



SHEHRI

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

JANUARY - JUNE 2012 VOL. 24/NO.2

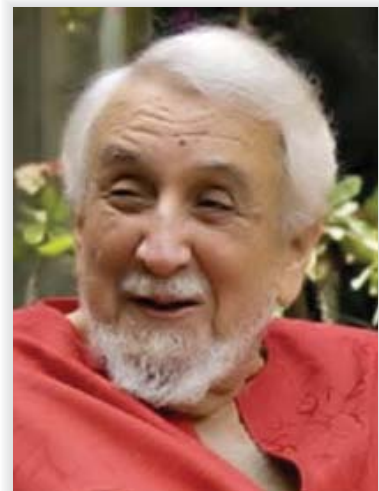


In recognition of outstanding services to the cause of the environment, the award of

Citizen Emeritus

is presented to

MR. ARDESHIR COWASJEE



Shehri's association with Ardeshir Cowasjee has been a long and enjoyable one. Although he has never been a formal member, he has been popularly and widely known as our 'sarbarah'.

Shehri has spent twenty-five years in drives to protect parks, playgrounds, amenity spaces and town-planning schemes in the beleaguered city of Karachi and other parts of the country – Ardeshir Cowasjee has been involved in most of these efforts. Some of the noteworthy campaigns include Kidney Hill Park in KCHS Union, Bagh-e-Ibn-e-Qasim in Clifton, eleven bus-depot plots of the now-defunct Karachi Transport

Corporation, sections of the Clifton Promenade, Usmani Park in DHA, Gutter Baghicha in Trans-Lyari, the infamous Glass Towers in Clifton, and various other amenity spaces and illegal buildings in Karachi. Additionally fifteen bus-depot plots all over Sindh of the defunct Sindh Road Transport Corporation and Doongi Ground in Lahore bear testimony to joint efforts outside the city. We have served together on the KBCA Oversee Committee for five years, and introduced a modicum of transparency in that 'Nest of Corruption'. Ardeshir Cowasjee has supported Shehri with his powerful writings in the press, his

contacts with officialdom and political parties, and his inimitable ability to shame some into reversing wrongs. He has encouraged citizens to donate time and resources to Shehri.

In gratitude for and in recognition of his invaluable contribution to Shehri's environmental campaigns, his involvement in our public interest litigation, and his unstinted moral and financial support of our efforts to tackle violations of citizens' rights, we are presenting him with this citation.



[More on Back Page](#)

Name: _____

Tel. (Res) : _____

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JOIN SHEHRI

To Create a Better Environment

With a cross cheque of Rs. 1000/-
(Annual Membership Fee) in the name of Shehri-CBE with passport size photograph

Address: 88-R, Block 2, P.E.C.H.S., Karachi-75400, Pakistan. Tel/Fax : 3453-0646

SHEHRI MEMBERSHIP

Don't forget to renew your membership for 2012 (Rs. 1000)
Join Shehri and play your role as a good citizen to make this city a clean, healthy and environmentally friendly place to live in!

**SHEHRI**

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Contributions are Welcome

Interested contributors should contact the SHEHRI office for writers' guidelines. SHEHRI newsletter readership is for students, professionals, environmentalists, policy makers, NGOs and other organizations. Views expressed herein do not necessarily express the views of the Editorial Consultants or The Managing Committee.

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**EDITORIAL**

Preparing Karachi For Climate Change: Need For Action

While there is still debate and conflicting views about the level of accuracy of the various projections and scenarios related with climate change, and the measures that need to be prioritized now for tackling possible impacts and consequences in the future, there is nevertheless a growing consensus that the global climate is changing. The world is becoming warmer and extreme weather conditions such as tropical cyclones, strong rain with flooding or long dry periods have increased in the past years.

The strong link between climate change and urbanization is nothing new but the immensity of the challenge is now becoming more evident. Urban areas occupy only 2.8% of the earth's surface yet as of 2008 more than 50% of the world's population inhabits urban areas. Rapid urbanization is occurring largely in developing countries where a massive demographic shift has enormous implications in terms of poverty, natural resources and the environment. The issue of climate change finds relevance to Karachi in that the rapid shifts in weather patterns and resulting adverse impacts on the physical and natural environment have a lot to do with human actions that are detrimental to safeguarding nature's balance.

In Karachi, we find that a lot is happening that is seriously damaging the urban environment. Land and water based ecosystems are being destroyed; air is being polluted and natural resources being mismanaged. As green spaces are being encroached and coastal land is reclaimed to facilitate development that will cause irreparable damage to precious coastal ecology we are destroying natural defences that can protect us from climate change impacts. Ill planned densification of core city areas is resulting in creating as yet non-quantifiable social and environmental stresses. Uncontrolled urban sprawl is putting the already over stretched civic services to near breakdown status. What is more disturbing is that existing laws are being amended and new legislation is being enacted to facilitate the process of environmental damage just to benefit the short term financial interests of a few at the cost of the majority citizens.

This unfortunate state of affairs brings into focus the whole issue of bad governance that is at the core of all various unfolding social, political, environmental and financial crisis that the city is faced with. The institutions of state both legislative

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PEOPLE AND THE LAND

Empowering Communities for Social Justice

RURAL KARACHI - A CASE STUDY

Quarterly Report # 4 (October-December 2011)

SECTION I

Overview of Activities, Results, Milestones and Deliverables

The fourth phase of the project has focused on the objective of Sustaining Reforms in order to implement the 'Happy Goths (Villages)' projects through the established forums for social mobilization (Goth Bhalai Committee/Goth Bhalai Alliance) established earlier.

It has involved a process of conducting consultative sessions (community score card) with the project communities and relevant service providers for completion of the process of conducting a Community Score Card in the health and education sectors. In addition, the following completion of the research into the preparation of Public Information Brochures, the final composing and layout preparation has also been initiated. In the Health sector, the service of Lady Health Workers was selected for focusing through the preparation of Community Score Cards while in the Education sector, the Goth School was selected as the basic service provision unit where the Community Score Card will focus.

The process of conducting Focus Group Discussions has continued with the involvement of communities, academia, relevant planning, social and environmental experts. A workshop was also held where some relevant NGO's working in the sector of service delivery were invited and the communities interacted with them to gain knowledge and information on how they could resolve some problems on self help basis while also access alternate opportunities for resolving their problems.

SECTION II

Report on the Results, including Grant Milestones & Activities

1) Community Score Cards

In the Health Sector, the government service of Lady Health Workers was selected. The National Program for Family Planning (FP) and Primary Health Care (PHC) also known as the Lady Health Workers' Program (LHWP) was launched in 1994. It was initiated in response to the need to serve the underserved and poor communities of the rural and semi urban areas. The rationales for such an initiative was:

- High maternal and children mortality rates
- Comparatively weak demographic transition
- High proportion of vulnerable population
- Low utilization of static health care facilities

All three Goths were finally selected for conducting a Community Score Card on this service. In this regard, to begin with, comprehensive field research was conducted to gather information on the LHW service. Subsequently, a detailed orientation session was held in the project Goths where the

communities were informed about the CSC process, the objectives, targets and how the community can participate in the process. Specially designed visual display boards were prepared for supporting the process of capacity building. Separate meetings were held with the relevant field and management staff of the LHW service to orient them with the process and solicit their participation. This session was followed by a Seminar where the Input Tracking Score Card and Community Score Card were prepared by the communities with the facilitation of the Shehri-CBE project team. This was followed by the preparation of the Self Evaluation Score Card by interacting with the relevant Government service providers. In the end, the concluding event for the process was held where the community and the service providers sat together to develop an Action Plan.

For the Education Sector, the basic school unit in the Goth functioning under the Government of Sindh's - Sindh Education Reform Program (SERP) was selected. The Education Reform Program funded by the World Bank and also supported by the





European Union is based on four complementary pillars to address the key constraints to improving education outcomes. All the pillars are designed to improve quality, equity and efficiency in education service delivery. Pillar1 is aimed to improve accountability for public education expenditures by linking budgetary allocations to outcomes, and through financial management and procurement reforms, Pillar 2 aims for improvement of

accountability of provincial and district management for service delivery through the strengthening and dissemination of information on inputs, outputs and outcomes, the partnership agreements, conditional transfers to districts linked to performance, strengthening of the inspection and school evaluation system, strengthening of community and parent participation in schools, and through the clarification of roles and responsibilities at all levels. Pillar 3 aims

to increase accountability for the implementation of government programs (textbooks and stipends) and the provision and use of physical infrastructure in schools, by promoting partnerships with the private sector; and Pillar 4 aims to increase accountability of teachers through merit based and local recruitment, of institutions providing teacher education and development, and of the province, districts, and schools for learning outcomes through assessment reforms. Field research and consultations were initiated to gather information required for preparing the Input Tracking Score Card for the primary school in the Rab Rind Goth. This was followed by three more sessions, where the Community Score Card, the Self Evaluation Score Card and the Action Plan were finalized.

The Community Score Card process for the Health and Education sectors has nearly been completed. The results and findings are being compiled to form part of the Final Report

2) Public Awareness Brochures

A comprehensive concept and format for preparing the Public Awareness Brochures was first prepared in consultation with relevant experts and communities and the work of researching and printing the brochures was awarded to a not-for-profit organization specializing in community

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Climate Change Workshop

24 April, 2012



CONTEXT

Urban areas occupy only 2.8% of the earth's surface, yet as of 2008 more than 50% of the world's population inhabits urban areas. Rapid urbanization is occurring largely in developing countries, where a massive demographic shift has enormous implications in terms of poverty, natural resources and the environment.

In urban settlements, rapid population growth and resulting land development, that in many cases in the developing world is neither planned nor regulated, limits chances of sustainable use of the increasingly scarce land resources. The nexus between urban development and environmental degradation is not a new understanding. In 1976, the Habitat conference identified "urban



expansion" as a universal development challenge. At the Rio Summit in 1992, the concept of "sustainable human settlements" was introduced. At the Habitat II conference in 1996, the Habitat Agenda highlighted the need for new approaches to planning and managing rapid urban growth. However, evolving understanding of linkages of rapid urbanization and climate change has given

this urban development challenge a new impetus and sense of urgency.

Karachi is Pakistan's largest city (the sixth most populated city in the world) and the country's commercial capital, with a GDP per capita of \$5,400. The urban population of Karachi is about 14.5 million, according to the latest official estimates. The city's appearance reflects the fact that it is one of the world's fastest growing metropolises. Its industries include shipping, trade, finance, banking, information technology, manufacturing, real estate, media and education. Karachi is situated on a natural harbor facing the Arabian Sea, Pakistan's primary seaport. Because of its central location between India and the Middle East, Karachi has been an important trading port for centuries. Rapid growth has exacerbated environmental challenges, and the city has struggled to improve basic infrastructure, such as roads, water pipes and sanitation, to match rising demand.



The Asian Green City Index, a research project conducted by the Economist Intelligence Unit, sponsored by Siemens in 2011, sought to measure and assess the environmental performance of 22 major Asian cities across a range of criteria and placed Karachi at the bottom of the list. Other than some key environmental indicators, the report also assessed cities on indicators such



as 'land use and buildings' and 'environmental governance' and found Karachi scoring 'below average' on all indicators other than water where it barely managed to score an 'average' score.

THE PROJECT

Shehri-Citizens for a Better Environment in collaboration with the Department of Architecture & Planning, NED University of Engineering and Technology, Karachi, and financial support of the Friedrich Naumann Foundation, Pakistan, recently undertook a

study that aims to address the challenge of improving environmental conditions in Karachi. The Study focused on developing a 'profile' of Karachi city within the context of 'Urbanization and Climate Change'.

The 'profile' prepared can be termed as a 'Roadmap' to developing a 'Climate Change Adaptation Strategy for Karachi City' looks into identifying some critical 'vulnerabilities' the city may be exposed to in the event of climate change and the possible 'consequences' of climate change on key physical resources and natural environment along with development and governance

'processes' and 'activities' related to urbanization in Karachi. Recommendations have been made to improve the 'adaptive capacity' of the city to better prepare itself to effectively cope with possible climate change scenarios and consequences. The Study may serve as a 'pioneering' effort within Karachi's and Pakistan's context that should serve as a 'guiding' document for the urban policy and decision makers not just in Karachi but in other national urban centers by laying the basic ground work for further research and action.

In this regard, a Stakeholder Workshop was





organized on Tuesday, April 24, 2012 at Hotel Regent Plaza, Karachi to share the critical findings of the Study with relevant stakeholders, to stimulate discussion and initiate a 'visioning' process for moving towards developing a comprehensive 'Climate Change Adaptation Strategy for Karachi. Ms. Amber Alibhai, General Secretary, Shehri-CBE gave the context to the Study and identified its key objectives and scope. Mr. Roland de'souza presented a global context on the challenge of climate change, while Dr. Noman Ahmed, Chairman, Department of Architecture & Planning, NED University of Engineering and Technology, Karachi elaborated on the methodologies, research and analytical tools used while undertaking the study and stressed the importance of the findings within the larger context of making Karachi a sustainable city.

Farhan Anwar, Urban Planner and Member, Shehri-CBE (Project Team Lead) gave a detailed presentation in which he shared the critical findings and recommendations of the Study. He discussed the findings with relation to the identification of key communities and assets at risk of likely climate change scenarios. He cited the lack of required data and research in quantifying the probability and likely risks and impacts.

Key recommendations included the establishment of 'flood risk zones', surface water management plan, preparation of a ground water policy, reducing the water and energy loss, increasing the green cover, promoting water and energy conservation practices, prevention of land use violations, sustaining urban agricultural practices etc. A video documentary was also shown highlighting the key aspects of the Study.

Following the presentations a lively discussion session was held where the participants appreciated Shehri's efforts and provided suggestions and recommendations. The participants agreed that there is a need to take action on the recommendations of the Study. A display of photographs/maps and possible scenarios was also showcased

Following the conclusion of the project an advocacy campaign will be launched where articles would be written in the leading publications, a campaign for mobilizing 'letters to the editors' would be launched and the project findings will be shared with key decision makers.

See more pictures on next page





Climate Change Workshop

(24 April, 2012 - PICTORIAL)

.....



**IN THE HIGH COURT OF SINDH AT KARACHI****Constitutional Petition No. D-1210 of 2012 (*)****PETITIONERS****1. MOHAMMAD RAJPAR**

Son of Rajpar
Muslim, Adult
Resident of 149-F,
Block-2, P.E.C.H.S.
Karachi.

2. AMBER ALIBHAI

Wife of Shabbir Alibhai
Muslim, Adult
Resident of 145-Q,
Block-2, P.E.C.H.S.
Karachi.

3. NOMAN KHAN

Son of M. Akhtar Khan
Muslim, Adult
Resident of
Block-2, P.E.C.H.S.
Karachi.

4. MOMTAZ HAFIZ

Wife of Yahya Hafiz
Muslim, Adult
Resident of 145 /G
Block-2, P.E.C.H.S.
Karachi

5. MEHBOOB KHAN

Wife of Adnan Asdar
Muslim, Adult
Resident of 40/1, Block 3
Scheme 5, Clifton
Karachi.

6. MAHEEN KHAN

Wife Shahid Khan

Muslim, Adult
Resident of D-4, Block-3
Scheme 5, Clifton
Karachi

7. ROLAND D'SOUZA

Son of J. M. D'Souza
Christian, Adult
Resident of GRE 285
Garden East,
Karachi

8. SHAHAB GHANI KHAN

Son of
Muslim, Adult
Resident of
Karachi

9. ARIF BELGAUMI

Son of Mohammad Moinuddin Belgaumi
Muslim, Adult
Resident of R33, 10th East Street
Phase 1, DHA
Karachi

10. HAMID MAKER

Son of Ibrahim maker
Muslim, Adult
Resident of 11-A-1/2
2nd Gizri Street
Phase 4, DHA
Karachi.

11. MUNIR AHMED

Son of Wazir Ahmed
Muslim, Adult
Resident of B-2, Block 'C'
North Nazimabad
Karachi.

12. SHEHRI - CBE

A society formed under the
Societies Registration Act
Through its Chairman, Sameer H. Dodhy
Having its office at 88-R
Block-2, P.E.C.H.S.
Karachi

RESPONDENTS**1. KARACHI METROPOLITAN CORPORATION**

Through its Administrator
1st floor, Civic Center
Gulshan-e-Iqbal
Karachi

2. PROVINCE OF SINDH

Through the Secretary Housing & Town
Planning
Sindh Secretariat
Karachi

3. SINDH ENVIRONMENTAL PROTECTION AGENCY

Through its Director General
ST-2/1, Sector 23
Korangi Industrial Area
Karachi.

4. SINDH BUILDING CONTROL AUTHORITY

Through its Director General
Civic Centre Annex
Gulshan-e-Iqbal
Karachi

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

Being aggrieved by the unlawful and ad-hoc process of commercialization sought to be perpetuated by the Respondent No.1 in respect of the part of Sir Syed Road running from Khalid Bin Waleed Road to Kashmir Road between Blocks 2 and 3 of the P.E.C.H.S (the "Subject Road") as well as in respect of individual plots bearing Plot Nos. F-1, F-2 and F-6, Block 3, Scheme 5, Clifton and Plot No. 1/67-A, Block-1, Shah Faisal Colony (hereinafter collectively referred to as the "Subject Plots") vide Notification No. Legal Advisor/7552/2011 dated 28.12.2011 (hereinafter referred to as the "Impugned

Memorandum"), the Petitioner hereby tenders this Petition on the basis of the facts and grounds stated hereinafter:

** A true copy of the Impugned Memorandum is filed herewith as Annexure "A".*

Facts:

The Petitioners most respectfully submit as under:

1. That the Petitioners Nos. 1 to 11 are

civic minded persons and the Petitioner No. 12 is a non-profit association registered under the Societies Registration Act, 1860, all of whom are concerned with the preservation of the environment of residential areas and interested in ensuring that any reclassification/commercialization of roads and/or plots takes place in accordance with the law and that the fundamental rights of citizens, including their own, are not infringed as a consequence.

2. That the Petitioners Nos. 1 to 4 reside in the immediate vicinity of the Subject Road,



whereas the Petitioners Nos. 5 and 6 reside in close proximity to the Subject Plots. The Petitioner No. 7, being a renowned engineer, and the Petitioners Nos. 8 and 9, being prominent architects, are well versed with the concepts of modern city planning and are concerned by the haphazard and ad-hoc commercialization of residential areas, which has wreaked havoc on the city and its residents.

3. That the Subject Road has been part of a planned area zone as residential from the outset of the master-planning of the PECHS scheme and plots abutting the same are either of 1000 or 2000 square yards each. In all, 19 plots are situated on the Subject Road, all of which are classified as residential. Of these, 17 are being used purely for residential purposes and only two are being illegally used for commercial activity. Even so, the construction on all 19 plots is residential in nature (i.e. single storey or ground plus one). Furthermore, the standard lease of these plots specifically contains a restrictive covenant confining their use to residential purposes.

** A photocopy of a standard Form "B" Lease is filed herewith and marked as Annexure "A". Area maps of Block 2 and 3 P.E.C.H.S. showing the layout of the Subject Road are filed herewith and marked as Annexures "B-1" and "B-2" respectively.*

4. That in the context of the Subject Road it is pertinent to mention that vide Constitutional Petition Number 1434 of 2011 ("CP 1434/2011") the commercialization of a residential plot situated on the Subject Road (i.e. Plot No.161-A) was previously challenged on the primary ground that the Subject Road had not yet been declared to be open/eligible for commercialization. On 10.05.2011 this Honourable Court was pleased to pass an Order of status quo on an Application bearing CMA No.6578/11 seeking to restrain the respondents therein, including the now defunct City District Government Karachi (the "CDGK"), the predecessor of Respondent No.1 from taking any further steps in perpetuation of the impugned NOC for commercialization.

** True copies of the Memo of Petition in CP 1434/2011, CMA No.6578/11, and the Order dated 10.05.2011 are filed herewith as Annexures "C-1" to "C-3" respectively. A printout from the website of the CDGK reflecting its defunct status is filed as Annexure "D".*

5. That in the context of the Subject Road it is also pertinent to draw attention to the Memorandum dated 23.12.2010 filed as Annexure "F" to the Memo of Petition in CP

1434/2011 as well as the Counter-Affidavit filed by the since defunct CDGK in the said matter, from which it is evident that the application of the owner of Plot No.161-A for change of land use had initially been declined by the CDGK in view of the fact that the said plot was not situated on a declared commercial road. However, paradoxically, in that case, following a review application filed by the owner, the matter was presented to and summarily passed by the erstwhile Commercialization Committee without addressing the objections that had been raised or even discussing the implications on amenities and infrastructure. Furthermore, from what is discernible as per the said Memorandum dated 23.12.2010, a physical survey of the area was said to have been purportedly been carried out post haste, giving rise to the bare observation that "other plots are being used as commercial", and the permission for change of land use was irrationally granted by the erstwhile Administrator, CDGK on that basis. As such, it is evident that the public functionaries at the helm of the defunct CDGK were even then purporting to exercise their perceived discretion in a mala fide manner, contrary to the basic parameters defining/circumscribing the same, and were obviously proceeding in an illegal, arbitrary and unreasonable manner.

True copies of the Memorandum dated 23.12.2010 and the Counter-Affidavit filed by the CDGK are filed as Annexures "E-1" and "E-2" respectively.

6. That Plot Nos. F-1, F-2 and F-6, Block 3, Scheme 5, Clifton (collectively referred to as the "Clifton Plots") and Plot No. 1/67-A, Block-1, Shah Faisal Colony (the "Shah Faisal Plot") have been also designated as residential from the outset while the plots in the immediate vicinity are all similarly zoned for residential purposes.

7. That of the Clifton Plots, each of which measures 2000 square yards, Plot Nos. F-1 and F-2 are situated on Shahrah-e-Saadi, whereas Plot No. F-6 is situated on the corner of two internal lanes that are merely 30 feet and 40 feet in width respectively and, needless to say, are designated as residential in character. Similarly, the Shah Faisal Plot, which measures only 152 square yards, is situated on a residential road measuring 300 feet in width.

** Area maps of Clifton showing Shahrah-e-Saadi and the location of the Clifton Plots are filed as Annexures "E-1" and "E-2". Area maps of Shah Faisal Colony showing the Shah Faisal Plot are filed as Annexures "F-1" and "F-2".*

8. That in the context of the Clifton Plots it is noteworthy that in a matter pertaining to Plot No. F-8, Block 5, Clifton, also situated on Shahrah-e-Saadi, construction thereon was halted and the commercialization permission that had been granted was withdrawn in view of the fact that the overall commercialization of the entire road had not been preceded by an Environmental Impact Assessment ("EIA"), in terms of the Pakistan Environmental Protection Act, 1997 ("PEPA").

True copies of documents relating to the proceedings in respect of Plot No. F-8 are filed as Annexures "G-1" to "G-3" respectively.

9. That, however, undeterred by precedent the Respondent No.1 has nonetheless sought to commercialize the Subject Road and the Subject Plots vide the Impugned Memorandum despite having no power or authority in that regard and without even conducting any proper survey of the respective areas and issuing any public notice or affording the general public the basic right to tender their objections and be heard. Furthermore it obviously merits consideration that no EIA has been conducted to date in respect of the Subject Road, Shahrah-e-Saadi or any of the other roads on which any of the Subject Plots are situated, and it is evident that the Respondent No.3 has failed in its statutory duty to take requisite measures to check the unlawful actions of the Respondent No.1.

10. That it is also pertinent to mention that the Petitioner No. 12 has regularly addressed various civic agencies (including the Respondents No.1 as well as the now defunct CDGK) for the purpose of obtaining information under Freedom of Information Act 2006 regarding the process of commercialization of roads and/or plots, especially the elements of town planning, if any, underpinning the same. However, albeit the fact that the information requested belongs in the public domain and rightly ought to promptly be made available on demand upon the application of a requesting party, not even a single request of the Petitioner No.12 has been acceded to or been met with any response other than silence. As such, it is evident that in order to conceal their misdeeds and in to frustrate any attempt on the part of civil society to check the same, the civic agencies of Karachi have adopted an obdurate posture of silent denial.

True copies of the requests of the Petitioner No.12 are filed as Annexures "H-1" to "H-___" respectively.



11. That, furthermore, in order to inform the Respondent No.1 of the environmental disaster that has resulted in areas subjected to unplanned and ad-hoc commercialization and the problems consequently being faced by the residents thereof, the Petitioner No. 12 addressed a letter dated 25.02.2012 to various functionaries of the Respondent No.1. However, no response was forthcoming from any quarter.

* A true copy of the letter dated 25.02.2012 is filed as Annexure "I".

12. That the Petitioners have a vested right to ensure that any change of land use takes place in accordance with law, and pursuant to transparent and systematic process whereby the same is preceded by a proper survey of the area as well as necessary improvement of amenities/infrastructure, and residents are provided an opportunity of tendering their objections and afforded a hearing. Furthermore, the Petitioners also have a right to receive information on application to civic bodies/agencies for the purpose of ascertaining the legality and propriety of action proposed or taken by them.

13. That being aggrieved by the action of Respondent Nos.1 and there being no alternate efficacious remedy, the Petitioners tender this Petition on the following grounds:-

GROUND

A. That the Impugned Memorandum is inherently flawed and the Respondent No.1 has no power/authority to undertake any process of commercialization or entertain any applications for change of land use. As such the Impugned Memorandum is misconceived and bereft of legal sanction.

B. That, even otherwise, a residential road has to be properly surveyed and evaluated on the basis of the principles of town-planning prior to any commercialization thereof.

C. That the Impugned Memorandum has obviously been issued on the basis of mala fide considerations so as to favour persons whose applications for change of land use are under challenge or who have a vested interest in the commercialization of particular plots.

D. That the Respondent No. 1 has sought to alter the town planning conditions of the Subject Road and the Subject Plots without complying with the doctrine of structured

discretion as clarified by the Honourable Supreme Court of Pakistan whereby an authority must ensure that any decision made by it is made pursuant to:

- (i) open Plans,
- (ii) open policy statements,
- (iii) open rules,
- (iv) open findings,
- (v) open reasons,
- (vi) open precedents, and
- (vii) fair informal procedure, the essence of all of which is enshrined in Article 19-A of Constitution.

E. That, as is evident from the case of 'Noman Costello' relating to Shahrah-e-Saadi, Clifton, a prior Environmental Impact Assessment ("EIA") is required for the entire road before it can be considered for commercialization, and commercialization of a road or the ad-hoc commercialization of plots thereon would result in the circumvention of this requirement.

F. That, without prejudice to the foregoing, the commercialization of the Subject Road and the Subject Plots would lead to the construction of a multi-storied buildings which would violate the easementary 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 respective areas. Whilst a single unit house on a plot may have had occupancy of 10 to 12 people, a new 10+ storey structure would house a population in excess of 400-500 people rendering it an unsustainable project with the already deficient and scarce utilities and social/physical infrastructure and would completely destroy the residential nature of the vicinity. Plus to have a ground plus 16 storey in the midst of a G or G+1 residential area would be completely incongruous to the master planning and zoning of the area, with all its inherent and intrinsic problems.

G. That without prejudice to foregoing, it is submitted that in the presence of the existing infrastructure, commercial construction on the Subject Plots and the plots abutting the Subject Road will cause hindrance, congestion, water shortage, sewerage and electricity breakdowns, and would also give rise to un-hygienic conditions, obstructions, and immense traffic and parking problems. Moreover, the impugned conversion and/or construction will result in environmental degradation due to an increase in noise, pollution of the atmosphere and injury correlative to the properties and interference with its use. In

such circumstances, the peace and tranquility of the low density residential area along with its amenities as well as right of the Petitioners to the use and peaceful enjoyment of their respective houses will be threatened.

H. That the Impugned Memorandum has been issued without even conducting proper surveys of the respective areas that will inevitably be impacted/affected or giving the residents and opportunity of tendering their objections and being heard.

I. That despite the Right to Information being an integral part of the constitution in terms of Article 19-A, as well as the Sindh Freedom of Information Act 2006, the Respondents Nos. 1 and 4 as well as other public bodies/agencies are flagrantly violating the tenets thereof by not providing the basic information requested by members of the public, thus resulting in the violation of a fundamental right. Furthermore, it stands to reason that had the Respondents Nos. 1 and 4 other public bodies/agencies been providing access to information to citizens, as per their right, maladministration, corruption and bad governance would have stood checked to great extent.

J. Any other grounds this Honourable Court permits the Petitioners to raise.

PRAYER

It is, therefore prayed that in the interests of justice this Honourable court may be pleased to:

(i) Declare that the Respondent No.1 lacks the power/authority to undertake any process of commercialization or entertain any applications for change of land use.

(ii) Declare that an EIA and comprehensive survey, planning and justification for commercialization, including the provision in advance of the necessary utilities and social/physical infrastructure are prerequisite for a residential road to be designated as commercial.

(iii) Declare that public hearings with full justification and rationalization of public objections be held before proposing any change in a zonal master planning of an area, inclusive but not limited to commercialization and change of land-use of individual roads and plots. Such public hearing will have to properly address all public objections with full justification in writing, inclusive but not limited to upgrading of infrastructure, utilities and other concerns associated with

Continued on Page 17



COMMENTS ON BEHALF OF SHEHRI-CBE IN COMPLINACE OF ORDER DATED 27/5/2011

In the High Court of Sindh at Karachi (CP No.D-2884/2010)

M.S. Tariq Petitioner V/s. K.W.S.B. Respondents

The assistance sought by the Hon'ble High Court is "to determine as to whether there is any justification for maintaining and operating hydrants in Karachi and if so in what numbers and in what manner should be operated.

Shehri comments are as follows

1. The Karachi Water and Sewerage Board Act 1996 states "An Act to provide for the establishment of a Board for supply of water and disposal of sewerage in the Karachi Division". (Annexure-A)

Chapter X, Section 15 of this Act states that the government may make rules for the purpose of this act. We have not been able to access any rules that have been made under this act. Perusal of the KWSB Act 1996 shows there is no mention of the word "Hydrant" in the Act as an alternative for supply of water, only the wording "water supply to tankers" is stated as part of Chapter V of Section-3(b) in Powers and Functions of the Board.

We have received a Standard Operating Procedure (SOP) from the office of the MD KWSB dated 25th August 2009 which outlines Hydrant Operations, titled "Hydrant Services/Tankers Operations" (Annexure A/1). This document itself is weak and shows no clarity about hydrants, it contradicts itself in clause 2 & 7. There is no proof that it was ratified by the KWSB Board, for a city of approx 16 millions who face a "so called water shortage" this document tilts in favour of contractors, political pressure, VIP's, no mention of the poor citizens, who are supposed to benefit from these hydrants.

4. The KWSB according to details available on its website (<http://www.kwsb.gos.pk/>) is managed by the following board. From documents and information received the Board is non-existent in power. The Board has not ratified any agreements between the contractors operating the hydrants and KWSB. The SOP has not been ratified either. The Board has not made any rules of business. Perusal of the Board shows that there is no citizen representation, everyone on the Board is not representative of the

citizens in the true sense, the Ministry of Environment, citizens groups, health department, planning departments are missing. Our information informs as that there is a constant tussle between the provincial government and the local government. Political parties through their pressure are constantly interfering in the workings of the KWSB. Political parties want water supply to their constituencies, and industrial and commercial areas, where major percentage of the hydrant water goes i.e. 60%. Political parties get their members employed, their allegiance is to the party and many moonlight away from work for party responsibilities, neglecting their work at the water utility.

The Board reflects how weak it is, therefore it allows this. There is no real proof on ground that the Board in its present state has the will and authority to deliver the mandate of KWSB Act 1996.

The KWSB Board

- 1 **Haji Munawar Abbasi, M.P.A**
Vice Chairman
- 2 **Additional Chief Secretary (Dev.)**
Member
- 3 **Secretary, Local Government Department**
Member
- 4 **Secretary, Industries Department**
Member
- 5 **Secretary, Finance Department**
Member
- 6 **Special Secretary (HTP) Local Government Department,**
Member
- 7 **Five Town Nazim to be co-opted by the Chairman,**
Member
- 8 **Chairman, Karachi Port Trust**
Member
- 9 **Chairman, Karachi Electric Supply Corporation**
Member
- 10 **President, Karachi Chamber and Commerce Industries**
Member
- 11 **Managing Director, KW&SB**
Member

- 12 **Executive Officer**
Military Lands Karachi
Member
- 13 **A nominee of Chairman, Defense Housing Authority Kharachi**
Member
- 14 **Divisional Superintendent, Pakistan Railway, Karachi**
Member

We have been able to access minutes of three meetings of the KWSB Board, perusal of which shows that there is no plan to ratify hydrants their functions and how to resolve the problems of people being serviced by these hydrants (Annexure -D, D/1& D/2)

5. We have not been able to access any rules made by the various Board since the establishment of KWSB, which would help in establishing the legality of these hydrants, as the legislation itself does not mention hydrants as an alternative for water supply. There is no legislative notification by which these hydrants are operating. In the SOP, the control and supervision of the hydrants and tanker operations is the responsibility of the Chief Engineer Hydrant Services/Tanker Operations, whereas in the Organogram showing the Management structure of KWSB, there is no such post.

6. The back ground of the hydrants was that in 1983 KWSB inherited the hydrant water system from KMC in a very small manner as the purpose was only for VIP and water to Orangi and Baldia and Site town. In 1983 after completion of the Hub Water supply Scheme, KWSB added 100 Million Gallons Daily (MGD) especially for the water starved towns of Orangi, Baldia and Site. The necessity of the hydrants disappeared.

7. KWSB immediately after its establishment had started work on Phase-4 of K-1 and K-2 which were the Greater Karachi Bulk Water Supply Scheme. Both these schemes were completed in 1997, thus another 235-mgd was added to the system. Supply and demand were equalized, the need for the hydrants was made redundant. However, KWSB suffered a setback as 100 MGD from the Hub Dam sources dried up due to drought and KWSB



began supplying potable water to the Hub dam consumers which were Site, Orangi, Baldia and two new areas North Karachi and North Nazimabad through hydrants.

To create enough pressure and water, KWSB installed a 43 mgd pumping station at Khawaja Ajmer Nagri and 40 mgd pumping station as Pipri and the Hub Dam consumers were supplied 83 mgd water through pipes and the remaining shortfall 17 mgd was sent through hydrants/tankers.

Then in July 2001, heavy rains resulted in the filling of Hub Dam and there was sufficient water to meet the requirements of the original Hub Dam consumers i.e. Site, Orangi and Baldia, (and even today there is sufficient water in the Hub Dam as it is being replenished through sufficient rain fall in the catchment areas).

Therefore 43 mgd from the Khawaja Ajmer Nagri pumping station was diverted to Qasba Colony, North Karachi and parts of North Nazimabad and 40 mgd from Pipri was diverted completely for the consumers in Korangi, Landhi Industrial area and DHA. The hydrants constructed during the Hub Dam drought/shortage, remained operative despite there been no reason for their existence (KWSB has stated that the hydrants they continued to operate and exist under police and political pressure and patronage).

8. The coming of the local government system and the SLGO 2001 established 18 towns, 178 Union Councils and approximately 2300 councilors who brought with them more political pressure, the Board virtually disappeared and persons not authorized to run the affairs of KWSB (e.g. is the agreement of Baldia Town Hydrant (Annexure - E) which was signed by the Baldia Town for 12 years. There is no legal cover available to this agreement in the KWSB Act 1996 or the SOP dated 25th August 2009, neither has been ratified by the KWSB Board. The councilors, Nazims use their political clout to keep the hydrants running though they were not required as KWSB through its water system had equalized the demand and supply of water for Karachi. To further enhance water availability in 2006, KWSB through the K-3 scheme added a further 135 mgd to Karachi water supply. This enhancement completely eradicated the need for water distribution through hydrants and tankers but the Government of Sindh bowing to political pressure, continued to allow the Sindh Rangers to operate the following KWSB managed hydrants, which were as follows;

a) Lower Supply Reservoir (LSR) - Civic

Centre, Gulshan-e-Iqbal

b) Muslimabad - Jamshed Town (Distt. East)

c) Sakhi Hassan Pump House - North Nazimabad Town (Distt. Central)

d) Water Pump (FB Area) - Gulberg Town (Distt. Central)

e) Shah Faisal No.4 - Shah Faisal Town (Distt. East)

f) North East Karachi, near Saadi Town, Super Highway

g) Saba Cinema Hydrant, near North Karachi

h) Jamia Millia, Malir - Malir Town (Distt. East)

In 2007 the Rangers handed back to KWSB the above hydrants.

9. KWSB does not manage any hydrants it is a miss representation of facts. KWSB auctions/tenders the operation of these hydrants. The KWSB only has 8 tankers according to the MD. The contractor who is awarded the contract to run the hydrant owns the tankers and according to the legal requirement, the contractor cannot have less than 10 tankers at his disposal of min 1000 mg capacity. (information received from KWSB and perusal of documents). The contractual agreement between KWSB and the contractor is flawed and tilts in favour of the contractor. KWSB should be directed to submit on record all the contracts signed between KWSB and the contractors. These contracts should be examined by independent legal counsels, to further determine their efficacy, and then determine how a public body whose mandate is to supply water is failing (copies of some contracts as given by KWSB enclosed as Annexure -F). These contracts do not even show the time period the contractual agreement is for.

10. From 1998 to 2007 KWSB informs us that there was no Standard Operating Procedure (SOP) or Rules of Business in their files concerning the running of hydrants since the Rangers controlled them. This means that from 1996 when the KWSB Act was passed till August 2009, there was no Standard Operating System (SOP) for Hydrants, and every Board Meeting, Rangers Management and CDGK period pursuant thereof no SOP for Hydrants is available on record. Yet these Hydrants existed, water was taken and sold and KWSB received an income. The first SOP for hydrants is dated 25th August 2009. "Section 3 of the SOP clearly shows that 40% of all trips undertaken by the tankers/operators will be as General Public Service (GPS) and 60% trips will be undertaken on commercial basis".

Advertisements for tenders are placed in the various newspapers such as Daily Jang, Daily Regional Times, Daily Buopar, the Daily Suboh Karachi and the Financial Daily.

11. The KWSB hydrants presently operates as stated by MD KWSB by letter dated 10th March 2012 the following hydrants (Annexure-G)

12. KWSB has submitted an amendment to the KWSB Act 1996 (Annexure H) which is lying before the Chief Minister of Sindh. This legislation needs to be vetted and we recommend that in Section 14, Sub-Section (f)(v) of the KWSB Act, the following be added


"Whosoever is directly or indirectly involved in an illegal Pumping Station or caught carrying water from an illegal hydrant in tankers or any other vehicles shall be punished with imprisonment of either description for a term which may extend to 14-years but not less than 10 years with fine which may be up to Rupees Ten Millions and their tankers/vehicles and pipes confiscated and owners of such vessels punished as owners of hydrants".

Section 14(f)(iii)), the following be added Whosoever is directly or indirectly involved in an illegal hydrants, or carrying water stolen from illegal hydrants in a tanker or any vehicle thereof shall be punished with imprisonment of either description for a term which may extend to 14 years but not less than ten years with fine which may be up to Rupees Ten Million, and their tankers confiscated.

Section 14(f)(vii) the following be added

Whosoever is directly or indirectly involved in any conduit, trunk mains, Reservoirs, Canal's, Water lines, tankers transporting stolen water from KWSB installations, illegal hydrants Sewerage lines, pumping station, Sewerage Pumping Station, Chambers, Valve Chambers, their reservations for Commercial, Valve chambers, their reservations for commercial purpose "shall be punished with imprisonment of either description for a term which may extend to fourteen years but not less than ten years with fine which may be up to Rupees Ten Million".

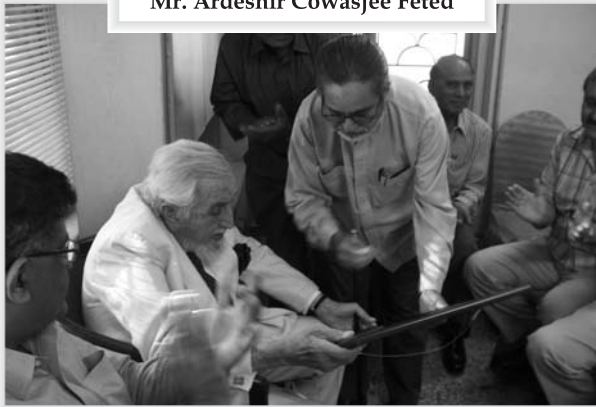
Section 14(j) the following be added

"Removal of Encroachment and Structures, hydrants, illegal water, the following should be added "removal /confiscation of tankers parked on KWSB land to carry stolen water from the illegal water hydrants. 



A C T I V I T I E S

Mr. Ardeshir Cowasjee Feted



Ansa Report



Climate Change Workshop



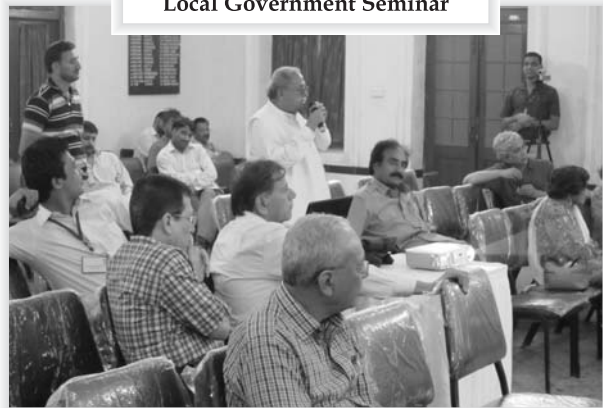
Tree Cutting



Local Government Seminar



Local Government Seminar





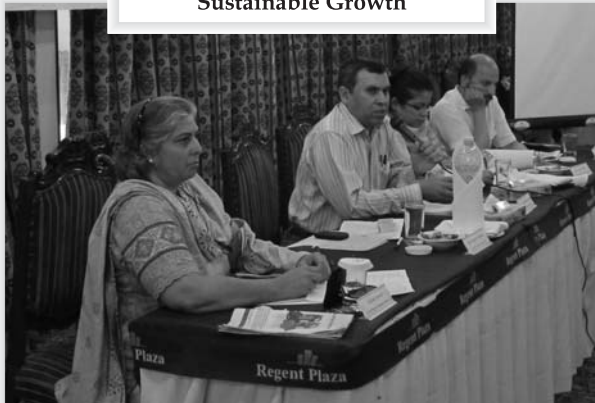
Sustainable Growth



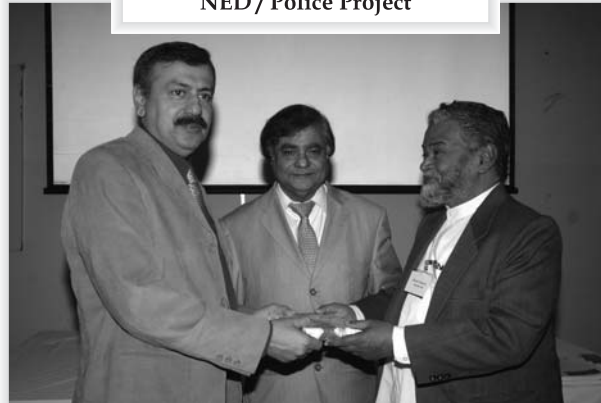
NED / Police Project



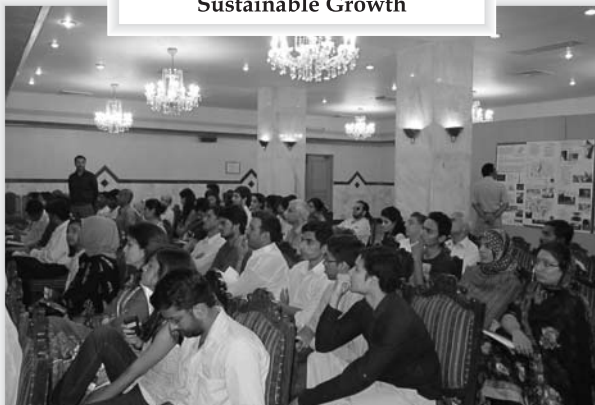
Sustainable Growth



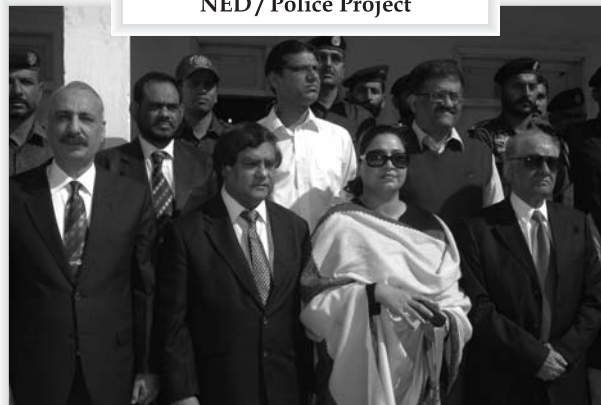
NED / Police Project



Sustainable Growth



NED / Police Project





DESIGN WORKSHOP OF COMMUNITIES OF PRACTICE ON FREEDOM OF INFORMATION / RIGHT TO INFORMATION IN DHAKA



FROM 22 TO 23 JANUARY 2012 - REPORT BY SARWAR KHALID

A Design Workshop of Communities of Practice on Right to Information was organized in Dhaka from 22 to 23 January 2012 by Affiliated Network for Social Accountability (ANSA). Participants each were invited from Pakistan, India and Nepal. Zahid Abdullah of CPDI and I represented Pakistan in the Workshop.

The workshop started at 0930. The participants were welcomed by ANSA representative and were asked to briefly introduce themselves in 3 minutes. I introduced myself and briefly explained the work that SHEHRI has done so far regarding Right to Information. Then NaimurRahman, chief executive of ANSA explained the objectives of the workshop. As he was explaining what community of practice was, I also showed him an example of COP. He appreciated it and informed the workshop that it is a very famous example of COP. I quote the example below.

A famous example of a community of practice within an organization is that which developed around the Xerox customer service representatives, who repaired the machines in the field. The Xerox representatives began exchanging tips and tricks over informal

meetings over breakfast or lunch, and eventually Xerox saw the value of these interactions and created the Eureka project to allow these interactions to be shared across the global network of representatives. The Eureka database has been estimated to have saved the corporation \$100 million.

Then panoramic view of Right to Information in South Asia was presented by VenkateshNayak of CHRI. After which there was plenary exercise to know each other and expectations from the workshop that was moderated by Meg McDermott of World Bank and Venkatesh of CHRI. I explained to them that since 2004, SHEHRI is filing applications on Right to Information to different organizations. Again, NaimurRahman, chief executive of

ANSA, explained the concept and working of a COP.

After Lunch Break, a brainstorming session was co-moderated by Shekhar Singh and VenkateshNayak. In this session, it was discussed as to what should an RTI-COP look like and do. Details discussed included: membership criteria and eligibility and



(L-R) Sarwar Khalid, Prof. Shekhar Singh, Zahid Abdullah



(L-R) VenkateshNayak, CHRI-India, Sarwar Khalid, Shehri-Pakistan



(L-R) AHM BazlurRahman, NaimurRahman, Sarwar Khalid Suraiya Begum



(L-R) Meg McDermott of World Bank, Sarwar Khalid, Shehri-CBE



representation for each country, in country focal points, areas of focus for the COP. After Tea break, wrap up discussion was held and the day's session ended at 1730 hours. We reached the Civic Inn at 1830 hours. At 1930 hours, we were ready to be picked up for the dinner arranged by the ANSA. After dinner, the tiring and long day ended at 2200hours.

On 23 January 2012, the workshop started at 0930 hours with a group work for developing a plan of action for the in-country and

regional RTI-COP, there were country group presentations in which I along with ZahidAbdullah presented Pakistan. We informed the workshop that we would like the Laws of RTI to be stronger and firmly implemented. I informed the workshop that SHEHRI has already been working on an ongoing project which started in January 2012, we have planned program for 2012 specifically on the RTI, and then the plan of action for the COP was discussed. Then there was discussion about regional bodies and networks in South Asia. After Tea break,

there was wrap up discussion and the day ended 1800 hours.

24 January 2012 was technically a free day but we had meetings with NaimurRahman. from this meeting I could gather that World Bank and ANSA are looking into country organizations to give funds regarding RTI. Therefore I had arranged a telephone conversation between Mrs. Amber Alibhai of SHEHRI and Mr. NaimurRahman of ANSA, so that funds are allotted to SHEHRI for the RTI.

Continued from Page 2 - Editorial

and executive relevant to the city are lacking both the willingness and capacity to meet these challenges and are often found either turning a blind eye or becoming part of the process of violation of rules and regulations meant to safeguard the city's interest. The fundamental challenge is therefore related to the larger governance and institutional framework that need to be addressed first. Understanding the

political economy is the first step in moving towards devising a viable strategy for reforms.

A beginning can be made by preparing through a participatory process, a *Climate Change Adaptation Strategy* for Karachi City that could help in mapping the tasks at hand starting with a mapping of exposed and vulnerable people and assets. It would be a task

that would require working with probabilities, trends and translating them into marking physical jurisdictions (risk zones) and assessing risks to the people and assets located within. This would require a willingness and capacity to invest in research and generate and work with data on a regular basis.

Continued from Page 11

the change of land use, primarily increased densification of population.

- (iv) Declare that the actions of the Respondent No. 1 towards changing the status of the Subject Road and the Subject Plots vide the Impugned Memorandum is contrary to law and is void ab initio.
- (v) Permanently restrain the Respondent No.1 from taking any steps on the basis or in furtherance of the Impugned Memorandum.
- (vi) Permanently restrain the Defendant

No.4 from issuing any approval or NOC for the construction of a commercial project on the Subject Plots as well as any plots situated on the Subject Road, and from proceeding further on the basis of any approval or NOC already granted.

- (vii) Declare that pursuant to Article 19-A of the Constitution of Pakistan every citizen has the fundamental right of access to information in all matters of public importance and is entitled to seek and receive information from public institutions.
- (viii) Direct the Respondents to ensure that all public agencies, bodies, departments

operating under their jurisdiction and/or control respond within the stipulated 21 day timeframe to requests for information from members of the public and either accede to the same or provide reasons in writing for their inability to do so.

- (ix) Grant costs.
- (x) Grant such other relief as this Honourable Court deems just and proper in the circumstances.

* The case was presented on 06/04/2012 and the Notification was suspended. The Master Plan Department of KMC has filed comments and case will now be heard in August 2012.



Project for promoting the cause of social accountability through the use of the Freedom of Information Act – A Shehri-CBE initiative

“A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both”

James Madison

FOI: UNDERSTANDING THE CONCEPT

To access information, which has direct or indirect impact on peoples' life, is a fundamental human right. In 1946, during the first session, the UN General Assembly adopted Resolution 59 (1), which stated: “Freedom of Information (FOI) is a fundamental human right ... the touchstone of all the freedoms to which the UN is consecrated”. This was followed by the Universal Declaration on Human Rights in 1948.

WHAT IS MEANT BY FOI?

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

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

Concept of FOI includes, but not limited to:

- ☛ The public has the right to have access to information that the government (or other powerful institutions) hold about them
- ☛ The public has the right to see and hear what is going on in the legislature, courts, and other public bodies
- ☛ The public has the right to know what has been decided for them

This list becomes bigger if we enlist all different types of information that the public is entitled to – finance, environment, health, and education, to name a few. Governments should keep and maintain record of information under different departments/institutions. This record is vital for decision making, revenue generation, taxation, conducting elections, land succession, etc. More importantly, such information is important for transparency in government functions and accountability of those people who make decisions, which affect the people.

IS FOI A HUMAN RIGHT?

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

The Constitution of Pakistan 1973 does not provide for a separate constitutional right to freedom of information, rather it includes “right to expression”, which includes freedom of information, as one cannot express unless information is available. This position is clearly stated in Mohammad Nawaz Sharif vs. President of Pakistan case in which the Supreme Court held that the right of citizens to receive information can be spelt out from the freedom of expression guaranteed in Article 19 of the Constitution.

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

BRIEF HISTORY OF FREEDOM OF INFORMATION LEGISLATION IN PAKISTAN

Pakistan is the first country in the South Asia, which promulgated Freedom of Information Ordinance, 2002 at the Federal level. Despite the passage of four years since promulgation of the Ordinance, the results expected from this law are still awaited. This can largely be attributed to the lack of public awareness about the very existence of this law and certain gaps in the legislation that allow the culture of secrecy in government departments to inhibit and restrict public access.

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

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

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



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

2000 The government of General Pervez Musharraf made public a draft FOI Bill with the aim of soliciting public view.

2001 CRCP, a national non-profit organization, proposed a Model Freedom of Information Act to the Government and launched a Campaign on Freedom of Information (FOI-Pakistan).

2002 The President of Pakistan, Gen. Pervez Musharraf, promulgated the Freedom of Information Ordinance in October, 2002. The Ordinance is applicable to the ministries, attached departments and agencies, and commission or authorities of the Federal Government. It does not apply to public bodies of the provincial or local governments.

2006 Governor Sindh promulgated Freedom of Information Ordinance in Sindh

2010 Article 19-A Right to Information:- every citizen shall have the right to have access to information in all matter of public importance subject to regulation and reasonable restrictions imposed by law. (inserted by Constitution (Eighteenth Amendment) Act, X of 2010

THE PROJECT

Shehri-CBE's mandate is to work for the betterment and protection of the environment. This does not simply mean tackling air and water pollution or growing more trees; it means promoting all those laws, policies and actions of government which make our living environment conducive to happiness. Shehri's group of volunteers has, for the past two decades, with help from within and outside Pakistan, raised awareness among the citizens, judiciary, professional bodies, press/media, politicians and other concerned institutions about the problems facing our urban landscape and how closed-door discussions and non-transparent decision making processes employed by public servants and elected representatives continue to play havoc with our daily lives.

Shehri-CBE has exposed many tools, through public interest litigation (PIL), citizens' help desk, seminars/workshops, newsletters/brochures, press statements, website, the lack of transparency and accountability within the system which thwarts the citizens' attempts to get good governance. In 2007, we used the Freedom of Information Ordinance 2002, including an appeal before the federal ombudsman, and were successful in obtaining relevant information that was successfully used in a high court petition against violations of the town-planning rules. Since then, we have used it where necessary to obtain similar information.

As happens in all developing countries, especially where corruption is high, an awareness of people's rights among citizens and government departments is extremely limited. Our government officials are so used to violating laws- they simply are unwilling

PROJECT OBJECTIVE

To raise awareness about FOI, Article 19-A, encourage people to use it, show its efficiency, show its strength, power and usefulness through various activities. (Just as HRCP has used human rights violations as a violation of our constitution) We want to show that by not complying with Article 19-A, the bureaucracy, politicians, regulatory authorities are in violation of our basic constitutional right i.e. "the Right to Information"

to accept requirements of FOI legislation. The recent inclusion of Article 19-A in our Constitution has generated an opportune moment to promote awareness about FOI as universally accepted tool for good governance.

Shehri-CBE, with its established track record, is in an ideal position to do so and has thus initiated a project - Promotion of Article 19-A of the Constitution of the Islamic Republic of Pakistan for transparent governance and citizen empowerment - (funded by the Foundation Open Society Institute - Pakistan) to inform people/citizens, professional bodies, politicians, students, the provincial and federal ombudsman office, and public servants on what FOI is: its power, how it can be used, what are its benefits, where the present legislation is weak, assist in capacity building of the ombudsman and its personnel who are mandated to receive

and address complaints, how and what to do under FOI and assist them in their follow up.

ACTIVITIES

The major activities conducted to achieve project objectives would be:

1. Awareness about Article 19-A through an advertisement campaign and the Sindh Freedom of Information Bill 2006
2. Setting up and maintaining a help desk to assist and guide citizens on how to file and follow up FOI applications
3. As a test case, to diligently follow up before the competent authority a complaint that we have filed since February 2010. The regulatory body KBCA is well past the statutory reply period and at each date the information is deliberately incomplete and incorrect
4. In case the normal procedure does not generate the required results, to file a petition in the High Court of Sindh to ensure that government departments comply with the intent and requirements of the FOI legislation.
5. Capacity building of the Provincial Ombudsman's office and other government departments e.g. CDGK, KBCA, KWSB, SEPA. They have repeatedly requested that Shehri-CBE educate and inform their officers about FOI. How to handle complaints, how to seek information from unwilling departments. This will be done through workshops and seminars

Two important advocacy outputs would be a (1) Toolkit, informing about the background to the FOI legislation and the process of accessing information by invoking the legislation (2) a Video Documentary that serves to promote the cause of usage of the FOI legislation and identifies critical constraints in achieving the desired objectives.

PROJECT STATUS

A Petition has been filed in the Sindh High Court. Public information and advocacy advertisement are now being published in the leading national publications. The Toolkit has been drafted, while work on designing and organizing the capacity building workshops is ongoing. Work has also been initiated on preparing the video documentary





ATTENTION!

Station House Officer (SHO)

Ferozabad Police Station
Karachi



SHEHRI



SAVE OLD KARACHI TREES

April 28, 2012

Re: Tree cutting: Plot No.149-A Block - 2, Allama Iqbal Road, PECHS, Karachi Violation of High Court order in CP No.D-2234/2007

Dear Sir

Enclosed are photographs showing the attempted cutting of a tree more than 50 years old located at Allama Iqbal Road in front of "Faisal Motors" Plot No.149-A, Block-2, P.E.C.H.S. The massacre and a cutting of a huge tall and grand tree is two-step process in which the first step involving the cutting of the branches as already been undertaken and the next would be to cut the tree from its trunk. The tree has been cut by the owners of car showrooms operating on Plot No.149-A, as the said tree would have created a visual hindrance for their showrooms. This inhumane act was carried out notwithstanding the fact that the said tree provided much needed respite and shade in the scorching summer heat for the weary pedestrians. The said tree is on the public pavement away from the plot line and therefore not the property of "Faisal Motors" who are encroaching and parking cars on the public footpath and despite complaints no action by the police has been taken.

"Tree cutting is not permissible at all under standing orders/rules" - vide letter dated 29/02/2012 by Directorate of Parks and Horticulture - KMC

You are requested to investigate the matter and take stern action against the owners of showrooms/plot No.149-A for cutting the tree and also ensure that the tree is not cut further as with proper care what is left can be revived back to its original glory.

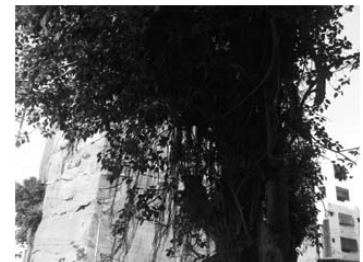
Failure to safeguards this grand tree would amount to an act of connivance by the Ferozabad Police Station.

Thanking you.

Sincerely,

-sd-
Mrs. Amber Alibhai
General Secretary
Shehri-CBE

c.c. Chief Secretary of Sindh
Commissioner Karachi
Administrator, KMC
DIG Police (East Zone)
Municipal Commissioner, KMC
D.C. East
SSP East
Administrator, DMC East





Workshop on Human Rights and Law Enforcement: Criminal Investigation

BACKGROUND

Policing in a democratic country, governed by the rule of law, requires law enforcement in accordance with the principles of natural justice and the universally accepted human rights standards. Conferred with unfettered powers, members of the police force tend to violate, rather than respect and protect human rights while discharging their official legal functions. As a consequence, the citizen is exposed, first to the perpetrators of crime and then to the indifference of the law enforcement machinery which denies him or her the basic rights of life, liberty and freedom of expression which are enshrined in Islam, the UN Universal Declaration of Human Rights and guaranteed by the Constitution.

Being the custodians of Human Rights and the gateway to the Criminal Justice System, Police officers bear the responsibility of providing the best service in accordance with international standards, in the most professional and dignified manner possible.

LAW ENFORCEMENT IN PAKISTAN

For a victim of crime, there can be no greater



trauma than being refused an FIR – the lodging of the First Information Report by the Police. It is the right of the complainant to have his/her report lodged by the Police and to have the case investigated. He/she is to be protected from any recurrence of violence. The accused is to be traced and apprehended and he/she is to be kept informed. The accused on the other hand, has the right of being deemed innocent until proven guilty. He/she has the right to a fair trial and the right of silence, which infers that he/she cannot be subjected to torture

or forced to depose anything which is self-incriminating. Before being arrested, he/she has to be informed of his/her rights and allowed to engage a lawyer of his/her choice to defend him/her.

Enforcement of these primary rights by the Police requires each of its members to be thoroughly aware of their importance and mandatory legal provisions. Their application has to be woven into every aspect of the investigation of a criminal case right from the time of registering an FIR (First Information Report) till the filing of the Charge Sheet against the accused in Court.

CITIZENS-POLICE INTERFACE

Citizens normally interact with the Police within the domain of traffic management. The Police are seen helping young and old people to cross roads or responding to '15' or '999' complaints. The real police-citizens interaction however takes place when a crime is committed and a citizen becomes a crime victim. He/she knocks the door of the Criminal Justice System and the Police is the first law enforcement agency of the state that comes in contact with him/her and is charged with the responsibility of bringing the violators of law to justice.





Karachi. The following Workshops have been conducted from December 2011 to March, 2012.

The programme of each workshop is appended in Appendix 'A'. No workshops were conducted in October, November 2011 and April 2012 due to deployment of Police Officers on emergency law and order duties.

OBJECTIVES OF THE WORKSHOPS

CRIMINAL INVESTIGATION

It commences when a complaint of crime commission is received by the Police. The information can be received through any

investigation, the implementation of international human rights standards and adoption of best practices by the Police are of paramount importance. It is therefore necessary that the Police are made aware of these international standards and best practices in criminal investigation.

The objectives of the workshops on Human Rights and Policing: Criminal Investigation were:

- a. To train the Police Officers to investigate the criminal cases on modern lines with Forensic support and within the ambit of human rights. They were made aware of the



sources. It is not necessary for a complainant to physically visit the Police Station and record his complaint. Upon receipt of the complaint, the crime scene is visited; secured; evidence collected and packed; places searched; recoveries made and suspects interviewed and accused apprehended by the Police. During all these stages of

APPROVAL OF THE WORKSHOPS

A series of these Workshops were approved by the Inspector General of Police, Sindh to be conducted from October 2011 to June, 2012 at Police Training College, Saeedabad,

principles of human rights enshrined in Islam, the UN Universal Declaration of Human Rights and the provisions of the basic law of the land that guaranteed these rights. They were thus envisioned to be protectors rather than violators of human rights.

- b. To develop the professional skills of Police officers in conducting searches of persons or premises without violating human rights; interviewing women in accordance with international standards and best practices; respecting the right of privacy; interrogating suspects within the parameters of human rights; effective arrest in accordance with the provisions of the rights of the accused and treating the accused in a humane and dignified manner.

- c. To create awareness among Police Officers of illegal, inhuman or unlawful practices that are prohibited by law, such as torture, wrongful confinement, abuse of authority, illegal searches etc. and to acquaint





them with the international standards and best practices of a modern, civilized and respected law enforcement agency.

TARGET GROUP

Police officers from the rank of Assistant Sub Inspector to Inspector of Police were the target group of the training programme. These officers are empowered by law to investigate criminal cases. However, officers in the rank of Superintendents of Police, Assistant and Deputy Superintendents of Police also participated in the workshops. Women Police Officers were specially nominated for training. The target group was selected from the following:

1. **Intermediate School Course:** This is a course meant for Assistant Sub Inspectors of Police who are in the promotion zone. This course is mandatory for their promotion to the rank of Sub-Inspector.
2. **Upper School Course:** This is a course meant for Sub-Inspectors of Police who are in the promotion zone. This course is mandatory for their promotion to the rank of Inspector.

DURATION

The first four Workshops were of 5 days duration each, and the subsequent Workshops were of four days duration each. The timings were from 9.00 am to 1 pm daily with an additional half day being dedicated to a visit to the Crime Laboratory and practical demonstration of Forensic Crime



Scene Investigation techniques and procedures.

NUMBER OF PARTICIPANTS

A total number of 30 – 40 trainees participated in each workshop.

LEAD TRAINER

The Workshop was conducted by Mr. Niaz Ahmed Siddiki, a qualified senior Police Officer of the rank of IG Police (Retired) who acquired specialized training in Human Rights and Law Enforcement from international experts from Turin, Italy in 2000. He had to his credit international police experience with police forces in the United Kingdom (1983/1993) and the United States of America (2001/2006). He was a Bramshill scholar, having qualified the Senior Command Course from the Police Staff

College, Bramshill, UK in 1993 and an expert trainer having experience of training in National Institute of Public Administration (now National Institute of Management) Karachi and the Louisiana State Police Academy, USA.

GUEST SPEAKERS/ EXPERTS

Eminent guest speakers/Experts were invited to the Workshops from the Judiciary, Civil Administration, Police and Civil Society. These included former Chief Justice of the Supreme Court of Pakistan, former Chief Justice, High Court of Sindh, Pakistan, former Federal Minister for Law and Human Rights, former and serving Home Secretaries and Chief Secretaries and former and serving Inspectors General of Police. Distinguished personalities from Civil Society were also invited along with experts to share their knowledge and experiences with the participants.

BRIEF PROFILES OF GUEST SPEAKERS/ EXPERTS

1. **Justice (Retd) Saeeduzaman Siddiqui**, former Chief Justice, Supreme Court of Pakistan. He dilated upon The Criminal Justice System: - Need for Quality Investigation by Police and Protection of Human Rights as guaranteed by the Constitution of Pakistan

2. **Justice (Retd) Syed Deedar Hussain Shah**, former Chief Justice, Sindh High Court, and Judge, Supreme Court of Pakistan. He addressed the participants on the Rule of Law.





3. Barrister Shahida Jamil, former Federal Minister for Law and Human Rights, Government of Pakistan. She spoke on Police Responsibilities in Protecting the Rights of Women, Minorities, Refugees and the Marginalized Groups

4. Mr. Asad Jehangir, PSP, former Inspector General of Police, Sindh. His learned discourse related to Human Rights: Policing and Non-Discrimination.

5. Mr. Zafar Ahmed Farooqui, PSP, former Additional Inspector General of Police, Investigation, Sindh. He spoke on Juvenile Justice: The Rights of Juvenile Delinquents.

6. Mr. Ghulam Qadir Thebo, PSP, Inspector General of Prisons, Sindh. He addressed the participants on Human Rights during Arrest and Detention: Case Study of Karachi Central Prison.

7. Mr. Ghulam Shabbir Shaikh, PSP, Additional Inspector General of Police, Central Investigation Agency, Sindh. He spoke on anti-dacoit operations.

8. Mr. Saud Ahmed, PSP, Additional Inspector General of Police, Karachi. His learned discourse focussed on Terrorism: Case Study of Terrorist Attack on C.I.D Office in Karachi.

9. Mr. Anwar Haider, former Additional Chief Secretary, Home Department, Government of Sindh. He spoke on the Implementation of Human Rights: Constitutional Provisions and UN Conventions ratified by Pakistan

10. Mr. Zia ul Islam, former Secretary Government of Sindh and former Adviser to Chief Minister, Sindh. He addressed the participants on the Role of the District Magistrate and Magistracy-Police relations in the Criminal Justice System of Pakistan.

11. Mr. Haider Abbas Rizvi, Clinical Psychologist and Associate Professor, Department of Psychology, University of Karachi. He spoke on Criminal Profiling and



Interviewing Techniques.

12. Mr. Ahmed Chinoy, Sitara e Imtiaz, Chief, Citizens Police Liaison Committee, Karachi. His talk related to Community Policing.

13. Ms. Fouzia Tariq, member Civil Society and Chief Operating Officer, Management Consultancy and Training Services, Karachi. Her discourse related to Public Perceptions of Police and Police Response.

15. Professor Dr. Ahmed Ali Khan, Psychiatrist and Emeritus, National Health Service, United Kingdom. He addressed the participants on Police, Terrorism and Mental Health.

16. Mr. Khatib Ahmed, Senior Executive Member, SHEHRI briefed the participants about the objectives of the Workshop, the aim of NED and SHEHRI in promoting community participation in developing the



14. Mr. Munir Shaikh, PSP, Assistant Inspector General of Police, Sindh Police Forensics Division, Karachi. He heads the Forensics Division of Sindh Police and was responsible for training the participants in Forensic Crime Scene Investigation during their visit to the Crime Laboratory.

professional skills of police officers. He also spoke on the Constitutional Provisions relating to independence; freedom of life; speech; association and assembly.

FEED BACK

At the conclusion of each workshop, evaluation forms were distributed among participants who evaluated the workshops. The overall rating of the workshops was excellent. Besides this, informal feedback was taken after sessions, during tea breaks and after a day's proceedings. The feedback was very good and the participants were highly motivated. They assured that they would implement the principles and international best practices of Criminal Investigation and Human Rights standards in the day to day discharge of their duties.





SUSTAINABLE GROWTH IN KARACHI Visions and Plans by the Future Planners

A Seminar titled 'Sustainable Growth in Karachi: Visions & Plans by the Future Planners' was organized by CBE in collaboration with the NED University and the Friedrich Naumann Foundation, at a local hotel to highlight some innovative academic projects of the students of NED's Architecture & Planning Department and the Indus Valley School of Art & Architecture (IVSAA) that focus on improving the living environment in the metropolitan.

The context of the seminar was about limited efforts that have been made to engage the academia and the youth in developing a sustainable development vision for the city.

The future of a nation lies in the investments made for its youth around whom the vision of a future has to revolve.

It is also important to assess how they envision the future and what are their concerns, hopes, desires and suggestions.

With this idea in mind, they said, and to counter the gloom and doom that has unfortunately befallen the city, Shehri

decided to organise the seminar, to provide a platform for discussing some fresh ideas, proposals and projects that have been developed by the youth of the metropolis for making it a more viable and happy city.

NED University's presentations dealt with land use assessment and sustainable growth recommendations for the Clifton and Lines Area localities, whereas IVSAA's presentations focused on use of interstitial spaces and street children.

The seminar participants appreciated the efforts of the faculty and students in coming up with quality research and innovative plans to facilitate sustainable and people-friendly growth of the city.

The presentations were supported by visual displays of the projects and the participants interacted with the students and faculty while viewing the project displays.

An interactive panel discussion was also held, during which the participants posed questions about the projects and also provided valuable assessments on the

feasibility of implementing the vision outlined in the projects, as well as suggested certain amendments. It was agreed that there is a need of greater and more meaningful interaction between the government and the academia for solving the challenges facing the metropolitan.

Some participants felt the students should be made more aware of the political context within which planning and development is taking place so that the projects they develop are more in tune with the realities on ground.

It was also agreed that there is an urgent need of developing a pressure group within the civil society that works on developing a vision for the city's future that has the consensus of all the key stakeholders.

The participants felt that more similar events should be initiated to actively engage the youth and academic institutions in seeking solutions to the problems and challenges facing the city.





Continued from Page 4

works in rural areas. Field research has now been completed that has included GIS Mapping of the project villages. The Public Awareness Brochure is now being composed and layout finalized prior to printing.

3) Political Economy Analysis and Final Project Report

Work has been completed in parallel on the preparation of the Political Economy Analysis of rural Karachi linked with the final project report. Extensive literature review and consultations were initiated, and the use of the social accountability planning tools such as Problem Tree Analysis and Logical Framework Analysis were incorporated in the preparation of the reports. Data/information was collected on the historical development of Goths in Karachi within the context of the overall growth of the city of Karachi. The focus of the report has been on the dynamics related with land management and development associated with the allied public services and in this regard, detailed documentation is being made of the key stakeholders. The report will identify within a sector based political economy analysis the outlines of a set of interventions aimed at sustaining the livelihoods, cultures of the rural communities.

The Political Economy Analysis has now been finalized, is being composed and will be submitted along with documentation of the Needs Assessment Survey, Community

Score Card process and events' details as a the Final Report of the project that will be launched and shared with Stakeholders in the last project workshop.

Section III Compliance with the Program Results Framework

As according to the Project Planning Matrix submitted alongside the proposal, the process

of Sustaining Reforms has progressed other than slight delays in the holding of consultative sessions, mainly due to law and order problems and heavy rains in the city that resulted in the project communities getting disconnected with the city for a while, total compliance with the program framework is being achieved.

Section IV: Problems and Issues Anticipated (if any) & Steps taken to address the same The Community Score Card process has been conducted for the Education sector only in the Arabd Rind Goth and not in all three project Goths. Other than Arab Rind Goth, in the Long Goth the school was found non-functional and in Ramzan Goth it was being run by an NGO.

One innovation within the project that was incorporated was that a Seminar was organized where Shehri-CBE solicited collaboration from organizations working in rural areas in order to develop the sustainability of communities in areas such as health, education, environment, sanitation, livelihoods etc. The Seminar provided a forum where the project communities belonging to three Goths in Gadap Town and a selected group of civil society/private/government organizations met and discussed options for cooperation. The basic aim of the Seminar was to empower the communities by providing them access to some alternative options of service delivery and livelihoods improvement.





ABOUT

Shehri - Citizens for a Better Environment is a Karachi-based voluntary advocacy group established by concerned citizens in 1988 to project their apprehensions about the deterioration of the environment.

Shehri focuses on issues relating to the built and natural environment. There is a special emphasis on tackling illegal construction and zoning violations, and their related symptoms, e.g., pollution, traffic congestion, drainage, encroachments, parking unavailability, overloaded utilities and infrastructure, law and order issues. Shehri monitors the regulatory bodies and government agencies, and encourages civil society to do the same.

SUCCESSSES

Demolition of Glass Towers illegal encroachment on the notified road-widening of Clifton Road. This action saved the road from being constricted.

Saving of 480-acre Gutter Baghicha Park on Manghopir Road. This is the largest open recreational space in a low income congested area of approximately one million inhabitants and is the lungs of Lyari.

Saving of 62-acre Kidney Hill Park in Karachi Cooperative Housing Society Union inclusive of 18-acre notified KWSB installations.

Establishment of the Oversee Committee of the KBCA and a Public Information Counter.

Halting commercialization and sale of 11 KTC and 15 SRTC bus-depot plots in Karachi and Sindh. Today these plots are to be used by the CDGK for intercity bus terminals and other related

transportation activity, removing illegal bus terminals from the public roads..

Saving (Makro) Webb Ground Playfield in Lines Area, Karachi.

Demolition of apartment structure Costa Livina in amenity Baghe-Ibne-Qasim, Clifton. This action stopped similar illegal allotments. CDGK has now developed the park.

Preventing commercialization of Doongi Ground park/playfield in Lahore

Reducing, as part of Lahore Bachao Tehrik, the amount of damage



from Canal Bank Widening Project

Reaffirmation of seismic building code in Quetta

Training 390 police officers all over akistan on participatory citizen-police interaction, human rights violations and police reforms.

Over the years, Shehri's expertise has been recognized by superior courts and it has been called as amicus curiae (friend of the court) in cases dealing with built environment violations.

OBJECTIVES

Establishment of an aware and pro-active civil society, good governance, transparency and rule of law

Promotion of research, documentation, dialogue with and influence of public policies

Setting up an effective and representative local government system, e.g. capacity building and training

Preparation of a representative Master Plan/Zoning Plan for Karachi city and effective implementation of the same.

Observance of basic human rights in society.

HOW IS SHEHRI RUN?

A volunteer Managing Committee, duly elected by the General Body for a term of two (2) years, thereby functioning in an open and democratic manner. Membership is open to all who subscribe to its objectives and memorandum.

Shehri
needs
volunteers
to work in the
following areas

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





SHEHRI HONOURS

The Grand Old Man of Karachi

An award was given on Tuesday, Old Man of Karachi”.

March 20, 2012 to distinguished columnist, ArdeshirCovasjee, by the members of Shehri: Citizens for a Better Environment, acknowledging his invaluable contribution to Shehri’s environmental campaigns, his involvement in their public interest litigation, and his unstinted moral and financial support of their efforts to tackle violations of citizens’ rights.

A plaque was presented by Danish Zuby, one of the seven founder members who established the advocacy group in 1988. The citation, which was read out by Nooruddin Ahmed, a committee member, recalled the various activities, projects and cases in which the NGO had received support and encouragement from the “Grand NGO.



Various members and invitees regaled the audience with anecdotes and stories about their interactions with the chief guest over the years, telling emotional tales of the help and comfort they were afforded during their hours of need.

In his reply, Ardeshir Covasjee, who seemed to have enjoyed the informality and spirit of camaraderie of the evening, thanked the members of Shehri for the sentiments that had been expressed. He told a few stories of his own, peppered with Parsi ‘idioms’, about various shenanigans of governments during his life time.

The ceremony was held at Shehri’s office and attended by a small group of members and friends/supporters of the



The Shehri Family with Mr. Ardeshir Covasjee

