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—Margaret Mead

SHEHRI

January - December, 2011 Vol. 22/No.1

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This *Committee* was specifically tasked with a review of the existing bye-laws as they relate to higher *Floor Area Ratios* and density, with the intention that new areas of opportunity be enacted which encourage building development in Karachi. Some basic issues in relation to the observation made by the committee were highlighted as following: The Committee highlighted the importance of institutionalization by recommending the creation of an Oversight Committee and the creation of *Moratorium Zones* as well as SUPRA Planning



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Contributions are welcome

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Editorial

Lets all stand up and be counted!

Taking a look at the current situation of Karachi, we can see that the city of lights has now plundered into darkness due to continued chaos and lawlessness which has now unfortunately become a norm for Karachites, negatively impacting on the physical environment and social and mental well being of the citizens. Torching vehicles in response to everyday issues has contributed to harmful smoke which impacts the health of the citizens thereby causing numerous diseases, some which are beyond our control. The work of the civic agencies and utilities is seriously hindered that is also contributing to growing environmental stress. We, at Shehri-CBE, are concerned about the current situation of Karachi and the environmental hazards that are piling up which pose a threat not only human lives but also the physical and natural environment.

The lack of interest displayed by government authorities in curbing the environmental risks to human lives has become apparent and it seems that now it is up to the individual to fend for his or her life while the city falls apart. Much needs to be done to reinstate the hope of the citizens in their country, a strong sense of nationalism and emphasis on the importance of education as a pre-requisite for sustained growth and prosperity needs to be stressed.

Ardeshir Cowasjee (Dawn May 2011) stated that the slogan of the country should become "environment, environment, environment" because unless we take radical steps to relieve the extreme stress that our ecology is experiencing, the future will be even grimmer than expected.

Assessing the country's dire situation one can find many faults within the system but it is not the system that errs alone as often it is the negligence and ignorance of its citizens that costs the country more than what it bargains for. Bemoaning the past when everything was perfect will not put things right any more than acts of vandalism carried out to lay off steam directed at state officials will. History presents within itself unique opportunities to be taken as well as lessons to be learned for bringing this country back to its former glory.

If Pakistan is to avoid this massacre of her citizens then it's high time we, the citizens, make it our responsibility to serve and beautify the country that has long suffered from chaos and corruption because if our existence is to be preserved considerable measures need to be taken in assuring the prosperous future of a tolerant and peaceful Pakistan, our identity and pride. □



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and Development Authority (PDA) to coordinate, control and more importantly direct the planning and development of Karachi because the *Committee* felt that such a central *Authority* was a necessity for this review.

The *Architects Committee* report recommendations were made a basis for enacting the *Sindh Building Control Amendment Bill 2009* by the provincial government of Sindh. Strict adherence to the Master Plan 2020 recommendations was also stressed. Several meetings with Sindh Assembly members were held and further progress on this proposed bill was prevented. However, the **Sindh Assembly later passed a *Sindh High Density Development Board Bill 2010* on May 31, 2010 with the preamble “Whereas it is expedient to provide for creation of the High Density Development Board to ensure coordinated and integrated development of high density zones in the urban centers of the province and to provide for matters connected therewith.”**

However, serious issues of transparency and intent were immediately raised by the civil society. Shehri-CBE raised the concern that the sanctioning authority and legal jurisdiction of the proposed Board was unclear in terms of the legal status of the decisions taken by the Board and the executive functions of the Board, if any, since no provision had been made for the appointment of an executive head of the Board.

The composition of the Board was termed unsatisfactory with civil society not being adequately represented. It was

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CCBO, KBCA to act as the Secretary of the Board. It was recommended that no specific mention of the zones identified for High Rise development needs to be made in the Bill as such mentions raise suspicions about the Board’s stated objectives and places the consulting and professional architectural/engineering bodies in an awkward position.

Within this context on 16th June, 2011 SHEHRI-CBE along with Friedrich-Naumann Foundation organized a seminar on the SINDH HIGH DENSITY DEVELOPMENT BOARD ACT which took place at the IEP (Institute of Engineers of Pakistan) building auditorium.

Mr. Farhan Anwar, Urban Planner and Member, Shehri-CBE gave a presentation that aimed at giving the assembled audience a brief overview of the purpose of the gathering. He highlighted the

factors which led to the development of this act starting with the formation of the *objectives that enhance development opportunities for encouraging and facilitating greater investment and participation in a healthy growth of the construction activity of the city*

Architect Husnain Lotia, FIAP, began by informing those who were present that **Karachi Planning and Development Authority had initially invited a group of 11 architects to prepare a set of recommendations for the establishment of “High Rise Zones” facilitating the building of “100-storeyed High Rises” in Karachi so that Real Estate investors may be attracted to transform Karachi, an economically depressed city, into another Dubai.** The key infrastructure issues that the group raised with the project were planning of sewerage, transportation, fire department, air and water along with the basic necessities of life, viewpoints of stakeholders was required, review of Bill was demanded as it could assist in a central city by bringing together places of commerce, business, entertainment, etc. Emphasis was made that high density doesn’t necessarily mean high rise as high density not only ensure efficient use of land but also ensures deliverance of high quality.

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participants towards a pie chart which illustrated that 33% of lands were owned by the Government of Sindh, 30% by CDGK and sadly only 1% by the Government of Pakistan. This showed that the government had no jurisdiction over the lands that are under the hold of the provinces. He concluded with the request of the establishment of Supra Planning and Development Authority which would ensure coordinated, planned and policy driven development of Karachi.

Engineer Noor-ud-Din Ahmed of IEP, began with the reference of 1970 when the law was followed by everyone as opposed to present time when although the world is moving forward but the laws in Pakistan have reverted back to the era of dark ages.

If one were to read the amendment one would find it apparent that amalgamation of two categories of plots is not allowed but these days the political builders have turned a blind eye to this law and continue to amalgamate the residential plots with the commercial plots which is a direct breach of law. Furthermore, all the checks and balances have disintegrated over time and stake holders have acquired full control over the board. To prevent the monopoly of the stakeholders it's necessary to publicize

this information in the media and to understand the problem individually. He also stated that what Karachi needed was "high density buildings" not "high rise buildings." He called for densification in Karachi which would help to curb urban sprawl in the city but attention and care was needed to handle it in manner which would not result in chaos.

He was of the opinion that the passing of SHDDB Act will eventually leave the citizens of Karachi at the mercy of the corrupt government that comprises in majority of politically motivated builders driven by the greed for wealth and blind to the negative effects that their actions will have on the people and the

environment around them.

Mr. Roland deSouza of Shehri-CBE referred Karachi as a *katchi-abadi city*. He pointed out that over the time period of 1845-47 Karachi was a small laid out town but after the influx of 1947 the time it took to recover from this mass migration was very slow. Greed and corruption became the planning imperative decimating existing schemes. He reflected on today's situation in Karachi where the inner city was unlawfully densified and degraded, arbitrary change of land use was condoned, encroachment of amenity plots, forceful snatching of unoccupied or vacant plots and breakdown in utilities/services for example electricity, gas, water etc were a habitual practice.

Mr. deSouza said that the shortage of infrastructure in terms of lack of buildings for schools, hospitals, government officials etc is also witnessed along with the problem of open recreational spaces and amenity plots such as parks.

Today's avaricious urban planning, according to Mr.deSouza , is based upon incompetence, short sightedness and political priorities of authorities which he fears will lead to backwardness of society. He suggested that this problem could only be overcome by research, studies, and proper projections for the future as





the existing urban development plan doesn't cater to the majority of the population which comprises of the residents of katchi-abadi and is absolutely unconcerned about the deteriorating environment.

He cited the Asian Green City (AGC) index that showed Karachi ranked below average in its study related to the environment using 0.9% of its 0.3 % environmental usage. He was of the opinion that sustainability and self government like that in Singapore is essential and that the government should facilitate the citizens and provide them with comfort.

He expressed his concerns on the dire need for an effective policy that depends on a city's self-government rather than the stakeholders who contribute to more problems in the

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urbanization and its development. He suggested that the National Governments framework should facilitate the Local one.

Mr Roland deSouza, Member Shehri-CBE pointed out the irony in this situation stating that this was the city, which is barely holding its foundations together, which the government wanted to transform into a global city.

He further said the Pakistan Supreme Court quoted the Encyclopedia Britannica which aptly states the interests of developers/builders: *"It was realized, after bitter experience with suburban land speculations in the 1920s, that the interest of the owner and developer of raw land is sometimes temporary and*

purely financial, while the urban community must live with the results for generations afterward."

Then he stated the purpose of SHDDB Act 2010 which was to create, coordinate and integrate high density

zone development in the urban areas of the province. He pointed out that that no International Standards are implemented in Pakistan in the construction of buildings which are built without proper consultation from professional architects and engineers.

As a result of which the basic facilities aren't provided in all buildings creating problems for residents. He suggested that the way forward for Karachi would be to control/reduce population and rural-urban migration, modify urban development strategies, policies to simplify life-styles and reduce over-consumption. The impartment of education to all citizens will play a critical role with respect to the environment. It was informed that the enacted *Bill* was quite different from a consensus draft that had been worked out by the relevant stakeholders in consultation with the Sindh Assembly *Standing Committee on Urban Development*.

After the panel had spoken on the SHDDB Act 2010, a Focus Group Discussion (FGD) was held in which the audience were given an opportunity to share their views and opinions regarding the Bill, during which questions were raised on the concerned matter of the unplanned urbanization in both the private and the public sector which poses a threat to not only the people living in towns or urban or rural areas, but the socio-economical sector as well. One of the participants questioned the legal value of this Act and how will it affect the social sector?

In the end, Panel agreed on a Resolution in which it was stated that it was impossible to give a correct estimation of how these high density zones would affect Karachi in the long run. "It's not the high density that causes a problem for the inhabitants but the high rise that affects their lives", stated Mr. Lotia.





Seminar Resolution

Having gathered here today, 16th June 2011, at the Auditorium of the IEP, Karachi, to examine:

· The Sindh High Density Development Board Act 2010, and
 · The Sindh High Density Development Board (Rules & Procedures) 2011 we citizens (engineers, architects, town-planners, environmentalists, economists, other professionals, activists and concerned members of the public) express our disappointment and dismay at the legislation and rules that have been passed by our parliamentary and government representatives allegedly for the benefit of the city and its residents.

The relevant issues include:

- 1) The recommendations made by leading professionals of Karachi in the lead up to this legislation/rules have been entirely set aside or diluted beyond recognition.
- 2) While purporting to "identify and earmark the high-density zones in the urban centres of the cities of the province, in consultation with the utility agencies, keeping in view the general principles of the Master Plan" (extract from the Act 2010), the legislation and rules have only been simplistically and crudely amended to permit:
 - a) enhanced building sizes on existing plots (up to twelve times more)
 - b) amalgamation of plots (up to any size)
 - c) commercialization of residential properties
 - d) elimination of set-backs (required for ventilation and sunlight penetration), and
 - e) inadequate parking facilities
- 3) The corresponding strengthening of the utility services, and expansion of the physical and social infrastructure (which will not be so simple to implement) has been disregarded. The implication on the rest of the city has been overlooked, and the poorer sections of society have

been forgotten.

4) Such over-exploitation of the city will convert what is left into a concrete jungle, and destroy the social fabric. Amenity plots all over the city are being ruthlessly grabbed by encroachers today, while the government looks on silently. Utilities (water, gas, electricity) are becoming scarcer with each passing day, traffic chaos is multiplying, law and order is deteriorating and pollution will soon overwhelm us. Protests, public riots and violence are increasing.

5) It is imperative that planning must be realistic, simple, and in line with our countries resources, both physical and human. While imitating the developed countries is fashionable, we must try for the possible. Consequently, this assembly recommends to the parliament and government of Sindh as follows:

1. Create a supra, central Planning & Development Agency in Karachi (and separately in other urban centres) to

- a) Coordinate, control, and, more importantly direct the planning and development of the city

Page 1/2

- b) Bring together the infrastructure and utility agencies of the city
- c) Coordinate the various land-owning agencies: Federal, Provincial, City, Cantonment
- d) Research, document, analyze and share data
- e) Strategize and plan the built environment and related infrastructural facilities

2. In order to promote transparency, raise standards, and increase legitimacy and credibility in the public eye, 50% of board members of such a Planning & Development Agency must comprise of non-government representatives of professional bodies (PCATP, IAP, PEC, IEP), ABAD, KCCI, and citizen/environmental groups. (The Citizens groups should constitute more than 50%. Government officials will never vote against decisions from above.

In the case of disagreement, the citizens will always lose 50% of the above automatically)

3. Urban planning must be done for the entire population of Karachi (and other urban areas of Sindh), the major part of which is low-income and lower middle-income families. Realizing that over 50% of Karachi is katchi-abadi (and it is this sector that is increasing moist rapidly), strategies must be developed for the proper housing and employment of these deprived citizens, not leaving them to the mercies of the land-mafia and corrupt officials. Increasing social and political strife can thus begin to be addressed.

4. There has to be a comprehensive policy for the entire city. If High Density is the way to go, as recommended by Planners these days, then it has to be a governing factor. Both low- and high-rise, must be developed to cater to escalating commercial and high-income and upper middle-income requirements.

5. All urban planning must first provide for the needed utilities (water, electricity, sewage, gas, etc), physical infrastructure (roads, mass transport systems, garbage collection, government/municipal offices, police stations, etc) and social infrastructure (schools, hospitals, parks, playgrounds, green belts, amenity spaces, etc

6. There must a clear distinction between the areas of 'Master/Urban/Town Planning' and 'Building Control', and the agencies that handle them. The subject of master-planning cannot be handled by a building control authority.

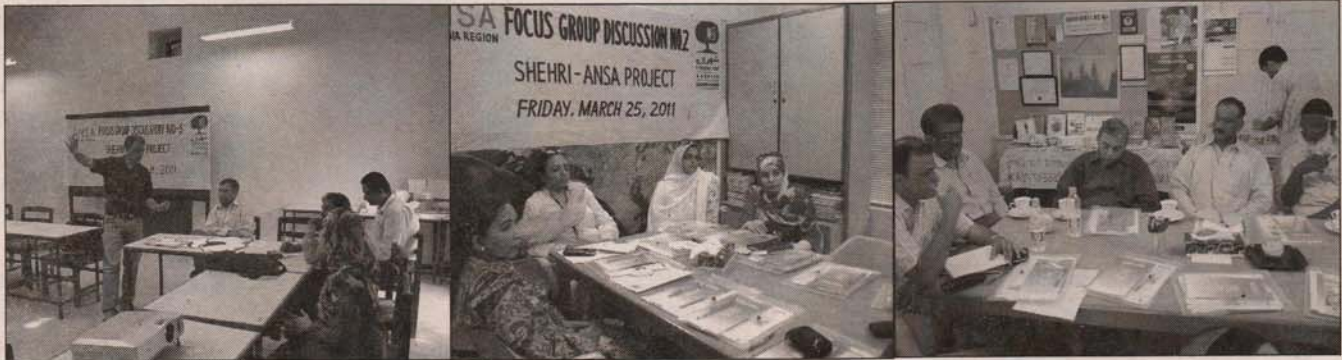
7. Planning for Karachi must be done at the local government level, and not dictated by Islamabad.

June 16, 2011



SHEHRI ACTIVITIES

Stakeholders consultative sessions - Project of Communities for social justice - Rural Karachi a case study



In the first quarter of the case study, the process of making a diagnosis of the problems related with rural Karachi was taken up with the aim of situating project interventions within the context of a Political Economy Analysis (PE Analysis) to create an understanding of the prevailing political and economical processes in the project area which will have great influence on the project's outcome. The sector level analysis will be made to cover all the relevant contexts and provide wider backdrop for understanding the problem.

The PE Analysis presently underway is being supported through a series of Focus Group Discussions (FGD's) and seminars for making the consultative process inclusive and participatory in nature. This analysis is being conducted with the acknowledgement of the urgency for change in terms of protecting the culture and lifestyles of local communities in rural Karachi because land related violence has become a threat to residential security, cultural uniqueness and livelihoods of the inhabitants of rural Karachi. In addition, earlier government interventions in the project area are being analyzed to assist in better management of the implemented failed initiatives.

In the FGD's and the seminars the Problem Tree Analysis is being utilized as an analytical tool for breaking the

problem down which will enable a clearer prioritization of the problems or issues that are important which in turn will allow the objectives to focus and make influencing more effective.

A total of three FGD's and one Seminar have been organized so far the details of which are as follows:

FOCUS GROUP DISCUSSIONS: FGD#01: -NGO'S AND LOCAL ACTIVISTS

The local activists were of the opinion that all social indicators (health, education and employment) are on the decline. They felt that there was a lack of political will to resolve the issues with local influential groups that control land resources and community. It was felt that lack of land tenure and relevant schemes for allocating and regularizing land have failed due to corruption. In this regard they cited the case of Gothabad Scheme in 1987.

Lack of education also restricted the capacity of local communities to be informed of their rights. The land records were claimed to have been manipulated and the existence of a powerful bond between land owning government agency (Board of Revenue), the police and the local influential groups was highlighted.

Further discussions led to the conclusion

that the arrival of new local government system of 2001 (which was responsible for terming the whole city as "Urban") had caused further problems for local communities as the disintegration of District Council in accordance with the Sindh Local Government Ordinance 2001 had made the Town Municipal all powerful having lesser contact with the people and lesser regulatory controls.

Participants felt that urban sprawl was eating away the traditional lifestyle of the area. The local activists informed that no monitoring of schemes was implemented in the area which was adversely impacting the sustainability of farming and agricultural related livelihoods in larger parts of rural Karachi. Because of weak law enforcement order a lot of crime activities went largely uncontrolled which contribute excessively to the depletion of natural resources.

However, the local communities were indicated to have been mobilized to seek justice and actively improve quality of living conditions regardless of limited duration of impact of said activities.

FGD#02: MEDIA

The media representatives were of the opinion that covering issues in rural Karachi was not easy due to the



prevailing law and order situation in Karachi. The problem faced in these areas had much to do with the incapacity of local communities to mobilize for a better lifestyle which in turn was mainly due to the lack of education and awareness. Great stress was laid on the fact that the women were the ones badly affected in terms of basic necessities of life.

The communities were thought to have no control over resources while the services infrastructure was deemed to be in extremely poor shape. Health, education and unemployment were given priority concerns by the local communities. The citation of Mukhtara Mai incident (which had gained international media exposure) led to the assumption that Karo Kari could have a direct relationship with control over land.

It was suggested that input of feudal landlords and influential groups should be sought in the project and they should not be seen as enemies since they had the power to change. Concern was expressed on the fact that the situation in rural Karachi was not given priority in the media and the need for a greater focus on improvement of coverage was requested.

FGD#03: NGO'S AND ACADEMIA

An interactive exercise (Problem Tree Analysis) was carried out in the Department of Architecture and Planning at NED University of Engineering and Technology (Karachi), to find solutions by mapping out the anatomy of the

problem. The core problem was identified as a "continuously degrading quality of living in loss of traditional livelihoods".

An intense discussion over the causes of the problem succeeded in identifying some key issues that included absence of political consensus on land, and non-empowerment of communities among others. It was discussed that while problems of the same nature existed in urban parts of the city, the total lack of private enterprise and civil emancipation was a critical stumbling block related with bad governance and the search for private alternatives.

Academic experts identified the existence of a number of laws and legislative provisions that required protection of the traditional occupations and livelihoods in rural Karachi but these laws were being abused. It was discussed that city stakeholders needed to decide what is good for sustainable growth in the city - continued urban sprawl and expansion of the city or the preservation of land uses that offer alternative and supporting development needs for the urbanized parts of the city. A number of effects (which represented the branches of Problem Tree) such as declining social indicators, depletion of natural resources, etc. were defined.

SEMINAR – GOVERNMENT / CIVIL SOCIETY STAKEHOLDERS:

Mr. Farhan Anwer, Project Coordinator, introduced the project to a wide ranging audience belonging to the government

and civil society. He explained the reasons for focusing on rural Karachi which included the critical importance this area had within the urban development framework and future growth of Karachi within the backdrop of unplanned urban groups threatening the social and cultural landscape, natural resources, associated livelihoods, lack of socio-political empowerment of communities along with the absence of governance and institutional framework and systems.

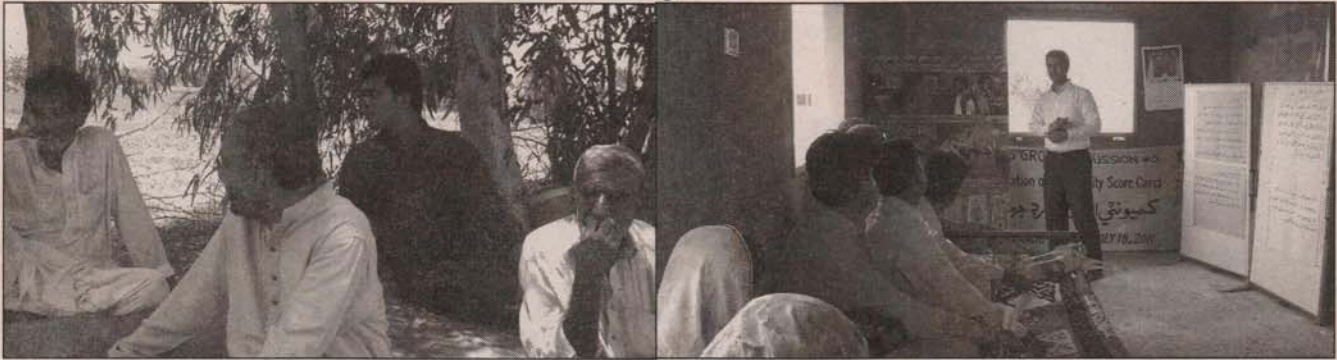
After briefing the audience with the objectives of the project he ended by proposing some important questions that targeted the sustenance of rural character of the local communities and the landscape and the need to protect them.

Senior Consultant Mr. Saeed Ahmed Khan talked in detail about the historical significance of rural Karachi and stressed the need for protecting and sustaining its traditions and livelihoods. He spoke on the issue of social injustice and said that inequalities become unfair when people have no choice, when political decisions are made without accounting for local concerns and when market forces exacerbate local problems.

The participants greatly appreciated the initiative taken by Shehri CBE and agreed to the need of protection and sustenance of rural landscape of Karachi. They further stressed the need of gaining political support for project objectives replicated by the government and their recommendations of planning processes which were of greater use to the media.



Session with community



In a meeting with the local communities of Gadap Town, Shehri-CBE learned that the residents, both men and women hailing from diverse back grounds and professions suffered from various social and economical problems, due to urbanization of rural areas, which comprised mainly of lack of facilities.

The urbanization was seen to be aided by the powerful lobbyists (builders, land owners and the local land mafia) who exercised their unquestioned influence through financial advantages to acquire and develop lands for their activities and this factor became a catalyst in eradicating the existing livelihoods of people which they had been pursuing for generations.

Lack of basic necessities also became a major obstacle for both city dwellers and villagers. The unplanned urbanisation of rural areas although gave financial incentive to the planners but also brought with itself even more problems for villagers in terms of serious shortage of water for all purposes and the inability of villagers to pursue their traditional livelihoods such as farming and agriculture.

People also complained of not having been provided with the basic facilities, hospitals, roads and an adequate educational system.

Financial problems gave rise to social

problems such as criminal, unethical and corrupt practices. Complaints regarding corruption within the revenue department and land allocation agencies were also made with the emphasis laid on predominant outsiders who used lands in such a way that it was no longer fit for harvesting in future consequently affecting the food supply and causing financial problems for farmers and harvesting was deemed virtually impossible as means are made redundant and unemployment ensues, which go against the values of the local communities.

Illiteracy was found to have a great impact on the ability of the locals to claim their rights in terms of land ownership resulting in their land being misused by other parties. The illegal acquisition of land also resulted from unethical and corrupt practices such as bribes, and many locals neither liked those practices nor had the finances to partake in them. Often the locals were not informed of which authority to turn to, some women complained of their lack of ability to write applications to the authorities and wanted assistance in this regard.

The women seemed very interested to further the development and promotion of local crafts as it would help in their empowerment and give them some income, especially the widows. The women also

complained of lack of proper and sufficient education as well as hospitals and healthcare, though they did acknowledge receiving polio vaccines as well as visits of lady health workers to address women's health issues. However, in case of most critical health problems they had no hospitals within their reach and there were not enough developed transport links such as roads and buses and they did not possess enough wealth to afford such means of transportation.

The Locals wanted the continuation of their rural livelihoods alongside the educational, health and facilities such as electricity food and water etc. However, they expressed worry at the unplanned urbanization which is posing a threat to their lands as well as the nature of their social lives.

They also expressed their displeasure at the idea of migrating from rural to urban and generally opposed to massive urbanization. The locals also seemed to be confused as to which authority to approach regarding their issues and problems and complained that the political leadership and government did not think it fit to help them in their hour of need. There seems to be a great potential in terms of empowerment of such communities as they are bold enough to make their decisions and pursuing them for sustainable development of their communities.



Stakeholders consultative sessions - Project of Police Reforms in Pakistan



Citizens for a Better Environment (CBE, established in 1990 and registered under the Societies Act XXI 1860 as a non-profit organization) works on a variety of issues related to the environment and urban issues and specializes in management of interactions between local people and government agencies on issues and concerns that require joint action and participation. One such pressing area is to address the trust deficit between police and the citizens which the NED-Shehri-CBE's project Participatory Citizen-Police Interaction and Training for Improved Policing of Human Rights Violations attempts to do.

According to Transparency International – Pakistan's National Corruption Perception Survey of 2006, respondents ranked the police as the most corrupt institution in Pakistan by a wide margin.

In addition, two nation-wide opinion polls conducted by the International Republican Institute in 2006 showed that the public viewed the police least favourably among national institutions such as the army, government, NGOs and the media because they have not received the kind of funding by the government nor any infrastructure which contributes to the police's adverse affects in terms of performance and institutional credibility, and priority in terms of funding for institutional infrastructure, technology and human resources development. It was also seen that Pakistani Police violates human rights as well which has served to erode the image of the institution.

Shehri-CBE has been working with the Police in reforming the institution for the past three years, with the National Endowment for Democracy (NED). The project i.e. the reformation in Police Training in Pakistan concentrated on human rights training of police personnel in Karachi in 2007-8 in Interior Sindh, Balochistan and Karachi that will improve the training of Police personnel and bridge the gap between them and the citizens as the lack of trust and communication is responsible for the existing disconnect.

Earlier work with police in terms of human rights was initially confined only to Karachi, Hyderabad and Sihala Police College, Rawalpindi but the consultations on police reforms with various stakeholders (civil society groups, academia, media, politicians and police personnel) and the success of the project target encouraged Shehri-CBE to expand it throughout Pakistan. Furthermore a helpline was proposed to be set up at the Shehri-CBE office on behalf of citizens to facilitate and follow up on human rights abuses with the police. The facility would serve to facilitate the police in working with the citizens that will improve the interactions between them.

In the Human Rights Sensitization Workshop with Baluchistan Police, held on November 10 – 11, 2010, Quetta, awareness was created which helped to develop the common conceptual knowledge of human rights and the role of the police to protect and promote them

by facilitating the processes of trust building and transparency. Similar workshops were also held with Karachi Police, (November 23 – 24, 2011) and the Islamabad Police, (January 14 - 15, 2011)

FOCUS GROUP DISCUSSIONS (FGDs):

Three Focus Group discussions (FGDs) were held on the topic of Police Reforms in Quetta, Baluchistan, (November 10, 2011), Islamabad (January 15, 2011), and Karachi (January 20, 2011). Police advertisements captioned published in daily Dawn and daily Nawa-e Waqt dated November 28, 2010 were distributed amongst the participants and discussed at length. The salient points discussed in these discussions were:

1. The Police may be made independent department with separate police Ministry who may be responsible to the Assembly.
2. The I.O could not visit the place of incident/ Wardat due to separation of operation and investigation. He could not collect evidence immediately, as such number of cases became pending and delayed for this reason.
3. Martyred police officers should be granted Rs. 50 Lacs and injured police officers Rs. 25 Lacs, as compensation and for medical treatment etc . Police selection Board should be established and made responsible for recruitment



and promotions.

4. Salaries of police special services groups and other facilities should be separate like judiciary and Pakistan Army and salaries of police employees should be increased. The salaries of all provincials' police should be made equal to Islamabad police. Police salaries should be fixed equal to other provinces. Salary of police officers should be in such standards to enable him for purchases of daily use articles and to bear expenses for running his house affairs.
5. There shouldn't be any political interference or pressure on the police officers and transference of the police personnel should be on merit. They should also be provided with economical stability to ensure better performance of duties and modern educational techniques should be implemented.
6. Operation and investigation be kept under the command of SHO and SPO concerned.
7. There should be welfare projects for education, health and residence colonies etc. in police Head quarters.
8. Police employees and their family members should be provided free medical facilities and educational facilities.
9. Police remand period should be at least 28 days instead of 14 days.
10. Widows of martyred police officers are not paid funds in times. Accounts branch do not pay proper attention. Therein charge is required to be shifted/ transferred at faraway places for such negligence in causing delay tactics.
11. Police employees should be granted one month casual leave and 3 months earned leave in a year and duty hours of police employees should be 4 hours when at present

they perform duty for 12 to 16 hours and equality between the different personnel be ensured.

12. Operation and investigation should be kept under the command of SHO and SPO concerned.

Khuli Kachehri On Police Reforms

Shehri-CBE held a 'Khuli Kachehri' at Regent Plaza on 22nd of June 2011 on police reforms and measures that were needed to bring about these changes. The seminar was held in collaboration with National Endowment Development (NED). General Secretary of Shehri-CBE Mrs. Amber Alibhai graced the occasion along with the head of the project Ms. Gulmina Bilal Ahmad and Shehri member, Mr. Khatib Ahmad who also spoke on the occasion.

Mr. Khatib began the seminar by stating the objectives taken up by Shehri-CBE in reforming the institution of police and urging the audience to participate in the 'Khuli Kachehri'. He was of the opinion that if we will ourselves to change it happens, same as with the police reformations. Mr. Khatib took a moment to reflect on the fact that if the citizens aren't going to be actively involved in the various reformative and progressive reformations of the city or country, no change will be evident. The purpose of holding this open court session was to gain suggestions which would help Shehri gain its objectives.

Why did Shehri get involved with the police training and reforms in the first place? Mr. Khatib stated a fact that the Supreme Court gives orders for the administrations to function well in their various fields and academia and that they have to abide by it. The police lack in this department as they are not only non-co-operative with the administrations but also don't abide by the rules and regulations set by the Supreme Court. He stated that before the police became an active institute in

Pakistan, people had to go to the administrations with their problems and if they didn't respond to it the matter was taken up to the courts. But as there aren't any proper checks and balances in the country some cases aren't even looked at. He gave an example of Macro Mall in Lines Area built illegally on a playground. Mr. Ahmad was of the opinion that if the orders of the Supreme Court aren't implemented in the law and enforcement agencies and such, there is no use of any law and order in Pakistan. And this is the reason why the reformations in the police are very crucial and necessary not only in Karachi but all over Pakistan.

Gulmina Bilal Ahmad, the project manager talked of ways that will improve the police and referred to Mr. Khatib that they had no idea how frustrating and mentally exhausting this whole process would be. She said that she and her colleagues had done everything within their power to achieve what they had idealized in the beginning, a Pakistani police, with civil manners and technical guidance that will help combat the corruption and social evils of the society. She acknowledged the students who were present in the seminar by saying that they are the hope for a better Pakistan and that they will carry the burden of lightening the torch of peace and the reformations of the country specially the police because they uphold law and order. She addressed them by briefing them on the project's background details, stating that Shehri took up the task of Police reformations way back in 2007 starting from Karachi as that was the time when the general masses saw the police as a corrupt institute and blamed them for the majority of the lapses within the administrative system. Besides, the issues concerning Annual Confidential Reports (ACRs) should be addressed on a priority basis, she said, adding that police officers usually took little time or no interest in writing the ACRs of their subordinates.

She shared with the assembled audience the four modules that formed the basis



of this project. The first module was based on human rights according to the constitution of 1973, the second consisted of focusing on the minorities and their issues while the third and fourth modules targeted women and children and the international human rights respectively. She also took up the chance to share with the audience her experience with a police officer who opened their eyes to a fact they had overlooked which was that the police officers are also citizens of the state. She mentioned this incident because that officer had pointed out a harsh fact that the majority of the people overlooks when blaming the police for their inefficiency is that they too are citizens of the country who are privy to same rights as civilians. So we should keep this point in mind that no matter who they are, they are our fellow citizens as well. If they have a lot of responsibilities than they also have basic human rights as well which are ignored in the long run.

One of the female police officers present, Zaibunnisa, in charge of complaints at Landhi Town Police Station acknowledged a change in her performance and said that her efficiency level had gone up due to the workshop of police reforms conducted by Shehri. This set the ball rolling and questions were raised why police officials didn't use technologies being provided to them to enhance their efficiency in addressing complaints, to this Zaibunnisa answered that the police station in Saddar utilized technology in registering FIRs but this facility was not available to all stations.

Mrs. Amber Alibhai unanimously agreed with the speakers that whether on provincial or national levels the police have an abrogated relationship with the citizens who are the tax payers and the stakeholders that pay for the salaries of the police. She was of the opinion that even though the police train and the work modules are shared, the difference in their education is still the main setback of the institute. The police need to be given an ethical education along with a technical one

Miss Gulmina intervened to share her experience with an officer who called for a change within the police department and how things should be done than the current situation. She also stated that Shehri is making headways with the police in reforming the institution and

gave an example of the Balochistan police that rate the training sessions of the newly recruited officials as per standard procedure. She informed the participants that she had written a letter to the Baluchistan's police CCPO and DI about a certain matter and that letter although penned down way back in December 2010 and till now had not been responded to. "It's like a missing letter," she said. The officials deny having received any such document whereas Shehri has proof that letters were sent repeatedly requesting their cooperation which they evidently did not wish to give.

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the police. She was of the opinion that even though the police train and the work modules are shared, the difference in their education is the still the main setback of the institute. The police need to be given an ethical education along with a technical one. And the fact that the police aren't willing to change changes matters as to what gain will they have in achieving the police

reformation workshops. She also feared that if they stepped down from the responsibility that they have undertaken it will be considered as a failure and they don't want to face it when they know that they can achieve their goals with a little bit of push and get the police to cooperate.

Mr. Hameed, an addressee, called for a realistic approach stating that it was the citizens that required reformation and not the police or other institutions. He proposed that until the citizens themselves do not realize that all of them are accountable for their actions, no matter what status or occupations they hold, there is little hope of change within the performance of service providers like the police.

There were suggestions as to how a public pressure was to be built and Mrs. Amber Alibhai suggested that we need to target the youth through social media like Twitter or Facebook or YouTube and through chain SMSs. One of the students present at the seminar stated that the institution itself cannot be blamed but citizens themselves should gain ethical enlightenment. Another student was of the opinion that the Pakistani society was only regressing and not progressing as people had developed narrow attitudes with respect to the topics of political, culture and religion. She said that if we want to be humanitarians we need to look at every human being as individuals and not discriminate on the basis of culture or religion.

The audience present was informed that the Police Ordinance 2002 despite its issuance nine years back had not been implemented even once. It continues to exist only as namesake.

The seminar ended with both the audience and the speakers agreeing unanimously on the fact that the police should be professional, service oriented, accountable to the people, address public issue and assume their duties as police ombudsman.



SHEHRI ADVOCACY

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

CNG Terminal Construction at Port Qasim

Mrs. Amber Alibhai of Shehri-CBE wrote letters to DG Sindh Environmental Protection Agency (SEPA) to draw their attention towards an ad placed in DAWN dated 28-4-2007 which announced the signing of an agreement for the construction of Pakistan's first LNG terminal at Port Bin Qasim.

An Environmental Impact Assessment (EIA) was requested to be conducted to ensure protection of the ecology of the Korangi Creek and the PQA area and to aid informed decision making. Some key environmental issues were raised; the development of harbour for ships weighing 500 gross tons and above, the safety zones and codes of practices for off-loading LNG (a hazardous fuel), proximity of residential areas to the explosion hazard, effluent (liquid & gaseous) discharge to the marine environment and proximity of mangroves in the creek.

Early action by SEPA in this matter was requested as it would have facilitated management and government actions to minimize potential negative impacts and maximize the benefits associated with the project.

DG Sindh Environmental Protection Agency was requested to act quickly in public interest to protect the environment, regarding EIA for Floating LNG Terminal at Port Qasim, Karachi. Documents relevant

to the issue were attached to draw his immediate notice.

Chairman, PQA was requested for information, concerning the recent EIA hearing on Proposed LNG Terminal near Korangi Fish Harbor, on whether the copy of the master plan could be provided, whether a hydraulic study had been made to mitigate the reclamation's adverse effects on the harbour hydraulic regime. Questions were raised as to why the reclamation of 25 acres of sea-bed for the LPG Storage Tanks along the public beach near Chasma Goth in Korangi was being condoned by PQA when it was in direct violation of the centuries old "Public Trust Doctrine", which protects the God-given right of all citizens to unfettered access to the shore and sea and whether the potential hazards to nearby residential colonies from the passage of LNG tankers along the Phitti Creek, degasification of LNG in the middle of the creek and storage of LPG on the public beach had been carefully investigated and the insurance adequacy of the concerned parties for such an eventuality was doubted.

Director-General, Sindh EPA was notified of the observations made by Shehri CBE in reference to EIA Report: Pakistan Gasport Ltd to provide assistance for next public hearing. A scoping meeting was not held for this project EIA Report. The advantages of demand-side management of gas, efficiency improvements for gas appliances and

equipment, and the efficient exploitation of new fields had not been thoroughly examined as alternatives to importing more gas. Aside from Pakistan consuming very little energy per capita, it was found that consumed energy was wasted and not converted into useful output (GDP). Pakistan's efficiency of energy use was estimated to one-third of that of the US, and one-fifth of that of the UK which should be tackled before importing more energy which Pakistan cannot afford.

The quality of the EIA Report was thought to have left much to be desired. It was felt that while the report referred to numerous safety standards/ recommendations (Sandia Report, numerous LNG Regulations, Equator Principles, etc), no details had been given about how these had been applied to the present project. Copies of these studies were requested.

Furthermore, no mention of the sitting standards of Society of International Gas Terminal & Tanker Operators (SIGTTO) in evaluating the optimum and safe location for the LNG terminal was made.

There was also no mention of the US FERC review process, which should have been mandatory for ensuring safety and system reliability. Evaluation of alternative locations for the re-gasification terminal, especially a deep-water location away from land and human habitation, had been summarily



dismissed "as it was incurring high cost as well as advanced technology in laying conduit, besides operation and maintenance," giving the impression that human life and safety was being given a small value.

The proximity of residential, commercial and industrial facilities to the proposed location of the re-gasification plant had been deliberately downplayed in the EIA Report.

The vulnerability of LNG terminals to natural disasters and sabotage/terrorist action was felt acutely as the contents of a single LNG tanker were estimated to be equivalent to about 55 Hiroshima atomic bombs, which may contribute to freezing and asphyxiation if the tankers ever roll down. Questions were raised that whether the government had set up a mechanism to hold the sponsors financially responsible for damage and deaths caused by any future accidents. Damage to existing SSGCL/SNGPL infrastructure and underground pipeline leaks was also deemed a possibility. The project was proposed to be located entirely on land reclaimed from the sea.

It appeared that no detailed hydraulic study had been carried out on the adverse effects of such land reclamation (and related dredging) on the hydraulic regime of Port Qasim, Korangi Fish Harbour, or related marine facilities. It was pointed out that under the law, any land reclaimed from the sea belonged to the Government of Sindh, and not to anyone else. So DG of EPA was asked how he planned to deal with this situation.

Consequently the impact of the terminal on the environment was unpredictable, there was no chemical analysis of the sediments to be dredged, and the exact nature of the

hazardous materials therein was not known. No mention has been made of stabilizing the dredged materials for reuse. The proximity of mangroves and the estuary was highlighted as discharge of sewage of any other effluent into the creeks was in violation of NEQS 2000.

Attention was drawn to the fact that the beach area proposed for LNG terminal construction was the same beach area where the Fauji Foundation had wanted to establish a power plant and displace the fishermen but they had been stopped because of the impediment of the aforementioned law.

Director-EPA was requested not to accord approval to the EIA Report for the establishment of the PGL LNG terminal at its presently proposed location adjacent to Karachi, as it posed an unacceptable safety and environmental hazard to the residents of the city. Following points were made for consideration:

*The LPG storage/dispensing terminal was not in PQA jurisdiction but in CDGK/Korangi Town jurisdiction *A book 'Brittle Power: Energy Strategy for National Security', based on a study conducted by the US Federal Emergency Management Agency, through the vehicle of the President's Council on Environmental Quality was cited as it explained in detailed the hazards and accidents with the transport, storage and re-gasification of LNG and LPG.

*Article 15 of the Rio Declaration of 1992 advocates the precautionary approach to protect the environment from serious damage; even if there is a lack of full scientific certainty.

Director General, Sindh EPA was requested to ensure that EIAs were conducted to protect the ecology of

the Korangi/Phitti creeks and the PQA Area, to ensure safety of population of Karachi and to aid informed decision making and planning.

The Federal Ministry of Ports & Shipping was given a comparative sketch of the Port Qasim Authority (PQA) and the location of the proposed PGPL LNG Terminal and LPG Storage about 6 kilometres outside the area of the master plan located at Phitti Creek. Considering this PQA has no land along the Korangi Creek coast to allot PGPL for its 50 acres LPG Storage facility, which is shown on Google earth or the Pakistan Navy Hydrographic chart.

Questions were raised as to what marine fire-fighting facilities PQA would have to deal with and how long would the PQA port be out of action in the event of a dire LNG spill incident in the Phitti Creek passage?

Security issues and the protection of the sea-bed were also raised as to how the insurance to the terminal would be issued? In line with the Rio Declaration's "Precautionary Principle", it would make sense to relocate the LNG Terminal to one of the delta island about 15 km from the city to reduce the hazard to residential areas and to shipping/fishing in the approach channel to PQA, which would cause pipeline costs to increase but other security-related costs, including insurance, would decrease.

Director General, Sindh EPA was requested to study the steps taken to provide security to oil installations at Kemari after an incident that occurred on 14-9-2009.

The hazards to shipping, fishing and other life around from terrorist attacks



and other subsversive activities on LNG terminals and LNG tankers located in shipping lanes were reiterated. LNG terminals were demanded to be located on an island in the delta remote from shipping and fishing activity.

References of previous letters on subject were sent again to emphasize on the severity of the situation. Concern was raised regarding the Oil Installations at Kimari which were being viewed by the government as a security concern due to the facility's vulnerability to terrorist attacks. Reiteration of hazards and relocation of LNG terminals was made.

Later, a clipping of two news items was attached to prove that general opinion was also concerned about the locations of KPT and PQA which were being regarded as sitting ducks for escalating terrorist activities. The need for public hearings and conduction of EIA was stressed.

Minister of Petroleum and Natural Resources was requested to ensure that the floating LNG terminals were located far away from human habitation and shipping/fishing channels around creeks leading to Port Qasim. Security measures were observed to have been getting increased constantly at considerable expense to the public exchequer which was making the situation worse.

The attention of the Chairman, Oil & Gas Regulatory Agency was directed towards previous letters along with newspaper clippings ("Provinces help being sought for security of oil and gas installation" by Khaliq Kiani, and "More danger for our port city" by Ardeshir Cowasjee) with the remark that everyone, aside from the proponents of the Gasport venture, seemed to

be aware of the potential attraction of oil/gas projects to terrorists in all provinces of Pakistan.

It was pointed out that the cost of trying to protect such installations would continue to rise astronomically, with consequent escalation in the hazards to life and property. Unless OGRA wanted to be held responsible by future victims of accidents or terrorist action at the LNG terminal it was requested that the LNG terminal be taken out of the Port Qasim shipping channel and nearby fishing vessels, and far away from the habitations of Korangi and Karachi.

Lastly, the chairman was also urged to carefully consider the following issues in the public interest:

1. The locations earmarked by PQA for the Gasport which was adjacent to the PQA shipping channel (within 300 meters) had other commercial shipping, LNG carriers, fishing vessels and other marine craft.
2. The Qualitative/Quantitative Risk Assessment (QRA) not carried out by Gasport was in violation of the GoP LNG Policy/Rules which required it to be done. QRAs were insisted to be made public.
3. The Sindh EPA approval for the Gasport LNG Terminal EIA was accorded under political pressure, without necessary details of the Re-gasification Process being available, or other environmental factors which are a threat to the environment and may contribute to global warming and the 'greenhouse effect.'
4. PQA should locate all LNG terminals to sea or onto one of

the remote off-shore islands in the Indus delta, out of the shipping channel to eliminate danger to other shipping, fishing and marine craft, and human habitations.

5. The 1992 Earth Summit Principle 15 was cited which stated:

"In order to protect the environment, the precautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

Petition against wrongful conversion of residential plot

P.E.C.H.S residents along with members of Shehri CBE filed a petition against CDGK for wrongfully granting permission for change of land use in respect of Plot No.161/A, Block 3, P.E.C.H.S., Karachi.

The petition was filed in The High Court Of Sindh at Karachi under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 which states that *the High Court has jurisdiction to make an order, in case of receiving application of any aggrieved party, to interfere in the carrying out of a public work which may be harmful to the public interest.*

The petition was filed in the interest of ensuring that any designation of plots in the area and any construction thereon takes place in accordance with the law and regulations and is carried out in a proper manner so that their fundamental right to life is not infringed as a consequence. The petitioners who were the residents of P.E.C.H.S area felt that the



respondent (CDGK), by allowing the plot to be utilised for commercial purposes, was neglecting its responsibilities of protection, conservation, rehabilitation, improvement of the environment and as such.

On 05.11.2010 a Public Notice for Change of Land Use was published in the Dawn Newspaper by the CDGK in respect of the Plot 161-A in which it was stated that Muhammad Ghulam Jan Muhammad had applied for a change of land use thereof from Residential to Commercial, Offices, Shops, and Flats. As stated in the Public Notice that the Chairman, Committee for Commercialization (CCC) and Master Plan Group of Offices (MPGO) were examining the proposed conversion and its implications on the amenities and infrastructure.

The Public Notice stated that due to the conversion the certain changes were to be applied with respect to the lease conditions and zoning regulations. The Petitioners lodged with Ghulam Jan Muhammad with their written judgements with their letters dated 13.11.2010, 15.11.2010, 17.11.2010 and 21.11.2010 and subsequently aired their grievances at the public hearing on 21.11.2010.

With the permission of the Administrator, CDGK, Jan Muhammad's application for change of land use had been placed before the Commercialization Committee of CDGK (the "Committee") on 21.12.2010. The Committee had recommended that permission may be granted for the commercialization provided that a physical survey of the area was done.

Jan Muhammad's application for change of land had initially been declined in view of the fact that the Subject Plot was not situated on a

commercial road. Nonetheless, a physical survey of the area was purportedly carried out, giving rise to the bare and unsubstantiated observation that "other plots are being used as commercial", and the permission for change of land use was granted by the Administrator, CDGK, all of which was apparently done within the 2 day period between 21.12.2010 and 23.12.2010.

The Administrator, CDGK purported to grant Resolution No.18 dated 29.12.2010 and accord permission for change of the Subject Plot from residential to commercial which dealt with the commercialization of roads rather than individual plots which wasn't in the interests of the petitioners who went to the Executive District Officer (MPGO) on their behalf.

The petitioners were of the view that in a similar case pertaining to construction on Plot No. F-8, Block 5, Clifton, Karachi situated on Khayaban-e-Saadi, Clifton, Karachi, the same was halted in view of the fact that the purported commercialization and had not been preceded by an Environmental Impact Assessment.

The grounds for the petition against commercialization of the Subject Plot were of the fact that the conversion of land had been in the contravention of law and procedure and CDGK hadn't not complied with the doctrine of structural discretion as classified by the Supreme Court Of Pakistan and authority must ensure that decisions made are pursuant to the specified procedures. Also the variance of the Town Planning Conditions was found to be in violation of the Constitution of the Islamic Republic of Pakistan, 1972 and deemed void.

The fact that the Subject Plot lies on a 100-foot road does not made the

plot ineligible for commercialization, and the City Council was called on to survey the road plan in detail on the basis of the principles of town-planning. The decision of the CDGK to vary the Town Planning Conditions as contained in the lease was found discriminatory, unreasonable and in the violation of Article 25 of the Constitution of the Islamic Republic of Pakistan, 1972 thereby making his decision null and void.

The construction of a multi-storied building would violate the rights of the petitioners and would further increase the strain on sewerage, water, electricity, infrastructure facilities and municipal services which are already scarce for the residents of the area. It will also increase environmental degradation and interfere with its use with respect to the circumstances as stated by the petitioners.

An Environmental Impact Assessment ("EIA") was called for the conversion of land-use, and the case of 'Noman Costello' on Khayaban-e-Saadi in Clifton where the Sindh EPA rejected the commercialization was cited.

It is hoped that the Honourable court may declare that commercialization cannot be carried out on residential roads and the planning and justification of such construction is null and void with respect to the Subject Plot and the respondents be restrained from approving conversion of residential areas for commercial use and purposes.



RIGHT OF INFORMATION

Victim's right to know

Tanka Aryal, Executive Director, Citizens' Campaign for Right to Information, writes about citizen campaigns to improve citizen's access to information

Person who has suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights by any reason is known as a 'victim'. Immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization are also considered as the victim. Nobody is willing to be a victim however different social, political and natural conditions victimize people.

Victimization of people by crime is common phenomenon across the world however victimization by war or internal armed conflict and natural calamity is also no less. Whatsoever is the reason, victim should be protected; identification and arrest of the offender should not be pre-requisite for the redress of victim, is the fundamental understanding of new discipline of study, victimology.

Couple of basic rights are recognized for a victim in the legal provisions of different countries; most of those are directly related to victim of crime. However, basic rights of all victims are protected. Access to justice and fair treatment, restitution, compensation and rehabilitation are core areas of victim's right. Right to information (RTI) is known as right to know which has very close link with all these four area. To get remedy and justice, victim requires the basic information regarding the justice seeking process. To participate in the trial, victim should be informed about the court proceeding. Victim should get opportunity to share his/her reflection. To enjoy right of restitution, compensation and rehabilitation a victim needs prompt, actual and necessary information.

Considering the importance of the right to information as a victim's right, UN Declaration of Basic Principles of Justice

for Victims of Crime and Abuse of Power -1985 has recognized as 'victims should be informed of their rights in seeking redress'. Similarly, victims' right to information on their role and the scope, timing and progress of the proceedings and of the disposition of their cases is protected.

Likewise, realizing the enormous significance of right to information for victims, the draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power - 2010 has provided larger scope of RTI within it. It has provisions that state parties shall ensure that victims have a right to information and provide general information to the victim in the most expeditious and efficient method which facilitate victim in all course of justice seeking process. Particularly, information related to support seeking, immediate relief, filling complaint, role of victims in total proceeding as well as in the course of deposition of the case, protection of victims, legal advice and aid, entitlement, information seeking process, outcome of the complaint, court's sentence, offender released are recognized as most essential and imposes the obligation to the responsible authority to provide such information to the victims.

Article 27 of Interim Constitution of Nepal 2007 has guaranteed the RTI of Nepali citizen in general. It says "every citizen shall have the right to demand or obtain information on any matters of his/her own or of public importance." It does not clearly say about the victims' right to information; however citizen is empowered to seek and receive information of any personal concern. RTI Act 2007 and Regulation 2009 is in practice, however no specific right to information of victim is guaranteed under present legal framework of Nepal.

There are some rays of hope. The committee on fundamental rights and

directive principles of Constituent Assembly has proposed to include victim's right as a fundamental right in upcoming constitution. Under the proposed provision, right to information of the victim is guaranteed, which says that "crime victim shall have right to information about the investigation, inquiries and proceeding of the related case." It is not extensive however this the positive change in the understanding of policy and law maker.

Victims' right to information is crucial in regular criminal and civil proceeding. But, the focus of this article is to bring the attention of the concerned policies and law maker and politicians to draft a legal provision of transitional justice process which guarantees the victims' right to information.

Thousands of victims of past armed conflict are left unattended. They are expecting to have strong legal as well as organizational mechanism where they can seek justice and remedy. If the victims are not informed properly about transitional justice implementing system, it would not work effectively and would fail to redress the victim of armed conflict.

Truth seeking, prosecutions, reparation of victims and institutional reforms are four the pillars of the transitional justice. If right to information of victims' is lacking in the process, none of the pillar can contribute for achieving objectives of transitional justice.

It is significant to cite two cases to show the negligence of right to information of victim in justice process. National Human Rights Commission (NHRC) made an exhumation of bodies on the banks of Kamala River in Godar of Dhanusha district in mid February, 2011. The victims did not receive substantial information of exhumation process. It is reported that victims of the family

participated in the exhumation process but the total process shows that the victims were not informed properly about the exhumation process, objectives, consequence and results.

Similarly, government decided to withdraw some cases initiated during the armed conflict after the peace process started, but none of the victims were informed about the process, rationale, result of the withdrawal of the cases.

In Nepal, there is an obvious case to show how victims are denied necessary information. The victims of Kapilvastu riot were looking for the report of probe commission but were denied. To know how probe commission reported their pain and loss was major concern for them. Further, they wanted to seek remedy on the basis of the report of the probe commission where many people

were identified as the victim of the riot.

The report was asked on the basis prevailing RTI legal provisions but government absolutely denied to provide it arguing that if the report is publicized, it can destroy the social harmony, exception listed under section 3 of RTI Act. Finally, National Information Commission (NIC) ordered the Nepal Government to provide the information to the victims.

Considering the international legal understanding, national constitutional and legal provisions, it is strongly recommended to recognize right to information of victims' in transitional justice process. New legal and institutional setup is under discussion thus it is strongly believed that it is the right time to begin.

It starts from the very beginning of drafting of Truth and Reconciliation Commission Act which totally fails to address victims' right to information in the present available draft. Victims should be the center of the transitional justice and they should be informed about the whole process and options and alternatives available to them in this justice process. They should be first informed about the available remedies and then the process, timeframe and result as well as other basic information.

Victims' right to information is the foundation of total transitional justice process, thus; it should be internalized and incorporated in the upcoming transitional justice provisions; legal as well as institutional setup. □

Demand for protection of amenity plots, parks





ISSUES IN THE NEWS

Lethal traffic movement in Pakistan

The Karachi Northern Bypass, built at a cost of Rs2.2 billion and mainly constructed to divert outbound traffic away from inner city roads remains grossly underused on account of serious security concerns. (DAWN, 13/04/2011)

The sudden increase in the lethal container traffic movement in Pakistan, particularly in the metropolitan city of Karachi, poses a severe threat to the commuters and pedestrians who fall prey to these due to the negligence of the heavy vehicle operators in terms of safety measures. These deadly containers, to date, are not at all complying to even some of the basic safety measures which are strictly being followed around the world in order to minimise the possibility of container related accidents. The underutilisation of the Karachi Northern Bypass, built in 2005, is a major reason for road traffic mortalities inside the city that involves heavy vehicles.

The data collected by the Road Traffic Injury Research and Prevention Centre (RTIR&PC) shows that goods vehicles and public transport were responsible for 46 per cent road traffic accidents last year. The number of fatal injuries caused by goods vehicles and public transport increased from seven per cent (2009) to 24 per cent (2010) and 18 per cent (2009) to 22 per cent (2010), respectively, according to the centre's data. Lack of road safety measures and road maintenance has made Karachi northern Bypass (KNB) one of the most fatal roads in the city in terms of severity of the accidents that occur there. The

dangerous part of the KNB is cited as Mauripur Road, where 40 fatal accidents occurred in 2010.

Container traffic movement in Pakistan from all three ports to different destinations was around 1.7 million per annum which is undoubtedly very high as compared to some other countries like India, where container traffic movement from 12 Indian ports was 6.6 million per annum only, informed Ahmed Parekh in an interview to daily post (Former Town Nazim and a well known expert on Container Transportation) while citing the size of Indian economy and the number of its ports.

The absence of "Association for Intelligent Transportation System" which works effectively in India is felt acutely in Pakistan where the only department responsible to look into the matter is the so-called traffic police department which is marred with corruption.

He pointed out that inefficiency of rules and regulations, lack of awareness guidelines for safety of containers, issuance of vehicle fitness certificate, etc can further be blamed for the rise in number of terrible road accidents in Pakistan. Overloaded heavy vehicles and absence of vehicles that meet technical requirements are the cause of accidents often witnessed on highways across the country.

No initiative has been taken to create awareness about technicalities involved in container traffic, precautionary measures to ensure safe movement and guidelines to minimize the possibilities of container accidents.

The absence of "Association for Intelligent Transportation System" which works effectively in India is felt acutely in Pakistan where the only department responsible to look into the matter is the so-called traffic police department which is marred with corruption.

Although a few years back the government took steps to minimize container related accident by directing all terminal operators in Pakistan to ensure that all trailers/ trucks capable of carrying containers must have twist locks on all four corners of the container but due to lack of good governance, the containers are still being tied with nylon or jute ropes without twist locks, posing serious threat to commuters.

The Deputy Inspector General (DIG), Traffic, Capital City Police had also issued directives in the past to ban all those trucks, trailers and containers from entering the jurisdiction of city capital who did not comply with the safety measures but many of them were allowed to ply in the city back then and are still found there today which raises the question whether the police department overlooks them deliberately because of their own personal interest. Authorities and stakeholders have taken no action against the operators of heavy vehicles who have violated the safety requirements repeatedly.

Though there is no official word from the authorities on the reasons behind non-implementation of policies, it is feared that the incidents involving these vehicles may rise if proper checks are not put in place. The number of oil tankers and trailers on the roads is increasing with each passing day posing a severe threat for civilians. If proper management isn't implemented on these issues then we may be faced with an economical crisis because of accidents that induce high mortality rate subsequently creating a decrease in the number of workers and the wastage of goods which are not insured.

(Acknowledged sources for information: Dawn News, Aamir Hassan of The Daily Post)



What News

Citizen Patrol

Shehri-CBE receives letters of citizens voicing their concerns and problems. The most recent issues which have been brought to Shehri's notice are the following:

Burning Of Electronics Near Lyari River and Expressway:

"I cross Lyari River and expressway only to be confronted with scrap traders burning old computers and other electronic trash to extract metals which emits highly toxic smoke that spreads all over and causes terrible damage to the environment. People living nearby complain of experiencing headaches, burning eyes, sour throat and coughs. This situation is being ignored by the area police who take bribes from trash traders and let them wreak havoc."

(Muhammad Bashir, 26/03/11)

Widening of Officers Colony Road:

"The Officers Colony Road connected to the Garden Road which is 3 feet high and the underground work isn't yet being completed. Since monsoon season is around the corner, with no raw soil on the side to soak the stagnant water that blocks the traffic and disrupts the daily routines of people giving rise to many environmental and health hazards. I therefore request urgent orders to be issued to ensure that proper underground work is completed so that tax payers money isn't wasted."

(T.F. Zaman, 24/05/11)

Factory In Residential Area Of Korangi

"A factory in the residential area of Korangi situated at plot no. D-25 has been working for the past couple of years. It's a food packing facility working in the residential area which is prohibited. This is causing pollution which is dangerous for health and many residents have been victims of serious health related diseases. The commercial activities suggested loading and unloading of trucks causes traffic problems. The owner of the factory was called to discuss the issue but he has ignored to meet up with the residents to reach an agreement to the solution of the problem"

(Residents of P&T Co-Operative Housing Society, Korangi, Karachi, 21/05/11)



Go Green

Go Green! Bringing news from all over the world to highlight the work done for the betterment of the environment. Think Green. Be Green. Go Green.

BILLION ACTS OF GREEN

To honor the 41st Earth Day organizers launched a web campaign on their site , that invites the public to pledge to take small yet significant action towards sustainability. The "" homepage asks site visitors to "pledge an act, save our planet." Users can either pledge to a previously-created act or initiate a new one themselves. There's a wide variety of acts on the site, ranging from eating local food to raising awareness about Earth Day.

(Times, 20/4/11)

RALLY AGAINST MANGROVE DESTRUCTION

Activists of the Pakistan Fisherfolk Forum (PFF) on Tuesday staged a rally on Mauripur Road against removal of mangroves from the city's coastal areas and demanded action against all those involved in the destructive activity. The letter reproduced in PFF release stressed that mangroves played the important role of 'a natural shield' against storm, cyclone or high tide for the population of coastal areas. It called for action against the criminals who had ransacked the office of the community organization and beat up its activists for resisting their activities a few days back.

(, 27/01/11)

Climate- induced migration to surge in Asia, warns ADB

Asian Development Bank warns governments in Asia and the Pacific that the number of migration would increase in coming years due to climate changes. Asian lender asks governments to get ready to tackle the issue of climate-induced migration in the region. Typhoons, cyclones, floods and drought are forcing more and more people to migrate. In the past year alone, extreme weather in Malaysia, Pakistan, the People's Republic of China, the Philippines, and Sri Lanka has caused temporary or longer term dislocation of millions. This process is set to accelerate in coming decades as climate change leads to more extreme weather, ADB says.

(www.weeklypulse.org, February 18, 2011)



Don't come to us for more water, KWSB tells builders

The News , March 3, 2011

The Karachi Water and Sewerage Board (KWSB) has categorically declared that it is in no position to allocate an additional water quota for any sort of development activities till the materialisation of the K-4 Project.

Managn Director (MD) KWSB Misbauddin Farid despatched a letter to the Defence Housing Authority (DHA), the Karachi Port Trust (KPT), the Port Qasim Authority (PQA), the Civil Aviation Authority (CAA), SITE Limited, Oil refineries, Pakistan Steel, Textile City, the Lyari Development Authority (LDA), and the chiefs of all cantonment boards, stating that the water utility was unable to provide further allocations of water in the present circumstances.

208 buildings in Clifton declared dangerous

The Nation: December 17, 2005

Around 208 buildings were declared dangerous by 6 teams formed under the directives of President Clifton Cantonment Board Brigadier Maqsood Hussain after the October 8 earthquake.

The owners of these buildings were served with the notices on Section 126 Cantonment Act 1924, instructing to vacate and maintain the buildings on perfer standard

Proposed bill for conversion fo amenity plots criticised

DAWN: February 21, 2011 KA non-governmental orgasation working for the protection of public spaces and implementation of of building laws has urged the people to join hands and foil efforts of the parliamentarians intending to formulate a law empowering themselves to convert amenity plots for other uses.

It added that while this hypocritical bill pretended to 'protect' and 'prohibit' (the conversion of) amenity plots, it would do the exact opposte: it allows the Provincial Assembly, in section 4, to arbitrarily convert an amenity plot to any other use.



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.

Construction of Marriage Hall in the Residential Area at the Residential Plot

This is to inform you that the owner of the Plot No. 227 Block 3 DMCHS Society has started constructing of a Marriage Hall at the said plot. On this act the residence of this mohalla have serious concerns and reservations.

As you know very well sir that our mohalla is already surrounded with Naheed Super Store, Chase Departmental Store, Alamgir welfare and Bantwa Anis Hospital, 2 Madarsa, 4 Mosques and a Girl School are also in our Mohalla. Now this Marriage Hall will be the disaster for the residence. Please stop this act and save us from complete disaster. (Signature of Residents and some pictures of the site are attached)

Area Residents (Gulistan Mohalla Committee)



Freedom of Information

Citizens demand transparency and good governance

Workshop on Right to Information held on October 6, 2011 Hotel Regent Plaza, Karachi

Citizens are the owners of Pakistan and now they have the right to have access to every piece of information which relates to them but they don't use their legal right to know thanks to the culture that failed to develop over the decades in the absence of relevant rules.

This was echoed by speakers and agreed upon by participants of a workshop titled 'Right to Information – Article 19(A)' organised by an NGO, Shehri, supported by the Friedrich Naumann Foundation at a local hotel on Thursday.

Giving a background to the history of right to information, General Secretary of Shehri Amber Alibhai said it was as far back as 1766 in Sweden that the right to know was made into a law. "While we in Pakistan were disenfranchised and didn't think it useful to know as to what's happening around us." This was the reason, she argued, people who called the shots were left unchecked. She said since 1995 things began to change and now many countries had a law for it, and in Pakistan we're missing out on rules.

She said the 18th amendment and article 19(A) had brought about a new buzz word.

"Now we can, and need to, check with the authorities on issues like where our votes went and where taxpayers' money vanished etc."

She added that no development was taking place owing to infighting between political parties in Karachi.

Roland D' Souza gave a presentation on the subject and stated at the outset that Article 19(A) had given strength to the existing legislation. Describing the efficacy of freedom of information, he compared it to sunlight which was the best disinfectant.

He said it was because of bad governance that we didn't know what was happening around us, which was also why we didn't protest correctly.

The legitimate form of protest was to find out what's being done (who made the wrong decisions, where was the money spent, etc).

He claimed transparency led to a quantum reduction in corruption.

He remarked, "The fault is yours. You allowed public servants to get away with murder. Everything, from roads and buildings to the army belongs to you."

He said the word minister meant servant. Ministers were elected to serve the people.

He emphasised that people didn't take interest in anything, so the culture of right to know was yet to develop. Mr D' Souza then discussed the chronology of how legislation developed in Pakistan vis-à-vis freedom of information.

He traced it from 1990 in the form of ordinances to 2010 when the 18th amendment was passed.

Touching upon the lacunas in the law, he said despite it being a big step forward, a culture had to be developed by establishing precedents.

Talking about the exceptions from disclosure, he mentioned 'something which was likely to cause damage to the country's international relations'. He maintained obtaining information was clearly defined — you just had to fill out an application form and be specific with your question, that is, what you wanted to know about.

He told the audience if the reply didn't arrive from the department concerned within 21 days, you could apply to the





ombudsman who would then hear the issue.

He said the role of the ombudsman was critical — if the application was malicious he could fine you.

He concluded by reiterating, “You are the owners of Pakistan, of all its assets and government officials are public servants.”

Sameer Hamid Dodhy’s presentation was based on three case studies. The first pertained to the cantonment board in Karachi.

The second was about the charged parking issue on Tariq Road, which a

citizen took up and inquired the relevant authorities about its details.

When the authorities didn’t respond, he went to the ombudsman and ultimately the authorities had to save their neck. The third case study was about regularised illegal buildings.

He said after the 18th amendment all provinces had to have a legislation (it’s still awaited in Punjab and Khyber-Pakhtunkhwa).

He said in order to have better enforcement of the law, the rules had to be defined and training should be given to departments concerned.

He also stressed the fact that cases needed to be dealt with in a systematic way so that citizens didn’t have to come to hearings multiple times.

After that a fierce exchange of ideas took place in which members of the department of building control authority and the department of ombudsman, apart from journalists, took part. This was followed by an exercise of drafting freedom of information (FOI) applications.

At the end, an Indian documentary on the issue of the right to information was screened. □

Courtesy – DAWN Newspaper

Knowing Right to Information – the Pakistan Context

Owners & Managers

Owners of Pakistan

= Citizens & taxpayers

Managers of Pakistan

= Ministers & public servants

* Owners must be completely aware

of how their Managers work

* Access to information promotes accountability

Chronology of RTI

1990 Prof Khurshid Ahmed’s FOIO

1992 Senator Malik Qasim’s FOIO

1997 Fakhruddin Ebrahim’s FOIO lapses

2002 Musharraf/Javed Jabbar’s FOIO

2001 Danyal’ s LGO 2001 Article 137

2005 FOIO in Balochistan

2006 Ishrat-ul-Ebad’s FOIO in Sindh

2010 Article 19-A in RR’s 18th Amendment

2010 Sherry Rehman’s RTI Bill



ASK SHEHRI

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

Q. *What are main roles assigned with the office of the Federal Ombudsman in Pakistan?*

Naila Sadiq, Clifton, Karachi

- A.** Federal Ombudsman or Federal Tax Ombudsman can:
- Provide relief when information not provided
 - Can dismiss & fine malicious, frivolous & vexatious requesters
 - Order prosecution of person who destroys public record being requested

Q. *How many sewage treatment plants are installed in Karachi and how much sewage can they treat?*

Rizwan Shahid, Gulshan-e-Iqbal, Karachi

- A.** There are three (3) sewage treatment plants operative in Karachi with a combined treatment capacity of 150 million gallons per day (MGD)

Q. *How much is planned area and how much is the built up area in Karachi?*

Khalid Murtuza, North Nazimabad, Karachi

- A.** According to the Karachi Strategic Development Plan 2020, the planned area in Karachi is 3600 sq.km. and the built up area is 1300 sq.km.

**Shehri
needs
volunteers
to work in the
following areas**

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



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To Create a Better Environment

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Environment

SHEHRI Citizens for a Better
Environment.
88-R, Block 2, P.E.C.H.S.,
Karachi-75400, Pakistan.
Tel / Fax : 3453-0646

**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 2011! (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!

