



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

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## The Case for City Governments

As the debate over the shape and form of the revised metropolitan government structure in the country continues, *Dr. Kaiser Bengali* comes up with a framework for representative and effective city government structure for the large urban centres of Sindh, capable of being replicated in other urban concentrations of the country.

**K**arachi has been in a state of deep crises since the last decade and a half. The breakdown of basic civic services has deprived the citizens of the most essential necessities.

Water is the basic ingredient of life; but there are parts of the city where water is not available at all, or has not been supplied for months, or is supplied erratically. Irrespective of the regularity of water supply, the quality of water is poor and frequently mixed with sewage. The situation with respect to provision of electricity,

victim to the daily grind of acquiring essential services for survival.

These problems are a reflection of decay and collapse of the institutions of governance, particularly local governance. Governance structures continue to be colonial and deny the opportunity to the people to organize even their day to day lives according to their will.

Constitutionally, the state has a federal character; in actual fact, however, it is highly centralized.

The constituent units, i.e., provinces, are devoid of effective power and local governments are non-existent. Effective exercise of sovereignty and participation of the people in the affairs of the

state requires that decision making levels are within reach of the people to the maximum possible degree. While reforms are required in an array of areas, the over-centralization of the state stands as the crux of the problem,



The rising urban challenge: Skyline of Karachi

public transport, etc., is no different. On the other hand, the breakdown of law and order has resulted in daily incidence of dacoities and car snatchings and ethnic and sectarian violence. If a citizen survives the violence, he or she falls

### Proposed Reforms

The following minimum reforms are necessary through a constitutional amendment to alleviate the crisis.

1. Accord the Senate all powers available to the National Assembly, including the power to discuss and vote on money bills.
2. Abolish the Concurrent Legislative List, Part II of the Federal Legislative List and all provisions in Part I relating to taxes and duties except taxes on income, wealth and foreign trade.
3. Institute local governments, including city governments for cities, with executive, legislative and judicial arms, as the third and basic tier of the Federation.



**SHEHRI**

206-G, Block 2, P.E.C.H.S.,  
Karachi-75400, Pakistan.  
Tel/Fax: 92-21-453-0646  
e-mail/address:  
shehri @ onkhura.com  
(web site) URL: http://  
www.onkhura.com/shehri

**EDITOR**  
Farhan Anwar

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**EDITORIAL**

**A Nation in Waiting**

**O**ur beloved country Pakistan is yet again in the grip of a season of new experimentations and innovations in the art of national governance. The political process has been sidelined, period. A number of bureaus, task forces and advisory groups have sprung up and reforms and restructured mechanisms are being considered on a number of important issues related with the national development process.

Not much has come out as yet from these thought processes, which is understandable, as the rot had really set in and it will take some time to untangle the complex web of the number of contributory factors which have led to the present crisis of governance. The climb from the "rock bottom" status to the upper rungs of the prosperity ladder is yet a distant, though hopefully, not a futile dream.

The good intentions of the present government cannot and should not be doubted. However, given the unique opportunity which the present administration enjoys, for bringing about positive and lasting changes in the nations fortunes, hopes of an

expectant nation for radical, rather than cosmetic reforms should also be respected and duly reciprocated.

It is a time for bold decisions and fearless and surgical implementation of the same. The few which so shamelessly sit on the wealth and resources of the countless many, have to be forced to give up their immoral and unlawful hold on the nations riches. This will require fundamental restructuring of the governance and administrative frameworks of our politics, economy and development priorities along with the maintenance of a high level of tolerance and understanding in our social, ethnic and religious perceptions and actions. So, it is safe to assume that the government is fully aware, that it is an awesome responsibility and not a game for the faint hearted and half witted.

It is not difficult to achieve this goal, what is needed is good will and the courage to stand up and fight for what is right for the nation and not for any individual or group. It is doubtful, whether we can afford yet another miscarriage of faith.



with the answer lying in provincial and local autonomy. It is important to stress here that provincial autonomy is a necessary condition for local autonomy and that local autonomy cannot be introduced without first introducing provincial autonomy.

In the context of Sindh, the provincial assembly should enact the necessary legislation to the following end.

1. Establish an integrated metropolitan government in Karachi, Hyderabad and Sukkur. The latter two should include all urban areas within an approximately 40 kilometer radius. Thus, Hyderabad will include Jamshoro, Kotri, Matiari, Tando Jam, etc.; and Sukkur will include Khairpur, Rohri, Shikarpur, etc.

The metropolitan governments should be headed by a Mayor, who should be elected directly by all voters in the metropolitan area. In effect, KMC, HMC and SMC should be upgraded to the status of the Metropolitan governments.

2. Transfer all civic agencies to the exclusive jurisdiction of respective metropolitan governments. In the context of Karachi, these include the Karachi Development Authority (KDA) [including the Building Control Authority and Traffic Engineering Bureau], Lyari Development Authority, Malir Development Authority, Karachi Water and Sewerage Board (KWSB), Karachi Electric Supply Corporation (KESC), Road Transport Authority (RTA), Karachi Traffic Police, etc.

3. Transfer jurisdiction over (a) distribution of gas and telephones and (b) education and health in Karachi, Hyderabad and Sukkur to the respective metropolitan governments.

**Proportional representation is essential to allow all (political, ethnic, religious, sectarian, etc.) minority groups to gain representation in the Council, so as to prevent the emergence of the dictatorship of the majority.**

4. Institute a metropolitan cabinet of secretaries, drawn from the respective metropolitan council, with each secretary responsible for one of the following departments: Housing, water and sewerage, sanitation and waste disposal, road and street lights, electricity and gas distribution, education and libraries, preventive and curative health, environmental control, public transport, culture and sports, parks and green belts, traffic police and traffic management, neighborhood security, small and micro enterprise development (for employment promotion), etc.

5. Institute Metropolitan Councils, elected on party basis on the principle of proportional representation. Proportional representation is essential to allow all (political, ethnic, religious, sectarian, etc.) minority groups to gain representation in the Council, so as to prevent the emergence of dictatorship of the majority.

6. Transfer property tax and motor vehicle tax bases to metropolitan governments.

7. Empower the metropolitan council to collect taxes, prepare development plans, and incur development and recurring expenditure in their respective jurisdictions, subject to Sindh government

**C-Pg. 1 (Reforms)**

4. Draw up a Local List, specifying subjects of exclusive control of local government units and place all local functions (e.g. land, housing, water, sewerage, sanitation, electricity and gas distribution, local roads, public transport, health, education, small and micro-enterprise development, agricultural extension, animal husbandry, and horticulture) on the Local List. □

auditing controls.

In order for the metropolitan governments to function effectively, the Mayor should be empowered to take necessary administrative actions.

However, it is necessary to build-in certain safeguards in order to prevent the Mayor's office from turning into a one person or one party autocracy. Thus, provisions must be made in the law for the Mayor's decision regarding key



Improving the quality of life: Foremost challenge



appointments and expenditures beyond a certain amount to be rectified by the respective metropolitan council.

8. Empower the Mayor to appoint, transfer, and remove all metropolitan secretaries and heads of civic agencies under metropolitan control, subject to Council approval. The Chief Metropolitan Secretary should be appointed by and be responsible to the Sindh government.

9. The Mayor should be empowered to authorize budgeted expenditure. However, expenditure above a certain level, even if budgeted, should be subject to approval by the Council.

10. The metropolitan areas should have a federated local government structure. For example, Karachi is currently divided into 5 district municipalities. However, there is no rationale for 5 municipalities or their current boundaries. The Karachi Development Authority's planning divisions for Karachi offer a more rational basis for creating zonal municipalities, on the basis of which there should be about 30 zonal municipalities in, say, Keamari, Lyari, SITE, Shershah, Manghopir, Orangi, Baldia, Pathan/Frontier Colony, Naz-

imabad, North Nazimabad, North Karachi, F.B. Area, Karimabad, Liaquatabad, Gulshan-e-Iqbal, Landhi, Korangi, Malir, Old City, Societies Area, Clifton, Defence, etc.

Similarly, Hyderabad metropolitan area would have zonal municipalities in, say, Old City, Latifabad, Q a s i m a b a d, Jamshoro, Kotri, Tandojam, Matiari, etc., and Sukkur metropolitan area would have zonal municipalities in Sukkur Barrage Colony, Rohri, Shikarpur, etc.

The zonal municipalities should report to the metropolitan governments, within which functions and fiscal resources should be distributed according to standard urban management criteria. In general, the metropolitan governments should be responsible for bulk services and zonal municipalities for provision of services to households and within municipal jurisdiction. The chairmen of zonal

municipalities should also be directly elected and be similarly responsible to the respective municipal councils.

**The metropolitan areas should have a federated local government structure. For example, Karachi is currently divided into 5 district municipalities. However, there is no rationale for 5 municipalities or their current boundaries.**

The emergence of metropolitan governments in Hyderabad and Sukkur will lead to a more balanced regional growth and provide greater economic, employment, educational, etc., opportunities to the people of central and upper Sindh. An integrated metropolitan government in Karachi will lead to an improvement in

the quality of life of the citizens and an enhancement in the productive efficiency of the port city's industrial and commercial infrastructure; thereby, enabling Karachi to contribute more to Sindh's and the country's growth. □

*(Dr. Kaiser Bengali is one of the founder members of Shehri-CBE, a noted economist and Central Coordinator, Social Democratic Movement)*

## EFFECTIVE MANAGEMENT

**S**ustainable development in today's urbanizing world is increasingly dependent on the effective management of urban areas. While addressing the World Conference on Model Cities in Singapore, Klaus Toepfer, the acting executive director of the United Nations Centre for Human Settlements (Habitat) said that "an analysis of the UNCHS best practices has led us to conclude that urban development policies need to be inclusive, cooperative and people-centered to be effective. The empowerment of people by governments is the key to mobilizing latent resources, strengthening the effectiveness of local authorities and fos-

tering a more cooperative atmosphere among all urban resident". To support mayors and local authorities in their tasks, Habitat, in partnership with major international and regional associations of local authorities, has started to work on a World Charter of Local Self-Government. This Charter will provide an internationally agreed framework for a democratic local government system. The draft Charter will be passed through the intergovernmental machinery of the United Nations for ultimate adoption by the UN General Assembly in 2001. □

*Source: UNCHS (Habitat)*



## ***SHEHRI ACTIVITIES***

### Panel Discussion

### “Strategies for Effective Local Governance”.

(Friday 19th November, 1999, Hotel Marriott, Karachi)

A Panel Discussion on the topic of “Local Governance”, was held by Shehri in collaboration with the Friedrich Naumann Foundation, in which people belonging to various sectors of the society such as political activists, government officials, academics, NGOs/CBO’s, business, media participated.

Mr. Umer Asghar Khan, Federal Minister for Local Government

aim, to contribute positively in the establishment of an effective and people friendly local government setup, capable of delivering upon its promises, plans and commitments to the public and with the active participation of the public.

Mr. Anwar said that Shehri’s work during the last ten years has led it to believe that the most effective political arena, which also ensures maximum level of meaningful civil



(L – R) Farhan Anwar, Umer Asghar Khan, Dr. Kaiser Bengali, Mirza Jawad Beg, Noman Ahmed

and Rural Development/Environment/Labour, chaired the session.

Mr. Farhan Anwar, Executive Member, Shehri-CBE, who moderated the session, introduced the guest speakers, which included Mr. Mirza Jawad Beg, Mr. Kaiser Bengali and Mr. Noman Ahmed.

Mr. Farhan Anwar said that the session signalled the start of a comprehensive and long term Shehri programme initiative, which would look into the issue of “local governance,” in all its varied aspects, forms and shapes. The

society participation and say on matters that effect them on a daily basis, is that which includes the institutions of local governance. These are the institutions which hold the key to lasting reforms leading to the hope of a better quality of life for the people.

Mr. Anwar also outlined some questions (see box) which he said that Shehri would like to put before the participants for consideration during the session.

Mr. Qazi Faez Isa, Chairperson, Shehri-CBE, gave an introduction

### Questions that need Answers

- The relevance of decentralized structures of local governance as opposed to centralized structures.
- Or should we go a step further on the road of decentralization to devolution of power to the lowest tiers of governance?
- The issue of local bodies elections. How can we ensure true representation of all segments of the society and protection of rights of minority groupings. Is there a need for electoral reforms?
- What can be the most workable and effective powers and functions sharing model between the federal, provincial and local tiers of governance?
- Equitable financing models for local government institutions. Powers to tax, revenue collection and generation etc.
- How can the issues of corruption, and technical/managerial inefficiency be tackled? Is there a need for enhanced salary/benefit slab structures for officials function-

Cont. next page



of Shehri and welcomed the inclusion of Mr. Umer Asghar Khan into the Federal Cabinet. He said that because of Mr. Khan's stated commitments towards important causes, much was expected of him.

**Mirza Jawad Beg**, a noted citizen activist who pioneered the concept of autonomous local govern-



**Mr. Fahim-uz-Zaman, Administrator KMC, talked about the financial constraints being faced by KMC which were hindering its functions**

nance in Pakistan in the early 70's and is the author of a book "*Shehri Hukoomat*", (City Government) was the first speaker. Mr. Beg said that he started thinking about this issue in 1968 and made a tour of the world to acquaint himself with the various types of local government systems in operation in major cities of the world.

He said that we have inherited the British system of governance, in which local governments were weak and we used to have all powerful governors at the provincial level. Today also, all powers rest with the provinces. We also have a strange situation that during democratic governments rule at the centre, we have weak local bodies, while the local bodies system becomes powerful when we have military rule.

Mr. Beg said that in large industrialized nations, city governments are very strong. In USA, even seaports and airports fall under the jurisdiction of local governments. In certain Japanese embassies, Tokyo Metropolitan government has its own desk, which even

deals with issues like tourism. He emphasized the importance of land control and said that we need to enforce local cadre system, whereby only a local citizen can get employment in his or her city's local government. Mr. Beg said that very few powers and functions of the state should remain with the federal and provincial governments, while most of the powers should be transferred at the local level.

**Dr. Kaiser Bengali**, a noted economist and co-ordinator of the Social Democratic Movement, who was the second speaker, said that while military governments support local government setups, no military government has ever established effective local governments.

Mr. Bengali called for immediate and extensive devolution of power to the local level. He called for the abolition of the post of Deputy Commissioners and the Ministry of Local Government at the Federal level. He also called for the demolition of KDA, whose functions should be given to



**Mr. Arif Hasan, a noted urban planner, stressed the importance of considering the ground realities and providing proper constitutional cover to any local government reforms**

KMC. He called for governance down to the lane and '*Mohalla*' level and said that Karachi should be further sub-divided into 20-25 local municipalities.

He called for changes in the electoral system and said that local governments should be elected on the basis of proportional repre-

*Cont.*

ing in larger urban metropolitan agencies, commensurate with the challenges they face. Should a threshold be identified for such categorization?

- How can the possibility of privatization of civic services be accommodated in our scheme of things or should this process be discouraged?
- How can local government institutions interact with the informal sector or should there be no interaction?
- What modes and mechanisms for citizen oversight and participation can we suggest to ensure maximum involvement of the civil society leading to better planning and greater transparency?
- And last but not the least, what are the areas for priority consideration for the local bodies in say a city like Karachi? □

sentation, while the Mayor should be elected directly and should have a cabinet.

**Mr. Noman Ahmed**, Co-ordinator, Urban Design Programme, who was the last speaker, recounted the historical development process of local government system in Karachi. He called for understanding the ground realities which exist in Karachi and the role, various formal and informal sectors of the society perform in running this city. Planning could only succeed if a proper evaluation of the existing situation was made.



After the conclusion of the speeches, Mr. Farhan Anwar opened the general debate session. Mr. Fahim-uz-Zaman, the Administrator of KMC was asked to initiate the discussion. Mr. Zaman discussed the technical



Mr. Navaid Husain of Shehri, proposed the restructuring of the local government taxation system to improve the financial position of civic bodies

and managerial problems being faced by KMC and mentioned the severe economic crisis that KMC is presently going through.

Mr. Arif Hasan called for a constitutional backup to any changes in the local government system, and urged the importance of understanding Karachi's problems before going for large scale changes.

Mr. A. K. Lodhi, a former bureaucrat, praised the initiatives undertaken by the present setup and called for guarding against the establishment of small power centers and empires while going for devolution.

Prof. Muhammad Nauman said that the existence of various kinds of mafias which control different aspects of local governance, is an important issue which will pose hurdles in the way of any kind of change in the status quo.

In his concluding remarks, Mr. Umer Asghar Khan said that we need to redefine three key aspects of our governance system,

namely structure of the state, electoral system and modes of state-civil society interaction.

He said that it is also upto our civil society groups to decide for themselves as to how much they are in tune with the real problems of the common man.

Mr. Khan said that there is a need for analysing why citizen movements have failed in the past. He cited the example of the failure of the trade union movement in Pakistan.

He was hopeful that positive change would come but for that he said we need to create space and provide enabling legislation.

He said that we need to cut our costs. Presently, 350 people are employed in the his ministry, while the same work could probably be done better by

30-40 persons. He talked of reforming the taxation system with a more rational tax sharing formula between local and provincial/federal tiers of governance.

Mr. Khan said that reforms were needed in the electoral system. He defended his inclusion in the cabinet and said that the seven point agenda of the present government is not in conflict with his own convictions and beliefs.

In the end, Mr. Farhan Anwar gave

the vote of thanks and concluded the debate. □

**Mr. Umer Asghar Khan said that there is a need for analysing why citizen movements have failed in the past. He cited the example of the failure of the trade union movement in Pakistan.**



Mr. Umer Asghar Khan, Federal Minister, spelled out the broad based strategy being adopted by the present government to institute local government reforms in the country

**ISSUES WHICH RECEIVED A GENERAL CONSENSUS OF OPINION**

- Need to carefully assess ground realities and learn from past mistakes, to come up with realistic solutions, rather than adopting utopian concepts
- Need for Electoral Reforms
- Need for more powers and functions at the local level
- Need for meaningful citizen participation and accountability
- Need for a system of internal checks and balances to prevent the formation of small empires and control of small groups with vested interests. □





# Seminar “Strengthening the Judiciary”.

(Friday 3rd December, 1999, Hotel Marriott, Karachi)

A seminar was held on the topic of “Strengthening the Judiciary”, by Shehri-CBE/Friedrich Naumann Foundation in collaboration with the Helpline Trust and Citizens Police Liaison Committee (CPLC).



(L - R) Qazi Faez Isa, Abul Inam, Shaig Usmani, Jameel Yousuf

**Mr. Miftah Ismail** of the Helpline Trust, who acted as seminar coordinator, introduced the topic of the day and the guest speakers.

**Mr. Qazi Faez Isa**, a noted barrister of the city and Chairperson, Shehri-CBE was the first speaker. He said that one of the defining principle of Islam is “*Adl*” (Justice) which is being ignored in our society. Mr. Isa, regretted the fact that numerous concepts like “*Nizam-e-Mustafa*”, “*Shariat Courts*” have

studied law, one has to sign a declaration that he or she is not employed anywhere while studying law.

He lamented the fact that no proper academic standards or criteria are followed in our law colleges. He cited the fact that in Law College Quetta alone, 700 students are enrolled at a time, while in the whole of England, only 1100 seats are available, catering both to local and foreign students.

wrong. He also said that the posts of Attorney General and Law Minister cannot be held by the same person, such as is presently the case.

Also, persons holding such sensitive posts should be barred from having private legal practice.

Mr. Isa was critical of the law that said that a Supreme Courts judge’s retiring age should be 65, while that of a High Court judge be 62. He said that both should be the same.

**Mr. Jameel Yousuf** spoke of CPLC’s experiences of dealing with the judiciary. He said that the judicial system should also be fully accountable to the society for their actions.

Mr. Yousuf felt that there was a need of redefining the law of “*Contempt*”, similarly be suggested changes in he law of “*Defamation*”, which he felt had not delivered the required results.



**Mr. Miftah Ismail** of Helpline Trust, acted as Seminar Moderator

been employed, yet significant results have not been attained.

He stressed the need of identifying correctly, the faults within the system and said that one area of priority concern is judicial education.

He said that in our country, law is both taught and studied “*part-time*”. You can work in the day and study law in the evening. Mr. Isa said that in England, where he had

Mr. Isa raised an interesting issue when he said that while all the laws/reports are available only in the English language in Pakistan, one can get a law degree while studying in Urdu!

Mr. Isa said that there is a culture of litigation in Pakistan. He objected to the setting up of “*special courts*”, and suggested that instead, the efficiency of the regular courts should be improved.

He said that in our country, Attorney Generals are politically appointed persons, which is

He lamented the fact that 80% of





the kidnappers caught with the help of CPLC were later acquitted by the Courts on seemingly bizarre interpretation of the existing laws. He cited a few specific cases in this regard.

He said that the judiciary needs to take "Suo Moto" action on issues like "pillion riding", to ease the problems of the general public.

Mr. Shaiq Usmani, a former judge of the Sindh High Court said that we need to understand that judiciary is part of our system. He said that this same judicial system worked very well under the British because then, the courts were impartial. However, soon after independence, when Ghulam Mohammad sacked the government, the executive was brought into direct conflict with the judiciary. he regretted the fact that since that time, this confrontation has continued with disastrous consequences.

Mr. Usmani asked as to which judiciary in the world has to decide every two years, whether the government should stay in power or not!

He regretted the fact that the executive has always gone after the throat of the judiciary to toe their line and this process recently culminated in the storming of the



(L-R) Mr. Nazim Haji, General Secretary, The Reformers and Mr. Roland de'Souza of Shehri talked about the importance of citizen involvement and activism to ensure good governance

Supreme Court.

Mr. Usmani suggested that our courts need to be financially autonomous and particularly the working conditions in the lower courts need to be improved. He said that our civil court procedures, in practice since 1868, when Lord MacCauly first penned them, need to be changed. In this connection he cited the "Wolf Report", which has completely changed the civil procedures system in England, implemented only last year, as a model for the required changes in Pakistan.

changed the civil procedures system in England, implemented only last year, as a model for the required changes in Pakistan.

Mr. Usmani said that there is too much litigation in Pakistan. His personal experience suggested that 50% cases are of frivolous nature and can easily be resolved through some system of pre-trial meetings.

He also suggested that we should have "constitutional courts", to hear cases of executive nature.

In order to save time, he suggested doing away with the system of "Detailed Reasoned Judgements". He said that in Western countries you normally come across one page judgements.

Mr. Abul Inam, President, of the Sindh High Court Bar Association said that there is no bar on anybody from commenting on the judgements of the courts. Mr. Inam said that we need to be very clear that our system is based upon the requirements of the "law", and not that of "equity".

he admitted the fact that the system had many shortcomings. In this connection, he cited the system of enrollment of advocates.

He suggested the formation of a "Permanent Judicial Commission", to suggest amendments in the law wherever required. He also said, that we need to cultivate among the public a culture for the respect of law.

After the conclusion of the speeches, a lively question and answer session took place in which various important issues related with the topic of the day were covered.

In the end, Mr. Qazi Faez Isa gave the vote of thanks. □



# Workshop “Youth & Civil Society-II”

(Sunday, 5th December, 1999, Hotel Marriott, Karachi)

An interactive workshop for students belonging to various higher level educational institutes of Karachi was held by Shehri, in collaboration with the Friedrich Naumann Foundation.

This workshop was part of the recent initiative undertaken by Shehri to involve the educated youth of the city in working for the establishment of a better civil society in the country.

The format of the workshop was interactive. Participating students were given an introductory brief by Mr. Farhan Anwar, Executive Member, Shehri-CBE, who acted as Workshop Moderator. Three topics were chosen for discussion during the workshop.

- *State of the Economy*
- *Establishment of True Democracy*
- *Protection of Human Rights*

In small working groups, the students were asked to discuss among themselves, the relevance of these issues within the context of the Pakistani society, the associated problems and the impact they were having on the lives of the

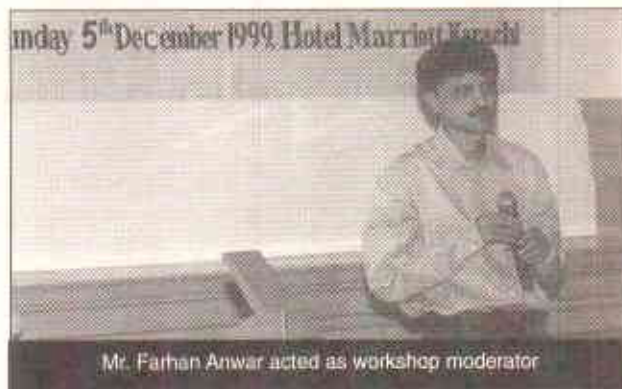
common Pakistani. The students were also asked to come up with some guidelines and strategies to overcome the crisis associated with these issues.

The findings of the group work sessions were documented on presentation boards and were later presented to the plenary session.

## Group 1 State of the Economy

The first group was of the view that Pakistan was a resource rich country and the main problem was that small and powerful groups control the destiny of the nation, as a result of which the wealth of the nation is accumulated in very few hands.

The group emphasised the importance of self reliance and stressed the need of stopping the uncontrolled flow of money from the country. Similarly, the group felt that there was a need of stopping the “Brain Drain”, problem. Instead, educated and resourceful Pakistanis living abroad needed to be lured back to the country to contribute in the nation building process.



Mr. Farhan Anwar acted as workshop moderator

The group felt that we needed to invest in alternate and hitherto untapped sources of revenue generation e.g. by, developing the “Tourism Industry” Pakistan was rich in scenic and historical sites which needed to be preserved and developed as world class tourist attractions. Similarly, local arts and crafts needed promotion.



The group also felt that there was room for developing a greater market for our products within our own country and the gap between our export earnings and import bills had to be rationalized.

## Group 2 Establishment of True Democracy

The group gave a detailed analysis of the various types of government and ruling systems, Pakistan has



Mr. Khatib Ahmed and Mr. Imran Javed acted as facilitators



witnessed in its short history and then discussed the options available for the future.

The group felt that parliamentary democratic system offered the best hope for Pakistan. However, the prerequisites for establishing such a system were not fully in place at present. A major inhibiting factor being the issue of mass illiteracy.

The group emphasised the impor-



tance of having in place a proper system of checks and balances to ensure transparency in functions and harmonious working relationship between all pillars of the state.

They cited the recent example of the Washington Accord, where the then Prime Minister, signed a document having grave strategic repercussions for our country without taking the parliament, the opposition or the public in confidence.

The group also discussed the importance of bringing about electoral reforms to have a better chance of getting true representatives of the people into the assemblies.

### Group 3 Protection of Human Rights

The group felt that in our society we are conditioned right from our very childhood into believing that girls and boys have very different tasks in life. The group was of the

opinion that parents are responsible, due to our own peculiar societal, cultural



trends for this conditioning of children.

The group regretted the fact that individuality is discouraged in our society, while people feel comfortable with a conformist attitude.

They opined that there are various manifestations of the human rights problem in our country. There is



The group strongly felt that we need to have a more free and open society where people are allowed to create their own space.

The group presentations were interactive as the presenters were asked to explain various aspects of their presentations by the participants.

Later, a collective interaction exercise was undertaken in which all the participating students were asked to give their opinion on which sectors of the national development process should be managed by the various agents of change i.e. the government, the private sector, the NGO/CBO or in

WHO SHOULD DO WHAT?					
Problem Zones	Agents of Change				
	Governeemnt	Private	NGO/CBO	Govt./Pvt.	Govt./NGO
Infrastructure	•• ••	•		•• ••	
Education	•• ••	•• ••		•• •	•
Unemployment	•• ••	•		•• ••	•
Pollution	•	•		•• •• •	•• ••

religious segregation, law enforcers are not people friendly. Abuse of basic human rights takes place everyday in the "Khabarna-ma" on Pakistan Television. We have such laws as the "Hudood Ordinance", which many feel, discriminate against women.

partnerships between these sectors.

In the end, Mr. Farhan Anwar outlined for the students, a tentative program of Shehri for youth participation in the year 2000. □



## SHEHRI ALERT

### Another Glass Towers?

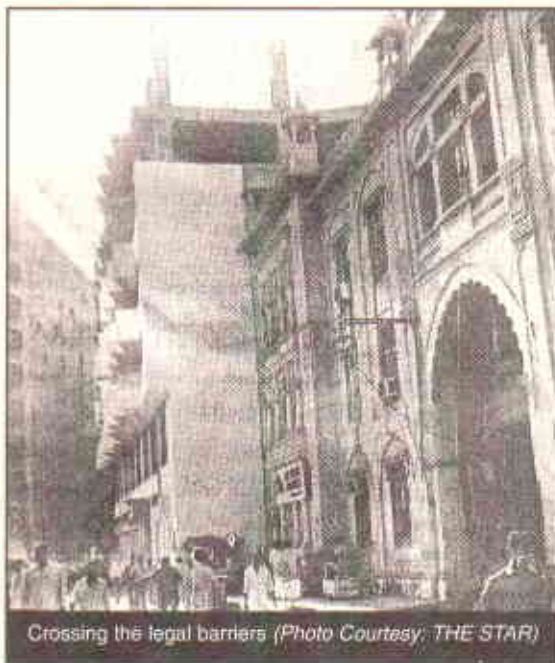
Part of the International Trade Centre is being constructed on road widening cutline off I. I. Chundrigar Road. This is just one of the many irregularities associated with this construction project. *Shehri* raises a timely alert.

**I**nternational Trade Centre on Plot 10/2/SR-2 in Serai Quarters has the makings of a cause celebre. The KMC, vide Resolution No. 327 of 11-6-34, notified widening of Nichol Road from 30 feet to 50 feet, with 10 feet cut-lines on both sides. As shown on KMC Part Plan No. 352 dated 30-10-35, the 10 foot strip in

changed hands many times, and finally came into the possession of S.M. Ilyas s/o S.M. Iqbal and Aziz Ahmed s/o S. M. Anwar through an award dated 26-6-70 of the High Court of Sindh & Balochistan in suit 348/70. The relinquishment deed was registered in 1996. To avoid payment of stamp duties and taxes, rights to the property have been further transferred on the basis of an Irrevocable Power of Attorney.

The builders, holding the Power of Attorney, are M. Ibrahim Habib s/o M. Suleiman Habib and Hanif Aziz s/o Abdul Aziz, under the name

"S.M. Builders." They are well-connected and have constructed or are constructing a number of other illegal buildings, including "Al-Faisal Shopping Mall" (Plot 171-A/3, Sir Syed Road, (PECHS), "Commercial Complex" (Plot 40/3, Tariq Road, Delhi Mercantile CHS) which is attempting to encroach on the Jheel Park amenity plot,



front of adjacent Plot 10/1/SR-2 (Karachi Chamber of Commerce & Industry, then known as the Karachi Indian Merchants' Association) was acquired by KMC, and the 10 foot strip in front of Plot 10/2/SR-2 was shown as "Area to be Acquired."

Plot 10/2/SR-2, on which 2 story godowns were built,

## BREAKING EVERY LEGAL BARRIER

### Violations of Law by KBCA while Approving Plan

- Plan Approved on KMC cut-line OFF Nicol Road.
- Steps not provided in ground floor shops (These cannot be provided on public road).
- Height of 10' (instead of 8') approved for parking floor, which is liable to misuse (floor will be converted into office use).
- Steep car-ramp of 1:6 provided (instead of standard 1:8 or 1:10).
- The 1:6 plot ratio has been extended over G, 1 and 5th - 11th in a "tubular" structure. This is uneconomical and it is obvious that the builder plans to violate the central open space and construct additional built-up area hidden from the public view (he had already started to do so in June '98 when Shehri raised a hue & cry). The sizes of the central columns under the "open-to-sky" space show this.
- The area calculation is not as per approved plan. Basement area of 13,506,25 sqft was not included in the covered area calculation.

### Violations of Approved Plan & Regulations by the Builder

- NOCs of utility agencies not provided.



and "Al-Habib Pride" (Plot 5/CL-8, Abdullah Haroon Road, Civil Lines) where Al-Habib Builders, ABAD Member No. 353, had two illegal extra floors sanctioned by HTP Minister, Waseem Akhtar.

The Builders violated their approved plans of "International Trade Centre" and misused High Court orders in Suit 815/98 and Suit 1094/98 to shield their illegalities. They even obtained an ad-interim order from the Court restraining the KBCA from inserting a Public Notice in the newspapers to warn the public so that they would not invest and be defrauded.

The violations on the project include encroachment on the road-widening cut-line,

no Plinth Verification Certificate, inadequate corner chamfer, excess covered area in the central "open-to-sky" portion, storage of building materials on public road, elimination of arcades, and induction of occupants without a KBCA "Occupancy Certificate."

Although all authorities (KMC, DC South, DIG Traffic) have acknowledged and communicated the existence and dire necessity to the road-widening cut-line to the KBCA, no action has been taken so far to demolish the encroachment on the public road reservation.

The issue has now gone to court, with Shehri-CBE acting as interveners. □

- Plinth Verification Certificate not provided.
- Columns positions and dimensions changed making the whole structure unsafe.
- Building not earthquake-resistant as proof-vetted structural plan has not been followed.
- Chamfer not as per plan.
- COS encroached upon.
- Roof projections against approved plan.
- Fire-fighting and safety arrangements including emergency staircase as per rules and regulations not provided.
- Building materials and construction equipment placed on public road.
- Induction of illegal occupants without KBCA's mandatory "Occupancy Certificate". □

## Shehri (Socio-Economic Terrorists !!!) Get a Certificate of Good Service (From an Unlikely Source?)

An Appeal To Subvert The Due Process Of The Law

**an APPEAL for the KIND ATTENTION of**

**Honourable Chief Executive of Pakistan,  
General Pervez Musharraf.**

**Honourable Governor of Sindh,  
Air Marshall Rtd. Mohammad Azim Daudpota.**

**Honourable Corps Commander of Karachi,  
Lt. General Muzaffar Hussain Usmani.**

**Taking undue advantages of ill conceived,  
ill planned and obsolete building by-laws  
and Zoning, Regulation, an NGO Has  
terrorized the socio-economic conditions  
of the city of Karachi.**

Building by-laws devised 20 years ago for a population of 50 lakhs have brought upon us a population of about 1 crore 30 lakhs which has resulted into an irregular and unmanageable construction. Regularisation of irregular construction is a quest of such the urban and housing building by-laws and not always been regulated by competent the same illegal construction is concentrated in all cities of Pakistan but for the last 3 years this has been supported in the city of Karachi by various Builders and Developers are being subjected to financial loss, loss of business and real-estate speculation. A sizeable number of tall buildings in the Government areas have been left at the mercy of a group of foreign aided person who are manipulating existing economic terms and have exploited business activities of the Builders and Developers including more than 45,000 crores of the sale and supply material use in the construction of housing.

Despite recommendations for updates in the building by-laws and Zoning regulations, a recommendation is already sent months before. The historical price of this device remains approval. The then Governor of Sindh Rt. Hon. General Muzaffar Hussain Usmani has raised the negative effects being sustained by the Housing Ministry which rendered thousands of families jobless directly or indirectly but failed to put up a final proposal before the Hon. Mr. Shehri. About due to change circumstances and if not be processed.

Similarly orders were given by the then Governor to put up a submission for the regularisation of 200 sealed building materials, sealed by the Abdullah Shauk Government having secured interest Builders and investors invested in these buildings have been rendered jobless and more than 10000 families are in the national economy.

Humbly request an immediate order for the removal of members against development of the use direct use in his first press conference. For this we request the appropriate authorities and impartial Commission of professionals to give the crumbling housing industry a new life.

your immediate action will definitely bring fruitful results for the country.

**Chairman and Members of Central & Regional Executive Committee of ABAD**

**Association of Builders and Developers (ABAD)**

27115 BLOCK 16, SUIT 206, JALAMI BAZAR, KARACHI - 75200  
Phone: 8877 811246-20111847-74, 321-8118475-74, 40074880-74

Shehri's Rejoinder

### Illegal construction

ABAD has appealed, through Dawn, to the Chief Executive, Governor and Corps Commander of Karachi to draw their attention to its problems. It appears that our campaign on behalf of the citizens aimed at saving the city of Karachi is finally bearing fruit. This appears to be the first appeal of its kind placed by ABAD. Previously builders raising illegal construction would have taken a different route. By their appeal they want the practice of builders breaking the law restored.

ABAD is a member of the Overseas Committee of Karachi Building Control Authority and if it thinks that the building regulations need to be amended in a particular manner the same could be suggested. The fact that ABAD is not coming forward with precise proposals is indicative of their intention. Even in the appeal not a single suggestion regarding the manner in which the regulations need to be changed has been made by them, which confirms that they have no reservations with regard to the regulations.

The only grudge of ABAD, to use their own words, is that, "irregular construction", which is their way of saying illegal, should be "com-pensable" or condoned. We could do no better than to cite what has

been stated recently by the High Court of Sindh:

"The concept of regularisation of deviation from the approved plan is, I must admit, quite unpalatable to me. One might ask what is the purpose of making a rule or regulation which can be deviated from and such deviation can be compounded upon payment of penalty. Surely this would be contradiction in terms for rules are made to be obeyed and not to be deviated from. If such be the case then that would be tantamount to allowing premium on deviation from the rules and thus those who choose to obey the rules would suffer and would be at a disadvantage as compared to those who choose not to obey the rules."

There is nothing preventing builders from raising construction in accordance with the regulations, if they fail to do so, it is for one and only one reason, greed. A greed, which corrupts and devours everything that stands in its way.

ABAD would better spend its money if it advises its members to follow the law rather than appealing when they have no genuine grievance.

MRS AMBER ALLIBHAI  
Gen Sec., SHEHRI Karachi



# POLICE REFORMS

## Reorganization of Police

*Police reforms is an issue which demands urgent attention of the relevant authorities. The Citizens Police Liasion Committee (CPLC) proposes reforms based on the Japanese Model of Policing*

The present law and order and public safety situation of Karachi hardly deserves any comment. The existing administrative structure to deal with the law and order situation has completely failed to tackle the public safety issues resulting in spiralling criminal activities in the city.

It is quite obvious that the criminal justice system can only perform effectively and efficiently if the components of the "system" act in concert, unfortunately the agencies involved, exercise their broad discretionary powers in an uncoordinated fashion, at times even acting at cross purposes to each other.

The present Criminal Justice System in Pakistan was evolved during the British rule in the sub-continent and was closely linked with the overriding objective of the colonial government, i.e. maintaining a tight control over the natives so that the stability of the Raj was not threatened. The purpose was admirably achieved through the office of the District Officer who acted as the agent of the colonial government. Sir James F. Stephen, in 1868, enunciated in succinct terms that "the maintenance of the position of district officer is absolutely essential to the maintenance of British rule in India".

Freedom from the British rule has brought a sea-change in the *raison d'être* of the long anachronistic

Criminal Justice System. Pakistan is no longer a colony and so a system designed to administer a colony cannot meet the expectations of a free people. With the

process of separation of executive from the judiciary being almost complete, it is time that other essential changes in the system are affected without any further dilly-dallying so that the people of Pakistan start getting the feel of a Criminal Justice Sys-

tem which is fair, less cumbersome, relatively inexpensive and, above all, efficient and effective.

It is observed that the existing administrative set up was based on a colonial legal system in which the police was only a repressive arm of the State, placed under the control of the District Magistrate. In this arrangement, maintenance of law and order and prevention of crimes was the dual responsibility of the police and Executive Magistracy, without really making any one organization responsible for any particular situation. This system provided a very convenient set up to

politicise police affairs, of which the results are obvious. Making the police force a politically neutral institution, yet keeping it under the control and supervision

of both the public service and the democratic institution of the State, is infact the requirement of the day.

Further observations disclose that in the existing police set up, most of the recruitments are politically motivated, making it a controversial State Institution. Other factors, like inappropriate training, lack

of professional leadership, inadequate salaries and archaic laws and procedures, also need to be addressed. Studying different police systems, including those operating in advanced western countries, India, Bangladesh, Sri Lanka and Japan, the Japanese police system is considered more suitable for cities like Karachi, Lahore, Rawalpindi, Peshawar, Quetta etc. as it insulates quite effectively the politics from police. It also offers better police accountability through community participation and inculcates concept of service to the community in the police force. The Japanese model envisages a democrati-

**Making the police force a politically neutral institution, yet keeping it under the control and supervision of both the public service and the democratic institution of the State, is infact the requirement of the day.**



cally controlled and politically neutral police organisation both at national and prefectural level. After the occupation of Japan by the Allied forces, the Supreme Allied Commander of the Occupational Forces, General Douglas Mac Arthur addressed a letter to the Prime Minister of Japan in Sept, 1947 asking him to create a new police force for Japan, a police which would support and sustain the democratic institutions which were also being introduced at that time in Japan. This resulted in the 1948 Police Law and the subsequent 1954 Police Law.

Following Institutions were created:-

*The National Police Safety Commission, under the Prime Minister at the National Level.*

*Prefectural (Provincial) Public Safety Commission, under the Governor.*

*National Police Agency under the National Public Safety Commission.*

The National Public Safety Commission is an administrative commission which has five members while the membership of the Prefectural Public Safety Commissions vary between three and five. The members are formally nominated by the Prime Minister but are appointed with the approval of both Houses of Parliament. The law permits members of political parties to be appointed but stipulates that they should not be active in police. Not more than two members may be affiliated to any one political party. However, a practice has developed not to nominate persons with political affiliation. Instead, persons of national standing from amongst lawyers, journalists, businessmen, scholars, social workers etc. are nominated to the Public Safety Commission. Members are appointed for five

## PROPOSED REFORMS

**A**lthough changes of fundamental nature in the existing system of criminal justice require in-depth study by the experts, listed below are a number of suggestions that need serious consideration including changing the obsolete Police Act of 1861 as under:-

- All procedural laws which in any manner hamper expeditious disposal of criminal cases may be suitably amended. Except under very extraordinary circumstances, there should be no adjournment once a criminal case is taken up for trial.
- A reasonable mandatory period for disposal of cases at the trial and appeal stages may be fixed in consultation with the higher judiciary.
- The law governing evidence may be brought in tune with the norms of the society we live in.
- The law governing perjury may be made more effective, so as to enhance its deterrence for the litigant public. The professional cheaters who feel they can always get away with the tricks they so often are perceived to play with the judicial system need to be specially deterred.
- Wasting police time may be made a distinct offense as is the case in most countries including England. Simultaneously, exemplary punishments may be meted out to policemen resorting to vexatious and motivated prosecutions. This will help enhance the efficiency as well as fairness of the system.
- No useful public purpose is served by sending those criminal cases to the trial courts which do not meet the "beyond reasonable doubt" evidentiary standard. On the contrary, the practice leads to clogging up of the courts with cases which are least likely to end up in conviction. To make the system more efficient and to put the scarce criminal justice resources to optimum utilization, it is critical that subject to effective checks and bal-

ances, the investigators are allowed discretion not to forward to courts cases which lack sufficient evidence.

- Innovative institutional arrangements involving public participation may be put in place for ensuring, inter alia, free registration of cases. The experience of CPLC in Karachi is a useful trend-setter in this regard.
- Arrangements for free legal aid for the needy may be institutionalized at the district level.
- To improve the quality of prosecution, let there be a new Prosecution Service of Pakistan, recruited and organized on the lines of the Police Service of Pakistan and other APUG services.
- To improve the quality of defence lawyers, let there be introduced a system of quality certification, as is the case with trading and other organizations under the ISO series.
- The existing system of having a court's jurisdiction tied to a certain territory may be done away with. Instead, through an amendment in Cr.P.C., every court of competent jurisdiction in a district may try any criminal case competently filed before it. This is how the system works in England and other advanced countries. Even India and Bangla Desh have got this system, the parties are never sure which particular court will hear their case as the same may be taken up by any competent court on the day it is fixed for hearing. The system has many obvious advantages, including enhanced efficiency as the parties are attended even if the particular court to which their case is initially assigned is somehow unable to attend.
- An independent research body may be established to constantly monitor and analyse the criminal justice statistics with a Spatial Crime Analysis System (SCAS) and suggest ways and means to

*Cont. next page*



years tenure and cannot be removed, unless physically incapacitated or guilty of gross misconduct. Their removal is with the consent of both Houses of Parliament through a process of impeachment. Security of tenure acts as a safeguard against any extraneous pressure. The Chairman of the Commission is a Minister of State who represents the Cabinet which is responsible for the public safety and order. The Chairman has no right to vote normally in decisions to ensure independence of other members. Only in case of a tie, the Chairman is called upon to vote.

While the Public Safety Commission has overall administrative responsibility for professionalism of the police affairs, they do not have direct control over the police forces on specific police matters. They administer the police forces through the heads of police organisations.

To protect the police from extraneous pressure and influences the Chief of Tokyo Metropolitan Police Department is appointed/dismissed with the consent of Tokyo Public Safety Commission and with the approval of the Prime Minister. The National Police Agency performs the functions of Secretariat for the National Public Safety Commission and acts as a co-ordinating body between various police forces on matters pertaining to personnel affairs, planning and research, traffic control on highways, police training, uniformity of standards, police communications, crime records etc.

It is proposed to create a Metropolitan Public Safety Commission on the lines of Tokyo Metropolitan Public Safety Commission. Its prime functions would be to safeguard interests of citizens, police the police, secure the police from

extraneous interference and to ensure integrity and efficiency of police operations. The Commission would also select and propose the appointment of a Metropolitan Police Chief. The Commission would consist of a Chairman and eight members. One member each to be nominated from the Treasury and the Opposition, by the leader of the House and Opposition respectively. Six members are to be nominated by the Governor from amongst eminent professionals as identified above.

The Chairman of the Commission shall be nominated by the Chief Executive of the Province in consultation with the Metropolitan Public Safety Commission. It has been proposed to make it as a standing Commission in which the term of the office of each member shall be six year. Half of the members to be replaced after every three years. A member may be removed by the Provincial Assembly. The direction/control of the Metropolitan Police is to rest with the Metropolitan Police Chief who would have a fixed renewable tenure of three years.

The Metropolitan Police Department is envisaged to work on both functional and geographical basis in which crime investigation shall be supported from the law and order and security functions of the police. Specialised units like homicide, vehicle theft, community terrorism/syndicate crimes shall be created which would be supported by Crime Record Office and Forensic Science Laboratories. There would be an independent police complaint authority to investigate the complaints of abuse of authority. The system provides for effective and meaningful participation of public in policing affairs through the institution of Citizen Police Liaison Committee (CPLC) which is already in operation in

enhance the efficacy of the system, besides encouraging and sponsoring crime-related research in major universities of Pakistan.

- Prisons may be treated as places of containment for the dangerous offenses, not as places for punishing the ordinary criminals. This will help reduce the present intolerably high levels of prison overcrowding, besides treating the routine offenders in a humane manner.
- The Sessions Judges may be asked to hold regular mandatory meetings with the police, prosecution and prison officials to ensure effective co-ordination between the various sub-systems of the Criminal Justice System.
- All summary cases and cases punishable up to one year imprisonment may be tried by Honorary Justices of Peace sitting in benches, not by professional judicial officers who should be exclusively tasked to try serious offenses. □

Karachi for the last almost 10 years and needs to be immediately established in the other provinces including Islamabad. CPLC will play a potent role in community policing and FIR registration, traffic education and enforcement, crime record management, alien registration, police computer networking, vehicle theft/syndicate crimes and police welfare. The extremely important function of accountability and finance management is going to be through an internal Affairs and Audit Unit, directly reporting to the members of the Public Safety Commission and not routed through their own police hierarchy.

It would be needless to say that just as restricting the police is most essential, the entire criminal justice system, especially the jail and prosecution also needs immediate reforming and reorganising. □





## JUSTICE

# The Institution of Ombudsmen

*Khatib Ahmed informs the readers about a possible avenue of redressal of complaints against erring government agencies*

The government has instituted federal and provincial ombudsmen to assist the people in registering complaints against public organisations and officials, and obtaining redressal of their problems.

### Federal Ombudsman

#### Origin and Legal Status

The institution came into existence through the President's (and Chief Martial Law Administrator's) Order No. 1 in 1983, titled as the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

#### Scope of Functions

The functions of the Ombudsman is to diagnose, investigate, redress and rectify any injustice done to a person through maladministration of any agency of the Federal Government (Ministry, Division, Department, Commission, Office, Statutory Corporation, other institutions established / controlled by it) except the Supreme Court, Supreme Judicial Council, the Federal Shariat Court, or a provincial High Court.

#### Jurisdiction

The Ombudsman's jurisdiction extends to the entire territory of Pakistan with a single tenure of four years (no provision for extension or re-appointment).

#### Powers

The Ombudsman may on a complaint by an aggrieved person, a reference by the President, the Federal Council, the National Assem-

bly, a motion of the Supreme Court or a High Court, undertake investigation into any allegation of maladministration by any Agency (its officers and employees).

The exception to the above are matters which are sub-judice, relate to the external affairs of Pakistan or any foreign state, the defence of Pakistan or the armed forces. On completion of investigation, the Ombudsman is required to send his recommendation to the concerned Agency for implementation and appropriate action.

#### Effectiveness

In the citizens mind, the institution has not been sufficiently effective for the redressal of the ordinary citizens grievances, basically on account of long drawn investigation procedures and the habit of the Federal Agency concerned (against whom action has been recommended) to drag its feet, appeal to the Supreme Court and generally refrain from complying with the ombudsman's recommendation.

However, the brighter side of the picture is that the citizen has now an avenue open to him to get his grievances against Federal Agencies attended to without having to go to courts of law where delays are far worse.

### Provincial Ombudsman (Sindh)

#### Origin and Legal Status

The Sindh Ombudsman came into existence on 14th May, 1991, through the promulgation of an

Ordinance called the Sindh Ordinance No. 1 of 1991.

#### Scope of Functions

The provincial Ombudsman's function is to diagnose, investigate, redress and rectify any injustice done to a person through maladministration of any Agency of the Sindh Government (Department, Commission, Statutory Corporation, Institution) except the High Court.

#### Jurisdiction

His jurisdiction extends to the entire of Sindh Province, with a four year tenure. He cannot be re-appointed nor can his service period be extended.

#### Powers

The Ombudsman is empowered, on complaint by an aggrieved person, reference by the governor, the provincial Assembly, a motion by the Supreme Court, High Court, or of his own motion, undertake investigation into any allegation of maladministration on the part of any Agency of the Sindh Government as stated above. On completion of the investigation, the Ombudsman is required to send his recommendation to the concerned Agency for appropriate implementation and action in line with eh recommendation.

#### Effectiveness

Since becoming operative in 1991 the institution has dealt with a large number of complaints against various provincial Agencies. The general reaction regarding its effectiveness i.e redressal



of injustice done to the complainant, has been lukewarm. The reason for this state of affairs is that long delays take place before any decision is taken by the Ombudsman. The concerned government agency generally deploys delaying tactics, thus increasing the public's sense of frustration. □

**Provincial Ombudsmen (Mohtasib) Sindh**

Justice (Retd.) Haziq-ul-Khairi  
Phone: 9211026

Address:  
Kamal Atatürk Road  
Opp. Tughlaq House  
Karachi, Sindh

Secretary - Saleem Ahmed Memon  
Phone: 9211023  
Fax: 9211051

**Update on Shehri Park**

Shehri had adopted this park in August 1998 from KMC. The plot had already been encroached earlier on three occasions. The authorities were apprehensive that this plot might be allotted for the use of some commercial purpose.

Shehri aimed to make this a children's park, having walkways for elders, so that they could come for their morning and evening walks.



The beginnings



Work in progress: Barbed wire/bamboo fencing erected

We initially wanted to construct a boundary wall for the park. However, the cost was very prohibitive. So, we have now covered the park boundary with bamboo's and barbed wires. This activity has cost Rs. 10,000/- (Ten Thousand).

Now we are planting a hedge, we hope that it will grow and form a protection for the saplings that will be planted in the park. This plantation has cost us Rs. 5,000/- (Five Thousand).

Next step is planting trees, 5 feet ahead from hedges. We are preparing beds, in which we will plant KANAIR + CORNOCORPUS + ASHOKA PLANTS. This will cost approx. Rs. 10,000/- (Ten Thousand). Following are the details of expenses to be incurred.

Leveling of Park .....	.Rs. 5,000/- Approx.
Walk Ways .....	.Rs. 25,000/- Approx.
Plantation both side of walk ways .....	.Rs. 10,000/- Approx.
Main Gate .....	.Rs. 10,000/- Approx.
Benches .....	.Rs. 10,000/- Approx.

We have also planned to have swings, sea saws for children. We would appreciate if people would donate in kind and not in cash in this regard.

Please give us your advice and assistance to make this project a success.

*For further information you can contact the Shehri secretariat.*



## FREEDOM

### Liberal Forum Pakistan

*The recently launched Liberal Forum Pakistan, calls for reforms in the political, economic, social and judicial system to ensure greater freedom for the individual, leading to positive channeling of the national development process.*

#### Values

Liberal Forum Pakistan is a civil society initiative working on the basis of the following political principles and values:

- Individual freedom and Social Responsibility
- Supremacy of Democratic Principles
- Rule of Law
- Tolerance and Pluralism
- Market economy/Competition
- Free access to markets, education, information, labour, goods and capital markets/equal opportunities
- Devolution of power and decision making/Decentralization
- Equality of all citizens

#### Rationale

Members of civil society need to rethink and revitalize the relationship between political, social and economic development, civil society, rule of law and transparent governance in view of the following characteristics of the Pakistani society:

- Interference by the government in all matters whether individual or collective to curtail the freedom of expression, speech, association, religion etc.
- Lack of public awareness

regarding rights and responsibility of the individual, family and community

- Lack of opportunities available for an individual to exercise her/her right to make choices and exercise his/her will
- Growing interference by extremist forces in the personal lives of individuals especially the rights of minorities and less privileged groups
- Disregard for human rights, rule of law, social services and deteriorating civil institutions
- Over-regulation of trade and commerce resulting in channeling of domestic and external trade into non-viable areas
- Increasing centralisation of social, economic and administrative authority resulting in lack of public participation of local population and delays in decision making

#### Agenda

##### Political System

The parliamentary democratic system should be strengthened. To be stressed is the need for affirmative action for the disadvantaged proportion of the population, particularly women and minorities. Also needed are permanent mechanisms for democratic accountability, policy audit and civilian control over the armed forces.

#### Electoral Reform

- Adult franchise should be restored in its universal spirit by lowering the age to vote to 18 years
- An independent Election Commission should be established
- Joint electorate system should be abolished
- Existing electoral system should be scrutinized

#### Judiciary

- An independent judiciary, free from any political interference
- All parallel judicial structures like the Federal Shariah Court; Anti-Terrorist and Military Courts should be abolished
- There should be fair and impartial justice for all citizens regardless of caste, religion and sex

#### Administration

- A lean government. Therefore, the liberal calls for an impartial, efficient, transparent and small administration setup that ensures rule of law
- Also demanded is the appointment of heads of public bodies through the parliament committees and scrutiny of their performance through the same forum



**Governance**

- Decentralization and devolution of power and constitutional recognition of local government as the third tier of governance

**Foreign Affairs**

- A foreign policy formulated by the elected representatives of the people, based foremost on the principles of human dignity, non-interference, mutual respect and promotion of peace

**Economy**

- A free market economy with strong mechanisms to check monopolies and ensure consensus rights
- Judicious land reforms followed by organization of the agricultural sector on the principles of a free market economy
- The Liberal Forum supports promotion of agricultural practices that ensure the rights and well being of the future generations.

**Social Sector**

- A society wherein every citizen is assured equal opportunities
- Universal education
- A legal cover for development expenditures that ensures provision of basic essentials to survive and the rights to health care, housing, education and social services.
- There should not be any cuts in the public sector development program

**Ecology**

- Natural resources are best managed at the local level. Needed therefore is prudent use of natural resources and sustainable development

**Civil Society**

- The need to respect local initiatives by communities and civil society to ensure a democratic process and a system of private checks and balances for the state and government
- Citizens should take an active

part in decision-making and implementation

**Methodology**

- Public dialogue with civil society, politicians, state and government
- Ongoing strategy planning and revision to formulate a plan of action for the Liberal forum
- Policy inputs through concept papers and models relevant to present day affairs in Pakistan
- Support of like-minded civil society groups working on similar agendas as the Liberal Forum
- Disseminating information on the Liberal Forum - its agenda and specific policies on issues it promotes

**Membership**

Any person who shares the liberal views adopted by the Liberal Forum and agreeing with its basic tenets is free to become a member of the Liberal Forum. □



**Where there is a will there is a way**

The Mohatta Palace Renovation Project has been successfully completed and the facility is open to the public



## CIVIL SOCIETY

### Youth as entrepreneurs of change

*Shehri has recently launched an initiative for youth involvement in mobilizing the civil society towards positive change. It is a message of hope and a vision of prosperity.*

#### The Scenario

Today, the common Pakistani searches for a vision, an omen for a better tomorrow. But the crisis seems to be overwhelming.

Politics, instead of outlining a pathway to good governance, has provided a corrupt few, with a shortcut to indulge in the shameful pursuits of loot and plunder. Not only has this resource rich country been bled dry by the scandalous acts of the ruling elite, the very soul of the nation - the notions of liberty and freedom have been mercilessly tortured and abused.

Given our history of governance failures, new and more radical experiments regarding the structure of the state will continue to be made. However, it is the enlightened youth of this country who hold the key to a prosperous future, as they are the future masters of the nation's destiny.

So, it is essential that they be better informed and get involved in working for a better civil society, thus providing their fellow countrymen and women with a vision of hope, unity and prosperity.

#### The Challenges

The challenges are many and

diverse in nature. Few countries in the world show a wider gap between their investment in physical production and their investment in human capital than Pakistan, which has neglected investing in its most precious wealth - its people. Other related factors like political instability and societal violence also inhibit national growth.



Education: The basic prerequisite for the establishment of an informed and pro-active civil society

- Our expenditure on public education stands at 3.0% of the Gross National Product (GNP) and 8.1% of the Total Government Expenditure.
- Number of Research and Development Scientists and Technicians stands at 0.1 per 1000 people.
- Adult illiteracy rate is 59.1%.
- 21% of the population do not have access to safe drinking water while 44% of the people do not have access to any kind

of sanitation services.

- Infant mortality rate is 95 per 1000 live births while under 5 mortality rate is 136 per 1000 live births.
- External Debt stands at 47.5% of the GNP, while the Debt Service ratio is 35.2%.
- Financial bankruptcy leads to extremely high rates of unemployment. In Sindh alone, 450,000 graduates were jobless in 1998.
- The will of the people is not enforced. At federal level alone, 22 ordinances, were issued during 1998.

The phenomenon of honour killings offers an ugly face of our society. Of the 888 killed in Punjab in 1998, 67% were victims of their own kins.

*According to the United Nations Human Development Index rating, Pakistan stands at 138 among 174 nation states of the world.*

These crises situations are manifestations of the inherent imbalances in our system of governance.

*(Source of Information: UNDP Human Development Report, 1999, State of Human Rights in 1998, HRCP)*



## Where Shehri Can Assist

Shehri wishes to involve and mobilize the youth in striving for the promotion and establishment of an informed, tolerant and pro-active civil society, capable of contributing positively to the growth of the nation. Shehri can, however, only act as a catalyst. It is upto the youth to rise to the occasion and take up the challenge. We wish to channel our interaction with the youth through a long term process of engagement with the following objectives in mind:

- To inculcate in the youth, a sense of belonging to the country and the realization of their unique status and great responsibility as educated and enlightened citizens.
- To inform about the system of governance and administration and to discuss the need, potential and mechanisms for positive change.
- To inform the youth about their rights and responsibility



Preparing for a better tomorrow

within the system as free citizens of the state.

- To discuss and develop strategies and a vision for overcoming the important challenges facing our country such as economic revival, establishment of true, representative democracy, protection and safeguard of basic human rights etc.
- To discuss, develop and put in practice, strategies for meaningful citizens contribution and participation in the affairs of the nation, particularly at the grass roots level.

We plan to manage these activities through:

*Series of seminars/ workshops, brainstorming sessions*

*Advocacy Work*

*Projects & Programs*

*Publications*

Come join us, in strengthening the hands of the civil society in the important task of contributing positively towards the nation building process. □

## BLP NEWS LETTER

The Best Practices and Local Leadership Programme (BLP) of the United Nations Centre for Human Settlements (UNCHS) has launched a newsletter to inform and to stimulate exchange between local authorities, civic organizations, policy makers, researchers and urban practitioners for making our cities and communities more liveable. □

*Best Practices Newsletter, Best Practices and Local Leadership Programme, UNCHS (Habitat).*



# SPOTLIGHT ON THE PRESS

## Army engineers to complete Bagh-i-Quaid plan

Daily DAWN, December 28, 1999

The project of Bagh-i-Quaid-e-Azam has been taken over by the Army Engineering Corps-5, which is scheduled to be completed by December 2000, adjacent to Mazar-e-Quaid, said Brigadier Rashid Qureshi, Director General of Inter Services Public Relations (ISPR).

He said the Chief Executive, General Pervez Musharraf, had approved the transfer of the project to the army's engineering corps with a view to ensuring its early completion.

Mr. Rashid said, adding: The transfer of the project will save Rs. 60 million from the total amount to be disbursed on the said project."

## Y2K bug bites Karachi Development Authority

The News, January 7, 2000

The computer network of Karachi Development Authority (KDA) has totally collapsed after the start of new millennium and problem of Y2K hit the old system of the KDA computer division, sources in the division disclosed on Thursday.

The sources said the computer system is not working and consequently manual work has been started to maintain the records as the old software and hardware of the computer system did not comply with January 1, 2000.

They said that due to the negligence of KDA management the new system of computers could not be adopted before the problem surfaced.

## KWSB's neglect destroying Marine life

STAR, December 15, 1999

Inefficient maintenance of KWSB's treatment plants has resulted in the plants functioning at 42 percent of their designed capacity which has caused degradation of the marine life.

The state of affair can be assessed by the fact that KWSB had appointed a Project manager Sewerage when these projects were being developed. However, after projects were completed, KWSB did not bother to post a Manager Project.

Sources said that main reason behind appointing a Project Manager was to ensure that loopholes are plugged and the project succeeds. Sources said that a detailed inquiry is needed into why these sewerage treatment plants are functioning well below the mark.



## NEIGHBOURHOOD WATCH

*SHEHRI invites the residents of the city to share with us, their concerns, on issues which are adversely affecting their neighbourhood's environment. Please write to us, preferably with a supporting photograph, so that efforts are made and solutions sought - Ed.*

# CITIZENS STANDUP FOR THEIR RIGHTS

**Violation of KBCA rules on Plot No. 79/3 (Sana Garden) and Plot No. 51/3, Sharfabad, B.M.C.H.S., Karachi**

**W**e are the residents of Sharfabad. On Plot No. 52/3 B.M.C.H.S. Society, Karachi and on Plot No. 51/3, Sharfabad, a building is being raised (Ground plus three) which is in total violation of the rules and regulations of the KBCA.

We have taken a serious view of the same, for the simple reason that besides violating the rules, this construction will affect the environment and atmosphere of the vicinity, as the air draft shall be blocked and people living in smaller houses will lose their privacy.



In a residential locality, where permission for ground plus one is allowed, there is no room for a commercial enterprise (G+3) as this vitiates and violates the sanctity of nearly all the nearby neighbours, besides increasing the problems of facilities like water supply.

It is high time that this illegal construction is stopped forthwith, which is now approaching towards the raising of the third floor. □

**Only active citizen involvement can rid the city of the menace of illegal constructions**

***Effected Residents of Sharfabad, Karachi.***





## JUNIOR SHEHRI

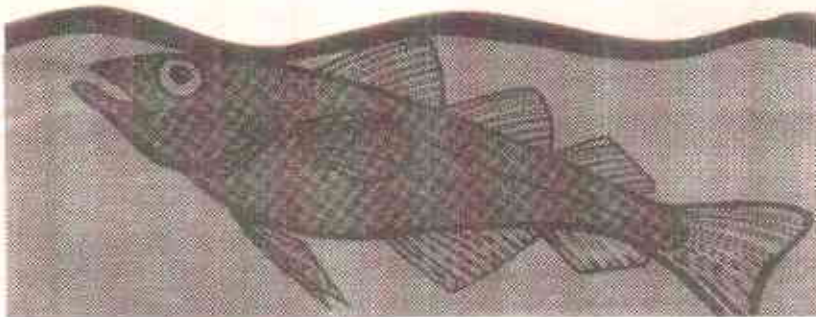
### Cleaning Up Oil Spills

Recently, an oil spill along the Karachi coast, destroyed precious marine life, while a massive oil spill from a leaking tanker near the French coast of Brittany resulted in the death of hundreds of thousands of birds and destruction of precious coastal eco system. Why is an oil spill so destructive and what can be done to tackle this issue. Read on.

Over the past twenty-five years, crude oil has been accidentally spilled into the world's oceans hundreds of times. Some of these spills are small and do little damage, but other spills are large. Each forms a widespread film of oil atop the water. This floating film is called an oil slick.

clogs the gills of fish, making it impossible for them to breathe. The oil coats the feathers of birds. In doing so, it eliminates the air layer that insulates them from the cold. It also reduces their buoyancy in water, leaving them unable to dive for food or to swim away from predators. The oil kills the marine animals who eat food or

months after that spill, 3,000 birds died. On March 24, 1989, the oil tanker Exxon Valdez ran aground near Valdez, Alaska. More than 10 million gallons of crude oil spilled from the tanker's torn hull into Alaska's Prince William Sound. As a result, at least 33,000 seabirds, 980 sea otters, and 136 bald eagles have died; and the toll continues to rise.



Courtesy: Earth Book For Kids.  
The Learning Works, Inc. Santa  
Barbara, California.

The slick created by large spills have a devastating effect on the ocean and on beaches and shores. The oil seeps into eggs laid at the water's edge and kills the tiny animals growing inside. The oil

drink water poisoned by it.

A 1969 leak in an offshore well created an oil slick that stretched 60 miles along the California coast. During the first four



Shehri's tree plantation campaign in the Bahadurabad Shopping Area

## Declaration

*In solitude,  
I never feel alone but...  
When it happened,  
I shouted your name  
under the sky.*

*Then  
Stars sparkled,  
Moon peeped,  
Clouds thundered  
and I felt,  
They are with me,  
Waiting for you,*

*They Love You*

*- Kiran Ashad,  
Karachi.*



## ASK SHEHRI

*Most residents when faced with any civic problem do not know which person or organization to contact in order to solve their problem. In this column we invite the readers to share their worries with us and seek our help, which is always forthcoming - Ed.*

Q. *What is the present status of the proposed gas exploration project in Kirthar National Park?*  
*Sadia Khwaja, Clifton, Karachi*

A. The Sindh government has recently given permission for the Baseline Study, which is going to be funded by Shell-Premier Group.

Q. *Which is the controlling authority for the Karachi Northern Bypass Project?*  
*Fahim Siddiqui, Naziamabad, Karachi*

A. Karachi Port Trust.

Q. *Do you have any update on the Quaid-e-Azam Mazar Project?*  
*Abdul Qadir, Sharfabad, Karachi*

A. The project is being managed by the Army Engineering Corps-5, and is scheduled to be completed by December 25th, 2000.

# Shehri needs volunteers

Any person who wishes to help out in Shehri's ongoing and planned projects (cash / kind) should visit the Shehri Office for further information or contact the Shehri Secretariat through phone, fax or e-mail)

## JOIN SHEHRI TO CREATE A BETTER ENVIRONMENT

If you wish to join shehri please send this card to

SHEHRI Citizens for a Better Environment,  
 206-G, Block 2, P.E.C.H.S.,  
 Karachi-75400, Pakistan,  
 Tel / Fax : 453-0646

With a cross cheque of Rs. 300/- (Annual Membership Fee) in the name of Shehri-CBE with passport size photograph

Name : \_\_\_\_\_

Tel. (Off) : \_\_\_\_\_ Tel. (Res) : \_\_\_\_\_

Address : \_\_\_\_\_

Occupation \_\_\_\_\_

## SHEHRI MEMBERSHIP

Don't forget to renew your membership for 1999! Join Shehri and do your bit as a good citizen to make this city a clean, healthy and environmentally friendly place to live in!



## DISASTER MANAGEMENT

### Natural Disaster: The perils of being unprepared

Shehri profiles a study “Socio Economic Impact of Cyclone-02A in Coastal Sindh”, undertaken by the Centre for Information and Research, SZABIST, Karachi. In this study, issues such as lack of disaster management planning and inefficient relief management are discussed in the light of the damages caused by the devastating cyclone.

**T**he Cyclone-A that hit the two Coastal districts of Thatta and Badin on May 19-20, 1999, in Sindh province, exposed the vulnerability and non-preparedness of the living population, businesses, agriculture and infrastructure to the ravages of a major scale natural disaster.

Cyclone 2-A completely ravaged the coastal areas, causing unprecedented damages to life and property.

There was however, much difference in the damage assessments made by the government and non-governmental sources. The official reports put the death toll at 189, and missing people at 150, while independent sources and local villagers put the figure of dead and missing at around 1000.



The aftermath

According to the official data available with Relief Commissioner, 76,827 houses had been totally damaged in the cyclone hit districts of Badin and Thatta.

**Making claims from government is becoming difficult as while the independent surveys put the figure in the thousands, the Monitoring Cell at Divisional Commissioner Hyderabad and Relief Commissioner Office Karachi puts the number of lost boats as only 669.**

Again, independent sources quoted the figure much higher than official assessments.

According to the village profile survey of Centre for Information and Research (CIR), each village in the worst effected areas

lost 80% houses. The villagers complained that the

government survey teams were reluctant to include the losses of shelters and mosques in their official damage assessment lists.

The CIR study, also showed that 80% of the fishing community around Keti Bunder town, as well as in the creek area was completely deprived of their main source of living i.e. fishing boats and nets. 95% of the fishermen are now indebted to one lending source or another.

Almost every fishing family is in debt to the tune of Rs. 20,000/- to Rs. 100,000/- as they routinely take loans for purchasing new nets, repairing boats etc. Now, they are



in no position to buy new boats.

Making claims from government is becoming difficult as while the independent surveys put the figure in the thousands, the Monitoring Cell at Divisional Commissioner Hyderabad and Relief Commissioner Office Karachi puts the number of lost boats as only 669.

Loss of cattle has been immense. According to survey figures 10,885 cattle

**The SZABIST study recommends the preparation of a Disaster Management Plan and proposes that coastal areas vulnerable to natural disasters should be treated as special zones. The need for improving the warning systems was also stressed.**

had been lost (dead or missing) in Thatta District and 17,211 in Badin District. The cyclone not only hit the crops but also damaged the fertility of the lands.

A number of deficiencies were witnessed in the relief and rehabilitation process. The cyclone hit communities informed the CIR team that the civilian/Army help for them came days after the end of the cyclone.

The SZABIST study recommends the preparation of a Disaster Management Plan and proposes that coastal areas vulnerable to natural disasters should be treated as special zones. The need for improving the warning systems was also stressed. □



Stripped of the basic necessities of life

## How can one explain such behaviour?

**W**hen the then Prime Minister, Mian Mohammad Nawaz Sharif visited village Abdul Rehman Dhandhal, where 61 villagers had lost their lives, he distributed cheques worth Rs. 100,000/- per victim.

However, soon after the Prime Minister left the village, the administration took back all the cheques from the heirs of the victims on the pretext of making corrections in them.

The heirs were later handed cheques worth Rs. 30,000/- per deceased in place of the previously distributed cheque of Rs. 100,000/-!!

*(Source: CIR Study Report)*