

# GOVT NEWS



### Senior citizens' law

FOR all the cultural emphasis on respect and consideration for our elders, the state itself extends little by way of assistance to its senior citizens. With the signing of the Senior Citizens Bill, 2021, by President Arif Alvi, that shortcoming is being addressed to a certain extent. The legislation, which applies to Islamabad Capital Territory alone, includes a number of welcome initiatives. It stipulates the setting up of a Senior Citizen Council to formulate policy proposals and the establishment of old age homes for the indigent, deserted and homeless among the elderly. ICT residents 60 years and above are now eligible for senior citizen cards, which will give them free access to museums, parks and libraries. They will also be entitled to concessions in medical and dental services and diagnostic and laboratory facilities, as well as to subsidised medicines. Given that medical expenses are a major concern for those of advanced years and have a profound effect on their quality of life, the new legislation goes into appropriate detail on this score. Financial assistance will be given to the deserving among this age group, and they can avail of 20pc subsidy on air and railway travel. The legislation can also help where the elderly have transferred property on condition that the transferee provide them the basic facilities of life, but find this condition not being met. In such cases, a competent court can, if the transferor so wishes, declare the transfer void.

While one hears much about Pakistan's 'youth bulge', there is rarely a mention of citizens in their twilight years. Even health professionals specialising in geriatric medicine are few and far between, and it is about time that changed. With average life expectancy in this country increasing from 51 years three decades ago to 60.9 years today, the cohort of over-60s is expanding steadily and the state must take them into account while formulating policy. The general expectation is that families themselves will take care of their elderly, and many do. But economic pressures are increasing, even more so as a consequence of the Covid-19 pandemic, with more and more families getting pushed into poverty. Increasingly, one hears of desperately sad cases where old parents are abandoned by their children and left to fend for themselves in dire conditions. Here the state must step in and ensure that senior citizens can live out their remaining years in dignity, rather than feel themselves to be a burden on their families.

Society should also change its ageist outlook that can lead to poorer mental health among the elderly. Being on the 'other side' of 60 should not preclude opportunities to travel, learn new skills and lead a rewarding life. This ICT-specific legislation is a good template for the provinces to follow suit and lend their senior citizens a helping hand.

(By Editorial, Dawn, 06, 26/07/2021)

### Allotment of more than one plot to bureaucrats, judges illegal: IHC

The Islamabad High Court (IHC) on Friday declared that the policy of allotment of more than one plot to top bureaucrats and judges of the superior judiciary was illegal.

IHC Justice Mohsin Akhtar Kayani, however, referred the matter for allotment of additional plots to serving and retired judges of the superior judiciary and federal secretaries to the government with the direction to evolve a policy in accordance with law.

The court noted that judges of the superior courts were only entitled to those benefits/rights which had been envisaged in the Presidential Order of 1997 as well as the rights conferred in the 5th Schedule in terms of Article 205 of the Constitution of Pakistan, 1973.

However, "the plain reading of this constitutional document is silent qua any allotment of plot, therefore, Federation of Pakistan has to answer all these issues through legislative instrument in clear non-discriminatory manner so that confidence of citizens of Pakistan is restored upon the entire system of governance" the court order observed.

Justice Kayani was hearing petitions of a non-governmental organisation, Jurist Foundation, which has challenged the government's decisions of 2006 and 2008 of allotting additional plots to bureaucrats and judges of the superior judiciary, respectively, as well as to two former bureaucrats, Abu Akif and Asma Shahzad. Advocate Riaz Hanif Rahi represented the Jurist Foundation.

According to his petition, a summary for allotment of plots to bureaucrats was approved by the then prime minister on June 27, 2006 which was against constitutional provisions.

The summary, the petition stated, had cited the armed forces system of allotment of additional plots to the senior hierarchy to recognise their meritorious service and grant them additional facilities in accordance with seniority of rank.

According to the court order, the government has abolished the "the Discretionary Quotas in Housing Schemes Act, 2013... to eliminate all kind of discretionary powers, if any available to the Prime Minister of Pakistan or any other authority", adding that "the very existence of PM Assistance Package, 2006 amended in 2008 stood abated and any further allotment under the said scheme is considered to be illegal."

The court asked the assistant attorney general to justify the PM Package (facilities for federal secretaries and other civil servants) for BPS-22 officers, which provided the concept of allotment of additional plot. However, the law officers of the federal government could not point out any legal backing for the same.

The court observed that after Mustafa Impex case, every action for future allotment of an additional plot required the sanctioning of the federal government through legislative instrument or legal backing of any statutory instrument.

Subsequently, Justice Kayani declared the PM Package for BPS-22 illegal.

According to the petition, in pursuance of the prime minister's directive of 2006, initially 36 plots were allotted to grade 22 officers.

The petition went on to state that on Jan 11, 2008, Justice Mohammad Nawaz Abbasi also gave judicial nod to the allotment of a second plot to top bureaucrats and held that the government was competent to make additional allotments.

Subsequently, the Federal Government Employees Housing Authority (FGEHA) also started allotment of additional plots to judges of the Supreme Court while Justice Abbasi was allotted a plot in D-12, the petition pointed out.

It stated that "the policy to allot additional plots is with mala fide intentions and under extraneous consideration to give loss to public exchequer."

The petition further pointed out that the policy for allotment of additional plots was contradictory to Articles 2-A, 3, 4, 9, 24, 25, 205, 227 of the Constitution that ensured equal opportunity for all.

The FGEHA, on the other hand, contended that the Supreme Court in 2006 had examined this matter and had defined eligibility criteria for plot allotments and the Prime Minister's Secretariat had already acted upon the apex court's directions.

In a written reply submitted before the IHC, the FGEHA stated that the authority allotted plot to Justice Nawaz Abbasi "since he was a fit candidate, had fulfilled all eligibility criteria established by the federal government and had paid the fixed consideration for the same".

It may be mentioned here that the FGEHA, formerly known as Federal Government Employees Housing Foundation, was established to provide shelter to the employees of the federal government only. However, on Nov 8, 1999, Justice Nawaz Abbasi, the judge of the Lahore High Court (LHC) Rawalpindi Bench hearing a case related to the acquisition of land for G-13, had prescribed the criteria for allotment of plots to judges of the superior courts.

The bench had given directions to include employees of autonomous and semi-autonomous organisations, the Election Commission of Pakistan, Supreme Court, Federal Shariat Court, LHC Rawalpindi Bench, the National Assembly, senior members of the armed forces, journalists, doctors, engineers and lawyers.

(By Malik Asad Dawn, 01, 28/08/2021)

### **Murad claims federal govt collected Rs9,000bn from Karachi in three years**

Sindh Chief Minister Syed Murad Ali Shah on Sunday made it clear that he was answerable only to the people of the province, who always reposed their confidence in the Pakistan Peoples Party by giving it their mandate.

He said this while addressing an open kutchery at the Meerut Housing Society in Ahsanabad, located on the outskirts of Karachi.

"We are not showing our performance through press conferences, tall claims and pack of lies but our performance is evident from the results of the elections we have been winning one after another with more and more majority and set a record of winning all the by-elections," he said.

He said that some of the federal ministers and representatives of the Pakistan Tehreek-i-Insaf-led federal government were shamelessly asking for the accounts of Rs18 billion given to the provincial government by the centre during the last three years. "But, I am not answerable to them. I am only answerable to the people of the province."

*'I am answerable to people, not to PTI govt, regarding Rs18bn spending'*

#### **Lashes out at PTI govt**

Mr Shah said that the PTI government had collected Rs9,000bn from Karachi during the last three years but what they had given in return to Sindh, except short payments of Rs370bn from its share, rendering 25,000 people, including 1,650 of Pakistan Steel Mills, jobless.

The CM said that he was happy if the federal government or any other agency was coming to Sindh to undertake development works.

"We will welcome them, but it doesn't mean that the federal government has given schemes of roundabout beautification, sewerage schemes of neighbourhoods, water supply schemes of a locality and executing them through their MPAs," he said.

He said that the federal government had completely failed to show an appropriate growth in the national economy and they missed their tax collection targets.

Talking about revenue collection by his government, Mr Shah said that the provincial tax receipts during 2020-21 were Rs128.52bn, which showed an increase of 28 per cent than the last year. He said this year the collection target had been set at Rs154.94bn. He added that during the same year the collection of sales tax on services was at Rs135bn and non-tax receipts were Rs49.87bn. "If our three-year performance in terms of revenue receipts is calculated, they showed a 14 per cent increase," he said.

Mr Shah said that in order to develop the mass transit system Rs7.640bn had been allocated in the provincial budget.

"We are procuring 250 diesel hybrid electric buses under the Sindh Intra-District Peoples Buses Services Project for Rs.6.476bn," he said. He added that the Red Line and Blue Line projects of Rs35bn and Rs28bn, respectively, were being launched within the next few months.

Under the Karachi package, 132 schemes had been completed for Rs43.068bn.

#### **Complaints against police, water shortage**

The chief minister invited people to lodge their complaints. Most of the complaints people raised were against prolonged power outages, encroachments, water and sewerage issues, police highhandedness, illegal bus and truck stands.

Some people requested the CM to order regularisation of their villages.

The CM directed the Karachi commissioner to show zero-tolerance against cases of land-grabbing.

Earlier, the chief minister inaugurated Tariq Ghauri Road constructed with a cost of Rs483m at Ahsanabad, Scheme 33.

Provincial ministers Imtiaz Sheikh, Sardar Shah, Nasir Shah, Sajid Johkio, Shahla Raza, Karachi Administrator and Sindh government spokesperson Murtaza Wahab, MNAs and MPAs from districts Malir and West were also present.

(By Newspaper's Staff Reporter, Dawn, 13, 30/08/2021)

### **Release of funds to Sindh IGP for setting up forensic units in all districts ordered**

The Sindh High Court on Monday directed the home secretary to provide funds to the inspector general of police within a month to set up forensic units in every district of the province.

Justice Salahuddin Panhwar of the SHC also directed the chief secretary and health secretary to comply with the court's earlier order with regard to improving the investigation of criminal cases.

When the bench took up a criminal appeal for hearing, Keamari SSP-Investigation Anwar Khetran stated in a report that pursuant to the SHC's order and with the efforts of the additional IG-Karachi they had established 10 forensic units/teams in Karachi division while six such units were in the pipeline.

He maintained that such units/teams were not available in rest of the districts and divisions of the province though the same was the requirement of law particularly in the present situation and with advance technology.

The SSP submitted that it was not a big issue to set up at least one unit in every district with regard to the investigation of heinous crimes, but this could not be done due to non-availability of funds.

The bench observed that the forensic units/teams set up in the provincial metropolis must be trained and skilled in forensic sciences in order to help in achieving the objectives.

It added that the availability of such teams/units at least at the district level was the need of the hour and it could not be delayed for want of funds.

The court directed the home secretary to provide funds to the IGP-Sindh within a month.

It also asked the prosecutor general to constitute a committee within a week in light of the court's earlier order when an additional prosecutor general (PG) submitted that such a committee had not been constituted but the PG asked for the feedback of all the district prosecutors in the province.

The bench said it would summon the PG if the order was not complied with and also directed the home secretary to depute a focal person to submit a report.

It also said that the chief secretary and health secretary would be directed for appearance in court if its June 28 order was not implemented.

While adjourning the hearing till Sept 27, the bench also put the advocate general, Sindh, on notice and directed the IGP to depute a focal person to assist the court in the case with regard to investigation by the police.

(By Newspaper's Staff Reporter, Dawn, 14, 31/08/2021)

## Reforming the federal development programme

One of the most important tools available in the hands of a federal government to support economic growth is the development expenditure it undertakes through the Public Sector Development Program (PSDP). Hundreds of billions of rupees of hard-earned money of taxpayers is spent by the government for this development programme. What this money is spent on, how effectively it is utilised, and how it is financed can make a very significant impact on the development path of a country. The PTI government with its commitment to reform has addressed all the three aspects.



Let's first look at what the development expenditure is being spent on and how it has changed since the PTI government has been formed. Pakistan has huge needs for infrastructure development, and infrastructure is expensive to build. Therefore, if we are not creative about financing infrastructure, it consumes the bulk of the development budget available. Hence, one of the key interventions required developing innovative financial instruments for financing infrastructure development. Details of the innovation carried out are given later in the article. This has allowed us to reduce the share of development budget being spent on

infrastructure — from 56% that was allocated five years back to 40% for this year's PSDP.

The fiscal space thus released is being spent on key areas which are critical to long-term growth but have seen huge underinvestment by successive governments. Wherever you go in Pakistan, people are worried about supply of water both for agriculture as well as human needs. The share of the PSDP allocated to water-related projects has been increased by two and a half fold — from 4% to 10%. These projects include large dams like Diamer-Bhasha, smaller dams, canals and development of command area for these canals.

We have traditionally underinvested in the social sectors like health and education, besides neglecting the environment. In addition, the development effort has been unequally distributed with many parts of the country still having extremely low levels of human development scores. The PTI manifesto at its core commits to creating a society where state resources are used for all and not just a few. Hence these investments are vital for giving equal opportunity to all segments of society and all regions of the country — in line with the PTI manifesto that emphasises 'Do Nahi Aik Pakistan'. The share of expenditure in these sectors has been increased from 23% to 31% of PSDP. Higher Education Commission's development budget has been more than doubled, health expenditures increased manifold, and environmental protection has seen allocations grow more than tenfold.

While the main engine of growth in a modern economy is the private sector, the state still plays a vital role by making investments which increase the competitiveness of the economy, particularly the productive sectors. Once again successive governments have failed to make the necessary facilitative investments in industry, agriculture, information technology, and science & technology. The share of these sectors has also been increased two and half times — from 2% to 5%.

Now we come to the part about how innovative financial structures are being used to finance large infrastructure projects. For a long time now, governments have been struggling to use the public-private partnership structure to finance infrastructure projects and were unable to make any headway. In 2007 an Infrastructure Project Development Fund (IPDF) was created which did not deliver much. In 2017 a new public-private partnership authority was created and the IPDF was merged into this new entity. However, no project could be delivered by this new entity under the previous administration.

The PTI government has revamped the Public Private Partnership Authority Act, with a fulltime CEO in place and the planning minister personally chairing the authority's board of directors. Last Friday, the board gave the go-ahead to NHA to sign the first contract using transaction structure approved by the Public Private Partnership Authority board. This innovative transaction structure uses financing in the form of capital and operational viability gap funding. This allows a small upfront injection of funds by the government to get very large infrastructure projects started. The Sialkot-

Kharian Motorway, approved under this structure, has a total cost of Rs27.8 billion and a viability gap fund injection of only Rs4 billion during the project execution phase. So every rupee of PSDP spending in this phase is resulting in seven rupees of total development spending. Another unique feature of the structure is the quasi equity nature of the viability gap funding, which will make NHA eligible for sharing the potential profits of the project after the first eight years of operations.

Finally we come to the quality of development expenditure and how effectively it is being utilised. The PSDP, over the years, has been mired in poor execution of projects causing delays, overruns and corruption. To deal with these problems, a number of major changes have been made to the system of development spending oversight and coordination. One outcome of these measures is that the year just ended saw the entire PSDP budget being utilised for the first time in a decade. Otherwise every year tens of billions of rupees of precious development budget were left unutilised, slowing down the much-needed development works.

Three key steps have been taken to revamp the monitoring and evaluation function of development spending. First step is to strengthen institutional capacity of this wing of the Planning Commission. Second major step is the use of technology to monitor projects and not be reliant totally on low frequency, often inaccurate field reports. For this purpose, an agreement has been signed with SUPARCO to use a satellite-based monitoring system for tracking project progress. Third important ingredient is to use specialised firms for project monitoring through outsourced contracts to monitor key projects. By introducing the use of technology-based surveillance and outsourcing to specialists, not only will effective monitoring of projects improve but a greater transparency of the development expenditures will be created.

The combined impact of the three broad thrusts of reform outlined above — i.e. spending focused on sectors which create maximum impact; improving the quality of the oversight system to ensure money is spent more efficiently and honestly; using innovation to leverage taxpayer money to achieve development expenditures much greater than the government financing deployed — will result in development outcomes which meet the needs of the nation better than ever before.

(By Asad Umer The Express Tribune, 15, 03/09/2021)

### **Pandora Papers unmask the elite at home & offshore**

A fresh set of leaked documents exposing secret fortunes of prominent individuals across the globe reveal that key members of Prime Minister Imran Khan's inner circle, including cabinet ministers, their families, political allies and major financial backers, have secretly owned an array of companies and trusts holding millions of dollars of hidden wealth.

Under the law, setting up of an offshore company is not an offence or crime if the company is not involved in any illegal activity. However, those who have not declared these companies in their returns as assets can face legal action.

According to Pandora Papers released by International Consortium of Investigative Journalists (ICIJ), among those whose holdings have been exposed are Finance Minister Shaukat Fayaz Ahmed Tarin and his family, Minister for Water Resources Moonis Elahi, former federal minister Faisal Vawda, and the son of PM's former adviser for finance and revenue Waqar Masood Khan. The family of Minister for Industries and Production Khusro Bakhtiyar, PTI leader Abdul Aleem Khan, PPP's Sharjeel Memon and PML-N's Ishaq Dar's son Ali Dar are also mentioned in the papers.

Some retired army officers, businessmen including Shoaib Sheikh, Axiom's CEO and owners of media houses have been named in the papers. The records also reveal the offshore dealings of a top PTI donor, Arif Naqvi, who is facing fraud charges in the United States.

Based upon the most expansive leak of tax haven files in the history, the investigation reveals secret deals and hidden assets of more than 330 politicians and high-level public officials including 35 country leaders in over 90 countries. The papers include names of as many as 700 individuals from Pakistan.

Shaukat Tarin and members of his family own four offshore companies. According to Tariq Fawad Malik, a financial consultant who handled the paperwork on the companies, they were set up as part of the Tarin family's intended investment in a bank with a Saudi business.

The papers reveal that Omer Bakhtiyar, the brother of minister for industries, Makhdoom Khusro Bakhtiyar, transferred a \$1 million apartment in the Chelsea area of London to his elderly mother through an offshore company in 2018. The state anti-corruption agency has been investigating allegations that his family's wealth inexplicably "ballooned" since Bakhtiyar first became a minister in Pervez Musharraf's government in 2004.

In a written statement to ICIJ, Bakhtiyar said the anti-corruption agency's investigation was founded on baseless allegations, which had underestimated his family's past wealth, and that it has so far not resulted in a formal complaint.

*Leaked documents find key personalities including sitting and ex-ministers Shaukat Tarin, Moonis Elahi, Faisal Vawda, Sharjeel Memon, Aleem Khan, family members of Khusro Bakhtiyar, Ishaq Dar and others holding secret assets*

The son of Waqar Masood Khan, the premier's chief adviser for finance and revenue between 2019 and 2020, co-owned a company based in the British Virgin Islands. Masood resigned in August amid a policy dispute. Khan told ICIJ that he did not know what his son's company did. He said his son lived a modest life, and was not his financial dependent.

Khan's financial backers are also prominent in the files. Arif Naqvi, the financier and major donor to Khan's 2013 campaign, owned several offshore companies. The files show that in 2017, Naqvi transferred ownership of UK holdings — three luxury apartments, his country estate and a property in London's suburbs — into an offshore trust operated by Deutsche Bank. Deutsche Bank declined to respond to ICIJ's concerning the beneficiaries of the trust. The next year, he presided over the spectacular collapse of his Dubai-based private equity firm, Abraaj Group.

US prosecutors charged Naqvi with engineering a \$400 million fraud against Abraaj investors and this year persuaded a court to allow his extradition from the UK. Naqvi has denied wrongdoing.

Tariq Shafi, a leading businessman and another PTI donor, held \$215 million through offshore companies, the records show.

The documents offer an unusually detailed look at how a top political figure attempted to hide proceeds from an alleged misuse of public funds with the help of an elite offshore service provider.

The papers also elaborate the scandals linked with the family of former chief minister of Punjab Chaudhry Pervez Elahi.

The document citing public records says Elahi's wife used a UK shell company to transfer an \$8.2 million London apartment overlooking the River Thames to a woman named Mahrukh Jahangir, who then filed a UK Land Registry document generally used by joint owners and trustees. The transfer was not for "money or anything of monetary value", according to public records.

A woman with the same name as Mahrukh Jahangir appears as a 9.4% shareholder in the RYK Mills owned by Chaudhries. Neither Elahi nor his wife disclosed ownership of the apartment or RYK assets in their official declaration of interests from 2017 as part of his candidacy to become a member of the National Assembly.

In April, Pakistan's Federal Investigations Agency (FIA) announced a criminal probe into price fixing in the powerful sugar industry, naming RYK Sugar Mills among the companies allegedly involved. The industry dominates the valuable agricultural land of Punjab and is one of the biggest water users in one of the most water-stressed countries in the world. It is also among the world's largest producers of sugarcane and uses enough water each year to fill Australia's Sydney Harbour more than 45 times.

The Pandora Papers reveal that in 2007, the wife of Gen Shafaat Ullah Shah, then one of Pakistan's leading generals and a former aide to President Pervez Musharraf, acquired a \$1.2 million apartment in London through a discreet offshore transaction.

The property was transferred to Gen Shah's wife by an offshore company owned by Akbar Asif, a wealthy businessman who has opened restaurants in London and Dubai, according to the ICIJ research. Asif is the son of the Indian film director K Asif. The younger Asif once met Musharraf at London's Dorchester Hotel to ask for an exception to Pakistan's 40-year ban on Indian films to allow the release there of one of his father's most acclaimed movies. Musharraf granted the exception and later lifted the ban.

The leaked documents show that Asif owned a multimillion-dollar property portfolio through a web of offshore companies. One of those companies, called Talah Ltd. and registered in the British Virgin Islands (BVI), was used to transfer the London apartment to Gen Shah's wife. Talah bought an apartment near the Canary Wharf financial district in 2006. The next year, Asif transferred company's ownership to Fariha Shah.

Asif's sister, Heena Kausar, is the widow of Iqbal Mirchi, a senior figure in a leading organised crime group, D-company. Mirchi was at the time under sanction as a drug trafficker by the US. Before his death in 2013, Mirchi was one of India's most wanted men.

The Pandora Papers also reveal that Raja Nadir Pervez, a retired army officer and former government minister, owned International Finance & Equipment Ltd, a BVI-registered company. In the leaked files, the firm is involved in machinery and related businesses in India, Thailand, Russia and China. Records show that in 2003, Pervez transferred his shares in the company to a trust that controls several offshore companies.

One of the trust's beneficiaries is a British arms dealer. According to UK court documents, one of the trust's other companies has helped broker arms sales from Belgian manufacturer FN Herstal SA to Hindustan Aeronautics Ltd., a state-owned Indian defense company.

Another influential former military leader whose name comes up in the leaked documents is Maj Gen Nusrat Naeem, ISI's onetime director general of counterintelligence. He owned a BVI company, Afghan Oil & Gas Ltd, registered in 2009, shortly after his retirement. He said the company had been set up by a friend and he didn't use it for any financial transactions.

The Pandora Papers also brought to light the notable offshore holdings of close relatives of three senior military figures. Umar and Ahad Khattak, sons of former air chief of Pakistan Abbas Khattak, registered a BVI company in 2010 to invest what documents call "family business earnings" in stocks, bonds, mutual funds and real estate.

The Khattaks did not respond to reporters' questions.

In an example involving intergenerational wealth transfer, Shahnaz Sajjad Ahmad inherited a fortune from her father, a retired lieutenant general, through an offshore trust that owns two London apartments, purchased in 1997 and 2011 in Knightsbridge, a short walk from Harrods. She, in turn, set up a trust for her daughters in 2003 in Guernsey, a tax haven in the English Channel. Her father was a favourite of Field Marshal Mohammad Ayub Khan, the country's first military dictator (1958-1969). After her father retired from the army, he founded one of Pakistan's biggest business conglomerates. Ayub Khan's son later married into the family and sits on the boards of several of the group's businesses. Shahnaz did not respond to ICIJ's requests for comment.

(By Iftikhar A. Khan Dawn, 01, 04/10/2021)

### **Rs800m needed to upgrade 38 unmanned level crossings, Senate panel told**

The Pakistan Railways needs more than Rs800 million to upgrade its 38 unmanned level crossings on railway tracks in Sindh, which under the defined rules, are due to be funded by provincial authorities, but the Pakistan Peoples Party government did not make any contribution in the past around five years, officials told a Senate committee on Wednesday.

The information came during a briefing by the PR officials to members of the Senate Standing Committee on Railways, who visited the City Station on the second consecutive day for a briefing on progress made so far made on different projects mainly in Sindh.

The committee, led by its chairman Senator Muhammad Qasim, held a detailed meeting with the railways senior officials who briefed the legislators about the progress, infrastructure development, issues of unmanned level crossings and progress on Karachi Circular Railway project.

The members are Senator Muhammad Asad Ali Khan Junejo, Senator Rana Mahmood Al Hassan, Senator Saifullah Sarwar Khan Niazi and Senator Dost Mohammad Khan.

*The senators visit the KCR route from Orangi to City station*

They were briefed by PR chief executive officer Nisar Ahmed Memon and others.

"There are a total of 400 unmanned level crossings across Sindh," said a statement issued after the meeting. "Among them 162 unmanned level crossings are in Karachi division and the rest of 238 are in Sukkur division. Under a plan, the Sindh government had to provide funds for up-gradation of 44 such crossings. The plan had identified 17 unmanned level crossings in Karachi and 27 in Sukkur for up-gradation. It required a total of R565.37 million, but the Sindh government by 2016-17 had provided only Rs128.91 million in this account."

Under the limited funds provided by the provincial government, only 14 unmanned level crossings in Karachi were upgraded while none of the Sukkur division could be upgraded, the statement added.

After identification of eight more unmanned level crossings, the PR now planned to upgrade a total of 38 unmanned level crossings and for this work it required a total of Rs832.3m, the senators were told.

#### **Senators travel on KCR route**

Earlier, the senators also visited the KCR route from Orangi Town to City Station.

Following test runs, the City Railway Station to Orangi Station track of the KCR was made operational and accessible to the public in February 2021. The lately rehabilitated track of 14 kilometres between Orangi and City Station entails six stations and 12 level crossings.

In the briefing at the City Station, they were informed that with two railway stations in Karachi, the PR was operating 54 train services catering to almost six million passengers every year.

"With eight platforms at City Station, 14 trains are offering service to some 900,00 passengers earning revenue of around Rs883.76 million. The same number of platforms at Cantt Station is offering services of 40 trains for five million passengers to earn more than a billion rupees revenue," said the statement.

(By Newspaper's Staff Reporter, Dawn, 13, 14/10/2021)

### **SHC annoyed at non-payment of dues**

The Sindh High Court (SHC), expressing frustration over non-payment of pension and arrears of a late employee of the Karachi Water and Sewerage Board (KW&SB), ordered immediate payment of arrears and submission of report. A bench, headed by Justice Irfan Saadat Khan, heard the petition.

Usman Farooq, counsel for the petitioners, argued that Mega Lenny, an employee of the KW&SB, died in an accident 11 years ago but his dues have not yet been paid by the Sindh government.

"Don't make people's lives miserable," Justice Khan remarked, adding that the issues of the families of the deceased persons should be resolved the soonest. "Those who deserve should be facilitated and paid on time," the judge remarked.

The public prosecutor stated that he would personally try to get the payment of the arrears cleared. The court ordered payment of arrears and submission of report by November 11.

#### **Judgment on road closure reserved**

The Sindh High Court (SHC) has reserved its judgment on a petition against the closure of Awari Tower and Metropole Hotel Road. A bench, headed by Chief Justice Sindh High Court Justice Ahmed Ali Sheikh, heard the petition. DIG Traffic and other officials appeared in the court.

Pasban Pakistan counsel, advocate Irfan Aziz argued that motorists are facing hardship due to the road closure.

"The Supreme Court has taken notice of the Faizabad sit-in because people were suffering. The citizens are suffering due to the closure of the road towards Awari Tower and Metropole," he contended.

Traffic police officials said that the south deputy commissioner had issued a notification to close the road while the traffic police only acted on the notification.

The deputy commissioner's office replied that a notification to close one side of the road was issued on the recommendation of the Bureau of Traffic.

"Opening the road in prime time on the signal causes traffic jam thus the road was closed on one side to ensure swift flow of all vehicular traffic," the DC office said.

The court reserved its judgment after counsels completed their arguments.

#### **Appeal against conviction rejected**

The Sindh High Court has rejected an appeal against the conviction of three female suspects accused of possessing more than 100kg of hashish.

A two-member bench, headed by Justice KK Agha, ruled on the appeal against the sentence for possessing more than 100 kg of hashish. The court rejected the appeal of the three women and upheld the decision of the lower court.

The lower court had sentenced Khadija, Anis and Nazia to life imprisonment and fines. According to the prosecution, the three female suspects and others were coming to Karachi from Hub in vehicles.

On a tip-off, the police, including female officers, stopped the suspects near Town Office in Baldia and recovered more than 100 kg of hashish in packets from different vehicles.

#### **Appeal disallowed**

The Sindh High Court has rejected the appeals of the suspects against the decision of an accountability court in a reference pertaining to acquisition of a plot worth Rs300 million through forgery in Bath Island.

A two-judge SHC bench ruled on the petitions. The court rejected the pleas of accused Muhammad Imran and Faisal Masroor Siddiqui named in the reference. The accused had challenged the submission of photo copies of documents in the accountability court.

The NAB had presented copies of documents as evidence in the accountability court. The NAB court in Karachi had made the copies of documents as part of the record. The decision of the accountability court was challenged in the high court.

The high court had reserved its decision after hearing the arguments of the counsels at the last hearing which was announced on Wednesday. The suspects are accused of forging KMC records. The suspects obtained a plot in Bath Island, Clifton, through forgery.  
(By Newspaper's Staff Reporter, The Express Tribune, 04, 04/11/2021)

### Courts and Karachi

OVER the past few weeks, the Supreme Court has issued directives for fixing land utilisation and building construction practices in Karachi. The court has ordered the demolition of illegally constructed buildings and the removal of encroachments from public lands. Previously, it had also advised the revitalisation of the Karachi Circular Railways, while only recently, the Sindh High Court directed the setting up of a medical and dental college on the premises of Mohatta Palace, a heritage complex.



There has been a mixed response to this trend of judicial intervention for reforming the natural and built environment. Some stakeholders believe that the courts have become saviours of the public interest. Others say that most such actions reflect a selective justice as countless similar violations are found elsewhere in the city without corresponding action being ordered. Common to both arguments is the awareness that the executive has failed to protect the natural and built environment, and ecological assets, and has not been

able to complete approved projects in a timely manner. The question is, can such complex matters be fixed judicially?

People are punished for constructing homes illegally. But no official is questioned for not developing options for land supply for housing low-income groups. No legal and institutional option is available for the urban poor in Karachi or elsewhere to access housing. When the poor develop makeshift shelters and homes at relatively invisible locations, they experience evictions, although powerful investors and institutions succeed in acquiring land for the same purpose. The Sindh cabinet recently approved the allotment of 200 acres of land to an agency in Keamari district. But the urban poor do not have a housing scheme they can apply to. Will corrective judicial action be taken to remedy this?

Much of the rot in regulating the built environment is by design, with the government's collusion. The Supreme Court recently ordered the demolition of many buildings whose construction violated building by-laws and ownership and zoning statutes. But there is little effort to reform the provincial building control authority. Regulation, monitoring and control of construction practices are important. The existence of legally valid and technically appropriate building solutions for various facilities is a prerequisite for healthy lifestyles. Social justice and protection of rights can be safeguarded if buildings and structures do not violate plans, rules and zoning guidelines.

#### *Can the city's problems be fixed judicially?*

Unfortunately, private parties with active support from various agencies and tiers of government have facilitated illegal development. Acting on petitions and exercising suo motu jurisdiction, the superior courts have taken action on several occasions, apparently in a bid to set technically and legally correct precedents for the building control authority to follow. This does not appear to have had any effect.

The interests of the political leadership often coincide with the aims of corrupt officers/ functionaries. A former chief of the building control authority is alleged to have pocketed vast sums while in office. A police officer whose tenure saw local communities uprooted to make way for large-scale real estate development appears immune from judicial action.

Instead of fulfilling their responsibilities, officers and staff keep busy following the directives of their political bosses. In return, they receive favours which even the judiciary cannot redress each time. The result is the breakdown of the service structure, demotivation of honest cadres and an overall collapse in institutional capacities.

The backbone of the executive used to be the officer cadre. An extraordinarily strict and demanding procedure was adopted to fill these slots with men and women fired by a sense of service. It was this trait that enabled bureaucrats of yore to manage some very challenging assignments. Managing disaster and its after-effects, busting criminal rings, ensuring the availability of basic goods especially during emergencies, evolving and sustaining corporations and liaising with the political leadership were the tasks the members of the civil service dealt with. There used to be a clear distinction between the political leadership and bureaucracy. The judiciary worked closely with the bureaucracy to fix routine matters.

Civil servants, including senior police officers, now toe the 'official line' to maintain steady career paths. The delayed response in the Nazimuddin Jokhio murder case is an example. Anyone standing up for the protection of the environment and wildlife is exposed to the wrath of political carpetbaggers! One hopes the courts ensure justice in the case of the murder of public-spirited professionals and citizens who did not give up their quest for a better natural and built environment.

(By Noman Ahmed Dawn, 07, 09/11/2021)

### Performance of several varsities unsatisfactory, Senate body told

A Senate panel was on Friday informed by the Higher Education Commission (HEC) that the performance of many known universities was actually unsatisfactory.

The Senate Standing Committee on Federal Education and Professional Training met at the Parliament House with Senator Irfan Siddiqui in the chair.

The lawmakers were stunned when HEC officials revealed data on the performance of the universities.

The committee was told that Quaid-i-Azam University (QAU), University of Karachi, University of Peshawar, International Islamic University Islamabad (IIUI), Islamia College University Peshawar, Government College University Lahore and the Pakistan Institute of Development Economics (PIDE) were among the 32 universities whose performance in the year 2018-19 was recorded as unsatisfactory.

"This is something shocking and alarming. Institutions which are otherwise known for their good reputation are under-performing," the committee chairman said, asking the HEC to take steps to bring improvement in these universities.

*QAU, IIUI, Karachi University, University of Peshawar and Govt College University Lahore among 32 under-performing universities, HEC says*



The commission was also directed to ask the universities for the reasons behind their poor performance.

Senator Siddiqui said in many universities, fraud journals were being published to promote low quality research.

He also formed a subcommittee to be headed by Senator Rana Maqbool to review articles published by University of Peshawar, Punjab University, University of Balochistan, Karachi University and the QAU.

The subcommittee will finalise its report within two months.

Meanwhile, the committee discussed the chronic issue of non-service structure of BTech engineers.

Parliamentary Secretary Education Wajiha Qamar told the committee that the education ministry and the HEC had been working on finalisation of a policy for service structure of technologists.

A copy of the proposed policy was also shared with the members. The chairman directed the HEC to finalise the policy at the earliest.

Earlier, the committee was told by the HEC director quality assurance Nasir Shah that the annual assessment of the Quality Enhance Cells of the public-sector universities (2018-19) was conducted and 91 universities submitted their yearly progress reports. As per these reports, 32 universities fell in the category of unsatisfactory.

The HEC record, which was presented before the committee, stated that 18 other universities were yet to submit their annual reports. Out of the 32 varsities, 10 were in Khyber Pakhtunkhwa, nine in Punjab, two in Balochistan, five in Sindh, one in Gilgit-Baltistan and two in Azad Kashmir.

The HEC officials told the committee that the QAU, according to its yearly progress report 2018-19, was also in the unsatisfactory category as it could bag only 26.61 scores.

Whereas the University of Karachi, University of Peshawar, Bahauddin Zakariya University Multan, Government College University Lahore, Quaid-i-Awam University of Engineering, Sciences and Technology, Shaheed Benazirabad, Sardar Bahadur Khan Women University, Quetta, Shah Abdul Latif University, Khairpur, IIUI, Gomal University Dera Ismail Khan, Hazara University, Mansehra, Abdul Wali Khan University Mardan, University of Malakand, Islamic College University, Peshawar, PIDE, National College of Arts (NCA) Lahore, University of Swabi, University of Swat, University of Turbat, University of Kotli, Women University Multan, Bacha Khan University, Charsadda, Khushal Khan Khattak University, Karak, Information Technology University of Punjab, Ghazi University Dera Ghazi Khan, Government Sadiq College Women University, Bahawalpur, Khawaja Fareed University of Engineering and Information Technology, Rahimyar Khan, University of Baltistan, Skardu, and Women University Mardan were among those whose performance was declared unsatisfactory.

The committee deferred two agenda items related to the Private Educational Institutions Regulatory Authority (Peira) and the Single National Curriculum till the next meeting.

(By Kashif Abbasi Dawn, 04, 13/11/2021)

## SC issues written verdicts

The Supreme Court has issued written verdict in Nasla Tower case.

The apex court, in the written order during the hearing on Friday, directed the Karachi commissioner to depute 400 labourers instead of 200 to demolish the building. The court verdict came after the commissioner informed that 200 labourers were deputed to raze the illegal tower.

The commissioner will ensure the demolition of Nasla Tower within a week. The Supreme Court has directed to make the process of demolition of Nasla Tower safer.

### Tejori Heights

The Supreme Court has issued a written verdict in the Tejori Heights case. The apex court said in its written order that Raza Rabbani said that the structure of Tejori Heights had been demolished and it would take 20 days to completely remove the debris.

The court gave the Tejori Heights builder 20 days to remove the debris. In the written verdict, the Supreme Court asked the Karachi commissioner to ensure removal of debris.

The court said that the Tejori Heights will remain in the custody of Karachi commissioner until further orders.

### Al-Bari Tower

The Supreme Court has issued a written verdict in Al-Bari Tower case. In its written order pertaining to the Al-Bari Tower, situated in Bahadurabad, the apex court has restrained the builder from transferring the property till further orders.

The top court has directed the Ministry of Housing and Works secretary to submit all the relevant records. The verdict said that Al-Bari Tower's counsel Rasheed A. Rizvi asked for respite. The SC has also ordered to submit documents related to the ownership of Al-Bari Tower land within a month.

Earlier on Wednesday, the Chief Justice Gulzar Ahmed had directed the Karachi commissioner to demolish Nasla Tower on an immediate basis and submit a report to the court right away. The top court had also sought report on Tejori Heights.

The court expressed indignation over the report of Karachi commissioner. "Where is the Karachi commissioner? Tell us what happened? What did he do to execute the orders?" the CJP remarked.

Following the hearing at the top court's Karachi Registry and orders by the CJP, Karachi Commissioner Muhammad Iqbal Memon, assistant commissioner revenue and east deputy commissioner and other officers immediately reached Nasla Tower, where the Karachi commissioner reviewed the ongoing work and issued directives to expedite the demolition of the building.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 28/11/2021)

### Minorities demand govt to pass Forced Conversion Bill

Several people staged a protesting rally outside the Karachi Press Club on Friday, demanding the government to pass the 'Forced Conversion Bill' immediately.

The charged participants from the Christian community also demanded the state to treat all the minority people as equal citizens according to the Constitution of Pakistan.

The participants said that their young girls were being forcibly converted and married to Muslim men without the consent of their parents.

Carrying placards in their hands, women, men and children reached the KPC in small groups, chanting slogans against the atrocities they have been facing in different parts of the country.

"We do not accept forced conversion," said Saleem Rajput. "We are being pressured," he added. Rajput said that the rejection of the bill on forced conversion was a serious issue. "The state doesn't think it [forced conversion] an issue," he added. Speaking to the rally, Zahid Farooq said that: "this is a serious matter. This is a social injustice. We condemn forced marriage and forced conversion."

He said that all the minorities living across Pakistan were proud Pakistanis. "But we are not being treated as true and patriotic Pakistanis," he said.

The participants raised their hands praying justice for their young daughters who have been forcibly converted.

Jamal Rajput said, "we voted in favour of the creation of Pakistan but we are not safe here," he said. "We are not against the Muslims. We respect everyone and want to be respected," he maintained.

Dr Jaipal Chhabria said that: "we are as much patriotic Pakistanis as much as Quaid-i-Azam was." He said that neither Hindus nor Christians were being given their due rights.

"Our women are not safe here," Dr Chhabria said. "We demand their protection. We demand their due rights. We demand our rights." Noel Ejaz, the organizer of the protest, said that all political parties and social activists were assembled and demanding the government to pass the bill. (By Sameer Mandhro The Express Tribune, 04, 11/12/2021)

### SC irked over delay in Gutter Bagicha case

The Supreme Court has ordered to hold the next hearing of the Gutter Bagicha case in Islamabad. The Gutter Bagicha case was heard before a bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Qazi Muhammad Amin Ahmed at the Supreme Court Karachi Registry.

Administrator Karachi Murtaza Wahab appeared in the court. KMC Housing Society Chairman and other concerned officials also appeared in the court. KMC Housing Society Chairman said, "Our lawyer is on leave, respite should be given."

The petitioner Amber Ali Bhai said that this has been happening for 25 years. The hearings to save the sewage fed urban forest developed by the British in 1892 continue to be adjourned, he said. The British government had handed over 1048 acres of forest land along Lyari River to Karachi Municipality.

By 1969, it had shrunk to 1016 and today it has shrunk to less than 480 acres and remains under perpetual threat. Justice Qazi Muhammad Amin Ahmed remarked that delay tactics will not be allowed. He told the housing society that if you do not have a lawyer, you can run the case for yourself. The court is listening to you patiently, you can give arguments.

KMC Housing Society Chairman said that 200 acres of land was allotted to KMC Housing Society. The Chief Justice remarked that what was the authority of the local council to give municipal land? Mr Advocate General, under what rules was the land allotted? (By Newspaper's Staff Reporter, The Express Tribune, 04, 29/12/2021)