



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

Jan-June, 2005 Vol. 15/No. 1

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A HISTORIC STEP FORWARD IN PUBLIC ADVOCACY

In a landmark judgement in the *High Court of Sindh*, environmental considerations precedence in land development. *Shehri* outlines the case against the multinational enterprise by the leading health and educational institutes in the country.

The land contiguously in Deh Chuhar area of Karachi was identified to be designated for exclusive use of health and educational purposes and named as *Education City*.

Prominent health and education related organizations of the country like the Sindh Institute of Urology and Transplantation, the Aga Khan University and Medical College Foundation, the Aga Khan University, Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology, Sindh Madressatul-Islam Board's for Quaid-e-Azam Public School, Newport Institute of Communication & Economics, Sir Syed University of Engineering & Technology, Shaukat Khanum Memorial Cancer Hospital & Research Centre

and Ziauddin Medical University invested huge amount of their money and acquired large portion of the land in the said area.

These organizations were at that time informed by the Chief Secretary, Government of Sindh and the Secretary Land Utilization Department, Government of Sindh that the said land earmarked for *Education City* would not be permitted to be used for any purpose other than the stated amenities of health or education.

The Governor of Sindh, as well as City Nazim fully supported and promoted the idea of *Education City* and affirmed that collaboration between all stakeholders and City Government is very important.



Environmental priorities in the balance

History made in the High Court of Sindh, Karachi (Suit No. 567 of 2004)

The Plaintiffs

1. Sindh Institute of Urology and Transplantation
2. Aga Khan University and Medical College Foundation
3. The Aga Khan University
4. Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology

(Represented by
Mr. Qazi Faez Isa, Advocate)

The Defendants

1. Nestlé Milkpak Limited
2. Province of Sindh (through the Chief Secretary Government of Sindh)
3. Secretary Land Utilization Department Government of Sindh
4. The Environmental Protection Agency
5. The City District Government Karachi

(Represented by
M/s. Wasim Sajjad, Ali Wasim Sajjad and Arshad Tayebally, Advocates)

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7. Dr. Kaiser Bengali (*Economist*)

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.

Views expressed herein do not necessarily express the views of the Editor/Editorial Board.

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EDITORIAL

WE LIVE IN HOPE!

Managing a city the size of Karachi, with all its inherent socio-economic, cultural, ethnic and religious complexities is not an easy task. It requires skillful management and coordination, technical proficiency and substantial financial and human resources on the part of all vested with the responsibility of guiding and managing the cities growth and development. Most important is a show of political will and sincerity by those at the helms of affairs that gets manifested in sound policies and smooth implementation of plans and projects.

Karachi is an unfortunate city in the sense that despite being a major port, the hub of industrial and service sector activity in Pakistan and finding an important geo-strategic locale in the region, it fails time and again to realize its full economic and growth potential. While there are many reasons to account for the unutilized potential, ranging from political instability, adverse law and order situation to the phenomenal rise in population, what is a critical long term concern is the breakdown in the service efficiency of the local government institutions and the exercising of multiple and conflicting management controls by a number of overlapping jurisdictional entities on the cities growth scenario.

The recent experiment in local governance has highlighted vividly this crisis in governance. Not a day goes by when the City Nazim or some other senior city government official does not complain of interference in their work by the provincial authorities.

The Federal Government owns substantial land in the city and has a significant say in the management and development of that land that does not always find favor or compatibility with local priorities. Then there is the contentious issue of the cantonments and how they fit in or need to fit in the development dynamics of the city. Not to be left behind are the so called urban mafias endearingly termed as the builder mafia the land mafia and the tanker mafia, to name a few of the more visible among the lot. Overtly and covertly they exercise significant control on decisions about the planning, development and management of the city.

One look at the development scenario in the city gives clear identification of this phenomenon. Different authorities with differing mandates and policies are initiating their own projects. A multiple nature of management control can only exist when there is harmony and coordination in policy making and implementation. Such a situation does not exist in Karachi. As the city continues to function without a Master Plan, there is no overriding planning umbrella that all can stand beneath. Resultantly, there is conflict, chaos and confusion and the bottom line is that the city and its residents suffer for a crime that is not of their making.

We will continue to suffer till such time when it is realized by all manipulating the levers of growth and development in the city that the ultimate objective of their work is the mental, physical and economic well being of the city at large that is not to be compromised at the alter of petty and short term gains of the few. While we seem to suffer in silence, we live in hope. □



Such a public declaration was made by Governor of Sindh in the year 1999. In order to ensure the integrity of the Education City and to ensure that no one buys land in the Education City area under any mistake or misapprehension, the City District Government Karachi issued office order dated 17.2.2003 ordering that *henceforth no transaction, regarding the Sale of the land, Renewal of the lease, Conversion, Exchange and Transfer shall be allowed in Deh Chuhar.*

In the meantime, Nestlé Milkpak Limited, that is the Pakistan chapter of the multinational Nestlé having a major and possibly an overwhelming majority share in the bottled water industry in Pakistan, in order to increase its profitability in its water business had elected to set-up a water bottling plant close to Karachi City by tapping into and making free use of sub-soil water aquifer lying underneath the Education City area.

Nestlé Milkpak Limited subsequently acquired 20 acres of land in the Education City area, though such acquisition was legally defective. It had applied for and was allotted a comparatively small area of 20 acres of land in Na-class No. 108, Deh Chuhar for industrial/commercial purposes under Section 10(1) of the *Colonization of Government*

Land Act, 1912, vide letter dated 25.10.2003 after bye-passing Industries Department.

A 99 years lease was granted out of Na-class No. 108. However, the said number was changed from Na-class No. 108 to Na-Class No. 106 and such corrigendum was issued illegally and unauthorizedly with malafide intentions by the Secretary, Land Utilization Department, Government of Sindh.

In fact this piece of 20 acres was carved out of the land measuring 300 acres out of Na-class No. 106 of Deh Chuhar already granted to Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology.

The construction and setting-up of the plant was objected on various grounds in the High Court of Sindh including that it is in violation of Section 12 of Pakistan Environmental Protection Act, 1997 and free use of sub-soil water aquifer in huge quantity can cause serious prejudice to the availability of water for use of the organizations that had invested in the Education City and other institutions to be set-up in the area.

Exploitation of natural resources for financial gain by Nestlé Milkpak Limited by tapping into the aquifer through tube wells and draining out the same is envi-

THE HISTORIC JUDGEMENT!

By this order I propose to dispose of CMA No. 3717/2004 under Order XXXIX Rules 1 & 2 read with Section 151 CPC, filed on behalf of the plaintiffs praying therein that pending the disposal of the suit the defendant No. 1 (*Nestlé Milkpak Limited*) be restrained from raising any construction with a view to set-up and operate a bottled-water factory in Deh Chuhar area of Karachi, known as *Education City* as the same is contrary to educational and health use, for which such land can be used. The other application is CMA No. 5343/2004 filed on behalf of the defendant No. 1 (*Nestlé Milkpak Limited*) under Order XXXIX Rule 4 r/w. Section 151 CPC for vacation of stay order dated 24.5.2004 through which defendant No.1 (*Nestlé Milkpak Limited*) has been restrained from initiating any commercial/ industrial activity including set-up of a bottling-plant in the area. In support of both these applications affidavits have been filed by the respective parties, which have been controverted through counter-affidavits and rejoinders. Since the out-come of both these applications shall be same, hence both are being disposed of by this single order. □

- S. Ali Aslam Jafri,
Judge, High Court of Sindh

Our Global Commitments

Principle 2 of Stockholm Declaration, 1972 has been referred which reads as follows:-

"The natural resources of the earth, including the air, water, land, flora and fauna especially representative

samples of natural eco-systems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate". □

Box 2

Box 3



ronmentally degrading and non-sustainable use of a natural resources as by its own showing they were attracted to the area on account of availability of sub-soil aquifer and its commercial exploitation.

The second objection was that Nestlé Milkpak Limited had not obtained requisite permission under the *Canal and Drainage Act, 1873*, inter-alia, under Section 16 and 20 thereof. It was further contended that Nestlé Milkpak Limited had started raising construction on the land without seeking prior approval of KBCA and the construction being illegal could be sealed and demolished under Section 7-A of the SBCO Ordinance.

The set-up of a factory in the area would prove to be a complete nuisance to the educational and health institutions as it will create traffic jams and accidents are bound to happen whereas good education and health require a quiet, peaceful and serene atmosphere. It would be a harbinger for other industrial units and factories and Education City would effectively be converted into another industrialized zone. The whole Education City area would become polluted, over crowded, dangerous and dirty area.

It was lastly urged that the institutions would not have made any investments in the Education City area if they knew that the land therein would be allowed to be put to industrial or commercial use.

It has therefore been prayed that it be declared that defendant No.1 have no right, title or interest in Na-Class No. 106, Deh Chuhar Karachi. A direction has been sought against Nestlé Milkpak Limited to vacate possession of 20 acres of land in Na-Class No. 106 Deh Chuhar Karachi. Cancellation of such agreements dated 12.11.2003 and all other title documents was also prayed.

A further declaration has been sought

that defendant Nestlé Milkpak Limited cannot build, construct or set-up an industrial unit or factory in Deh Chuhar area and should be restrained for doing so. Another declaration was also sought that the land in Education City area in Deh Chuhar Karachi can only be allotted for education and or health services in accordance with the statement of conditions and applicable law and rules.

Judgment from the High Court of Kerala (*India*) delivered by K. Balakrishnan Nair, J. in Writ Petition No. 3492 of 2003. (G) to show that petition filed by Perumatty Grama Panchayat against State of Kerala and Hindustan Coca-Cola Beverages Private Limited and others was allowed justifying the cancellation of the license of Coca-Cola Company in view of excessive exploitation of ground water by the said Company resulting in acute drinking water scarcity in Perumatty Panchayat and nearby places.

In a very detailed judgment after examining the point as to whether decision of the Panchayat that company should not be permitted to extract ground water was legal, it has been held as under:-

Ground water is a national wealth and it belongs to the entire society. It is a nectar, sustaining life on earth. Without water, the earth would be a desert. At present, there is no law governing the control or use of ground water, submits the learned Senior Counsel for the 2nd respondent. The Kerala Ground Water (Control and Regulation) Act, 2002 has not so far been enforced. Therefore, the Senior Counsel submits, the 2nd respondent is free to extract any amount of ground water, which is available underground in the land owned by it. As a good neighbor, it may have a moral obligation not to make excessive use of ground water, so as to affect the persons in the neighborhood, it is submitted. Legally there are no fetters on the right of the 2nd

respondent to extract ground water, it is pointed out. The Rule of law saves every action of the individual, which is not expressly prohibited by law, it is contended. Therefore, unfettered right is claimed to extract ground water.

A reference has also been made to an observation from the Supreme Court of India in the case of *STATE OF TAMILNADU vs. HIND STONE (1981) (2) (SC 205)* at page 212 which is reproduced as follows:-

Rivers, forests, minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation.

As a result of discussion made above, the court found that a prima facie case for grant of injunction has been made out in favour of the plaintiffs. Balance of convenience also appears to be in their favour because once the process of extracting the water in such a huge quantity is allowed to operate, each day, each hour, and each minute water deposits in the aquifer would diminish rapidly and shall adversely affect the rights of plaintiffs to use the underground water according to their genuine needs which shall amount to an irreparable loss to them.

Resultantly, CMA No. 3717/2004 was granted and the interim order dated 24.5.2004 as extended from time to time was confirmed till decision of this suit. In the meantime, the defendant No.1 (*Nestlé Milkpak Limited*) is restrained from initiating any commercial/industrial activities, including setting up of a bottling plant in the area. Consequently, CMA No. 5343/2004 filed on behalf of defendant No.1 was dismissed. □



SHEHRI ACTIVITIES

Shehri Annual General Meeting June 4th, 2005 (Shehri office)

The 15th Annual General Meeting of Shehri-CBE was held to discuss the following agenda:

5. To confirm/approve and adopt amendments in Articles of Association of the Shehri-CBE and pass special resolution conforming the same.

The following members were elected for the next two years in the Managing Committee of Shehri-CBE



1. To confirm the minutes of 14th AGM which was held on Saturday, 21 August, 2004.
2. To adopt the Annual Report regarding the working of the Society.
3. To adopt the audited Statement of Account for the period ended 31st December, 2004.
4. To appoint Auditors for the year 2005 and fix their remuneration.
6. As this year is election year, therefore elections will be held after the AGM to elect a new Managing Committee and the names of the new Managing Committee shall be announced.
7. Any other business with the permission of the chair.

Payment of Dues (Membership)

MANAGING COMMITTEE

Chairperson :

Roland deSouza

Vice Chairperson :

Dr. S. Raza Ali Gardezi

General Secretary :

Amber Ali Bhai

Treasurer :

Sheikh Rizwan Abdullah

Members :

Khatib Ahmed

Hanif Sattar

Derrick Dean



Shehri workshop - Human Rights, Role of Police & Vulnerable in Society (April 14, 2005), Pearl Continental Hotel, Karachi)

The speakers in a workshop on the role of police and human rights in the City said that economic deprivation, politicisation and lack of training were adversely affecting the performance of police.

They opined that new community policing was inevitable for crime prevention in the society. The speakers also said that better salary and facilities to Motorway Police had yielded positive results therefore this model should be emulated.

Samina Imtiaz, the Executive Director PEAD Islamabad said that to some extent, the police were also included

Dr. Aslam Khaki, the Jurist Consultant to Federal Shariat Court and advocate Supreme Court said that Islam enshrined the concept of equality before law. He said that it also stressed the dignity of mankind.

He said that marriage without love and affection is 'Makroh'. He regretted that love-marriage has been given negative meaning.

Dr. Khaki who hailed from Muzafargarh said that Mukhtair Mai's case was exploited. He said that it was



should behave positively with women especially those, who fled from abusive atmosphere. He called the act of fleeing of women in case of cruelty migration. Muhammad Ali Tariq the Inspector Waseem Durrani, DSP Dr.



in vulnerable groups in terms of economic conditions. She regretted that human rights were not being taught at police training institutes as a subject.

a common event which was exploited by opponent landlord.

M.A. Shah and others also spoke on the occasion. □

Dr. Aslam Khaki suggested that police





SHEHRI ADVOCACY

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

Accelerating illegal constructions in Garden East

There is widespread loot and plunder in Garden East Quarter, which is increasing every day! We draw the attention of all concerned to the following irregularities:

- * **GRE 232/4:** Violation of cut-line of Pedro D'Souza Road (*contravening KBTPR 2002 Regulation 16-1 & 2*).
- * **GRE 395/34:** Violation of cut-line of Pedro D'Souza Road (*contravening KBTPR 2002 Regulation 16-1 & 2*).
- * **GRE 238:** Construction on unlawfully sub-divided plot (*contravening KBTPR 2002 Regulation 18-3 1(b)*). Shehri has been complaining to the relevant authority but no action seems to be forthcoming from the Authority! □

Why is the government not protecting the public from fraud?

(Al-Najeebi Electronic Bazar, Plots 34 & 33/PR-2, Preedy Quarter)

The following anomalies and violations are obvious and need to be considered by all concerned:

1. The MPO's 'NOC for amalgamation' is based on a forged BoR letter.
2. The BoR (*the lessor, and thus the only agency competent to do so*) has not amalgamated the two plots, nor has it forwarded building plans.
3. The two plots (*with multiple own-*

ers, varying lease conditions, expired tenures, part-plots not included, etc) cannot be amalgamated.

4. All subsequent approvals (*TP, Construction, Advertisement & Sale, etc*) are invalid being based on fraudulent amalgamation of plots
5. Abdullah Haroon Road is an *Interim Control Area* as per KBTPR 2002: an urban renewal plan is required.
6. The plot-owner, builders, investors, etc are established violators of the law, and have been greedily destroying the city over the past decades.
7. The builder is selling around 180 - 200 shops per floor, in violation of his NOC that only allows 38 - 40 shops per floor. The requisite 4' x 4' Notice Board, with complete *NOC for Sale* information has not been fixed at site. The standard KBCA 'Agreement Form' is not being used.
8. Who will ensure refund of public money when the conditionalities of the NOCs are not met?

Yet the brisk sale of shops and offices continues! Is there no one in this city who wants to do his statutory duty to protect the unknowing public before they invest in such scams? Have we become merely a nation of post-facto 'regularizers' of wrongs?

Please act today to cancel the fraudulent approvals, seal the booking office, and warn the public in the press. □

Regularization of Private Schools

It is satisfactory to note that Brigadier A. S. Nasir (*CCOB, KBCA*) is trying his best to implement the law!

Private schools although they provide the service, but yet they are exploiting the situation by charging ridiculously high fees, without any facilities for the children, who are housed in small rented residential houses. How can 300 children be housed in a 4 room house is beyond comprehension but they are.

There is no playground, no laboratory etc, no proper facilities which a school must have. These private schools are a nuisance and they destroy the area where they are established. Most of them do not own the residential houses, they are occupying. Neither they are interested in investing in the land. The only benefit that a lessened regularization fee will give is to the land lord.

What guarantee is that the school will stay there in perpetuity? They can move away and the land lord can use this subsidized regularization benefit (*Change of Land use*) and build up a commercial high-rise. We pray that

- * Karachi Building Control Authority should be given an opportunity to clear the mess that these schools have created.
- * This benefit should only be given to those properties which are owned by the school authority themselves. It should not be given to rented premises, because the landlord can through this subsidized regularization policy con-



AL-NAJEEBI ELECTRONIC BAZAR

REGULATION	VIOLATIONS OF KBTPR 2002
24 - 2.4	Detailed parking layout not provided
24 - 6.1	Vehicle turning radius of ramps inadequate = 18 feet (not 24 feet or 32 required) lengths inadequate = 33 feet (not 42Y2 feet, as required), etc.
9 - 8.2	Distance to staircase is greater than 100 feet on 10th - 15th floors, 1 st-rs, 5th - 9th floors (Note: Stairs with widths less than 4 feet are not table) Only one staircase on the 10th - 15th floors, no second fire escape se is available
9 - 7.1	Minimum width of shop = 8 feet, 40% shops with area = 56 sft (not road), other shops area greater than 100sft. then 40 shops per floor (total 195 shops) have been approved. 200 shops per floor (total about 900 shops) are being sold as per drawing in Booking Office, in violation of KBCA "Sale NOC"
9 - 7.5	A floor-to-floor height of 10'-6" has been provided: with a 6-inch ural slab thickness and a 3-inch floor fmish, only 9-9" clear height available, not 10'0".
25 - 3.1	8 foot arcade not provided on Abdulla Haroon and Garden Roads frontages 10-foot COS at sides upto 30 feet height (and 10% of height above 30 ot provided)
12 - 4.1.3	Central waste-disposal system not provided
13 - 3.1.2	Automatic fire-sprinkler system in parking floors not provided
13 - 3.1.4	Automatic fire-sprinkler system on all floors not provided
8 - 7, 11 - 7	Exavation procedures have not safeguarded stability of adjacent building
17 - 3.1.1 Schedule 17A(1)(c) (iii) & (vii)	Abdullah Haroon Road: and "Shopping Centre costing more than Rs 3 crore makes for" Interim Control Area". Until an urban renewal plan for ~a is developed and additional infrastructure/utilities, these plans not have been approved .
12 - 7.4, 12 - 7.6	Completely inadequate sanitary provisions (wash-basins, WCs, urinals) for shopping spaces and offices
25 - 1.7	Certain non-exempt areas have not been included in the covered area otions, including: Staircases/lobbies on 4th to 9th floors Staircase in Atrium in basement to 4th floors Meter rooms on 1st to 3rd floors (KESC will not install meters on upper floors)
	Access-ramp for handicapped needs to be 65 feet long to rise 3 feet n road level and building ground floor level (1: 20 ramp slope + 5 t space every 30 feet)



vert his premises from residential to commercial, have the school evicted and then build a multistorey high-rise or any other commercial venture which will be detrimental to the area.

However, if it is still allowed that these rented schools to be regularized then this regularization benefit should only be granted till occupied by the school. If the school vacates the premises the property must be reverted to its original residential status. □

Comments on DCL Cogen desalination plant in DHA Phase VIII

Propos, Sindh EPA's public notice in the DAWN dated 19-12-2004, Shehri CBE submitted the following comments on the environmental aspects of the proposed project

The critical environmental aspects of the installation that need to be addressed include:

- a) 132 kV transmission lines and grid station
- b) Water treatment facilities exceeding Rs 25 million cost
- c) Waste disposal facilities exceeding 1.0×10^4 m³/annum capacity
- d) Proximity to an environmentally sensitive residential/recreational area.

We feel that the EIA submitted by DCL does not cover these points adequately.

The following questions are among the many that need to be considered and investigated by the Sindh Environmental Protection Agency before the plant is given an approval:

- 1) Does the project meet with World Bank guidelines for locations of plants of this size; especially with

Karachi Needs You: Shehri needs you!

Shehri appeals to all fellow citizens to assist in our mission to revive the lost glory of our lovely but sadly totally un-cared and unloved for city. Our mission is to promote and facilitate a pro-active civil society that is conscious of its responsibility and demands accountability. We strongly believe that citizens share equal if not more responsibility for the state we are in. The lethargic attitude of the government bureaucracy cannot be held totally responsible for the present sorry state of affairs if we as citizens of the state fail to play our active role as sovereign owners.

Shehri comprises a core team of dedicated individuals who volunteer their time and expertise to ensure that social justice is provided, laws are followed. Shehri has been for the last 15 years advocating its stand through the press by writing letters, initiating meaningful campaigns, litigation and organizing workshops and seminars to create awareness, in anticipation that people will fulfill their social responsibilities in a proactive manner. We are thankful to our patrons for all their support. However, we are financially constrained and need your support to pursue a cause that is mutually shared. While we demand transparency and accountability from others, we ensure total financial and administrative transparency in all our functions. Shehri looks forward to your generous contributions, in cash or in kind, in assisting us to realize the vision of revamping this city the way we all want it- healthy, clean, safe and alive! Hoping to hearing from you soon. □



reference to residential areas and coastal zones?

- 2) The 132 kV lines connecting to the DCL site are located on 60 feet wide (*Kh-e-Arafat, Kh-e-Shujaat, Kh-e-Khyber, Kh-e-Shaijar*); 80 feet wide (*Defence Ave*) and 100 feet wide (*Saba Ave*) roads. The required 100 feet wide 'right-of-way' clearances for 132 kV overhead lines are not available.

Additionally, the long-time adverse health effect of electromagnetic fields from these HV lines running in close proximity to residential needs to be considered very carefully. The landmark 1994 *Shehla Zia* judgment of the Supreme Court must be studied.

- 3) The process of distribution of the potable desalinated water has not been described- If this high-quality water is not be mixed with non-potable KWSB-supplied water, the distribution of 3 MGD of water will involve 1000 tankers/day (*3000 gallon capacity*), and will cause some traffic congestion and air pollution in the

of the the beach.

- 5) The noise level, especially at night, is of concern to residential neighbours.
- 6) The air omissions from the entire plant are of concern, especially for high-rise buildings in the area (*e.g., Greek City*). These include

- * the NOx and COx from the gas turbine, and
- * the oxygen / nitrogen from any de-aeration processes, and discharges from the air ejetor system of the desalination plant.

- 7) The compliance with NEQS and the adverse effects on the marine environment, including the mangroves, fish and other marine life have to be studied (*pre-operation and post -operation*), including

- * impingement / entrainment impacts at the seawater intake
- * high (*45oC*) temperature at brine dis-

charge (*differential of 15oC*)

- * concentration of brine, biocides, metals and harmful chemicals (*and scalants, anti-foaming agents, etc*) in waste discharges

- * effects on starting and stopping of the plant (*changes in salinity and temperature*)

- 8) Has accident / emergency-handling plan been developed, especially in view of stand by diesel fuel storage and high-pressure natural gas installations so close to and upwind of a residential area?

- 9) The earthquake factor in the Karachi Building & Twon Planning Regulations 2002 of the Governemnt of Sindh is defined as ranging between 0.16g and 0.24g. Why is the factor of 0.1g being used in the design of the plant?

Please note that NEPRA is



area and on the Beach/Coastal Road.

- 4) The adverse effects on public access to the beach and recreation facilities. The 30' - 45' height of the plant structures on the beach will interfere with the aesthetics/peaceful environment



Shehri participated enthusiastically in the campaign to prevent the US Consulate from being shifted adjacent to the Grammer School on an amenity plot. The citizen campaign forced the US government to change their decision.



Hon'able General Pervez Musharraf
President of Pakistan,
President House, Islamabad

Excellency,

The citizens of Karachi appeal to the President of Pakistan that the beaches of Karachi should be considered as a public ecological asset, as already laid down in Karachi Coastal Development Plan 1986-2000.

No physical development of any kind whether commercial, residential or otherwise can be allowed in the designated beach area which has to be protected by keeping land use atleast 500 meters from the wet edge of the sea.

#	Name	Address	Signature
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NGO MANAGEMENT

Shehri is awarded NPO certification!

Shehri has been awarded the NPO certification by the Pakistan Centre for Philanthropy in the areas of internal governance, financial management and programme delivery. Shehri outlines the certification process and the objectives of the NPO certification programme.

The objectives of the NPO certification programme are:

- * To create a dynamic legal, regulatory and fiscal policy framework for promotion of philanthropy for social development.
- * To strengthen civil society in Pakistan by setting sector-wide standards in critical areas of governance, financial management and programme delivery.
- * To engage in a multi-stakeholder process to encourage adoption of 'best practices' for increased efficiency and effectiveness in the nonprofit sector.
- * To foster partnerships among corporate philanthropists, citizens organisations and government for sustainable development.

What is certification

Certification is based on an independent, professional and objective evaluation of a nonprofit organisation (NPO) for its own benefit. It is purely optional and voluntary. The parameters fall in the following categories:

- * Internal governance
- * Financial management
- * Programme delivery

The Pakistan Centre for Philanthropy (PCP) established in 2001 under the Companies Ordinance 1984 is an independent nonprofit support organisation created to facilitate collaboration among the philanthropists, civil society organisations and government for addressing the challenge of poverty.

Pakistan Centre for Philanthropy has emerged as the lead certification agency in Pakistan having been offi-

cially authorised by the Government of Pakistan vide Revenue Division Notification No. 1116(1)/2003 dated December 19,2003. At present, PCP is the only NPO certification agency in Pakistan.

Why should an NPO get Certified

Certification is a voluntary assessment of NPOs to enhance their credibility and, resultantly, their access to funding from the corporate sector, diaspora communities, and national and international organisations.

The Certification Model

The Certification Model contains the process and parameters of certification. Some of its important features are:

- * Categorisation of evaluation parameters in three broad groups viz. internal governance, financial management and programme delivery.
- * The parameters are benchmarks of good governance, transparency and programme effectiveness derived from international best practice.

Each parameter is scored and the applicability varies, according to the size of the NPO being evaluated. For each parameter, two basic instruments viz. desk review and field evaluation are used.

Desk review involves detailed examination of the

application and supporting documents of the NPO. This is followed by field evaluation by a team of experienced field evaluators.

Eligibility to Apply

All those NPOs are eligible to apply which:

- * Are registered under any of the registration laws and are functional for the last three years or more.
- * Have been established for educational, religious, health, charitable or welfare purposes, or for development, rights advocacy, promotion of art or amateur sports.
- * Do not in any way propagate the views of any political party or religious sect. Specifically prohibit distribution of profit to members.
- * Maintain their accounts properly and have the same audited from qualified auditors.
- * Pledge to devote their resources for the promotion of purposes for which they are established.

Shehri is presently in the process of getting USAID certification □

- Source: PCP



Shehri participates in the USAID certification process



COMMENTS

Police reforms - issues and concerns

The Consumer Rights Commission of Pakistan (CRCP) analyzes the ongoing police reforms process and identifies some critical concerns that need to be addressed on an urgent basis.

The Police Order 2002 aims at making the police service oriented and accountable to public. Its purpose is to ensure that police is more efficient and respects human rights and dignity of the citizens during its operations.

Since promulgation of the Police Order 2002, the federal and provincial governments have made efforts to bring the local policing in line with the modern trends.

During the course of its implementation, stakeholders voiced their concerns about certain new arrangements under the Police Order 2002. Various amendments were thus made to the Police Order 2002 with a view to accommodating the genuine concerns expressed by the stakeholders.

On 25 November 2004 President gave assent to *The Police Order (Amendment) Ordinance 2004* introducing changes aimed at facilitating implementation of the new police system. These amendments deal with fundamental principles of checks and balances, de-politicization, police accountability and functioning. The revisions have already been agreed upon by the federal and provincial governments.

Some critical issues that need careful consideration are discussed below:

Role of the Provincial Police Officer (PPO) as ex officio secretary and the issues of autonomy and superintendence by the provincial government: In order to protect the police from political interference, the PPO

has been made an ex officio secretary with *total autonomy in operational, administrative and financial matters subject to policy, oversight and guidance given by the Chief Minister*. Arguably, this provides for a conflict, whilst the PPO has *total autonomy* it is subject to the chief minister's policy, oversight and guidance. At what point will the chief minister's policy, oversight and guidance encroach upon the PPO's *total autonomy*?

For example, the PPO can only appoint a District Police Officer (PPO) with the approval of the provincial governments. 15(1), which seems a basic compromise on *total autonomy*. It is also unclear why it has been made obligatory for the Chief Minister to convey his policy guidance to the PPO through the Chief Secretary and the Home Department?

Transfers & promotions: For the appointment of PPO, the federal government and not the National Public Safety Commission- will now recommend a panel of three officers to the provincial government. The PPO can only appoint a DPO with the approval of the provincial government. Compared to the pre-amendment provisions, how does the new change affect the attempts at depoliticizing of the police?

Is the enhanced role of Provincial Governments in police appointments conducive to a professional, service oriented, modern police or is it part of an appropriate supervisory responsibility in line with the functions of the provincial government? What is the best mix.

Changing composition of public oversight: The Police Order 2002 envisaged equal representation of government and opposition MPAs in the provincial public safety commission. This formula has now been amended apparently to give increased representation to the ruling party's MPAs. The new amendments provide for the inclusion of three parliamentarians of a district in their respective DPSC, appointed by the government. Each DPSC would now include three MNAs or MPAs, three members of the district council and three independent members selected by a selection panel.

The number of respective provincial and national assemblies members, constituting one third of the DPSC membership, is not clearly laid out in the amended Police Order 2002. Has the inclusions of Parliamentarians politicized the public oversight and public grievance redress? Are there safeguards against it?

Are the revised structural changes in public oversight a step towards politicization of police or a move to make Police truly accountable? Whither the concept of making police a politically neutral institution?

Changed composition of selection panel at the Provincial level: Amendments have changed the composition of the provincial selection panel, which now excludes the chief justices of the high courts from sitting in the selection panels. The provincial selection panel now includes the provincial ombudsman, the chairman of the provincial public service com-



Police: An institution in change

mission and one member appointed by the Chief Minister.

Does this measure compromise the credibility of the selection committee or does it make it more efficient as the new members have an executive bent of mind? Arguably, this has resulted in a loss of independence for the selection panel, which is now much more closely associated with provincial government as all the three members are appointed by the provincial government.

Merging public oversight and public grievance redress: The provision for Police Complaint Authority (PCA) at the provincial level has been abolished. Its functions are now shifted to the Provincial and District Public Safety Commissions. This means that public oversight and public grievance redress for serious misconduct are now vested in a single entity having majority membership from the government side.

One may ask if the provincial and district public safety commissions have sufficient powers to provide for public

oversight and grievance redress? What are the merits of merging the public oversight and public grievance redress functions?

Does it constitute an element of conflict of interest? In view of the enlarged public

oversight and public grievance redress mandate, has the safety commissions been provided with the powers formerly exercised by the PCA?

Relationship between District Nazim and the District Police: Given that the Nazim is responsible for *functions relating to local law and order in the district (Sec. 18(c) Local Government Ordinance 2001)* and under the amended PO 2002 (article 33), the Nazim will now initiate the annual Performance Evaluation Report (also known as ACR) of the District Police Chief. What are the problems and merits of exercising control through the PER and how do these compared with the new arrangements for evaluation of performance of Police?

Also, what are the implications of making the Chief Minister a final counter signing authority regarding the Annual Evaluation Report (AER) of DPO prepared by the Nazim? With the control over district police by the Chief Minister formalized and extended on a statutory basis for the first time, it is apprehended that conflicting

influences will grow possibly leading to further undermine the working and functions of the Police.

General Control of SHO over the investigation: What are the merits of empowering the SHO to have a general control over the officer-in-charge of the investigation? Will this compromise the intended functional specialization behind the separation of watch-and-ward and investigation?

Devolving police to the local level: Given that the policing is a local function, it is unclear why police is not a devolved function? First, there is a need to address the conflict that emanates from the conflicting constitutional provisions and the clauses of the Local Government Ordinance as to whether or not policing is a local function? It also needs to be debated as to whether or not police performance should be subject to local government scrutiny.

It also needs to be discussed as to whether or not following a review of past professional performance and conduct of the police officials, their appointments should be ratified by a special resolution of the district/tehsil councils.

Also the issues relate to the cases of poor performance or misconduct and whether the district/tehsil councils should be empowered to initiate a special resolution for removal of police officers. There are other important issues demanding clarity and consensus as to whether the higher tiers of the police need to be focusing on the inspection and inter-district co-ordination functions?

Are these arrangements appropriate. And how does it fit with the DPSC oversight, which has national and provincial legislators as its member? □



HUMAN RIGHTS

Human rights within the Islamic context

Dr. Aslam Khaki, Advocate of the Supreme Court of Pakistan discusses Islamic Context of Human Rights within the framework of the universally accepted norms of human rights

We have entered into the new millennium with a new vision, different hopes and expectations. Indeed, the new millennium is the millennium of human rights. In this millennium, the concepts and institutions are being re-interpreted, reviewed and are-judged in the perspectives of human rights.

The new millennium shall not adjust the traditional concept of religion as popularly defined by encyclopedia Des Sciences, Des Arts et Des lettres (Paris). *By religion is understood the way in which man actualizes his relations with the super human and mysterious forces on which he believes to be dependant.*

Every religion has provided his followers a list of rights and duties to each other. These rights and duties have been initially framed and interrupted in the culture and environment of its time. These rights need development with the change in time.

Now in the new millennium, a religion, which encompasses the beliefs corresponding and responding to the human rights or mankind, shall have the right to survive.

In this perspective, Islam (*like any revealed religion*) stands successful to the test and target of concept and expectations of the new millennium.

The background of sending the prophet to a society clearly shows that whenever and wherever the human rights of the people were being usurped and infringed, a prophet was sent to restore these rights.

It is to be noted that each prophet came with the basic belief/teaching of

submission to one God (*Tauheed*). This belief manifests and ensures the basic human rights i.e. freedom of man from the slavery of other man. Islam does not compromise on this human right (*Shirk*) by saying *Allah does not forgive Shirk with him.*

The Prophet Muhammad (*Peace be upon Him*) came at a time when the society was full of human rights violations like,

- * female infanticide and tribal wars, which led to thousands of deaths.
- * Dignity of the man and specially of the women were violated by taking them as slaves and through molestation.
- * Womens rights to property and to choice of life partner (*Freedom of Association*) were aggressively denied by the society.
- * The people had become used to intoxication, gambling and theft (*right of property*).

The Holy Prophet lodged the movement of Islam and fought against the violations of human rights very comprehensively.

He advocated *Tauheed (Unity of Allah)* and curbed slavery of man by another man. He promoted the right to life/survival by enforcing *Qisas (retaliation)* in the society, he barred female infanticide, gambling and intoxication. He gave property rights and choice of marriage to the women, a right strange to that society. He advanced equality of mankind and restored dignity of human being by prohibiting accusation, calling names, blaming or abuse etc.

In His last sermon, the Holy Prophet summarized his teachings in terms of

human rights like equality of mankind, eradication of prejudices, protection of life protection of rights of women and slaves, protection of property rights etc.

Every Prophet came to revive and rebuild the society upon the foundations of Islam, hence he testified what was revealed to the Prophets before him, No Prophet came to repeat but he came to testify. Quran says:-

He (*Allah*) has revealed to you the Book with the truth confirming what preceded it and He has already revealed the Torah (*Old Testament*) and the Gospel for the guidance of the people and for the distinction between right and wrong. (3/3-4)

Now in the light of above perspective, we study the main Human Rights provisions in Islam, These are:

Equality of Mankind

This is the basic human right, which means that everybody is equal by creation and enjoys equal status and equal treatment in the society as a human being. Hence there can be no discrimination on the basis of race, region or any other factor, which is beyond the control of a man, This principle is also referred as *Non-Discrimination*, It also means that everybody is accountable before law. Quran says: *O' Men, we have created you from a male and a female and made you into nations and tribes that you might get to identify one another. The noblest of you in Allah's view is the most righteous of you, Allah is wise and All knowing.* (49/013)

The Holy Prophet had clearly narrated the principle in his last sermon by saying, *There is no preference or superi-*



ority of Arab over non Arab and of non Arab over Arab, of white over black and of black over white except on the basis of Taqwa or good conduct.

This principle of equality and accountability of every person before law is so vehemently manifested in the conduct of Allah (*Sunmatullah*) that even the Prophets have not been given exemption to this rule. e.g.

- * Hazrat Adam and Hazrat Eve violated the law of prohibition go near to a tree. They were made accountable before law and as a consequence they were made out of paradise.
- * Hazrat Noah prayed for the salvage of his law-violator son, but the prayer of the Prophet was not accepted and his son was drowned with other law-violators.
- * The last Holy Prophet (*Peace be upon Him*) who was so near and dear to Allah that Allah changed Qibla from Baitul Muqaddas to Kaaba on his desire, but so far as the equality before law is concerned, even this dear and last Holy Prophet (*Peace be upon Him*) was not given exemption. The evidence is drawn when the Prophet asked for the forgiveness of his few relatives or friends who died on infidelity (*kufr*), but they were not forgiven as it would have been the violation of general principle of equality before law, *Quran Quotes*, (*It is the same*) whether or not you ask for forgiveness for them, If you ask for their forgiveness for seventy times. Allah will not forgive them, for they have 'denied Allah and His Apostle. Allah does not guide the evil-doers (9/80).

Dignity of Mankind:

Dignity is the distinctive feature of mankind. Every act which adversely affects the dignity of man has been

strongly condemned and been seriously prohibited in Islam. Quran Says:

And we have bestowed dignity upon the mankind. (17:70)

Some acts, which are prohibited in Islam being against the dignity of the mankind, are referred from Quran as follows:

- a) *Mocking: "O' believers! Let no group mock another group, who may perhaps be better than it (the mocker). Let no women mock another women, who may perhaps be better than herself. (49/11)*
- b) *Defamation: Do not defame one another. (49/11)*
- c) *Calling by nickname. "And do not call one another by nickname". (49/11)*
- d) *Backbiting: "Do not backbite one another". (49/11)*

Similarly abusing, slapping on face, humiliating the dead bodies even of enemies and even in war are strictly and seriously been prohibited in Islam. In Islam, Qazf (*accusation for adultery*) is a heinous crime and has been dealt strictly in law. Qazf attacks the dignity of a woman.

Freedom of Association:

The third and socially very important human right of a human being is his right of association. It means that a person is free to associate with a party of his choice, a person of his choice and also to contract marriage with a spouse of his/her choice. This comprehensive right includes many rights like; Freedom of a person to

- a) join a political party.
- b) To adopt and change a religion.
- c) To marry with the person of his/her choice.
- d) To have the membership of a group of his choice.

In Islam there is no requirement or formalities of Nikah Khuwan, (*priestor theocrat who solemnizes marriage*) of place or of approval of any person other than the contracting parties i.e. the spouses. A Nikah (*marriage*) is effected by the *offer and acceptance* of the parties before the two witnesses (*adult, sane man and woman not seized with legal pediments*) Even the presence of witnesses is not the basic the element of Nikah. To some Jurists, the presence of witnesses is not a condition for the validity of Nikah. It is after that undistorted freedom of choice of the marriage and right to disassociate (*divorce*) or get divorced (*if the hatred is developed for each of other*) that Islam has prescribed severe punishment for Adultery. But in our society, the parents and brothers of the girls have usurped this right. In majority of the cases, the parents/brothers of the young adult girls solemnize the marriage of daughter/sister against her consent. Hence in such cases the parents are guilty of forcing their daughters, for adultery before hundreds of people followed by delicious food festival. In strict Islamic conception, no Jurist can justify such marriage and no term can be attributed to it except the term *marital rape*. So if as a result of such *marital rape ceremony*, a girl absconds and goes away with her paramour, she has right to do it and this absconded and living with a person of her choice as wife is really and clearly *Nikah* while the coercion of her parents upon her to live with a person against her choice is Zina and in such cases the parents must be inflicted Hadd punishment of forcing for rape or Zina. Her abscondence with a person of her choice as wife is clearly a migration in the way of Allah (*Hijrah*).

Freedom of Expression:

This right means that everybody has the right to express his option/view in matter, which concerns him. In political environment, he has the right of vote and of criticizing the conduct and act of the political persons and that of



the government. Islam accepts this right to the extent that even the Holy Prophet (*Peace be upon Him*) was directed to get consultation in the matters of state in which the revelation was not revealed. Quran says;

- a) They (*pious people*) conduct their affairs by mutual consultation. (42: 38)
- b) And involve their consultation in the affairs. (03: 159)

The Holy Prophet (*Peace be upon him*) and the caliphs used to hold consultation. For example consultation in the matter of prisoners of Badr War and consultation for the third Jum'a call etc.

Rights of presumption of Innocence:

In Islam, it is the right of every person that he should be presumed innocent until he is proved guilty by evidence on record. This basic presumption is elaborated in a famous Islamic legal maxim.

The basic assumption is freedom of indebtedness. This is more elaborated by the saying of the Holy Prophet (*Peace be upon Him*) when he said: *Everybody is born in good nature, Islam has no concept of sin by birth or the inheritance or sin from Adam and Eve. Nobody carries the sin arbitrarily of others. Quran says: Each person is responsible for his own conduct, and nobody shall bear the burden of other body.*

Right of Defence:

Consequent to the right of presumption or innocence, there emerges another basic right of a man i.e. his right of defence to any allegation against him. This principle is embodied in the famous English legal maxim.

Audi Altrem Partem

Nobody should be condemned unheard
Islam is the pioneer and promoter of

this principle. Even the Satan was given the right of defence before he was condemned.

Allah asked Satan:
What made you prostrate not to Adam when I commanded you? (Quran: 7/12)

In furtherance of this principle, in the hereafter before sending them to the hell, the culprits shall be confronted with the evidence of their tongues, legs and hands against them.

There shall be a woeful punishment on the day when their own tongues, hands and feet will testify to what they did. (Quran : 24 : 24)

Rights for Security of life:

This right has been admitted in all civilized societies in all revealed religions. Attacking the other person to cause injury or death is a serious offence and punishment of relations has been prescribed to protect the right to life, Quran says:

a) And (*in Torah/ old testament*) we decreed for them a life for life, an eye for eye, a nose for a nose, an ear for an ear, a tooth for a tooth and for wounds is relation. (5 : 45)

b) *That was why we laid down for the children of Israel that whoever killed a human being, except in retaliation or in sedition in the earth, should be deemed as through he had killed all mankind.* (5 : 32)

The Right to Property:

It means every person has right to hold or dispose of property, which he has earned or secured through legal means. In Islam Quran admits this right: *Do not devour one another property through unfair means.* (2 : 188)

Moreover theft has been viewed as serious crime and a severe punishment of *amputation of hand* has been prescribed for the thief: as he does not respect the right or people to their property. Quran says: *As for the thief wheather man or woman, cut their*

hands to punish them for their deed. (5 : 38)

The Rights to Privacy:

Islam gives an additional right to the mankind, which is not normally accepted by other societies, and that is the right to enjoy privacy.

It means a person's privacy shall not be disturbed or encroached upon. Quran says:

(I) *O' Believers! Do not enter the house of others until you get permission and then wish them peace.* (24 : 27)

(II) *O' Believers! avoid most of suspicion, for in some cases suspicion is sin. And do not spy (on one another), nor backbite one another.* (49 : 12)

Allama *Shatabi* a famous Muslim Jurist is of the view that all the Ahkam/injunction of Islam are directed to achieve the following ultimate goals which he terms as *Ii Masalih Khams* or Five Goods. These are:

- a) Protection of the life.
- b) Protection of property.
- c) Protection of lineage /dissent.
- d) Protection of dignity
- e) Protection of senses

In fact these protections are the protections of the human rights as universally identified by all civilized nations.

ii) In Quranic terminology, the suspension or violation of Human Rights in a society is term as *Fitna* and severe action extending to *Jihad* has been commanded to curb *Fitna* and for restoration of human rights. □

- Excerpts from a paper by
Dr. Aslam Khaki who is Advocate Supreme Court of Pakistan and Jurisconsult Federal Shariat Court, Islamabad.

HERITAGE CONSERVATION

The Lahore Charter: A national policy for heritage conservation?

As efforts are being made to draft a national policy for heritage conservation in Pakistan, the Editorial Team of the Journal of Research in Architecture and Planning, NED Engineering University, bring to light the forgotten text of the Lahore Charter that can serve as a national policy for heritage conservation in Pakistan.

Recently there has been a growing urge to develop a National Policy for Heritage Conservation in Pakistan. Local organizations in collaboration with the international community, primarily UNESCO, are struggling to formulate a national level policy in Pakistan to ensure safeguarding of heritage properties within Pakistan. The impression that one gets from these events and what is reported in the press, is that no effort has ever been made to develop a national level charter or policy for heritage conservation in Pakistan. The editorial team while working on this issue of Conservation and Cultural Heritage, however, stumbled into a document that has been lying in the files of the Archaeology Department for the past fifteen years; unexplored, unnoticed and almost forgotten. This is the *National Charter for the Conservation and Preservation of Cultural Property, Lahore 1989*, also known as the *Lahore Charter*.

The creation and origin of this document dates back to 1989 when a farsighted effort was made by the then Director General of Archaeology Department to initiate and establish a training institute for conservation professionals. This institute named as the *Pakistan Institute of Archaeological Training and Research*, was to offer different short courses to professionals involved with historic buildings and cultural property. Among the courses planned for this institution one was on *Advanced Training in Conservation of Cultural Property*, the first session of which was offered in September/December 1989 when the world renowned, Sir Bernard Feilden came to Lahore for delivering lectures

to the participants. The *Lahore Charter* was developed during this course and its draft was put forward at the end of the course for approval and acceptance at a national level. Unfortunately the efforts for its approval by government were not pursued and it never became known and accepted as the official charter of conservation for Pakistan.

A brief review of the Lahore Charter reflects on the fact that it is quite a comprehensive document that covers a wide range of aspects essential for heritage conservation; starting from definitions, to physical and material interventions and ending at awareness building and education cum training, of professionals in this field. This paper, however, does not attempt at doing a detailed analysis on the potentials and/or shortcomings of the charter. The only purpose is to bring this document in the knowledge of the professionals, so that it can be taken up as a starting point to initiate a debate and discussion at any forum that is striving to develop a national level conservation policy for Pakistan.

(DRAFT) NATIONAL CHARTER FOR THE CONSERVATION AND PRESERVATION OF CULTURAL PROPERTY (LAHORE 1989)

1.0 Preamble

- 1.1 Pakistan with its specific geographical and social background has a history of cultural evolution and problems of its own. Accordingly, having

The Lahore Charter

The Lahore Charter was written by members of the multi-disciplinary conservation course organised by Dr. Ahmed Nabi Khan of the Pakistan Department of Archaeology and Museums. The course of three months was run by Sir Bernard Feilden in the Pakistan Institute of Archaeological Training and Research, established in 1989 in Lahore Fort. The students having studied the Venice Charter and Australian Burra Charter, ended the course by drafting the Lahore Charter. □

regard to the International Charter for the Conservation and Restoration of Monuments and Sites (*Venice 1966*) and the Resolution of 5th General Assembly of ICOMOS (*1978*), the following charter is proposed to be adopted for Pakistan.

2.0 Objective

- 2.1 The cultural heritage that exists today in physical form and in historical records, is the common heritage of us all, giving us an awareness of our common history and common future, as well as being an essential part of our heritage. We are responsible for its preservation and continuation for the benefit of our present as well as future generations. This



responsibility is to be shared jointly and scrupulously by the society so that its continuity is ensured in the full richness of its authenticity for the times to come.

3.0 Definitions

For the purpose of this Charter:

- 3.1 **Cultural Property:** Means historical monuments, buildings, groups of buildings or areas, historical gardens, archaeological sites and structural remains, and their traditional environmental settings, works of art and science & technology or any part or portion thereof. Historical areas in urban or rural settings containing vernacular architecture forming a physical environment of exceptional quality also form part of cultural property.
- 3.2 **Conservation:** Means all processes to ensure retaining the particular value(s) of a cultural property. It includes interventions normally referred to as maintenance, rehabilitation, revitalization, relocation for adaptive or extended use, retrieval and recycling.
- 3.3 **Preservation:** Means maintaining the existing state of cultural property and retarding its deterioration, including relocation for preserving.
- 3.4 **Restoration:** Means returning the existing fabric of the cultural property to a known earlier state by removing accretions or by reassembling existing components with or without introduction of new materials.

4.0 National Policy

- 4.1 The conservation and preservation of cultural property be carried out under a uniform national conservation policy.

This policy be formulated to outline priorities for categorization of cultural property at the three levels i.e. national, regional & local levels, and in interventions required thereto. Under this national policy the functions of concerned national organizations be coordinated and cooperation extended to international agencies entrusted with conservation of cultural heritage.

- 4.2 A body of noted professionals from all related disciplines and intelligentsia be formed to formulate, update and monitor the national conservation policy.
- 4.3 As a matter of policy, efforts be made to bring cultural property moved out of country back to its place or setting of origin.

5.0 Guiding Principles

- 5.1 The aim of conservation is to retain or recover the value of cultural property and to ensure its future by security and maintenance.
- 5.2 Effective measures be taken to make public aware of the need and value of conservation and preservation of cultural heritage, and to promote participation from all spheres of the society.
- 5.3 Interventions for conservation and preservation be timely and aimed as minimum necessary. These interventions should be reversible and not prejudice future interventions, if technically possible. These should also be harmonious with original material and setting and should in no way attempt to alter authenticity of the cultural property.
- 5.4 Items of cultural value which form an integral part of a mon-

ument of site may only be removed from it if this is the sole means of ensuring their preservation.

- 5.5 The process of restoration must aim to preserve and enhance the aesthetic and historic value of the monument. It must stop at point where conjecture begins, and all interventions must be distinct and carry a contemporary stamp.
- 5.6 Conservation activity be recognized as separate from normal building activity. It be made distinct part of national, regional and local planning policy, be provided with special non-lapsable funds; and be carried out by trained and experienced professionals and craftsmen. Economic and social incentives are required to ensure survival of traditional building crafts which are necessary for conservation of historic buildings.
- 5.7 Traditional urban environment identified as cultural property be protected from transformation of its character through economic and social pressures present with in and outside of the historic precincts. Area rehabilitation and change of use be directed towards being compatible with traditionally existing pattern and strengthening the local conservation policy.
- 5.8 Public be made an active partner in the conservation effort. Cultural property, whether in public or private ownership be promoted as national asset. Society should share to discourage illicit activities in clandestine excavation operations and trade of cultural significance be made a taboo. Involvement of local concerned public groups is a must

for protection and preservation of cultural heritage. Private donors must also be encouraged to participate in funding of conservation efforts.

- 5.9 Living religious movements form a substantial portion of our cultural heritage. Traditional *waqf* system be channelized to contribute in conservation effort. All interventions to bring religious monuments be in harmony with their use, sympathetic to the faithful, allow future interventions and should not alter or destroy physical historical evidence.
- 5.10 Efforts must be made to fully document all cultural property. All interventions must be scientifically documented before, during and after carrying out and should aim at preserving historical and archaeological evidence.
- 5.11 As an essential pre-requisite to conservation, the existing legal framework should be re-examined with a view to strengthening it as necessary. The planning boundaries of protected buildings, sites or areas should extend sufficiently into their surroundings to have an effective control over their immediate environs for their preservation.
- 5.12 Additions to or improvement and upgrading of services and facilities for cultural heritage monuments and areas should only be permitted if dictates of their architectural, aesthetic and environmental significance are strictly and scrupulously obeyed.
- 5.13 Wherever possible, efforts be made to make preventive measures effective against natural disasters for preservation of



Need for restoring our disappearing heritage

- 5.14 Archaeological sites are amongst the richest of our national cultural assets, yet have remained the least studied. Archaeological digs should be encouraged to increase our wealth of knowledge on past cultures of the area. Local resources & expertise are available and willing, and must be harnessed for the purpose. Rapid urbanization makes it all the more urgent to work on excavation on known & unknown historical sites around urban centers before valuable evidence is lost or covered up for ever.
- 5.15 It is recognized that cultural heritage encourages tourist activity. The policy for promotion of tourism should not be in conflict with the conservation policy and effort. It is rapid urbanization that makes it all the more urgent to work on excavation on known & unknown historical sites around urban centers before valuable evidence is lost or covered up for ever.
- 5.15 It is recognized that cultural heritage encourages tourist activity. The policy for promo-

tion of tourism should not be in conflict with the conservation policy and effort. It is best that economic gains from tourism are absorbed locally.

6.0 Promotional Activities

- 6.1 The cultural heritage will only survive if its value is understood and appreciated by the people and in particular by the younger generation. A positive will to preserve our cultural heritage is emerging and need to be promoted.
- 6.2 Promotion of conservation education is to be encouraged through academic institutions, as well as through publication and mass media. Special programmes meetings, exhibitions and seminars etc. aimed to arouse public awareness and interest are also useful. Scientific publication and documentation be properly prepared and made available to public through archival records.
- 6.3 Improvement of presentation at sites and museums to enhance understanding of their cultural significance will help for publicizing the cultural heritage and encouraging public involvement in their conservation. □

Courtesy: Journal of Research in Architecture & Planning Volume III, 2004-NED Engineering University



PROJECT

Helping the turtles survive: moving forward

Shehri provides its regular update on the project aimed at developing strategies for the conservation of the green turtle habitat at the Hawksbay / Sandspit beach area.

The following activities have been undertaken during the YEAR 2004 in the project.

Development of Public Awareness tools

- * With regards the development of public awareness tools, fruitful contacts earlier established with academic institutions and NGO's are ongoing.
- * Work completed on the Turtle Song Video. Video/Song being presently aired on Indus Music and ARY Digital channels.
- * Prototype of a Turtle Mug prepared
- * Turtle Conservation stickers prepared and printed
- * Paintings/information posters prepared
- * The Theatre Academy of the Pakistan Fisherfolk Forum selected for the preparation of 'Street Theatre' on turtle conservation to be performed for local schools and coastal communities. Script finalized.

- * In coordination with WWF Pakistan, a beach cleanup and awareness raising program held with students of the government school in Kakapir Village and village residents participating.



Launching of the Turtle Stewards Committee

- * Work initiated for the setting up of Turtle Lovers Clubs in three selected local schools in order to provide sustainability to the youth awareness and involvement efforts in turtle conservation.
- * Work initiated on the formation of an *Environmental Stewards Committee*, involving all relevant, stakeholders. Discussions with stakeholders completed. Committee to be launched in June.

ated after getting approval of the UNDP/GEF project management team. The ongoing legal review will be incorporated in this feasibility study.

- * Preliminary Assessment Study of Green Turtle Migration Patterns (DNA Profiling) completed and submitted to UNDP
- * For the first time in the history of Pakistan, a comprehensive resolution outlining proposed amendments in the Hut Lease Deeds for making beach usage compatible with turtle conservation placed for debate in the City Council Meeting. The resolution failed to be passed. However, debate initiated and lobbying efforts continuing for the passage of the resolution in upcoming sessions of the City Council.

Training Module for Hut Chowkidars

Two video based training modules and certification programs for the Hut Chowkidars held in collaboration with WWF Pakistan and the Sindh Wildlife Department.

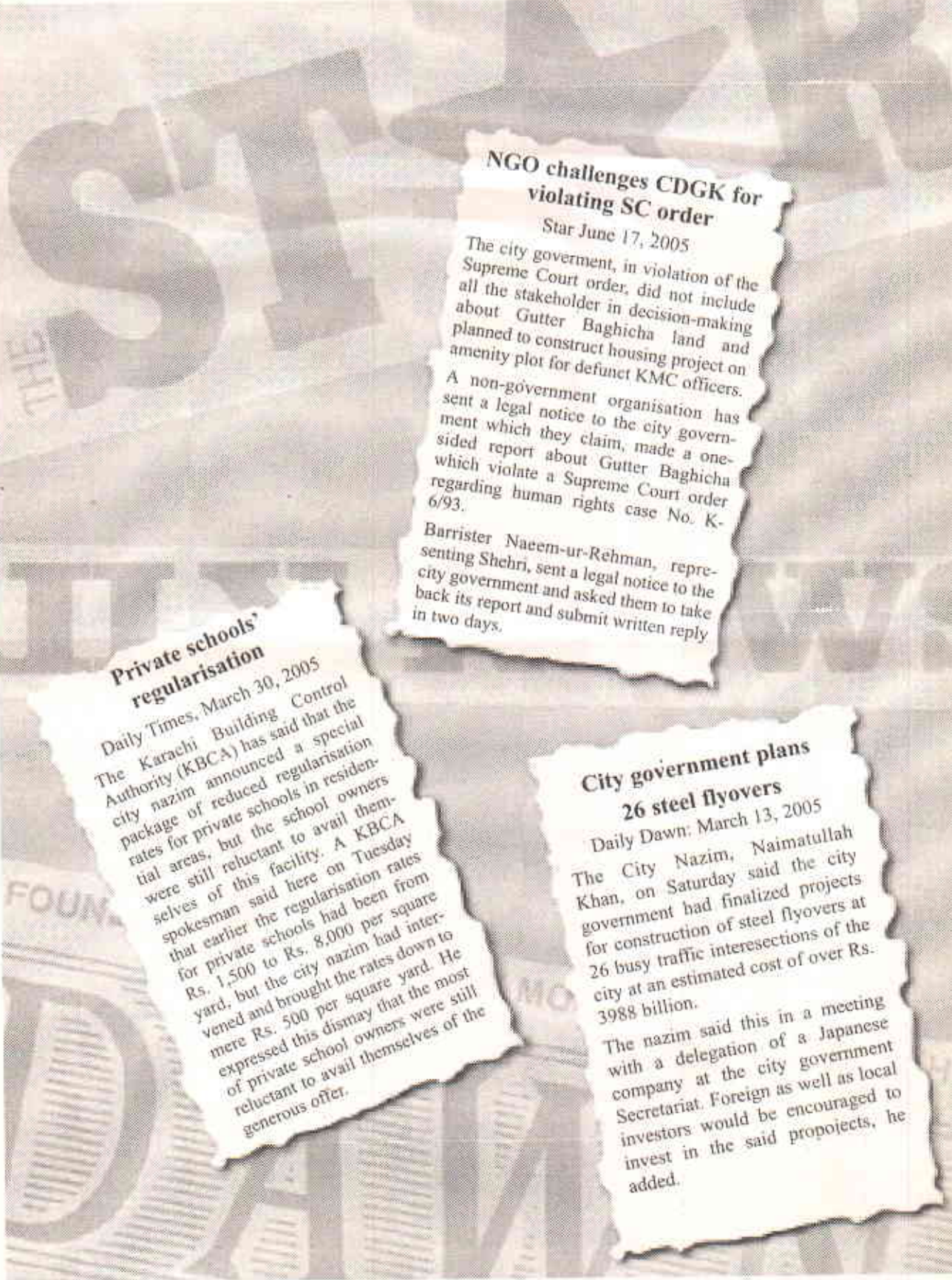
Habitat Management Plan

- * Work ongoing on the preparation of a Habitat Management Plan/HSI Index. A new study to determine the feasibility of designating the project area as a Protected Area has been initiated.



A refuse collection bin: part of the habitat management activities

- * Two model garbage collection bins prepared and placed in the project area in collaboration with WWF Pakistan. Discussions underway with the Manora Cantonment Board for the launching of a coordinated project for integrated solid waste management in the project area. □



NGO challenges CDGK for violating SC order

Star June 17, 2005

The city government, in violation of the Supreme Court order, did not include all the stakeholder in decision-making about Gutter Baghicha land and planned to construct housing project on amenity plot for defunct KMC officers.

A non-government organisation has sent a legal notice to the city government which they claim, made a one-sided report about Gutter Baghicha which violate a Supreme Court order regarding human rights case No. K-6/93.

Barrister Naeem-ur-Rehman, representing Shehri, sent a legal notice to the city government and asked them to take back its report and submit written reply in two days.

Private schools' regularisation

Daily Times, March 30, 2005

The Karachi Building Control Authority (KBCA) has said that the city nazim announced a special package of reduced regularisation rates for private schools in residential areas, but the school owners were still reluctant to avail themselves of this facility. A KBCA spokesman said here on Tuesday that earlier the regularisation rates for private schools had been from Rs. 1,500 to Rs. 8,000 per square yard, but the city nazim had intervened and brought the rates down to mere Rs. 500 per square yard. He expressed this dismay that the most of private school owners were still reluctant to avail themselves of the generous offer.

City government plans 26 steel flyovers

Daily Dawn: March 13, 2005

The City Nazim, Naimatullah Khan, on Saturday said the city government had finalized projects for construction of steel flyovers at 26 busy traffic interesections of the city at an estimated cost of over Rs. 3988 billion.

The nazim said this in a meeting with a delegation of a Japanese company at the city government Secretariat. Foreign as well as local investors would be encouraged to invest in the said propojects, he added.

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.

CONVERSION MOST ILLEGAL!

(Construction of Illegal Commercial Building in Residential Area on Plot No.3, Block-2, J.C.H.S.)

Pakistan Railway has advertised in the recent press for the disposal of the Land by way of sale for 99 years Lease and for Joint venture. The Land includes the Railway Stadium at I. I. Chundrigar road, Karachi.

I believe that the lands were entrusted to the railway authorities by the then Government for the purpose of providing Railway facility to the commuters and the use of the land was restricted to use only to run the railway or

provide certain facilities to the passengers. The use of these lands for any other purpose should be illegal. However, if the land is no more required for this purpose then it should be surrendered to Board of Revenue.

Pakistan Railway has no right to sell it or use it for any other purpose. I request the concern authorities to kindly take some positive measures to stop the sale of the land as Karachi requires much space for the basic amenities. □

Muhammad Hanif
Rasheed Siddiq
Muhammad Haroon Memon
Abdul Nasir
Muhammad Amir
Muhammad Munir
Muhammad Ahmer
Mrs. Bilquis Akhter
Abdul Rasheed

Ashraf Darvesh through
attorney Mr. Anas
Mrs. Bilquies Bano &
Muhammmad Anas
Muhammad Anaf
Muhammad Munif
Muhammaf Munaf
Muhammad Anas
Mrs. Bilquis Bario
- Residents of the area

CONFERENCE

Putting the OECD Guidelines for MNE's into practice

Shehri-CBE participates in the International Multi-Stakeholder Round Table on the OECD Guidelines in Brussels, Belgium on 1st April, 2005.

As CSR-related issues are actively considered in several international forums, OECD Watch held a roundtable (chaired by Paul Hohnen) at International Trade Union House, Brussels. It provided a unique opportunity to bring together more than 80 people from government, business, trade unions and civil society organisations to evaluate the practical application and the effectiveness of the OECD Guidelines five years on from their revision in 2000.

Manfred Schekulin (Chair of the OECD Investment Committee) set the scene and reminded participants that although observance of the recommendations is voluntary for companies, adhering countries sign a binding commitment to promote them, making this inter-governmental feature the chief value added by the Guidelines in the field of corporate responsibility initiatives. He added that the Guidelines are being used extensively as a benchmark and routinely appear in surveys on corporate responsibility practices and are being referred to in high-profile international fora.

However, he acknowledged that Guidelines' implementation has ample room for improvement. He noted concerns about the transparency of NCPs' handling of specific instances (cases), the need to speed up their handling of some cases, and the problem of how to address partners' ongoing concerns on "functional equivalence". In addition, he recognised that the scope of the Guidelines, especially the concept of the "investment nexus", still poses problems for trade unions and NGOs.

Giusy Chiovato-Rambaldo (European Commission, Employment and Social Affairs DG) followed and said that

the Commission sees the Guidelines as a key reference instrument in their approach to CSR.

She saw the combination of the voluntary and regulatory approaches as a way of balancing government and corporate responsibilities and viewed the Guidelines as a reference point for facilitating benchmarking and the convergence of codes, noting that their implementation in developing countries can attract FDI and contribute to overall sustainable development.

Despite the Guidelines' strong legitimacy, the global scope of their application, and their unique implementation mechanism, she acknowledged the challenges of effective implementation and of making the Guidelines better known and more widely used (especially in developing countries). Also commenting on the need to increase the transparency of the work of the NCPs:

Looking to the future, she pointed out some issues which have been brought to the table for debate such as the use by governments of the Guidelines as a reference point or condition for state aids and export credit guarantees and of the need to involve SMEs throughout the supply chain in their implementation. She also noted the need to develop a methodology to evaluate their impact.

The next presentation, given by Eddy Laurijssen (Director, International Labour Organisation (ILO) Brussels) looked at how the ILO's MNE Declaration and the OECD Guidelines



Shehri representative Farhan Anwar (third from left) with conference delegates

complement each other. Both rely on ILO conventions, although the ILO Declaration goes further on certain labour and employment issues.

The civil society evaluation was given by Tricia Feeney (Rights and Accountability in Development (RAID)) on behalf of OECD Watch. She felt this was a "time of celebration as well as of reflection".

She gave a brief analysis of the pros and cons of the Guidelines. The positives of their being comprehensive, multi-sectoral, covering 80% of all FDI, government backed and with complaints and dispute resolution mechanisms but she also noted particular problems with the gaps in the text, the fact that they are not universal, there is no monitoring or investigation, they are not binding, and the lack of an appeal mechanism.

Five years experience has shown other obstacles which need resolving. She gave examples of the total procedural vacuum NGOs have encountered when they bring cases and she also mentioned the inordinate delays. There has also been political interference, protectionist attitudes and a lack of awareness of the development process amongst some NCPs. On the other hand, best practice does exist.



For example, the Chilean recommendations on the Nutreco case were exemplary and the use of the Guidelines as a proactive tool by Canada has been excellent.

Analysis of the CSO experience has resulted in a number of key recommendations which would improve the functioning of the NCPs and the overall implementation of the Guidelines.

OECD Watch recommendations .

- * Interdepartmental NCPs .
- * Advisory boards to guide decision making/review controversial decisions .
- * Regular stakeholder meetings .
- * Parliamentary utility .
- * Governments need to promote Guidelines .
- * IC to improve procedural guidance .
- * Maintain an accurate register of cases .
- * Review OECD Guidelines including: -human rights - conflict zones - living wage environment - tax .
- * Trade related cases - inclusion or new 'trade' instrument .

Vincent van Assem (Group Sustainable Development, ABN AMRO) said he sees more OECD Guideline-type thinking in his company.

The company's business principles, launched in 2002, were partly prompted by the revision of the OECD Guidelines and ABN AMRO has recently produced a new sustainability report. He acknowledged that banks have entered the "sustainability arena" late, noting that the supply chain responsibility for clients is more complex than the chain for suppliers. He also talked about the "indirect footprint" of financial institutions which may have more impact than their direct footprint because of their influence on capital flows and on society.

He commented on the importance of

engaging with NGOs through strategic, policy and transaction-related dialogues and training.

Dirk Manske (BIAC) acknowledged that the Guidelines are a very good tool for companies to improve their CSR, but stressed their voluntary nature. This led to a challenge from Hannah Owusu-Koranteng (WACAM, Ghana) who represented the interests of communities in Ghana affected by mining investment. She did not have much faith in the Guidelines - Ghana is not an adhering country and has no NCP and there is a lack of awareness of the instrument despite all the company investment in her country. She compared today's mining companies with those from the past quoting the King of Spain when he said, "they should look for gold, humanely if possible, but they should look for gold".

Representatives from NCPs contributed to the discussion and talked about their difficulties with implementation. The UK NCP admitted it could do better, but felt that the Guidelines are not always clear and there is a lack of clarity in the NCP processes. The Dutch NCP agreed there was a need for some improvements, especially over timetabling of cases.

There was discussion about the perceived quasi-judicial role of the NCPs and although their representatives tried to bring clarity, defining the role of the NCP as a facilitator, investigator or mediator, others had different views which included that the Guidelines have been negotiated and should therefore be binding, and that the commitment by government makes them much more than voluntary. In addition, it was noted by John Evans that NCPs almost always invoke legal reasons why they can not make a decision.

Participants spent the afternoon in working groups looking at four key areas of Guidelines' application and

implementation - supply chain responsibility, CSR investment, governments and conflict resolution and development. Each group gave a snapshot of their discussions in the plenary session.

In the closing statement Serena Lillywhite, OECD Watch, said that five years on there is no doubt that the Guidelines are making a contribution to the promotion of fair and decent working conditions and sustainable development but what has become more apparent during discussions today is the challenge, and the complexity, of their implementation. She said that the time is right for the Guidelines to be taken seriously. They need active promotion and use by government and business and to be integrated into government policies. We need a framework that encourages ongoing debate on issues like supply chains. If the Guidelines can not develop through dialogue, there is a growing risk that NGOs will not continue to support them and pursue other parallel mechanisms to achieve their objectives.

She concluded by looking at the future, emphasising the need for active and demonstrable commitment from governments. She said for civil society to have confidence in the procedures and implementation of the Guidelines, NCPs need to meet some agreed minimum requirements and should have expert advisory boards to guide discussion and decisions. In addition, NCPs need greater powers and more support, including agreed budgets, and a peer review process to help build capacity. □

Excerpts from the report on the conference by Juli Smith.

The OECD Watch Round Table was financially supported by the European Commission, Employment and Social Affairs; the Dutch Ministry of Foreign Affairs; Novib (Oxfam-netherlands) and Germanwatch.



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.** Which authority has ownership of land of the Hawksbay and Sandspit beaches in Karachi?
Saira Arshad, D.H.A., Karachi
- A.** Landownership is shared by the Karachi Port Trust and the City District Government Karachi.
- Q.** Which is the largest ongoing project related to the water and sewerage sector in Karachi?
Danyal Mirza, Gulberg, Karachi.
- A.** It is the K-III project that upon completion is going to add another 10 million gallons to the water supply in Karachi.
- Q.** How many police stations are located in the Jamshed Town in Karachi City?
Fahad Saleem, P.E.C.H.S., Karachi
- A.** Six police stations

Shehri needs volunteers

to work in its following subcommittees

- Legal
- Media & Outreach
- Anti-Pollution
- Parks & Recreation
- Gun Free Society
- Conservation & Heritage
- Fund Raiser

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. 1000/- (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 2005! (Rs. 1000)

Join Shehri and do your bit as a good citizen to make this city a clean, healthy and environmentally friendly place to live in!



INSTITUTION

On duty: with dedication and courage

Shehri pays deserving tributes to the dedicated and fearless officers of the Sindh Police Department



Capt. Rt. Muhammad Tahir Naveed (PSP): Bringing a rich blend of trained excellence and working experience to the Police Corps

A highly qualified and skilled professional, Capt. Rt. Muhammad Tahir Naveed brings to the police corps a wide mix of varied training and expertise. A former officer of the Pakistan Army, he is presently serving as SSP/TPO Jamshed Town in the Sindh Police Department. A graduate in military history and political science from the Pakistan Military Academy, Abbottabad, he has also completed training in Airborne Course, Junior Officers Leadership, Weapon Course, Young Officers Leadership, Basic Intelligence Course, Basic Drug Law Enforcement and Capacity Building Courses from various renowned training academies and institutes in Pakistan. In addition, Capt. Rt. Tahir has attended the Command & Staff Course in the Police Staff College, Bramshell, UK and worked with a UN Mission in Bosnia for a period of one year.

Capt. Rt. Muhammad Tahir Naveed serves our Police corps with dedication and commitment and has in front of him a career filled with great potential □



DSP Zohra Khan Baloch:
A symbol of bravery and dedication

DSP Zohra Khan Baloch, Traffic Zone-III represents another example of a dedicated and committed police officer. He started his career with Sindh Police in 1975 as an Assistant Sub Inspector (ASI) of police and was posted at the C.L.A Centre, Saddar, Karachi. In 1980, Zohra Khan Baloch got promoted to the rank of Sub-Inspector (SI) and was posted in various police stations in Karachi. In recognition of his fearless commitment to his work he was appointed as Station House Officer (SHO) in 1988 and played an important role in curbing crimes in the areas of his posting. In 1990, he was promoted to the rank of Inspector and transferred to Deputy Superintendent of Police (DSP) and held various field and staff appointments. Presently posted in Zone-III of Traffic Police as DSP Traffic Korangi under whose jurisdiction lies the Ferozabad Traffic Section. □



Police Constable Farooq Aziz

Bravery in the line of duty

A police encounter took place on 23-10-2004 in the jurisdiction of Police Station Ferozabad before iftar during the month of Ramadan. Two armed robbers, robbed shoppers of their mobile phones and cash. Upon the hue and cry raised by the people, two newly appointed police constables Farooq Aziz (No.20677 date of appointment 0107-2001) and Sheeraz Ahmed (No.21805 date of appointment 10-08-2002) challenged them. Upon being confronted by the police, the robbers started firing on the police who retaliated injuring both the robbers who were later taken to Jinnah Hospital but expired on the way. Two T. T. Pistols, one stolen 125 C.C. motorbike, three stolen mobile phones and cash was recovered from their possession.

Police Constable Sheeraz Ahmed



On this outstanding act of bravery and courage, the area residents awarded cash prize and certificate of appreciation to Police Constables Farooq Aziz and Sheeraz Ahmed. □