



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

May – August, 2001 Vol. 11/No. 2

INSIDE

- Illegal Buildings
- Citizen's Help Desk
- Ombudsman
- Interview
- Local Government
- Shehri Park

THE CITIZENS OF KARACHI DEMAND ANSWERS!

As the Sindh Government contemplates over the Draft of the Sindh Building Control (Amendment Ordinance 2001) seeking to legalize what is illegal, Shehri demands from the legislating authorities, some answers to justify their actions.

Our Plea: The government must put an immediately effective stop to illegal building activity to show that it will not tolerate lawlessness anymore.

The government must pursue and punish the errant builders, and the government officers who have aided and abetted them, and make them pay for the consequences of their actions.

Now to some questions about the proposed "regularization" of illegal buildings in Karachi

1. How will KDA/KBCA ensure that all 260 sealed buildings (or other additional illegal buildings) apply for "regularization" and pay penalties within the allotted 12 months time? Note that



Decisions about Karachi's future cannot be made in secrecy without public consultation!

there are billions of rupees still to be paid to the government by builders and developers, including deferred installments on:

Resolution of the Overseer Committee of the KBCA at the meeting held on 8th August 2001

The Committee strongly objects to the draft proposal approved by the Sindh Cabinet on 25-7-2001 for the regularisation of illegal buildings in Karachi for the following reasons:

1. The government must maintain law and order, and implement its writ without bowing down before law-breakers.
2. Mass regularisation is a negation of the citizens 'fundamental right to life'
3. Such regularisation will open the flood gates of escalated illegal construction
4. The town-planning and zonal regulations of the city will become meaningless
5. The physical and social amenities / infrastructure in the city will collapse
6. The quality of life and the state of the environment will be degraded beyond recognition

Cont on Page 3



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Contributions are welcome
Interested contributors should contact the SHEHRI office for writers guidelines. SHEHRI newsletter readership is from students, professionals, environmentalists, policy makers, NGOs and other organizations.

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EDITORIAL

**The 'Front Line State',
needs to deliver to its
own people also!**

In the wake of the horrific events which took place in New York and Washington on September 11, 2001, Pakistan has found itself in the role of a 'front line state', in the western world's war against what is being termed as the scourge of terrorism. It is a role Pakistan is not totally unfamiliar with. During the decade long Soviet occupation of Afghanistan, Pakistan (during yet another period of military rule!) played a significant role in energizing and sustaining the Mujahideen resistance. It was a role which endeared Pakistan in the eyes of the western world and consequently, Pakistan became the recipient of much financial and political assistance despite the non-democratic status of the government and the western world's concerns about the human rights situation in the country.

However, despite the massive financial aid that came our way during that period, the lasting legacy of the earlier 'front line state', experience does not include huge infrastructure development or public work's projects, instead, it is reflected in the shameful gun and drugs culture that has wrecked havoc with the

social, political and economic fabric of our beloved country.

To say that the western world abandoned Afghanistan after the retreat of the Soviet forces leaving Pakistan in a most difficult situation, would be an understatement. However at the same time, it needs to be stressed that certain unfortunate aspects of Pakistan's post Soviet era Afghan policy may have contributed to the alienation and displeasure of two of Pakistan's most trusted neighbours and allies, Iran and China, in addition to causing instability at home. Certainly, the people of Pakistan deserved a better deal for the hardships suffered for helping their Afghan brethren.

This time around as the realities of 'geo-politics' again demand from us, a difficult role of political brinkmanship, the stakes are much higher than they were ever before. As Pakistan assists in delivering to the free world, the groups they seek, the people of Pakistan cannot at the same time be faulted for demanding deliverance from our government of a better future deal than they "endured", as a consequence to our earlier 'front line state', experience! □



- | | | |
|------------------------------|---|-----------------------------|
| a. Occupancy Value | } | Rs. 5 billion to KDA |
| b. Outer Development Charges | | |
| c. Non-Utilization fees | | |
| d. Additional floor charges | } | Rs. ? billion to KDA |
| e. Commercialization fees | | |
| f. Regularization penalties | | |
| g. With-holding tax, etc. | | Rs. ? billion to government |

2. Will ongoing and new illegal construction and change-of-land-use (within the stipulated 12 month period) also be eligible for "regularization"? If not, how is the government planning to stop further illegal construction which proceeds unchecked even today?

3. Given the amount of corruption existing in building control, how will it be possible to practically ensure that a "certificate of structural stability" produced by a builder from a KBCA-approved vetting engineer is accurate and corruption-free? This procedure impinges directly on the public safety of millions of innocent citizens, i.e. residents/occupants of the illegal buildings, residents/occupants of neighboring structures on all sides, and visitors/passers-

by/others.

4. What will happen to buildings that cannot be "regularized" or who do not complete their "regularization" procedure, including payment of all penalties, within the stipulated 12 month time? Will such buildings be demolished immediately? What will then happen to their purchasers/occupants?

5. Where will the enhanced civic and social amenities/infrastructure (water, electricity, sewerage, parks, playgrounds, schools, police stations, roads, parking, etc.) for all these "regularized" buildings come from? The Supreme Court has determined that this

Oversee Committee

Cont. from Page 1

We do not believe that many builders/occupants will come forward to have their illegal structure regularised, nor will the government collect billions in penalties. We are also of the firm belief that this proposed amendment will not revive the building industry. We are fearful of the hazardous consequences of such a lax policy regarding the built environment, and draw the attention of the government to the tragedies experienced in Turkey and Gujarat in recent years. We refuse to be a party to this mockery of the law.

Rather, we earnestly urge the Government of Sindh to:

1. Put an effective stop to the present ongoing illegal construction that is being patronised by various corrupt officers
2. Implement court directives regarding the demolition of unauthorized structures
3. Take errant builders and government officers to task
4. Ignore the rest of the illegalities until something can be done about them.
5. Enforce the existing building laws and regulations in letter and spirit for all new construction
6. Prepare and implement a master-plan for the city that will provide a better quality of life for all citizens.



It does not require a Sherlock Holmes to find that the buildings are "illegal!"

is essential to the citizens 'right to life'.

6. What will be done about the adverse effect on the built environment of Karachi by the adhoc "change in land use" caused by "regularization"? These adhoc/unplanned changes include:

- a) amenity / park to residential/commercial
- b) bungalow to apartment / commercial



7. What disciplinary /prosecution measures are being taken by the government against violators of the law, including

- a) illegal builders?
- b) all government officials involved?

8. What will be done about the numerous High Court Judgements in the field dealing with 200 or so illegal buildings that have been ordered over the past 4 years to be demolished? Why have these orders not yet been implemented?



Are our city planners comfortable with this face of Karachi?

Why is the government promulgating the "Regularisation Ordinance"?

Is it to support some influential errant builders to make money at the cost of citizens of this city?

Or is it:

1. Financial benefit to government?

- Not many builders / occupants will come forward: only those who are "stuck" with unsold/stopped projects

- Amount insufficient to upgrade utilities in affected areas, as admitted by CCOB/KBCA

- Under Section 4 of SBCO 79, money has be utilized for KBCA

- Existing monies owing to the government are not being collected {OV, ODC, NUF (KDA) = 5 billion), additional

floors, commercialization, regularization (KBCA = ? billion), withholding tax (government = ? billion))

2. To rectify wrong-doings and enforce writ of law?

- What then happens to illegal buildings that do not meet the Ordinance's criteria and cannot be "regularized"? (e.g. commercial/apartment building with parking violations, Quaid's Mazar height violations, road-widening cut-line violations, charge of land use, safety violations, etc).

Will the government demolish these illegalities?

(Note that over the past 3 years, even with favourable High Court demolition orders, the government has pretended to be "helpless")

- How does one show respect for the law by promulgating an ordinance to negate/defeat the existing law?

3. To "perk up" the building industry?

- Around 100,000 flats/shops/offices are vacant in Karachi today (aside from 200,000 empty plots)

- Even non-developer/builder construction (e.g. banks, government institutions, factories, multinational offices, etc) which is not illegal, is at stand-still owing to the economic recession in the country.

- What prevents new legal construction from being started even if previous illegalities are not "regularized"?

4. To help the "orphans and widows" who have invested their life savings?

- Penalties should-not be imposed on "orphans and widows", but rather on the greedy builders, corrupt/derelect authorities (KBCA, utilities, district registrar, district administration, police, etc.)

- "Orphans and widows" will not be able to afford the regularisation penalties

- How many "orphans and widows" are there, or is this a builder mafia exploitation tactic?

Will someone care to answer these questions? We are listening!! □



PLEASE COLLECT AS MANY SIGNATURES AS YOU CAN FROM FRIENDS AND FAMILY AND SEND TO THE CONCERNED OFFICIALS OR THE SHEHRI SECRETARIAT

Mr. Mohammadmian Soomro

Hon'abe Governor of Sindh
Karachi.

Mr. Diwan Mohammad Yousuf Farooqui

Minister for Housing & Town Planning
Government of Sindh, Karachi.

Mass regularization of illegal buildings is a negation of the citizens fundamental "right to life". The proposed Sindh Building Control Ordinance (Amendment) Ordinance 2001 must be stopped.

No.	Name	Address	Signature
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Don't "legalize Karachi's destruction"



SHEHRI ACTIVITIES

Citizen's Help Desk

Shehri-CBE, in its ongoing efforts to work for the benefit of the citizens, starts a new public service facility. Read on.

From articles in the newspapers, by word of mouth, and organizational referrals, citizens from all over Karachi know that they can come to Shehri for assistance in airing their grievances with government, obtaining legal action on a problem, or receiving advice on how best to mediate a conflict. Yet often times, they do not receive as much attention as would be desirable because the time of Shehri volunteers is divided amongst so many projects and commitments. Now entering its eleventh year of "practice," Shehri realizes its time to institutionalize the knowledge and experience it has collected in facilitating complaints so that we can better serve our fellow citizens and create more lasting change in the work we do.

Vision & Objectives

We have now created (since October 2001) a citizens help desk in our office whose only responsibility would be to hear citizen complaints. It will operate very much like a legal clinic. It will equip citizens with proper information and resources to pursue complaints, and connect them with the appropriate agency or action to achieve a favorable outcome. Shehri members and staff will staff the desk. Staff members will cultivate good communication relationships with government agencies, media sources, NGOs, and the business community. The Citizen Help Desk will create a stronger and more transparent communication channel between the public and the government and at the same time enhance Shehri's image as a hard-working, determined, citizen's advocate.

The Help Desk works to assist in the redressal of complaints from citizens on issues, related to:

Illegal / unauthorized encroachments in residential premises, misuse of residential plots for commercial purposes, misuse of amenity plots, traffic parking, roads, water supply, electricity services, sewerage, solid waste management, tree cutting etc.

Complaint Registration forms are available at Shehri-CBE office.

Shehri will also operate a website for the Citizen's Help Desk. The address will be published in an advertisement in Dawn/Jang for citizens access in complaining/addressing their problems and grievances. The website will provide information for citizens to send in their email to Shehri.

Method

Shehri will establish a public service counter in its office equipped with one phone line, a computer, a laser printer and a small copier. Experienced Shehri members/staff will man the counter from the hour of 9 a.m. to 5 p.m. (except Friday). Shehri will also create sample complaint letters that can be used as templates for citizens, depending upon nature of the problem. Shehri will log complaints daily, and create files on ongoing or major conflicts. The counter will contact media sources if public pressure is needed or to highlight Citizen Desk achievements. The desk will also prominently display the posters Shehri creates on the issues of good governance and voter education. The Citizen Help Desk will

also regularly submit to the editorial section/letters to the editor of local papers to increase awareness of its services, publicize the nature of citizen complaints that it receives, and respond to articles on the subjects that usually go unanswered by government.

The Citizen Help Desk will be an innovative and dynamic place that can act as a pressure group and a pressure relief valve. The work done in this project will be carefully monitored by the Citizen Help Desk to ensure efficiency and proper documentation of all cases.

Names of members who will be operating is assisting citizens in solving their issues include - Sarwar Khalid (Operations Manager/Full Time), Dr. Syed Raza Ali Gardezi, Roland deSouza, Amber Alibhai, Hanif Sattar, Khatib Ahmed, Rizwan Abdullah, Mohammad Ali Rasheed and Salman Haroon (Volunteers/Part Time). □



Confused?! Not any more. Come to the Shehri Citizens Help Desk!



Shehri appreciates Shell's gesture!

As Shell Pakistan displayed an advertisement hoarding on top of an illegal and unauthorized building (Al-Kamran Centre, Shahrae Faisal, Karachi) Shehri reminded Mr. Farooq Rahmatullah, Managing Director, Shell Pakistan of Shell's proclaimed commitment globally to sustainable development and asked for the hoarding to be removed.

At the same time Shehri started a public awareness campaign on the

issue and public petitions were collected and sent to the office of Shell Pakistan.

It is a matter of satisfaction that the management of Shell Pakistan took immediate and appropriate action by removing the hoarding from the illegal building. It is hoped that Shell Pakistan exhibits similar concern and action in other matters where its operations might come in conflict with the interests of the environment. □

Mr. Farooq Rahmatullah
Managing Director,
Shell Pakistan

Fax 566-0071

Your company is trying to establish internationally that it is interested in people and this planet --- and not merely in profits !!

Please do not support the builders' mafia of Karachi.



No.	Name	Address	Signature
1			
2			
3	Farooq Rahmatullah	Managing Director, Shell Pakistan	[Signature]
4	Rahmatullah	206 G. Road 2 Floor	[Signature]
5	Shehri (Chairman)	206 G. Road 2 Floor	[Signature]

A ROAD MAP FOR SECURITY AND FINANCIAL GROWTH

Navaid Husain puts forwards some suggestion to tackle to important issues facing our country, de-weaponization and revenue generation

DE-WEAPONIZATION

Pakistan, especially Darra (Northern Area of Pakistan) has emerged as a regional arms exporter of illegal weapons. This must end if this nation has to peacefully develop. The following steps should be taken to address the situation.

- Pakistan must acquire a sum of \$20 to \$30 million in order to buy back weapons. This sum can be generated within Pakistan or from Arab countries or international donors. This should be done on an immediate basis as in October 2002 a political government will come and could find it difficult to implement this plan.
- Through TV and press, advertise the locations where weapons can be returned for cash payment. Also, through this process advertise that no questions would be asked including names or what the person does or his address. Immediate payments in cash must be made for weapons returned to the Government.
- The sum for each weapon should be a few hundred rupees lower than those that are prevailing in Darra so that illegal arms are not produced there to be later sold back to the Government.
- The price of imported weapons and identical weapons produced in

Darra should differ as imported weapons with serial numbers printed on it are of better quality.

- Get information on how to render weapons useless. This is important as the Government must never store these as persons with influence and money could buy these weapons from the army.
- Generate employment for weapon manufacturers. They could be either employed in ordinance factories or given a loan to generate income through other means.
- In order to lend impetus to this policy of de-weaponization, anti-terrorist courts should give severe punishments to violators on being caught with weapons, especially moneyed people carrying armed guards and criminals.
- In order to lend weight to this, after some time instruct police force to go around with only side arms i.e. revolvers and forbid them from carrying guns.

TAXATION

- A reform of the amount we pay in income tax must take place. As income tax payers, we are not getting sickness allowance, free education for our children, free medical attention, unemployment benefits or pension.
- An income tax we pay must be broken up, the Federal Government must get a part of it, and the urban areas should get the other part. This is

important as the property tax each of us pays is at most a maximum 0.2 (point two) percent whereas in other countries this is 2 to 3 (two to three) percent of the property. So, each income tax payer will pay the same amount of income tax but this will be broken up in two parts. Perhaps half of this should go to the Federal Government and the other half to the Provincial Government as property tax.

- This increase in property tax will go towards development in water supply (incidentally which is almost free in Pakistan, in developed societies tapped water costs Rs. 350/- per cubic meter!) and sewerage treatment plants. Almost the entire sewerage generated in Pakistan is deposited untreated into nallahs, rivers and the sea. This is doing damage to all the fresh water supplies and causing environmental damage. Sewerage treatment plants will save drinking water for population as we can use recycled water for agriculture and greenery and it will not cause environmental pollution. Also once we initiate this the World Bank has a few hundred million dollars for Pakistan set aside for sewerage treatment plants which we can get.
- With this increase in urban taxes there must be greater transparency in the way we spend it as there are newly elected Nazims. □

(Navaid Husain is Member, Managing Committee, Shehri-CBE)

ADVOCACY

Safeguarding the public interest

Shehri-CBE, facilitates the fight of one committed citizen to seek justice as a public amenity plot (play ground) is threatened by landgrabbers in collusion with corrupt government officials. The office of the Ombudsman, Government of Sindh ensures that justice is done.

A review petition was filed with the provincial Ombudsman Sindh, Mr. Justice Haziqul-Khairi by the intervenor Mr. Siddiq Rafee, President, Gulshan-e-Farooq Resident's Welfare Society, resident of R-55, Sector 7-D/3, North Karachi whereby he sought to review an order dated 08-08-2000 passed by the Ombudsman who had directed the S.D.M. concerned to provide protection to K.D.A. staff for purpose of demarcation of plots and park ensuring peaceful transfer of plots to the lawful allottees thereof enabling them to start construction as per approved plans.

According to intervenor, the amenity plot bearing ST-5, Sector 7-D/3, North Karachi measuring 1.21 acres (5893 sq. yards) was reserved by KDA for a playground/park in the original lay out plan of 1976 and KMC had also constructed a boundary wall around the said plot some 5-6 years ago but thereafter certain land grabbers had started encroaching upon the said amenity plot for constructing a number of houses on the pretext that KDA had changed the status of the plot and allotted these plots to them.

Earlier, a complaint no. POS/643/2000/H(29) was filed by Mr. Ali Ahmed and others against KDA and Dy. Commissioner Central, Karachi, wherein permission of the Ombudsman was sought by the complainants to construct houses on the plots which were purchased by them from the original allottees who were stated to have been allotted these plots under the scheme of rehabilitation and shifted from different areas of the city. This complaint was taken up and considered on the basis of allotment orders allegedly made as per revised plan drawn in 1996 with the directions to KDA to re-demarcate the area of the park

and plot to avoid any future confrontation. None of the agencies including KDA appearing before the Ombudsman had brought to notice during those investigations that the alleged layout plan was maneuvered and unauthorisedly drawn/amended in 1996 against the standing rules and regulations of KDA relating to the conversion of amenity plot or utilization of any of its portion for a purpose other than amenity.



The office of the Ombudsman: looking after the public interest

Mr. Siddiq Rafee, intervenor, asserted that the part layout plan of 1996 produced by the Additional Director (Land) KDA is much different from that of the original layout plan drawn in the year 1976. He alleged that the part layout plan was malafidely prepared in 1996 to carve out seventeen

residential plots of 80 sq.yds. each in collusion with the land grabbers. The bigger amenity plot No. ST-05 measuring 5893.0 sqyds after bifurcation was reduced to 4076 sq.yards rendering it quite inadequate to be used as play ground and park. The petitioner has therefore approached the Ombudsman's office for suitably reviewing the earlier order obtained fraudulently on the basis of some false reports.

The hearings were held personally by the Ombudsman on 15.2.2001, 17.3.2001, 14.4.2001 and lastly on 12.5.2001 during which the concerned agencies produced several documentary evidence discussed as under:

The Planning and Urban Design Department, KDA, which was the concerned department for the preparation of both the original and amended layout plans was asked to give the history of the case in detail as well as highlight circumstances and reasons justifying



the amendment in the original layout plan as a consequence of which the size of the amenity plot was reduced simply to accommodate 17 allottees of residential plots of 80 sq.yds. each which was in utter disregard of rules and regulations of the subject. The Additional Director (DPUD) vide his letter # A (V) TPU/2001/95/2 dated 10.5.2001 provided detailed comments on each point.

Mr. Iftikhar Ali Kaimkhani, Director, Planning & Urban Design KDA, in his statement before the Ombudsman conceded that:

"It is stated by Mr. Iftikhar Kaimkhani, Director Planning & Urban Design KDA that original record in the case is not available. He is not aware how the matter relating to conversion of a portion of park into residential plot had been initiated and what exact procedure for conversion was adopted. What he knows is that the approval of the D.G. is required to be obtained. He however stated that objections from public were not invited for such conversion".

Dr. Syed Raza Ali Gardezi, representative of Shehri, brought to notice that under section 52(A) of KDA order 1957, an amenity plot cannot be changed into any purpose unless certain procedure is followed.

The Ombudsman inferred that the then XEN North Karachi and DP&UD and Land Department appeared to have acted in a highly fraudulent and misleading manner and submitted a false survey report dated 19-10-1994 which showed that a piece of land of size 205' x 60' i.e. 1560 sq.yrds. was available adjacent to ST-05, Sector 7-D/3, North Karachi for creation of 80 sq. yrds. plots and further that the creation of such plots would not affect the area of ST-05.

This report was absolutely incorrect as no extra land was available at the site adjacent to ST-05 and the site survey sketch drawn by him was also incorrect since the same was drawn with fraudulent and malafide intention and did not show the correct size of the ST-05 in the sketch. This rough sketch was made on the basis of a part layout plan drawn as per scale by the then Director (DP&UD) and his staff who apparently had joined hands with the XEN NKT and others. The DP&UD and Land Department intentionally concealed the fact that bifurcation would involve bifurcation of an amenity plot reserved for park/play ground in serious violation of law and adversely affect public interest.

The Ombudsman observed that luckily the ST-05 with its original area and size i.e. 260'x204' = 5893 sq.yds. fenced by

ROLE OF THE OMBUDSMAN

"The Ombudsman deals with mal-administration of Government, its agencies and functionaries and stands on a different pedestal from other tribunals or quasi judicial tribunals. He belongs to a different system of justice and invested with power to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration. It is difficult to conceive that he would be able to do administrative justice without having recourse to any corrective machinery with him. An oversight or mistake if not corrected or rectified at his end may create multifarious problems and insurmountable difficulties for aggrieved persons or the Government amounting to denial of justice and destroying the very fabric of law relating to Ombudsman. His office, whether Wafaqi or Provincial, is invariably held by no less a person than a judge, retired or sitting of superior judiciary, possessing high legal acumen and having sound knowledge as to the working of this system of justice. Besides a representation either before the President or the Governor u/s. 32 cannot be turned as appeal within the meaning of CPC as it is devoid of several attributes of an appeal and neither advocate nor the parties are allowed to appear before them and present their case to them. In cases where the review is sought on the plea of fraud, mis-representation or want of jurisdiction, an Ombudsman simply cannot close his eyes as it may lead to vitiate the entire process before him and result into mis-carriage of justice. The power to set aside an order on these grounds is inherent with him and along with it in other cases where the error is on the face of record or where discovery of new and vital facts are likely to effect his decision or of his predecessor. Reference here may also be made to section 37 of the Act which in unequivocal terms state, that 'the provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force'. □

Tanzeem Ali & Others Vs. Katchi Abadi Authority having Hamdard Laboratory (Waqf) Pakistan as intervenor (Page-77 to 89-Ombudsman Annual Report 2000) in which inter-alia it was held by Justice Haziqui-Khairi, Ombudsman, Government of Sindh.



boundary wall with iron gate was still intact and available for the purpose for which it was originally reserved. In fact the site is even today used as a playground as revealed by the report of the Agency and photographs kept on the file.

The Ombudsman decided that in view of the above position all the alleged plots stated to have been created on map do not exist on ground. The plots thus created could not possibly be delivered to the alleged allottees. The approval of the competent authority i.e. the Director General KDA was obtained fraudulently on the basis of an incorrect and misleading report and sketch and hence his approval so obtained was of no legal effect. The creation of plots out of an amenity plot, their allotment to the so called shiftees as well as execution of leases if any, fall within the mischief of mal-administration under section 2 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991.

The comments received from the Land Department (KDA) under their letter No. KDA/EE/NKD-1/2001/222 dated 28-04-2001 also corroborate the above position as the report categorically states that the plots of 80 sq.yds. and a road in between the remaining portion of ST-05 and plots were created "by reducing the original area of ST-05, Sector 7-D/3". During the hearing Land Department KDA conceded that whereabouts of these shiftees who were given these plots on creation are not available on KDA's record. In fact the scheme of reha-

bilitating encroachers and squatters from the road side or other places in the city under the scheme of shiftees appear to have been plagued with fraud and corruption in collusion with the land grabbers. The Assistant Director,

The Ombudsman further noted in his decision that a well planned bungling was committed on the basis of which the complainants in complaint no. POS/643/2000/H(29) were able to obtain directions from the Ombudsman that they may be permitted to construct houses on the basis of allotment/leases granted to them by the said agency.

was committed on the basis of which the complainants in complaint no. POS/643/2000/H(29) were able to obtain directions from the Ombudsman that they may be permitted to construct houses on the basis of allotment/leases granted to them by the said agency. Admittedly the said complainants as well as the Agency had made material concealment and fraudulent mis-representation before him and obtained the impugned order dated 08-08-2000.

The Ombudsman cited in his decision that the Supreme Court of Pakistan in Saif-ur-Rehman V/s. Haider Shah reported in PLD 1967 Supreme Court of Pakistan 344 inter-alia had held that "A judgement found to have been obtained by fraud is non-existent in the eyes of law". In Federation of Pakistan Vs. Mohammad Tariq Pirzada reported in 1999 SCMR the Apex Court had observed that the Ombuds-

Shifting Branch KDA letter No. KDA / AD(NKT) / 99/2113 dated 03-06-1999 also does not contain any address of these squatters except their names. In this letter the location of those plots is shown as adjacent to ST-05. There is no iota of doubt that a bungling of high order was planned and executed.

The Ombudsman further noted in his decision that a well planned bungling

man does not suffer from some of the handicaps, due to the technicalities of procedural nature which operate as impediments or thwart such action by the court.

The High Court of Sindh in a matter Dr. Zahir Ansari and others Vs. KDA and others PLD 2000 Karachi 168 has also held such orders as non maintainable and void. Similar views were expressed by a Division Bench of High Court of Sindh in Director School Education, Hyderabad Region Vs Provincial Ombudsman, 1999 MLD 2856.

The Ombudsman thus accordingly set aside his earlier order dated 08-08-2000 on the ground of fraud and mis-representation and directed Director General KDA under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 to probe into the matter and take criminal disciplinary and other action warranted under law against all or any of KDA present or former incumbents as the case may be for being involved in the fraudulent transfer of land from the said amenity plot No. ST-05 to the so called shiftees/private persons under intimation to the Ombudsman. Further KDA was directed to compensate in full as per market value the bona-fide purchasers/allottees/lessees of the plot who fell victim to such fraud, mis-representation and mal-administration. The market value of such plots to be determined by the Director(Land) KDA after due enquiry within four months hereof under intimation to the Ombudsman.

While parting with his decision, the Ombudsman complimented Ms. Amna Inam SDM, North Nazimabad who suspected the said foul play and assisted him during the proceedings. □



INTERVIEW

The work of WWF, contrary to general belief is not restricted to protection of the wildlife but adopts a holistic approach to take into consideration the wider issues related with natural resource management and even brown environmental issues.

Dr. Ejaz Ahmed

In this exclusive interview with Shehri-CBE, Dr. Ejaz Ahmed, Deputy Director General, World Wide Fund for Nature (WWF) Pakistan, talks with Farhan Anwar, Editor, Shehri Newsletter, on the work of WWF Pakistan and on the issues and challenges confronting the environment and bio-diversity in Pakistan



Q. Tell us a little about the work of WWF in Pakistan

A. WWF believes that conservation practices cannot prove successful if employed in isolation with the other important demands and realities of life. We therefore aim to integrate conservation with development in a way that neither suffers at the cost of each other.

The work of WWF, contrary to general belief is not restricted to protection of the wildlife but adopts a holistic approach to take into consideration the wider issues related with natural resource management and even "brown" environmental issues. For example, we can only save the Indus dolphin from extinction if efforts are undertaken to reduce the land based pollution threats faced by the Indus river.

In Pakistan, we are presently working on 40 small and large projects related to species conservation. These include efforts to protect the migratory birds, turtles, the Himalayan Ibex, the snow leopard, Indus dolphin etc. Our work is targeted at various different types of landscapes and ecosystems of Pakistan such as the moist temperate forests, scrub forests, wetland/mangrove forests and the chilgoza and juniper forests.

WWF has also developed and in some cases is in the process of developing comprehensive management plans for a number of national parks in Pakistan which include the Khunjarab National Park, Lal Sonhara National Park, Chitrol Gol National Park and Machyara National Park. Our work is more research oriented and focuses on field work.

Q. What are the major threats facing the wildlife and wildlife habitat in Pakistan?

A. Most of the threats that confront our wildlife/habitat are man made. The activities of the timber mafia seriously damage our already limited reserves of wooded forests in the northern areas. The deforestation rate in Pakistan is the second highest in the world!

Then to counter these harmful practices, there are very few initiatives being undertaken in the area of reforestation and replantation. They are mostly NGO or community based initiatives and therefore have limited impact. Also such activities are usually not well planned and lack of sufficient knowledge also contributes to the limited impact they have in countering the massive illegal trade of the timber mafia.