



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

—Margaret Mead

# SHEHRI

July-Dec, 2006 Vol. 17/No. 2

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## THE FREEDOM OF INFORMATION ACT ONE STEP CLOSER TO GOOD GOVERNANCE

*Shehri highlights the concept, importance and principles of freedom of information and traces the historical perspective of the freedom of information related legislative process in Pakistan*

Any citizen has the right to access information and record held by public bodies, subject to some restrictions. FOI refers to a situation in which citizens can easily seek and receive information from the government department and public bodies. Generally, it includes:

- \* the right to obtain information held by government department and public bodies,
- \* the right to know reasons for decisions taken by public bodies that affect them; and
- \* the right to have personal information relating to yourself corrected or updated where such information is incorrect, incomplete or misleading.

### Is FOI a human right?

The right to access information is one of the basic human rights, and is recognized in the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1976) and UN Guidelines on Consumer Protection (1985).

The Constitution of Pakistan 1973 does not provide for a separate constitutional right to freedom of information, rather it includes "right to expression", which includes freedom of information, as one cannot express unless information is available. This position is clearly stated in Mohammad Nawaz Sharif vs. President of Pakistan case in which the Supreme Court held that the right of citizens to receive

## Freedom of Information Legislation in Pakistan: A Historical Perspective

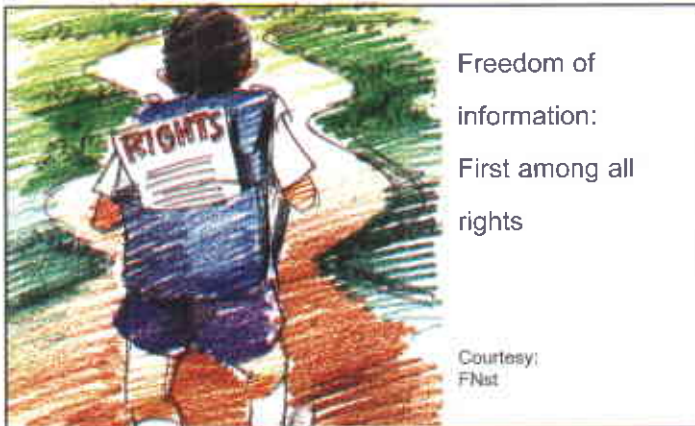
Globally, 68 countries have enacted FOI laws. Sweden was the first country to enact a Freedom of Information Act in 1766. In South Asia, only Pakistan and India have enacted FOI laws.

### Brief History of Freedom of Information Legislation in Pakistan

There have been many efforts for the FOI legislation in Pakistan. Realizing the international trends towards more openness and transparency, several attempts have been made in the last two decades to introduce FOI legislation in the country with the aim of promoting transparency and accountability in the government departments. A brief overview of these efforts is given as under:

#### 1990

First attempt was made by Professor Khurshid Ahmad, Senator and Naib Amir of Jamaat-i-Islami who tabled a Bill on FOI in the Senate in 1990. This Bill was introduced in the Senate as a private Bill and was forcefully resisted and failed to be enacted.



Freedom of information:  
First among all rights

Courtesy:  
FNst

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**EDITORIAL**

**Karachi: A City of Dreams!**

Every Karachite dreams of Karachi as being a truly well planned and developed city that is prosperous and at peace with itself. Given the prevailing lawlessness, institutional bankruptcy, a degrading quality of life, to some it may look like a distant dream, to others a lost cause. But are things really that bad? Should we lose all hope? Can we not all get together and set a timeline for achieving our dreams for a city we all love - fight against the odds and be counted?

What about doing a visioning exercise? Lets say - Karachi 2025: A Dream City! A city at peace, with strong institutions of civic governance, with a properly functioning infrastructure network, a thriving economy and offering varied forms of fun and recreation for its citizens -

Is it too much to ask for? If not then how do we get there? Faith would play a big role in achieving the 'Dream

City' status - faith in ourselves as caring citizens and faith in our destiny as citizens of the future. But faith alone will not get us where we long to reach. Making Karachi a 'Dream City', would require firstly a 'vision' - a vision we all help nurture and a vision we all share. Then comes planning - whether we work in the government or form part of the civil society, we all have a role to play a duty to perform to transform a vision into a reality.

Having tolerance for each others views and opinions, learning to share and care, strengthening our institutions, making their functions transparent and open, investing in our human and social capital are some of the landmarks that would help define a future of the city we can all take pride in.

So, lets have a dream. Lets have a vision for the city the all love. Stand up, have faith and save yourselves!!! □



information can be spelt out from the freedom of expression guaranteed in Article 19 of the Constitution.

After the promulgation of Freedom of Information Ordinance, 2002, it is now a legal entitlement of citizens of Pakistan to get information and record held by government departments and public bodies subject to some exceptions. In absence of this law, the citizens were not entitled to get information as a legal right.

**Why is FOI important?**

\* Public access to information is crucial for good governance and democratic development.

\* It allows citizens to participate in the decisions affecting their lives.

\* It allows citizens to monitor the government's performance, thus making it more accountable.

FOI can make people's life better in the following ways:

**1. Less Corruption, More Transparency**

Corruption thrives on secrecy. Individuals and institutions become corrupt when there is no public scrutiny of what they do. The more they operate in the public gaze, the less corrupt, and more efficient they are likely to become.

**2. Freedom from Hunger**

It may look odd to attach freedom from hunger with freedom of information. Yet, the Nobel Prize-winning economist Amartya Sen has argued that famines do not happen in countries with a free press. His argument is that famine is caused by inaction of government. Government does not dare to be inactive on such an important

issue when they are subject to constant media scrutiny.

**3. A Healthier Society**

It may also seem strange that how FOI contributes to a healthier society. But in countries, where information can readily be available on different public interest issues, the response is vigorous and the severity of the public harm minimal. For example, the HIV -AIDS infection spread rapidly because of the lack of publicly available information about the virus and how to avoid it. Countries that have an effective public information program have been able to turn the tide of HIV infection.

**4. A Cleaner Environment**

Decisions which cause damages to environment are mostly made behind closed doors. These decisions can be avoided if all planning decisions are accompanied by an environment-impact study, which is in turn made available to the public.

**5. Respect for Human Rights**

Violations of human rights have their roots in secrecy. Torture and other such violations are almost by definition, something that takes place behind closed doors. For example, how justice has been done once the case of Mukhtaran Mai was uncovered. This kind of information compels the government to take action against those who are violating human rights.

**6. Respect for Privacy**

Through FOI, it can be seen what kind of information the government agencies have accumulated about individuals. Furthermore, this provides an opportunity to make sure that information about them is accurate. If it is not the case, wrong and potentially dam-

**1994**

The Public Accounts Committee, headed by Senator Malik Qasim, made the second attempt in 1994. A Freedom of Information Bill drafted by the committee was forcefully resisted by the bureaucracy, and therefore, could not be enacted.

**1997**

A major development occurred towards enactment of FOI legislation when, on the initiative of Fukharuddin G. Ebrahim, the Federal Minister of Law in the Interim Government headed by Malik Miraj Khalid, the President of Pakistan promulgated a Freedom of Information Ordinance on January 29, 1997. However, the successive government of Mian Nawaz Sharif allowed this Ordinance to lapse and did not enact it into law.

**2000**

The government of General Pervez Musharraf made public a draft FOI Bill with the aim of soliciting public view.

**2001**

CRCP, a national non-profit organization, proposed a Model Freedom of Information Act to the Government and launched a Campaign on Freedom of Information (FOI-Pakistan). 2002 The President of Pakistan, Gen. Pervez Musharraf, promulgated the Freedom of Information Ordinance in October, 2002. The Ordinance is applicable to the ministries, attached departments and agencies, and commission or authorities of the Federal Government. It does not apply to public bodies of the provincial or local governments.

**2006**

Governor Sindh promulgated Freedom of Information Ordinance in Sindh. □



aging decisions would be made.

**7. A More Secure Society**

Most of the information is held on the pretext that it may harm general interest and to safeguard "national interest and security". Yet, there is a much better argument for saying that public scrutiny of decisions related to defense and intelligence is likely to make for a more secure society. Unaccountable intelligence services often direct their activities against domestic political opponents rather than genuine threats to national security.

FOI can curb such happenings. Furthermore, secrecy can lead to corruption and inefficiency in the security services, which in turn undermines security.

**8. More Effective Democracy**

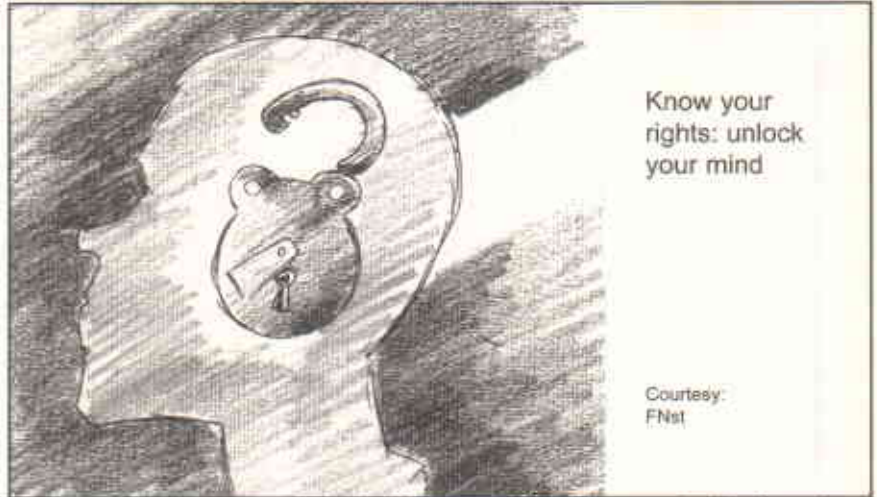
Freedom of information is crucial for effective democracy. How can the electorate make an informed choice, if they are denied information about what the government has been doing? Similarly, political leaders will follow the aspirations of their electorate if they are sure that their action would be scrutinized by the public.

**9. Accountability**

When civil servants and public officials are sure that people can access the information related to their office and scrutinize their performance and budget, it greatly promotes a sense of accountability. Furthermore, information about the government is essential if the public has to make informed choices.

**10. Participation**

Two way traffic of information between people and government can provide opportunity for people to participate in decisions affecting their lives. The openness, with publication of documents and the opening of meetings to the public, can have a say in the decision making. The point was



expressed clearly by a senior UN official, the Special Rapporteur on Freedom of Opinion and Expression, Abid Hussein:

"Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life. The tendency to withhold information from the people at large is, therefore, to be strongly checked."

**What are Basic Principles of Freedom of Information?**

In recent years, a number of countries have adopted freedom of information laws. In the process of doing this, some basic principles have emerged that underline good freedom of information legislation. The danger is that, as freedom of information becomes a fashionable phrase, governments may adopt freedom of information laws that do not actually increase public access to information.

In the worst cases, they may even hinder it. Basic principles are important because they provide a measure to test whether a national law will actually increase public access to information. Some general principles are as follows:

1. *Freedom of information legislation should be guided by the principle of maximum disclosure*
  - \* There must be valid reason(s) to

withhold requested information, and mechanism, a competent neutral authority, to prove that the information is rightly withheld.

- \* The right to information should not be restricted only to citizens, but any person who has no nationality of the country in question as well.
  - \* Any individual requesting access should not have to demonstrate any particular interest in the information.
  - \* No public body should be excluded from the ambit of the law.
2. *Public bodies should be under an obligation to publish key information*
    - \* Public bodies should publish all information and proactively disseminate key categories of information through media, official website, etc., irrespective of any request.
  3. *Public bodies must promote open government.*
    - \* Improved maintenance of record in the form in which it can easily be obtained by the public.
    - \* Promoting of environment in which public awareness about FOI raises. Obstruction of access to information must be dealt severely.
    - \* Training of public servants on promoting openness with government.



4. *Exception should be clearly and narrowly drawn*
  - \* The information should not be withheld only on the pretext of harm, public interest, national interest, etc., rather, these vague terminologies should be narrowly and clearly defined.
  - \* Exception should be subject to content-specific case-by-case review, and non disclosure only permitted where it is in the public interest
  - \* Request for information should be processed rapidly and fairly and an independent review for any refusal should be available
  - \* Refusal to provide information must be supported by reason(s).
5. *Individual should not be deterred from making request for information by excessive costs.*
6. *Meeting of public bodies should be open to the public.*
7. *Laws, which are inconsistent with the principle of maximum disclosure should be amended or repealed.*
8. *Individuals who release information on wrong doing - whistle-blowers - must be protected.*

**It may be legitimate for the government authorities not to expose the discussion if the position on it were not adopted . For example, if an issue is under discussion in cabinet, and time is required to adopt a position on the issue, the government may keep secret the discussion for the integrity of government decision-making**

reveal the position of arsenal, troops, etc. FOI should not stand in the genuine national security interest.

2. *Law Enforcement*

It would be legitimate not to make information public about the crime under investigation. FOI should not obstruct criminal investigation.

3. *Personal Privacy*

It is legitimate and necessary not to reveal the content of a personal file to another person. FOI should not override an individual's right to privacy.

4. *Commercial Secrecy*

If a new product is under development, the company may withhold the details legitimately so it can not be copied by other companies. The right to information should not stand in the way of legitimate commercial competition.

5. *Public or Individual Safety*

It would be legitimate not to expose the identity and whereabouts of a person if it harms his safety, like providing protection to a witness, etc. FOI should not put an individual's safety at risk.

6. *Protecting the Integrity of Government's Decision-Making*

It may be legitimate for the government authorities not to expose the discussion if the position on it were not adopted. For example, if an issue is under discussion in cabinet, and time is required to adopt a position on the issue, the government may keep secret the discussion for the integrity of government decision-making.

7. *Legally Privileged Information*

In all legal systems, there is some information, which is privileged and may not be revealed such as exchange of information between lawyer and client. The purpose of this is to maintain the confidentiality between lawyer and client and integrity of the judicial process.

8. *Public Economic Interest*

The issues of public economic policy, such as a planned change in interest rates, for example, where revealing information may cause harm to the overall well being of the economy and interest of the public.

**Test for Keeping Information Secret**

If it appears that a piece of information should not be disclosed, a three-part test must be applied to see whether it should indeed be treated as an exception. These tests are:

1. *Does this information relate to a legitimate aim specified in the FOI law?*
2. *Would its disclosure cause substantial harm to that aim?*
3. *Would it nevertheless be in the larger public interest to disclose the information?*

Any decision of keeping an information secret must be based on the analysis of answers of the above-mentioned questions. If there are reasons, which can be objectively ascertained, that disclosure of certain information would harm the larger public interest, it should be kept confidential as long as the probability of harm remains intact. □

**Exceptions to Public Access to Information**

FOI is not an absolute right and certain categories of information could be made exceptions to the general rule of public access. There is some information that the public bodies may legitimately keep secret, for example:

1. *National security*

In a time of war or serious tension where armies are standing eye to eye, it would be legitimate not to



## SHEHRI ACTIVITIES

### Shehri Seminar on good governance

September 02, 2006 (Hotel Marriott, Karachi)

The speakers said that people should try to assert their ownership over the city resources and various organizations managing these, as with better monitoring the quality of life of the Karachi-ites would hopefully improve.

He pointed out that the DHA had acquired a 14 km long strip along the beach in the name of 'development', adding "if this process continues, then less citizens will have access to beaches as construction would be carried out all along the beach."

He deplored the authorities for evaluating plans for the elite only, instead of the majority, which belonged to middle and lower classes and formed more than 70 per cent of the population.

Other speakers said that actions such as cell phone or purse snatching provoked resistance but illegal allotment of amenity plots in the city went unnoticed. It was due to fact that in the case of purse etc, there was a sense of proprietorship, while in case of amenity plots one did not feel that they belonged to the residents of the city, so nobody raised any hue and cry and the plunder continued, it was pointed out.

They said that a new coastal development plan was being finalised owing to which almost 80 per cent of the

beach, which was a national resource and nobody could restrict anybody's entry to it, would become private and out of bounds for the common people.

Arif Hassan said that some time back the DHA while developing the beach at Seaview Township removed the vendors and others selling low cost edibles, snake charmers, jugglers, and others and the low income group people stopped going there as majority of the families visiting that beach could not afford to buy the expensive food items being sold at the stalls, and that beach became out of the reach of the poor. Similarly now a huge park is being developed at the Clifton beach by the City Government and under a similar exercise people selling low cost food items, etc are being shifted, and after some time this beach will also be out of the reach of the masses.

He said that there were over 150 stalls selling goods made from sea shells for over a century, but now they had been evicted and these people were now selling their goods to shops set up in nearby buildings and their earnings had also declined. All this is going on, but nobody is coming up and raising the issue to protect the right to access the beaches of the poor people, he added.

Another speaker said that many nullahs that used to drain rainwater from the city had been encroached upon

and some of these had even been allotted decreasing their capacity to drain the rainwater and during the recent rains, which were just three inches, many portions of the city remained inundated for many days even after the rains had stopped.

They said that owing to the greed of the people managing the city and national resources vast patches of land had been reclaimed from the China Creek, the back waters for the Karachi harbour, thus increasing the dredging cost of the harbour channel. The DHA had also reclaimed land which had affected the sea current.

One of the speakers said that the tendency to speculate in-land and housing among the middle class people had taken roots owing to which, whenever a new housing scheme was announced it was booked, but as a large number of the people getting these plots or flats were speculators so on one hand many plots and flats remained vacant, and on the other a large number of people who wanted these could not afford to purchase such properties.

The speakers said that the recent rains brought to the fore the follies and extreme shortcomings of the urban planning and development in the city and the people suffered the consequences of overflowing sewers, flooded streets and neighbourhoods, power outages and collapse of communication systems, and most of the civic agencies, government or private, were engaged in a heated blame game, accusing each other for being responsible for the unfolding crisis.

Arif Hassan, Arif Bilgaumi, Roland D'Souza, Dr.Noman Ahmad, Amber Alibhai, Farhan Anwar and Hamid Maker spoke on the occasion. Farhan Anwar of Shehri moderated the seminar. □





# Shehri Seminar on a vision for Karachi November 17, 2006 (Hotel Marriott, Karachi)

A group of about 80 concerned citizens met on 17th November 2006 to dream about the city of Karachi twenty years from now. With the assistance of urban expert, Arif Hasan of Urban Resource Centre, architect Arif Belgaumi of the Institute of Architects Pakistan, urban planner Farhan Anwar and engineer Roland deSouza of Shehri, an environment and citizen-friendly futuristic visualization for the city was conceived.

It envisaged that, in 2025:

1. The Karachi master-plan will respect the ecology, natural environment and cultural heritage. Priority will be given to the needs of the majority population (comprising the low & lower-middle income groups) and land-use will be determined on the basis of social & ecological considerations. Building control will properly regulate construction and ensure safety and a healthy environment
2. The politicians, planners and citizens shall share a large common space, listening, sharing and caring for the needs of majority. The planning agencies will be free of political interference and the research institutions will provide useful inputs into the political process. The implementation agencies will be competent and accountable to citizens. The various land-owning agencies and municipalities (Cantonment Boards, KPT, etc) will be subservient to CDGK, and the zoning and building regulations will be pro-citizen.

Pedestrians, especially the young, the elderly, and the handicapped, will be kings.

3. The environment will be protected and preserved, including heritage, beaches and forests. All plans and projects will be based on 'sustainability', and it will be ensured that the planet is not killed.
4. The nazim & naib nazims at union council, town & district levels will be elected directly, and citizens' committees will oversee their performance
5. Public hearings will take place for all development projects which will be advertised, and overseen by steering committees. Each project will be the responsibility of one project in-charge (for the duration of the project), and its accounts published quarterly. Every government agency will annually publish a list of its land assets, their current land-use and land value.
6. Development will take place by generating local resources and not by loans from IFIs or other donors. Local consultants and construction companies will be responsible for all development work.
7. The Circular Railway will be functioning and will have been extended into the suburbs of the city. The CDGK's proposal for a BRT system for Karachi will have been imple-

mented. The wholesale and manufacturing markets from the old town will have been shifted to the Northern Bypass and the National Highway. Oil pipe-lines will have been extended to the National Highway thus preventing 25,000 tankers from entering the city every day.

8. 'World class' museums, music, drama, performing arts & cultural activities relating to all faiths and communities will be fully celebrated, participated and encouraged. People will be tolerant, respectful of other people's religious and political affiliations and will glorify diversity.
9. Existing katchi abadis will be upgraded, there are no more evictions; low and lower-middle income housing will be provided by a social housing foundation, which will primarily provide plots
10. The solid waste-management proposal developed by the Governor's Task Force for Improvement of Municipal Services will have been implemented and the recycling industry will have been shifted from the city centre to landfill sites. The more affluent areas of Karachi will be getting their water supply from centrally-operated desalination plants, and municipal water supply will be for the low and lower-middle income settlements.
11. The government will function strictly in accordance with law and the legal system will provide quick justice and equity to all, irrespective of class, creed or ethnicity.

Many participants raised queries about how this vision would be realised. They voiced need for citizen's participation, pressure groups, more organised civil society, consultative decision making, and a need for citizens to come forward and be a part of the process to bring this dream into reality. □





## SHEHRI ADVOCACY

*In this section, we highlight some of our ongoing advocacy work and seek active citizen participation for ensuring protection of public interest.*

### Do as you say!

The Chief Controller of Buildings (CCOB), KBCA's statement in Daily Dawn dated 04th September 2006, has come out against regularization and advocated for regulating construction activity.

While we commend him for taking a stand for upholding the law, it would be a good idea if he would also weed out the corrupt elements in his department who are playing with the law to favour the builders.

Given below in detail are some of the violations committed by his staff while approving the plan for plot 151-N/2/PECHS, with the malafide intent to favour the builders.

#### **Violations Committed by KBCA while approving the Plan**

**Parking Ramp:** KBTPR 2002 gives the minimum requirement for ramp gradient as 1:7.5 with a transition space of 8.5' at the start and termination of the ramp. The gradient of this transition space shall be 1:15.

(1) The KBCA has approved a ramp with a gradient of 1:6, and that too without a transition space of 8.5' at the start of the ramp. To cover up their violations and to facilitate the builder in this illegality they have falsely written the ramp gradient as 1:7.5. The elevation at the start of the ramp is +2'-0" and the elevation at the end is +10'-8" thus giving a height gain of 8'-8".

With the horizontal length of 54' and a height gain of 8'-8", the ramp gradient comes to 1:6.2. This is a case of simple mathematical calculation

and it does not require one to be a genius to see KBCA falsifying the ramp gradient to favor the builder.

(2) The minimum width of the ramp has to be 18', whereas in actuality it is 17'. To hide this fact KBCA has not even mentioned the width of the ramp on the plan.

(3) For a helical ramp the turning radius has to be 32', whereas at site it is 17'. This fact has also not been shown on the approved plan.

(4) Regulation 24-2.4 of KBTPR clearly states that "Detailed plan clearly showing entry/exit, gradient of ramp, turning radius, storage spaces, circulation and movement of vehicles etc shall be submitted." Why did KBCA approve a plan which does not incorporate all the details; for the simple reason that by incorporating all the details it would have been difficult for KBCA to approve the plan.

(5) Regulation 24-2.5 of KBTPR clearly states that "16% of total car parking space will be utilized to provide space for motorcycle parking @ 6 motorcycles for every car". KBTPR gives the gradient of ramp for motorcycles as 1:8.5. Since the builder has not provided a separate ramp for motorcycles, therefore, the same ramp will be used by cars as well as motorcycles, and therefore, has to have a gradient 1:8.5.

Hence the ramp is in total violations of the regulations as it has a gradient of 1:6 as against the regulation 1:8.5, the width is 17' as against the regulation 18' and helical turning radius is 17' as against the regulation

32'. Moreover, the transition space of 8.5' at the beginning has also not been provided. The KBCA officers have facilitated the builder by omitting all these violations from the plan.

#### **Parking Requirements:**

(6) Regulation 24-2.4 clearly states that "Detailed plan clearly showing entry, exit, gradient of ramp, turning radius, storage spaces, circulation and movement of vehicles etc shall be submitted." Only parking floors have been shown, no detailed parking of the cars has been shown. KBTPR gives the bay width and length for car parking as 8' and 16' respectively.

These are the minimum requirements. Incorporating the bay width and length for car parking with the placement of columns on the parking floor, it can be seen that only 10 cars can be parked on each floor. Thus in all parking for 30 cars has been given, whereas by their own submission on the plan, parking is required for 43 cars. Once again by omitting the detailed showing of car parking on each parking floors, KBCA has favored the builder.

#### **Loft Height:**

(7) A loft height of 8' has been approved on the plan, but to cover up this illegality it has been shown as 5'. The factual position can be verified on the plan. The plan has been drawn to a scale of 1:16, that is 1 inch is equal to 16 feet. The loft height has a measurement of half inch on the plan, which translates to 8 on site.



## DHA waterfront development

Refer to article and letters in Daily Dawn dated 06-07 September 2006 by the PRO, DHA, titled *DHA defends waterfront project developments* in which the DHA spokesman has aired his thoughts. It goes like this *The DHA took full cognizance of environmental protection, coastal conservation and town planning according to stringent national and international standards and the plan envisages maximum beach-front area to be accessible in its improved yet pristine form, to the general public and shall be inclusive of the facilities that beckon entertainment to the poor classes.* The purpose of land utilization by DHA is for residential and commercial purposes. DHA spokesman says that otherwise this land would be encroached upon or degraded. It states that the DHA was resolved to proceed ahead with the strategic waterfront plans taking positive cue from the intent and content of the detractors" Well, this is the DHA side of the story and some of their views.

As a member of Shehri and a concerned Karachi citizen, I wish to point out the following to the people who love Karachi city and the marine environment. How can the DHA spokesman call *the Tasman Spirit oil spill effected and polluted 14 km Clifton beach development area (with gray / black sand) as pristine.* On one hand the DHA PRO talks of full cognizance to environmental protection and coastal conservation whereas from Clifton beach, Sea View Township, DHA Golf Club, DHA Marina Club and right along Khayaban-e-Ittehad upto the point

where the wetlands once met main Korangi Road near Qayumabad, the DHA has been on a rampage for many years, reclaiming not only beach area facing the sea but also marshy land in the vicinity. Thousands and thousands acres of prime natural wetland area (*sanctuary for a large variety of wild birds like flamingoes, cormorants, plovers, snipes and waders plus and hatchery for loads of marine life fish and fauna*) has been reclaimed without much fuss by the DHA in the name of development at the cost of marine habitat destruction and loss of biodiversity.

Can some one from the concerned DHA department show us (*Karachi citizens*) a copy of the EIA (*Environmental Impact Assessment*) for the areas under discussion.

How can the DHA talk of town planning on stringent national and international standards when Karachi's ecosystem is currently experiencing a massive degradation of its coastline by the DHA themselves for the building of luxurious mega projects for the rich at the cost of the marine environment, which is God's gift to the citizens of Karachi. By the way, Bundal Island facing DHA Marina Club has also been sold out!

It's about time the citizens of Karachi awake from their slumber... Jago SHEHRI Jago! □

**Syed Aziz Agha**  
Member Shehri-CBE



Regulation 25-1.4.4 states that "the loft area up to a maximum height of 5' on bathroom and kitchen shall not be included in FAR". By having a loft of 8' and that too on a show-room, there is no way that the loft area can be excluded from the FAR. However, KBCA has once again illegally excluded the loft area from the FAR.

**Side COS towards the Plot Side:**

As per regulation 25-3.1 the side COS shall be 7' for Ground Floor and 10% of the building height above ground floor with a maximum 15% of plot width (regulation 25-3.2.5 - as amended.)

(8) As the height of the building above ground floor is 133', 10% of which comes to 13.3'. However, 15% of plot width (75.1) comes to 11, - 3", This is the COS that has to be maintained above ground floor. KBCA has violated this regulations by approving a COS of 10' above the ground floor.

(9) Moreover, they have also allowed the builder to put in columns, beams, and 4' width terraces on all the floors in the COS thus leaving a clear open-to-sky space of only 7 feet.

Regulation 2-39 defines COS as the part of a plot which is to be left completely/ open-to-sky/ except for permissible projections, basement, steps etc. It does not allow columns, beams or balconies in the COS.

Regulation 9-5.1 only allows a balcony and sunshade in COS and that too to a maximum width of 2.5'. Balconies are only allowed on the side facing the roads. Under what law has the KBCA approved a COS of 10' as against the regulation 11'-3", and to further compound the violations have also approved columns, beams and balconies in the already under-approved COS.

**Balconies on Side Facing:**

Regulation 9-5.3 allows a balcony to have a maximum projection of 3' on a 40 feet wide road. KBCA has once again illegally approved a balcony of 4' against the regulation 3'. Please take action against the concerned TBCO / COB, DCB and ACB of zone and also have the plan canceled after taking all lawful action.

**Parking Stand at Hali Road!**

Hali Road is a residential road. Unfortunately it has many illegal home schools running in the surrounding areas, Everyday school buses, private pickup, taxis, rickshaws come and park from 8:00 am till approx 1 :00 pm, The numbers are increasing.

This menace is extremely disturbing for the residents, as the drivers wash and clean their vehicles on the road, throw their garbage and generally are a security threat, as people with criminal intent also enter the area and the residents do not know who they are. Many verbal requests have fallen on deaf ears. Even the *Thana* has been called, but to no avail.

It is requested of the relevant authorities to kindly stop this menace before a law and order crisis erupts.

**Change of Land use from Residential to CNG Station (Plot No. C-89, Block-7, Scheme 36, Gulshan-e-Iqbal, Karachi)**

It is requested of the concerned authorities to provide us the following information:

D) *Copy of the technical justification studies made in the light of the planning of the area (as per Regulation 18-4.2.2 of KBTPR 2002, and other town-planning*

*laws), including availability of utilities, infrastructure and amenities.*

E) *Copy of the Environmental Impact Assessment (EIA) carried out in accordance with Item H-1 of Schedule-II of Review of IEE & EIA regulations, 2002 notified under PEPA 1997 (noise, air pollution, utilities, infrastructure, crime, introduction of strangers into the neighbourhood, etc.) of the proposed conversation, with date of public participation hearing.*

F) *Copy of the CNG station layout showing:*

- a) *compliance with safety requirements and clearances from equipment*
- b) *entrance and exit provisions for vehicles, and their effect on road traffic.*
- c) *waiting spaces for vehicles, etc.*

This will enable the stakeholders to submit detailed and proper objections and comments.

The stakeholders also draw your attention to the following point:

2) *The Oil & Gas Regulatory Authority (OGRA) specifically states in their Provisional License that: "The CNG station will not be located in the residential area."*

Aside from the fact that such conversion of residential plots to CNG station use is a blatant violation of the applicable laws, the station will be a public nuisance and life/explosion hazard for the residential neighborhood, proving an unbearable overload on the utilities and infrastructure.

Please have mercy on the city and citizens of Karachi and do not let



greed dictate the action of the city government and its officials. Reject the case.

**Car Showrooms - Illegal Parking**

The menace of illegal parking in residential lanes, footpaths, pavements and center islands and most especially on the residential part and center island of Sir Syed Road, and in vacant plots which are not designated as parking lots, continues unabated.

The byelanes are being used to park and double park vehicles of all manner and shape, some car showrooms owners have even converted the footpaths as mini workshops.

This anti social behavior is a cause of constant headache and nuisance to the residents of the area and yet the law enforcement agencies do absolutely nothing about it.

How can the people repose trust and

As per law, these amenity plots cannot be auctioned off but must be allotted to deserving non-profit organizations that have the ability to utilize them correctly for the benefit of the local area.

Additionally, we reiterate our objections, to the auction of education and health amenity plots for the following reasons:

1. Under KDA/CDGK rules, such plots are only to be allotted to organizations that are recognized/registered by the concerned government department
2. Such amenity plots are not transferable, nor can any part be commercialized (a commercial, money-making school should procure a commercial plot)
3. How has CDGK pre-qualified the parties who will bid for the plots?

| No. | Plot  | Area (sq. yds) | Amenity Use      |
|-----|-------|----------------|------------------|
| 1.  | ST-15 | 1,000          | Dispensary       |
| 2.  | ST-04 | 1,300          | Dispensary       |
| 3.  | ST-01 | 666            | Community Centre |
| 4.  | ST-21 | 1,200          | Community Centre |

4. There are over 700 applications for amenity plots pending with the KDA/CDGK for the past many years.

We suggest that these amenity plots not be auctioned until a policy is clarified for the benefit of the CDGK and the buyers. □

**Unlawful auction of CDGK amenity plots**

We refer to the CDGK ad in DAWN dated 21/08/2006, and object to the auction of the following amenity plots in Baldia Township.

**KBCA body to monitor projects**

**W**e would like to congratulate the CCOB, KBCA to have set up a Committee to oversee availability of infrastructure and utilities in areas where commercialization and change of land use has to take place. May we request him to visit along with Shehri areas where commercialization and change of land use has/is taking place and to see for himself first hand the immense environmental degradation that has/is taking place.

If he will remembers during the tenure of his predecessor many residential plots in Jamshed, Gulshan and Saddar Town were being illegally and unlawfully converted to G+2 flat-sites in complete collusion with the KBCA. Many residents went to court for relief and after a lot of public pressure this tide was stemmed temporarily. Unfortunately, we have personally observed that once again this illegal conversion has begun with a vengeance. Many areas in these towns are witnessing the builder-KBCA nexus at work.

We personally invite him to come and visit these areas and see for himself first hand what your officers and staff are doing. □

**Shehri Management**