter Baghicha land. The Government of Sindh is also restrained from granting approval to the illegal KMC Resolution. Prime Minister Benazir Bhutto



orders KMC to cancel illegal allotment of 200 acres to KMC-OCHS, and directs Administrator KMC, Fahim-uz-Zaman, to withdraw earlier order: Gutter Baghicha land should be used for its recreation purpose as a park. However, 415 sub-leases are issued by KMC-OCHS in violation of Supreme Court stay order, and in violation of orders of Secretary Local Government and Chief Secretary Sindh, Syed Sardar Ahmed. In 1998, Shafi Ansari, ADL (Leases) KMC, mutates Plot # PPS-12, Sheet K-28, Trans-Lyari Quarters, Manghopir Road in favor of Abdul Haseeb Khan. This shell petrol-pump plot is located on 100-foot road at the main gate to Gutter Baghicha. KDA Master Plan & Environmental Control Dept directs KBCA to have construction stopped: This does not happen. Instead, members of KMC-OCHS try to obtain bank loans against illegal sub-lease. Local residents protest to State Bank. The bank stops loans. FIR # 33/2000 is registered by Anti-Corruption Establishment u/s 218/34 PPC r/w Section 5(2) of Act-II, 1947 against 18 SITE and KMC officials for illegal allotments to private factory owners of 8.3 acres of Gutter Baghicha amenity land. Barrister M. Naim-ur-Rehman sends legal notices to KMC, SITE, KWSB and Pakistan Rangers about their attempts to establish water hydrants in Gutter Baghicha. In the year 2001, City Nazim, Naimatullah Khan, at a Shehri-CBE seminar strongly proclaims that Gutter Baghicha will become a “model modern park so that the people of the vicinity can have an open space for healthy activities” Nazim CDGK, Naimatullah Khan, during a visit to Gutter Baghicha, notices water pipe-line being laid through Gutter Baghicha for SITE, and writes to SHO Pak Colony to have this illegal activity stopped.

While all the court judgements, government directives keep coming thick and fast, nothing happens on ground. Then on May 28, 2002, none other than General Pervaiz Musharraf, at the Quaid’s Mazar public meeting, promises to “restore the glory of Karachi”. He commits that Gutter Baghicha will become a garden. CDGK budget allocates Rs. 10 lacs for the development of Gutter Baghicha. Shehri-CBE and community NGO representatives meet City Nazim, Naimatullah Khan, to offer their help with the development of the Gutter Baghicha Park. Shehri-CBE organizes a series of seminars and public gatherings on “Save Gutter Baghicha” and EDO (Law), Manzoor Ahmed, approaches Shehri about CDGK’s intent to resolve all outstanding issues, and Shehri gives him a draft of 13 points that the government must submit as an undertaking to the Supreme Court. Supreme Court of Pakistan disposes off Human Rights 6-K/1994 case on the undertaking that CDGK is reaching understanding with citizens and NGOs, and directs CDGK to submit compliance report within three months. However, on ground it is a different story. 50 acres of land in Gutter Baghicha is encroached upon by local Nazim, Talib Brohi of UC-2, Jehanabad, SITE Town [Gutter Baghicha has now come within the jurisdiction of SITE Town, UC-1,2,3,4]. Shehri writes to remind Secretary, Local Government, to implement the decision of ACC - 1 for cancellation of unlawful KMC-OCHS allotment. Barrister Naim-ur-Rehman reminds the then District Coordination Officer, Mir Hussain Ali and Director General, Sindh EPA, about submission of compliance report to the Supreme Court. Shehri and area NGOs meet City Nazim, Naimatullah Khan, regarding KMC Sewerage Farm - Auction of Industrial Plots - Human Rights Case and its disposal by the Supreme Court. Journalists visit Gutter Baghicha at the invitation of Shehri-CBE. Shehri-CBE organizes an All Party Conference to save Gutter Baghicha. Nazim, UC-2, Haji Sher Mohammad Baloch meets Nazim, CDGK and is informed that all land allotments in Gutter Baghicha are illegal and unlawful. Nazim promises a National Modern Park on 480 acres land.

On September 2, 2003, the then Prime Minister, Mir Zafarullah Khan Jamali, directed



Sindh Chief Secretary to take immediate steps for the establishment of a public park at Gutter Baghicha. No more has been heard of the immediate steps since.....and Shehri along with its citizen partners, most notably, the selfless and fearless citizen campaigner, Nisar Baloch of the NGO Alliance keeps the hope alive and the candle burning.





# COMMUNITY POLICING - BUILDING TRUST AND COOPERATION

*Shehri in collaboration with the management of the Jamshed Town Police Station and the local residents initiates a 'Community Policing' project that aims to build trust between the community and the institution of local police through joint projects and programs and to build capacity within the local police on matters such as human rights, gender for improved law enforcement*

The institution of police has not received the level of government priority in terms of funding for institutional infrastructure, technology and human resource development as merited by an institution of such critical importance. Politically motivated appointments/transfers of staff have adversely affected the performance and damaged the credibility of the institution in the eyes of the public. Over the years the institution has been used by the governments in power for political victimization of their opponents. This has also served to erode the image of the institution. All these factors have combined to severely limit the potential of the police to effectively tackle the rising crime graph in the country that includes human rights violations against the vulnerable sectors of the society such as women, children and minorities.

The present government is however, making serious efforts to redress the situation. The Police Order 2002 aims at making the police service oriented and accountable to the public. Its purpose is to ensure that police is more efficient and respects human rights and dignity of the citizens. Since promulgation of the Police Order 2002, stakeholders have been urged to participate by voicing their opinions, criticisms and by initiating projects that help in achieving the objectives enshrined in the Police Order 2002. It is therefore felt that the time is opportune to initiate and implement projects from within the civil



**Top:** Public information on the procedure for reporting a crime

**Bottom:** Building trust with the local police



society that contribute in strengthening the ongoing process of police reforms initiated by the government. Since issues related with human rights strike at the very core of the citizen interaction with the police, this specific sector has been targeted for reform by Shehri-Citizens for a Better Environment.

## The Formation

On 12th August 2003, a get together was held at Ferozabad Police Station, Karachi to formally establish a 'Community Policing Program' with the citizens living within the territorial jurisdiction of Ferozabad Police Station.



At this get together, the D.I.G. (Operations), Mr. Tariq Jameel, the Town Police Officer (TPO) Jamshed Town, Mr. Fayyaz Qureshi, the Assistant Superintendent Police (ASP) Ferozabad, Mr. Shahzad Waheed and the Station House Officer (SHO) Mr. Mohammad Inam Khan, along with other senior police officials of Ferozabad Police Station were present. Shehri-CBE was represented by Mr. Roland deSouza, Chairperson Shehri-CBE, Mrs. Amber Alibhai, General Secretary, Shehri-CBE, Mr. Rizwan Abdullah (Treasurer, Shehri-CBE), Mr. Khatib Ahmed (Member Shehri-CBE) along with other civic minded citizens of the area and their families.



**Top:** Working out strategies for improved policing

**Bottom:** The Community Policing Committee sets camp for the help of earthquake victims

This get together was hosted by Shehri-CBE with the aim of engaging and facilitating citizens of the city and government institutions of public service in a meaningful dialogue, debated and cooperation on issues such as efficient delivery of public services, transparent governance and the rule of law. Mr. Khatib Ahmed gave a brief background of the aims and objectives of this get together and why it was so necessary to the citizens and the police to communicate with each other in an environment based upon mutual trust and respect. Mr. Muhammad Inam Khan, (SHO Ferozabad Police Station) gave a brief about the working and structure of his police station.

Mr. Tariq Jameel (D.I.G. Operations) was very grateful to the citizens and Shehri for holding this kind of get together, the first of its kind in a police station where women and children were also present. He said that this kind of event would help to

create a human face of the police force. He gave his unfettered cooperation and that of his officers to the citizens. He also invited that the citizens could come and sit in the police station anytime of the day and night to observe the police at work.

Mr. Saleem Farooqui of the Delhi Mercantile Society appreciated the Police Station management and promised further cooperation with them. Another resident formally offered a Police Mobile along with mobile phone with all expenses paid to the Police Station.



Mrs. Amber Alibhai of Shehri told the citizens that a most important responsibility as sovereign citizens was to stand behind the police and provide them moral support so that the rule of law could be established. The area residents appreciated the efforts made by Shehri to open the working of the police station.

The DIG later invited all the citizens present for a tour of the Police Station which was extremely exciting for the children and women.

Mr. Roland deSouza, Chairperson, Shehri-CBE thanked the citizens and the personnel of the Ferozabad Police Station for their hard work in making this get together successful.



*Learning and exchange of ideas*

## **Aims and Objectives**

The following 'Resolution' was passed on the occasion of the launching of the 'Committee' that lists its main aims and objectives.

- To invoke amongst the citizens a sense of responsibility as sovereign citizens of the state and recognize their social responsibility that comes with sovereignty.
- To establish within the police and the citizens the spirit of cooperation and friendship and through this friendship remove from the minds and hearts of the people the fear of police and the police station.
- To establish respect between the residents and the police and through this mutual respect uphold the rule of law so that the life, property and the fundamental rights of the citizens are safeguarded.
- To establish a permanent liaison between the police and the citizens so that a permanent relationship based upon respect, trust, and transparency is built.

The Terms and Reference of the Committee are as follows:

1. To spread awareness among the citizens of their responsibilities, duties, rights as owners.
2. To build trust between area police and residents and to create a friendly environment and remove misunderstanding between citizens and police.
3. To encourage mutual respect between police and area residents for better enforcement of law.
4. To develop institutions to build friendly working relationship between the area police and residents



## The Committee at Work

The 'Community Policing Committee' and the area police jointly established a 'Camp' at Police Chowki Liberty, Tariq Road from 15th of Ramadan, 2003, till Chand Raat, manned by the area residents, area police and traffic police. The sole object of the camp was to ease the pressure on the police in attending public complaints during these peak days of shopping, so police could concentrate on the duty of law enforcement.

The SDPO Ferozabad, A.S.P. Shehzad Waheed personally took the initiative by arranging and installing surveillance cameras at strategic points at Tariq Road, with control room at Police Chowki Liberty, Tariq Road which he monitored personally, with a result that two thieves were caught red handed while stealing from a car parked in a narrow lane at a distance from the Police Chowki.

The 'Community Policing Committee' established a 'Community Policing Help Desk' at Ferozabad Police Station on December 19, 2003 and the Help Desk is being manned by Shehri Member Sheikh Rizwan Abdullah, almost daily during different hours of the day along with other volunteers. The 'Community Policing Committee', established a camp for collecting food and clothing items in the aftermath of the October 2005 earthquake. In addition a number of capacity building and training workshops have been arranged by Shehri-CBE for the local police on subjects such as human rights and gender sensitization for improved policing.



# NATURE CONSERVATION - HELPING THE TURTLES SURVIVE

*Shehri links issues of land use management with the conservation of a sensitive ecological habitat – the Green Turtle nesting beaches in Sandspit/Hawksbay - in a project breaks new ground in nature conservation and habitat management in Pakistan. Farhan Anwar highlights the salient features and outcomes of the project*

The two year project (2003-5) was funded by the Global Environment Facility (GEF) and administered by the Pakistan office of the UNDP. The primary objective of the project was to develop sustainable programs and activities for protecting the Green Sea Turtle (*Chelonia mydas*) and conservation and land use management of the Green Sea Turtle nesting beach habitat in the project area (Sandspit/Hawksbay Beaches) through interventions based on the concept of environmental stewardship and participatory management.

## Planning and Implementation

The project activities were divided into three separate components and varying degrees of success was achieved in meeting the objectives set out for each project component. The components included:

1. Habitat Management
2. Public participation and Awareness Raising
3. Amending the existing legislative instruments

A high degree of progress was achieved in the first two project components. A detailed and comprehensive framework for sustainable habitat management for the project area was prepared that established both management guidelines and proposed actions based on the suggested guidelines.



**Top:** Launching of the Turtle Stewards Committee

**Bottom:** Save the Turtles Street theatre in progress





**Top:** Training of local community to act as Environmental Stewards

**Bottom:** Ending a successful training program

For the first time in Pakistan, a Habitat Suitability Index (HSI) was prepared for a sensitive ecosystem. Habitat Models provide a viable tool of species and resources co-management. In the project, in order to develop the desired Environmental Criteria, the habitat modeling technique was used to assess the requirements for sustainable turtle nesting/hatching in the project area to act as a tool for policy makers and protected area managers to enhance their capacity for sound protected area management.

In addition, a comprehensive feasibility was prepared for designating the project area as a protected area and all options including international and national protected area categories and designations were thoroughly evaluated to come up with a sound case for designating the project area as a protected area.

A successful two phase training program for the Hut Chowkidars on the concept and practice of Environmental Stewardship was organized in which about a 100 Hut Chowkidars participated. Detailed documentation of all development related violations/encroachments in the beach area was completed to assess impact on the nesting suitability of the beach area.

The focus of the awareness raising activities was directed on the youth. ‘Turtle Lovers Clubs’ aimed at educating and raising the levels of awareness among the youth were established in three local schools. Turtle watch tours of students and painting competition on the theme of turtle conservation were organized. Students of a local school participated in the designing of the project logo. In collaboration with the NGO Book Group, a booklet ‘Harey Katchway’ was prepared that now forms part of the curriculum of certain schools.

A song and video based on the theme of conserving the turtles and their habitat was prepared and aired on private TV Channels. In collaboration with the Pakistan Fisherfolk Forum, a Street Theatre was prepared specially targeted at the local community. Souvenirs such as stickers, mugs, T-Shirts were prepared carrying the theme of turtle conservation.

In order to provide post grant sustainability to project actions, a ‘Turtle Stewards Committee’ comprising of civil society stakeholders such as concerned NGO’s, local community, hut owners has been launched. The process was facilitated by Shehri-CBE.

## Principal Achievements

The positive aspects of the project related to the preparation of a holistic framework for habitat management of the project area. The framework covers all related aspects such as policy



making, planning, implementation and management recommending a participatory approach to all decisions regarding the planning and management of the habitat. It identifies the relevant stakeholders and identifies actions based on the recommended guidelines.

A most detailed documentation of hut ownership and violations in hut constructions for the entire stretch of the Hawksbay/Sandspit beach was prepared that can act as an extremely important document to assist any future planning and environmental protection measures in the area.

An extremely encouraging aspect of the project has been the interest that it was able to generate amongst the youth. School children participated in competitions to select the project logo and on the painting competition on the theme of turtle conservation. They visited the turtle beach to participate in turtle watch tours and in beach cleaning activities. The project team was able to establish 'Turtle Lovers Clubs' in three local schools that was only possible due to the keen interest and participation of the students and teachers of the schools. The various tools for raising public awareness such as stickers, mugs and turtle conservation song/video have also been received very well by the people targeted.

Another positive gained from the project was the training of the local community represented by the Hut Chowkidars in the concept and practice of environmental stewardship. Over 100 Hut Chowkidars participated in the two training sessions that were based on an innovation that it was conducted totally via the visual medium. It is expected that this project initiative would greatly help in developing a willing and well informed force of environmental stewards for the project area.

### **Principal Drawbacks**

In the planning stage much importance was given to the role of and participation of the land owning agencies in the project area namely KPT and CDGK. It was assumed that they would realize the sensitive ecological status of the area and provide some support in the form of policy measures that could help in achieving the project objectives. This expected support did not materialize, particularly in the case of KPT. The bureaucratic red tapes and political interests involved were not fully comprehended at the project planning stage that led to the obtainment of very limited positive results in the project component that dealt with the strengthening of the existing legislative instruments for the better protection of the turtle habitat.

The support of the Hut Owners in realizing their role and responsibility as principle users of the beaches and thus mobilizing for more environment friendly use of the beaches was not at a desired level that reduced the impact of training the Hut Cowkidars as environmental stewards.

### **Products generated by the project**

The following concrete products have been generated during the project:

- o A composite document containing a comprehensive framework for habitat



management and detailed feasibility for designation of the project area as a protected area

- o A preliminary feasibility study for using DNA Mapping for determining migration patterns of green turtles nesting in the Sandspit/Hawksbay beaches

- o Complete computer based documentation with pictorial support of land use violations in Hut constructions on the beaches of Hawksbay/Sandspit

- o In collaboration with the NGO Book Group, the preparation of a pioneering child education booklet on turtle conservation, namely 'Haray Katchway'

- o A first of its kind 'Street Theatre' on the theme of turtle conservation prepared in collaboration with the Pakistan Fisherfolk Forum

- o Launching of 'Turtle Lover Clubs' in three local schools

- o Launching of the multi-stakeholder civil society initiative of the 'Turtle Stewards Committee'

- o Preparation of a pioneering video based training program on the concepts and practices of environmental stewardship for the local community

- o Preparation of the following tools for raising public awareness and promotion of the cause of turtle/habitat conservation:

- Song/Video on the theme of turtle/habitat conservation
- Educational paintings/poster
- Turtle conservation Mugs, stickers, T-shirts, badges

Farhan Anwar is Member Shehri-CBE and Project Manager, 'Helping the Turtles Survive' project





# CORPORATE SOCIAL RESPONSIBILITY – SHEHRI JOINS OECD WATCH

*Shehri joins hands with a group of global activists to monitor the corporate sector's practices as they impact the environment and the related social and human rights concerns.*

OECD Watch, which was established at a meeting in Amersfoort, the Netherlands, on 20-22 March 2003, (with 40 NGO and trade unions participating from about 20 developing and developed countries) groups together NGO's from Europe, the Americas, Australia, Africa and Asia who share a common vision about the need for corporate accountability and sustainable investment. Members of the OECD Watch are committed to the following goals:

- Monitoring and contributing to the work of the OECD's Investment Committee;
- Testing the effectiveness of the OECD Guidelines for Multinational Enterprises as a corporate accountability tool;
- Disseminating information to civil society groups, particularly in developing countries, about the work of the Investment Committee on international investment, corporate governance and the OECD Guidelines;
- Advising NGO's about filing complaints against companies alleged to have breached the OECD Guidelines

A preliminary steering committee was been formed with the following members: Farhan Anwar, Shehri-CBE, Pakistan; Tricia Feeney, RAID, UK; Paul de Clerk, FOE, the Netherlands, Pieter van der Gaag, ANPED, the Netherlands; Cornelia Heydnreich, Germanwatch, Germany; Patrick Mbewe, DECOP, Zambia; Joris Oldenziel, SOMO, the Netherlands; Peter Pennartz, IRENE, the Netherlands; Ciro Torres, IBASE, Brazil. This steering committee was mandated by the participants of the seminar to draft a proposal further outlining the activities and structure of OECD Watch.

## Structure and membership

NGO's that become members of the OECD Watch network sign the Declaration of principles of OECD Watch. Members that want to play an active role in one of the above mentioned activities of the network can join the Coordination Committee.

Its main role would be to inform the wider NGO community about what is happening at the OECD's Committee on International Investment and Multinational Enterprises (CIME),



to ensure that a wide range of NGO views, including those from the South, are represented in key debates at the regular CIME meetings and to assist NGO's, who may wish to bring complaints under the OECD Guidelines for Multinational Enterprises implementation procedures, and the exchange experiences with NCP practices and with cases.

### ***What are the OECD Guidelines for Multinational Enterprises?***

*The OECD Guidelines for Multinational Enterprises were drawn up in the 1970's, a decade during which the activities of corporations became a topic of discussion among international organizations. The sometimes negative impact of corporations on developing countries was given increased attention and harmful activities of companies to countries where they were established met growing opposition. The legal regulation of businesses was called for and international guidelines controlling their conduct were set up by international organizations such as the OECD.*

*The Guidelines were adopted on 21 June 1976 and represent non-binding recommendations addressed by governments to multinational enterprises operating in or from adhering countries. The Guidelines are supported by 30 OECD participating countries and eight non-member countries. They provide voluntary principles and standards for responsible business conduct in areas such as:*

- *Information Disclosure*
- *Employment and industrial relations*
- *Environment*
- *Combating bribery*
- *Consumer interests*
- *Science and technology*
- *Competition and*
- *Taxation*

*Core issues include:*

- *Respect for labor standards*
- *Contribution to sustainable development*
- *Respect for human rights*
- *Environment (precautionary principle)*
- *Bribery and corruption*

*Originally, the Guidelines only applied to companies operating within the OECD countries. However, the latest review of the Guidelines, conducted in 2000, widened their scope to include companies operating in or from OECD member states. The latest review also included supply chain responsibility which means that companies should encourage business partners, including sub-contractors, to do business in a manner compatible with the Guidelines.*

*The only formal obligation that the Guidelines put on countries is to set up 'National Contact Points', NCP's, whose primary responsibility it is to ensure the follow-up of the Guidelines. The NCP's gather information on experiences with the Guidelines, promote them, deal with enquiries, and discuss matters related to the Guidelines and assist in solving problems that arises in matters covered by the Guidelines.*

*The institutional set-up of the Guidelines consists of three elements: the National Contact Points, the OECD Investment Committee and the advisory committees of business and labor, BIAC and TUAC*



## CRIME CONTROL -TARGETING FOR A GUN FREE SOCIETY

*Shehri collaborates with the Citizens Police Liaison Committee (CPLC) and the Human Rights Commission of Pakistan (HRCP) to launch a campaign for freeing the Pakistani society of the gun culture that is playing havoc with the peace and security of the nation*

It pains one to say that violence has become a way of life in this country. Newspapers are filled every day with gory and gruesome accounts of sectarian, religious, political and domestic violence, to name a few declared “reasons” for the senseless, repugnant and despicable acts of brutality. Shamed is a society where guns and arms of all are now more cheaply and easily available in the market than good books.

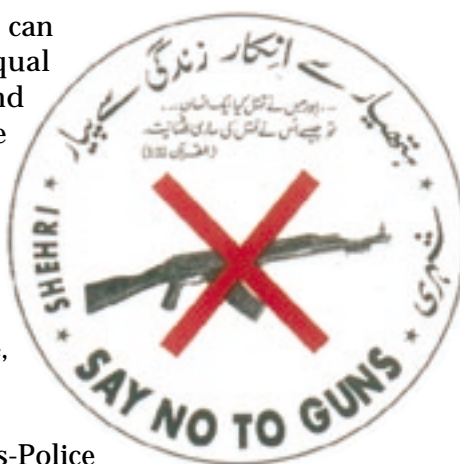
Any talk of enforcing the rule of law in a society where difference of opinion between ordinary citizens are now being routinely resolved on the point of the gun can at best be termed as idle talk. So, how can the sanity of a civil society be preserved and nurtured amidst the death rattle of a Kalashnikov!

Crime control and punishment is an issue, which can have several dimensions. Having justice and equal opportunities, freedom of thought and speech and accountability at all levels of society and state is a desirable approach to ensure that a peaceful environment prevails. However, in a country where such visions can only be found in the manifestoes and speeches of our politicians and planning documents of our civil servants - far removed from reality, the civil society demands more immediate measures to stem the tidal wave of violence, threatening to engulf us all.

Shehri-Citizens for a Better Environment, Citizens-Police Liaison Committee and the Human Rights Commission of Pakistan jointly launched a campaign for a “Gun Free Society”, on September 19, 1998, at Karachi Press



*Lightening the flames to burn the guns: the message goes loud and clear*



### *Roadmap for a Gun Free Society*

*Shehri does not raise an issue without suggesting workable solutions. Accordingly, to take Pakistan on the road to an eventually making it a 'Gun Free Environment', the following specific actions are recommended:*

- 1. The members of the police or any other law enforcement authority, carrying unconcealed weapons, must do so only whilst in uniform and having requisite identification*
- 2. Guns must not be permitted to be carried in a manner whereby the nozzle points at any person, to avoid accidental injuries/nozzles should ideally be pointed skywards*
- 3. Stringent criteria for issuance of licenses be laid down and enforced without exception and not merely on the recommendations of any MPA, MNA or Senator*
- 4. Computerized record with complete particulars of all new licenses should be maintained forthwith and records in respect of licenses issued previously must be computerized within three months. Such records should be available with the Federation and each province and continuously updated and exchanged between them*
- 5. Confiscated illegal weapons must only be utilized by law enforcement agencies or destroyed*
- 6. No person should be issued a license unless it has been established that such person can wield the gun in respect whereof of the license is sought*
- 7. Other than by law enforcement agencies, the carrying of prohibited weapons, in particular the Kalashnikov (AK-47) be banned*
- 8. No person who has been convicted of any offence or against whom a criminal case is pending should be granted a license. Similarly, no such person should have the power to recommend the issuance of a license*
- 9. Government should make and implement policies for gradual with-drawl of all guns from society in a systematic and phased manner*
- 10. Any person who ensures the seizure of weapons should be rewarded at least 25% of the market value of such seized weapon*
- 11. Gun manufacturers operating in Darra area should be inducted to manufacture weapons for armed forces and sales by them to the public should be stopped*





*The Citizens Police Liaison Committee (CPLC) represented by Jameel Yousaf and the Human Rights Commission of Pakistan (HRCP) represented by I.A.Rehman join hands with Shehri*

Club and asked the citizens to strengthen their hands in curing the society of this fast spreading cancer. A comprehensive plan of action was outlined that called for several administrative measures aimed at effectively tackling this menace.

Mr. Qazi Faez Isa, Chairperson, Shehri-CBE, Mr. Jameel Yousuf of CPLC and Mr. I.A. Rahman of HRCP spoke of the gravity of the situation and called for immediate implementation of the plan. Mr. Isa quoted various Quranic verses and Hadiths to highlight the repugnance Islam holds for such acts of violence. He felt that success can only be achieved through a massive show of public support and involvement. He urged that we should be able to solve our difference of opinions through dialogue in a peaceful manner. Mr. Isa told the audience that once while his illustrious father Mr. Qazi Isa, famous Mulsim League leader from Baluchistan was addressing a public gathering in Chaman, his supporters asked for permission to gun down Congress people for their opposition to Muslim League. However, Mr. Isa calmed his supporters and told them that they were our political opponents and our battle against them should only be fought in the political arena. This is the spirit that should prevail today.

Mr. Jameel Yosuf of CPLC said that there was massive proliferation of arms in society and ordinary citizens should actively participate in the effort to establish the rule of law, even if it may just involve writing letters to newspapers. Mr. I.A. Rahman of HRCP said that the country is facing a serious law and order situation with both internal and external factors adding to the worsening situation. He asked the citizens to adopt secular politics, work for rule of law and equal rights and opportunities for all.

Some victims of violence, their relatives and general participants also spoke on the occasion. Mr. Qamar-ul-Islam, whose son Mr. Shahid-ul-Islam, Director Finance PIA, was recently injured seriously in a shootout, Fariha and Fahmida, daughters of slain local journalist



*A relative of a victim of gun violence narrates his experiences*



Manzar Imkani, Yaseen Alibhai, newpew of Basheer Alibhai, killed in the Mehfil-e-Murtaza massacre couple of years ago and Navaid Hussain of Shehri, another victim of gun related violence shared their pain, sorrow and resolve with the audience and whole heartedly supported the gun free society movement.

Mehboob-ul-Hasan Rana of All Sindh Haqooq-e-Insani and Father Arnold of Idara-e-Amn-o-Insaf announced the association of their organization with the movement.

Symbolic burning of a few wooden guns also took place and stickers/hand bills bearing the message and symbol of the movement were distributed.

The program ended with a strong resolve on the part of the participants to do all they could to make the movement a success.



## SHEHRI IN PICTURES



*Arranging a school visit to the WWF Wetland Centre at Sandspit*



*Getting ideas from the youth*



*Campaign for a beach clean-up in the wake of the Tasman Spirit Oil Spill*



*Encouraging Public dialogue and seeking solutions*





*Campaign to save the Jheel Park*



*Adopting a Park*



*Caring for the City – the Environment – Education Mela*





