

# NEWSCLIPPINGS

*JULY TO DECEMBER 2021*

## HOUSING



## Urban Resource Centre

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A-2, 2<sup>nd</sup> floor, Westland Trade Centre, Block 7&8, C-5, Shaheed-e-Millat Road, Karachi.  
Tel: 021-4559317, Fax: 021-4387692, Email: [urc@cyber.net.pk](mailto:urc@cyber.net.pk), Website: [www.urckarachi.org](http://www.urckarachi.org)  
Facebook: [www.facebook.com/URCKHI](https://www.facebook.com/URCKHI) Twitter: <https://twitter.com/urckhi>

## CM Murad wants probe into illegal allotments

The *Sindh* government will file three applications in the Supreme Court on Saturday (today) to divert funds recovered from a real estate development giant for the rehabilitation of people evicted during anti-encroachment drive, development of Malir district and flood management on left bank of Indus.

The chief executive of Sindh government also called for constitution of a commission to probe into illegal allotment of land which led to encroachment issue in the first place.

Addressing a press conference at CM House on Friday he Chief Minister Murad Ali Shah said that, on the directives of Pakistan Peoples Party Chairman Bilawal Bhutto, the provincial government has decided to allot 80 square yard plots to all the 6,500 families displaced due removal of encroachments along the embankments of Gujjar and Orangi Nulla.

"Since the affected people are very poor to construct their houses, therefore we would like to request the Supreme Court of Pakistan to provide Rs10 billion being recovered from Bahria Town for the construction of over 6,500 houses, development of road, drainage and water supply infrastructure in Malir district and to construct drainage system on the left bank of River Indus which usually inundated the big cities and town in the areas."

The CM was accompanied by his cabinet members, Syed Nasir Shah, Sohial Anwar Siyal and Advisor Law Murtaza Wahab.

"The federal government has agreed to give two-month rent to the affected people at a rate of Rs15,000 per month and it has agreed to provide them apartments in Naya Pakistan Housing Scheme," he said and added "the manifesto of PPP calls for provision of shelter to the shelterless, therefore it become the responsibilities to provide houses to the affected people," he said.

The CM said that he has decided that the 80 square yard plots be provided to each displaced family either at Taiser Town or LDA Scheme-42.

"Therefore, through three applications, to be filed on Saturday morning, the Supreme Court would be requested to divert Rs10 billion being recovered from Bahria Town to these schemes so that they could be completed in time. "We would have no objection if the Supreme Court appoints a monitory judge or monitor itself the implementation of the said schemes," he announced.

Replying to a question said that the Supreme Court has decided the cases of Gujjar, Orangi Nullas and Nasla towers as per law. "The law does not allow illegal allotment, construction or major or minor violations, therefore the Supreme Court has declared them illegal," he said and added that his government has envisaged a plan to rehabilitate the affected people on humanitarian grounds.

Inquiry Commission: Murad Ali Shah disclosed that the provincial cabinet has decided to request the Supreme Court of Pakistan to allow constitution of an Inquiry Commission under a retired judge or a retired grade BS-21 officer to inquire into the matters of allotment of land, approval of layout plans, overlooking violations or allowing extra lands all the controversial projects and fix the responsibility.  
(By Newspaper's Staff Reporter, The Express Tribune, 04, 03/07/2021)

## Housing: a dream shattered

*Roti* (bread), *kapra* (clothing) and *makaan* (housing) are the essential needs of an individual. Having a decent house is a dream every citizen carries. Welfare states following the concept of sustainable goals provide schemes and loans for the realisation of such dreams.



Human resource is now considered as one of the greatest assets of organisations. Being humans and not robots, employees have desires, needs and like others, yearn for all good things of life, therefore organisations take into account various aspects of motivation. Incentives in the form of better salary packages, and fringe benefits such as housing are essential ingredients of motivation acting as a propelling force for efficient work.

With this realisation, various welfare organisations have been set up, such as Fauji Foundation, Army Welfare Trust, Defence Housing Authority, Federal Government Employees Housing Foundation (FGEHF), Pakistan Housing Foundation, National Police Foundation and so on.

Of those, FGEHF had also been established with avowed objectives for providing plots or houses to serving and retired civil servants purportedly under fair and transparent policy. The FGEHF was established as a cell in the Ministry of Housing & Works, and was registered as a guarantee limited company with Securities & Exchange Commission of Pakistan (SECP) under Section 42 of Companies Ordinance 1984, which was later converted into the Federal Government Employees Housing Authority (FGEHA) through an ordinance promulgated on July 12, 2019, by the president. The purpose of the FGEHA was to initiate, launch, sponsor and implement housing schemes for federal government employees on an ownership basis in all major cities of Pakistan to address the provision of shelter to federal government employees and to make and assist each of them to have a house at the time of retirement or earlier.

The mission statement of the FGEHA has also made lofty claims to provide eligible federal government employees with quality affordable housing in major cities of Pakistan in a secure, healthy and decent environment.

Although the FGEHA boasts of allotting 22,642 units to its members from 1989 to 2013 (19,458 plots, 1,595 houses and 1,589 apartments) in Islamabad, Peshawar and Karachi, the situation on ground is different. The performance of the Ministry of Housing and FGEHF, now FGEHA, is far from satisfactory since 2014 till date.

The FGEHF lured in members initially through a membership drive by collecting Rs100,000 as fee, with fanciful promises of allotting plots in schemes in Islamabad. Having kept them on the hook for a considerable period of time, the scheme could not take off. A membership drive was again launched with a cash amount of Rs100,000 as registration. As a matter of principle, the already registered members were required to be accommodated but this suggestion was thrown to the wind. Then again, to accumulate more money, a membership drive was initiated, with a promise to allot a plot on Park Road — a joint scheme along with the Supreme Court Bar Association. The foundation collected around Rs3,000,000 from each member as a first installment but the scheme remained in doldrums due to a long litigation in the Islamabad High Court and Supreme Court of Pakistan. Meanwhile, hopes were given to those members that they would be accommodated in F-12 Islamabad.

With a final judgment of the Apex Court, hopes of the members rekindled but again turned into despair due to the news that possession of land was only to be given to the Supreme Court Bar Association. While the helpless serving and retired employees were left to frustration. On the other hand,

to add insult to injury the wily bunch of federal secretaries adorning the saddle of power with the right connections have carved out two plots for themselves in developed sectors, like D-12/2 and that too without turn. Reports further suggest that the secretary housing has approved a summary for a second plot for himself and other blue eyed in a developed sector. This fact has also been truly referred in the judgment authored by Chief Justice Athar Minallah stating therein, "It also shows how summaries are manipulated in order to mislead the Federal Cabinet so as to get favourable decisions". Being a chairman of the board of FGEHF the federal secretary is in a fiduciary relation and is required to protect the rights of the members. But who cares?

The dream of having a house in Islamabad of one of the employees was shattered in these words: "It is a matter of the year 2014 when I had applied for a plot by depositing Rs31 lakhs. After about seven years, no development towards possession has taken place. Most of the people have retired and many have expired during a lengthy litigation. Justice delayed is justice denied. Retired people have no awareness of their surroundings. May Almighty Allah bless you for such welfare efforts! Another civil servant quipped, "We are children of a lesser god".

Having said this, will those who are on the helm of affairs not jump the queue and provide a remedy to the wrongs inflicted upon the employees; after all the tag is of '*insaf*' (justice)? Will transparency and merit hold sway over influence and power?

(By Dr Syed Akhter Ali Shah The Express Tribune, 15, 07/07/2021)

### Housing concerns

THE State Bank has said that housing and construction finance has increased by 75pc to Rs259bn during the last fiscal compared to the previous year. The bank says that 97pc of the overall target set last year has been met, and has termed the growth as unprecedented in the nation's history. That may be true. But is the increase good enough for improving home ownership? With the government's interest rate subsidy programme that allows first-time home buyers to purchase mortgages at 3pc, 5pc and 7pc, and the State Bank's instructions to banks to boost their construction and housing finance to 5pc of their total private-sector loans by December, consumer financing for house building has increased by Rs18bn to a paltry Rs97.8bn in the first 11 months of the fiscal to May. Such subdued growth numbers underscore both supply and demand side constraints on expansion in the mortgage market.

On the supply side, it is commonly known that mortgages are a new area for commercial banks that are also reluctant to entertain loan seekers with a poor, or with no, payment history, or with inadequate finances and income levels unless foreclosure laws are toughened to allow them to repossess the property of defaulters without the judiciary's intervention. Then, there also is a massive supply gap of affordable housing for low-middle-income, first-time buyers. On the demand side, the majority of those wanting to build or buy a house do not have access to banking services. Or their saving capacity is too low to allow them to look for mortgage. Those who have financial resources either operate in the informal economy or prefer not to obtain bank loans to buy a house. Housing needs, especially in the urban and peri-urban areas, are increasing rapidly and require very large volumes of investment if demand is to be met and the backlog of an estimated 10m units covered. The State Bank claims it is trying to tackle the issues hampering faster growth in housing loans, especially for the low-middle-income segments, but there's little hope of a major breakthrough in the near term. In a market where banks prefer to invest in secure government debt or do business with large corporations with deep pockets, they are unlikely to expose themselves to new risks. One way of boosting the country's mortgage market would be to encourage the establishment of specialised housing finance companies and disbursing subsidised housing credit to people through them.

(By Editorial, Dawn, 06, 17/07/2021)

### Sindh heritage sites

DOUBTLESS for an under-resourced, developing country such as Pakistan, putting money aside for what are considered 'non-essential' expenditures is a tough ask. It is not surprising that matters of culture and the preservation of heritage end up on the back-burner. Even so, it is essential to remember that these are the very lynchpins that connect the country's bright future — as claimed by government — with its rich, tapestried history. That these sectors remain inadequately addressed by the state is all the more shocking given that the current government makes much about its dedication to 'soft power' concerns such as tourism, environment and heritage. Thus, when last week, the Sindh Minister for Culture, Tourism and Antiquities Syed Sardar Shah said that "I will not beg for alms from the federal heritage ministry", the bitterness betrayed by his choice of words was regrettable beyond measure.

Mr Shah made these remarks in Hyderabad, after inaugurating the century-old Mukhi House recently renovated as a museum. Accusing the federal government of having completely overlooked Sindh in terms of the conservation of some 3,200 heritage sites, he said that the funds due to the province by the federal heritage ministry had not been released for a long time, and that the centre had denied Sindh its due share in the NFC Award. Despite this, he said, the provincial government was trying its best. That said, he also dilated upon the challenges being faced, referring in particular to the Pucca Qila. This dates back to about 1768, constructed during the Talpur rule over Sindh, and has by now, according to the minister's estimate, some 80,000 to 100,000 people settled on its premises. True, culture and heritage have been provincial matters since the 18th Amendment, and Sindh has no doubt been lax in matters of preservation. But that does not absolve the centre of its responsibilities in all sectors. Mr Shah's words serve as a warning that without serious efforts, there will be nothing left of the past to preserve.

(By Editorial, Dawn, 06, 19/07/2021)

### Call to abolish Land Acquisition Act 1894 over its misuse

The participants in a webinar have criticised the state for, what they called, misusing the Land Acquisition Act 1894, saying there is need to change or abolish the law because it is used only against the poor segments of the country.

The webinar, 'Dispossession for Development and Land Struggles in Contemporary Pakistan,' was first of a series launched by LUMS Mahboobul Haq Research Centre (MHRC) on Thursday for introducing social justice and change and to commemorate the life of veteran journalist and rights activist I.A. Rehman.

The speakers included architect Arif Hasan, political activist Tooba Syed, Abira Ashfaq and lawyer Fahad Malik. Architect Hala Bashir Malik moderated both sessions.

In the first session, Mr Hasan said I.A. Rehman had started journalism in the 1950s and also worked as a film reporter, becoming an expert on global cinema. He said Rehman Sahib was involved in politics and had played very active role against dictator Ayub Khan while he and his colleague also started a daily newspaper Azad, which probed Sheikh Mujibur Rahman's victory and suggested to the rulers to hand over power to him. It had also highlighted atrocities against the Bengalis in East Pakistan.

Arif Hasan said Rehman Sahib was arrested and targeted for his struggle while other people of his generation became collaborators of the state. He said Rehman Sahib's struggle for human rights had left behind a grand legacy.

In the second session, Mr Fahad Maik said the state was misusing the Land Acquisition Act-1894 because Article 24 of the constitution would allow the state to acquire private property in the name of public purpose/interest; however, the constitution did not define what would be the public purpose or interest. He said the Act was introduced during the colonial rule, asking why it continued existing after the Independence.

Mr Malik said the governments under the law first would finalise a project and PC-I and later the state would approach any person whose land would be used for the project and the law gave him only 15 days period to raise objections to the project. He said Ravi river project was ready to build a new city on 124,000 acre land but the state was not providing any information about it as if it was a national secret.

Tooba said Islamabad was built on villages and it was not an empty land. She said six years ago, the CDA had erased 66 katchi abadis and only 11 of them were declared legal.

Ms Ashfaq said the Karachi Bachao Tehreek was launched against forced demolition on Orangi and Gujjar nullahs. The government was following anti-poor people policies and around 80,000 people had been evicted from these areas.

Mr Hasan termed the Land Acquisition Act a big problem and demanded that it should have been abolished as the India had done or its procedures should be redefined.

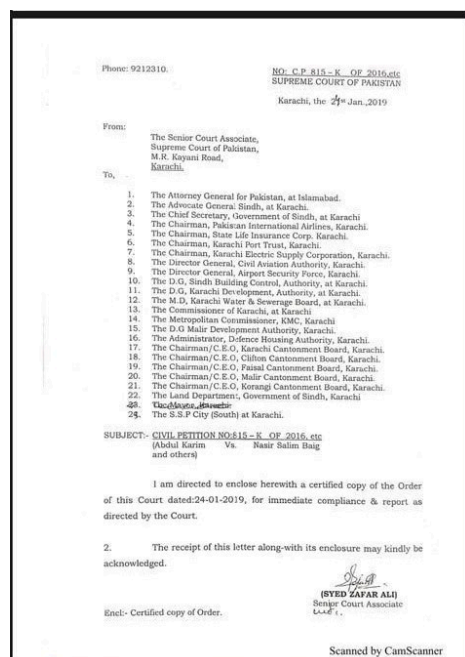
(By Newspaper's Staff Reporter, Dawn, 02, 30/07/2021)

### High-rise being built in Karachi's Clifton in violation of SC orders

A 19-storey residential-cum-commercial building in Clifton Cantonment is being constructed in brazen violation of Supreme Court orders. On Jan 22, 2019, a two-judge bench led by Justice Gulzar Ahmed had banned the conversion of residential and amenity plots for commercial purposes "all across Karachi City including cantonment areas".

The interim order came during the hearing of a civil petition (No. 815-K/2016) about unauthorised construction on evacuee property in Lyari. No subsequent order was passed to modify or set it aside.

The above-mentioned building, named Zamzam Arcade, is being constructed on a residential plot measuring 3,600 square yards where Bath View apartments once used to stand. This plot — G24, Block 9, Clifton — was among a list of around 915 residential/amenity plots converted to commercial use that was compiled by the Sindh Building Control Authority (SBCA) in response to the SC directives. As per the list, the plot had been converted from residential to commercial on Aug 20, 2018, only a few months before the apex court's order.



The order read: "SBCA nor any other authority shall approve any conversion including pending ones. All conversion allowed by these authorities shall be reviewed and all efforts shall be made to ensure that the land which was originally provided in the Master Plan of the city of Karachi is restored to that status."

It should be noted that unchecked commercialisation of Karachi's real estate — which allegedly earns windfalls for certain politicians and bureaucrats — is placing increasing pressure on its already decrepit civic infrastructure and leading to a breakdown in service delivery.

On Jan 24, two days after the court issued the directives, the SBCA notified an immediate ban on conversion and approvals of building plans/NOCs on converted plots within Karachi division until further orders. The notification also said: "All pending cases of change of land use (conversion) and approval of construction permits/ building plans/ NOCs on converted plots shall be deemed to be rejected as unconsidered." Signed by DG SBCA Iftikhar Ali Kaimkhani, copies of the notification were sent to, among others, the director military lands and cantonments, district commissioners and SBCA directors "for immediate and strict compliance in letter and spirit".

The SBCA also issued a public notice cancelling "all approvals, NOCs for change of land use/construction permits/ completion plans/ occupancy certificates/ NOC for sale and advertisement [etc]..." in those cases where amenity or residential plots were being put to commercial use. It further said: "The SBCA is determined to take action of demolition/ sealing/ ejection wherever required in consonance with the orders of the Honourable SC."

However, what took place in the following months appears to be in complete violation of the apex court's order. On June 13, 2019, the Karachi Development Authority, the lessor of the plot in question, received outstanding dues of Rs9.7 million from the property owners, including demolition fee, plan forwarding fee, etc. The next day, KDA's Directorate of Land Management issued an NOC to the Cantonment Board Clifton (CBC), listing the names of the four co-owners and specifically stating that the plot was "Residential/ thereafter commercialised by Master Plan Dept SBCA".

As per a written response to *Dawn's* questions from the assistant director, commercial cell, KDA: "The said commercial plot does not come under the purview of the ban list of MPD, SBCA, hence the Land Department issued letter to CBC as per procedure." If that was indeed the case, then why did Senior Court Associate Syed Zafar Ali on the SC's direction send a certified copy of the order, dated Jan 22, 2019, to 11 recipients, among them the DG KDA?

The firm behind the construction of Zamzam Arcade, CL Builders and Developers, did not respond to questions from *Dawn*.

Meanwhile, various other authorities issued NOCs in respect of the planned high-rise. In March 2019, the Civil Aviation Authority gave height clearance of 400 feet for flight safety purposes. On May 3, K-Electric issued an NOC for provision of electricity connection in response to a request by the executive officer, CBC. On May 27, Sui Southern Gas issued an NOC in response to a request by one of the owners of the property. On July 23, the KWSB issued an NOC to provide water and sewerage services for the project at a request of the chief engineer, CBC.

Military Lands & Cantt Karachi Region Director Adil Rafi Siddiqui told *Dawn* that the notification issued by the SBCA following the apex court order of Jan 22, 2019 “has never been received in this office”. However, a source in the SBCA has shared with *Dawn* a TCS receipt (consignment number 306026311135) to refute this claim. The receipt shows that the SBCA did dispatch a document to the director, MLC, on Jan 29, 2019 at 12.57pm.

In his response to *Dawn*'s questions, Mr Rafi further said that while the plot in question fell within the jurisdiction of the CBC, “NOC from land point of view declaring the plot has been issued by KDA, being the lessor as well as record owing [sic] agency. Honorable apex court vide order dated 22-01-2019 had directed SBCA to review all plots which were originally meant for residential/amenity purpose and had been converted for commercial use and to file a report thereof in the court. This office has not so far been informed by SBCA regarding any property falling inside a cantonment in Karachi that would be under review with SBCA/ KDA....”

A retired senior official from SBCA described the cantonment board's response as “foolish, baseless and worthless”. He questioned how CBC could continue with the project given that the order expressly imposed a “complete ban in Karachi including cantt areas. The director MLC is bound to obey the SC's order, not the SBCA.” The apex court, he said, sought CBC officials' attendance at the hearings, and “the attorney general Pakistan, advocate general Sindh and chief secretary Sindh contacted them and they attended meetings on the issue”.

Moreover, another certified copy of the order, this one dated Jan 24, 2019 was dispatched by Senior Court Associate Syed Zafar Ali, to 23 recipients, including the chairmen/CEOs of Karachi, Clifton, Faisal, Malir and Korangi cantonment boards and the DG KDA “for immediate compliance and report as directed by the court”. Over two years later, the construction on Zamzam Arcade continues as before.

Residents of the area are already suffering the consequences of the ongoing project. Several years ago, CBC had set up a kachra kundi (neighbourhood garbage collection point) adjacent to the plot. However, it was obstructing the planned entrance to Zamzam Arcade's residential apartments from the side street and was removed during the course of the construction. “The kachra kundi used to serve the surrounding residential area as well as commercial/residential towers of Forum Mall, Ashiana Mall and Vincy Mall,” says one homeowner. “Now the kachra is being thrown in nullahs and here and there in the streets.”

(By Naziha Syed Ali Dawn, 13, 03/08/2021)

### Computerised land record

The Sindh government has computerised around 70% of the land record in the province, but the ground reality nullifies the effort and expenses incurred on undertaking the exercise. Unfortunately, stakeholders, especially farmers, are not benefiting from the digitisation as computerised record is practically of no use because of an inordinate delay by the provincial government to issue a notification. In the absence of an official notification, computerised record is not recognised as a valid legal document. Farmers have to produce land record for obtaining agricultural credit from banks and other financial institutions. They are hampered by the existing stagnant situation. Even those whose land record has been computerised have to do much running around to obtain the digitised record.

Growers blame the provincial Board of Revenue for their troubles. The alleged inefficiency of the board is leading to one of the lowest disbursements of agricultural credit in Sindh adversely affecting farm productivity in the province. Sindh contributes 23% of the national agricultural GDP but its credit allocation, due to official apathy, is a mere 16% and this too remains underutilised. In other provinces, the disbursement is sometimes higher than the set target, and farmers do not have to face other problems as there the computerised land record is treated as a legal document.

The Sindh government began computerisation of land records around two decades ago with much fanfare. The computerisation programme was also publicised raising farmers' hopes that this would eliminate irregularities in land record and also make it easy to get access to records but these hopes are yet to materialise due to tiresome slowness at the official level. Since the digitisation scheme is proceeding at a snail's pace, it is not serving the purpose for which it was meant. Farmers realise the importance of computerisation of land records, so they have demanded of the government to expedite the whole process to facilitate them as it will increase agricultural productivity in the province.

(By Editorial, The Express Tribune, 14, 12/08/2021)

### Man dies as building's roof collapses in Garden

An unidentified man was killed and another sustained wounds when the roof of an abandoned building collapsed early on Friday morning in the Garden area.

The body and the injured person were taken to Civil Hospital for medico-legal formalities and treatment. The area police said that the affected building was abandoned with very weak foundation and last month's rains further eroded the already vulnerable structure.

“The deceased was not identified but apparently the victims were drug addicts who used to live in the ground floor of the building. The injured was identified as 28-year-old M. Rehan and the police were tracing family links of the victims,” said an official.

### Bogus vaccination slips

The Aziz Bhatti police have arrested two staff members working at the Expo Centre vaccination centre of the Sindh government on charges of issuing slips to people without receiving the jabs against bribes.

An official said that the suspects were employed as sanitary staff and data entry operator, who were caught red-handed by their supervisor on Thursday night. An FIR registered with the police said that the complainant was supervising the vaccination process on Thursday night when he spotted a cleaner with a man indulging in some suspicious activity.

“When he [the cleaner] was grilled by his supervisor, it emerged that data entry operator Akhtar Ali was carrying CNICs of 22 people and slips of the vaccination. Ali later confessed to have issued slips against bribe with the help of the sanitary worker identified as Shahbaz Masih,” it said.

It added that police and the health department had recovered 14 vaccination slips and 37 copies of different CNIC slips from their possession. Both were formally arrested and booked by the police, said the official.

### SRA 'militants' held

In Gulshan-i-Hadeed area two suspects associated with the banned Sindh Revolution Army (SRA) were arrested by the Malir police on Friday who, the investigators said, were planning attacks during Independence Day celebrations.

A statement issued by the Malir police said that the suspects identified as Akram Chandio and Shiraz were associated with the SRA for past several years. One of them, Chandio, was also involved in last year's attacks on stalls set up for sale of items related to Independence Day celebrations in Gulshan-i-Hadeed area, said the statement.

"Shiraz was actively involved in coordination between the jailed activists and leadership of the banned outfit which is living abroad," said the statement adding that the two suspects had also raised "huge" funds for their organisation from different sources.  
(By Newspaper's Staff Reporter, Dawn, 15, 14/08/2021)

### **Boat Basin food street**

City Administrator and provincial government spokesperson barrister Murtaza Wahab on Friday said that a food street would be set up at Clifton's Boat Basin.

He said this while reviewing the ongoing development works in Boat Basin.

The project director of Karachi Neighbourhood Improvement Programme (KNIP) gave a detailed briefing on the establishment of a food street at Boat Basin and said that the provincial government had started renovation and construction of the food street.

(By Newspaper's Staff Reporter, Dawn, 14, 21/08/2021)

### **Ordinance proposes body for retrieving occupied state properties**

A presidential ordinance promulgated on Saturday gave strong legal and administrative powers to a proposed authority charged with retrieving "illegally occupied" state lands and assets.

The decisions and actions of the authority formed under the ordinance, called the Federal Government Properties Management Authority, will generally not be challenged in any court of law.

The proposed body — to be headed by a director general and having a board comprising three members from the government and three from the private sector — will have powers so that "no court can pass any order that will bar the authority from removing encroachments from state land".

*New authority will have strong legal and administrative powers*

"Save as otherwise provided by this ordinance, no court or other authority shall have jurisdiction to question the legality of anything done or any action taken under the ordinance by or at the instance of the authority in good faith," a clause in the ordinance said.

"No court shall in any case pass an order affecting any anti-encroachment operations by the authority."

#### **Removal of difficulties**

The ordinance further said: "If any difficulty arises in giving effect to any provision of this ordinance, the federal government may make such order, by notification in the official gazette, not inconsistent with the provision of this ordinance, for the purpose of removing the difficulty."

The document said the authority may, with the approval of the government and by notification in the official gazette, make rules for carrying out its purpose and formulate regulations with the approval of its own board.

The ordinance also said: "If any property is used in contravention of the ordinance or... any rule, regulation or order, etc. made thereunder, the director general or any person authorised by him or the authority in this behalf may by order in writing require the owner, occupier, user or person in control of such property to remove, demolish or alter the property or the use of it under such manner so as to bring such structure, construction or use in accordance with the said provisions of this ordinance or of any rule, regulation or order made thereunder."

The ordinance asserted that if an "illegal structure is built or existing structure is tampered with or damaged or altered with regard to any property, the responsible person/entity shall rectify it at its own risk and cost. In case of non-compliance, the authority shall carry out required function and, in such a case, the responsible person or entity shall be liable to bear all expenses incurred".

In case the responsible person or entity is not in a position to bear the cost, it shall be recovered as arrears of land revenue or any other revenue collection process in place, said the document.

According to the ordinance, the authority will appoint a director general as its head for a period of three years, extendable for another term of three years.

#### **Powers of the authority**

As per the provisions of the ordinance, the body will collect data of assets and properties of different government entities, recommend to the government transfer of these assets to it for investment, and take possession of any asset transferred to it.

"...The authority shall be a body corporate, having perpetual succession and a common seal, with power and functions to acquire, hold and utilise assets as per provisions of this ordinance," said the document.

The headquarters of the authority shall be at Islamabad and it may, with the prior approval of the government, set up as many offices all over the country as, when and where required.

"Before this the federal (government) on July 7 had approved the formation of a new authority tasked with the recovery of prime federal government properties located all over the country and eventually their disposal to generate funds," added the ordinance.

(By Newspaper's Staff Reporter, Dawn, 03, 23/08/2021)

### **Ignoring the shelterless**

IN June this year, hundreds of people protested against Bahria Town Karachi — one of the largest gated housing schemes in the country. This took place on the heels of another protest by residents of 'irregular' low-income settlements situated on either side of Gujjar and Orangi nullahs. The protesters in both instances had a common grievance: they had been deprived of their land and homes by decisions and actions taken by the

government. This has become a discernible pattern. On the one hand, the state enables the construction on dubious legal grounds of residential schemes catering to the upper and middle classes, while on the other it subjects the poor and powerless to ruthless evictions. The priority, it seems, is to cater to the rich rather than serve the common man.

The same was observed by Islamabad High Court Chief Justice Athar Minallah on Wednesday while hearing a petition challenging the Capital Development Authority's ongoing anti-encroachment drive in Islamabad's katchi abadis to recover state land. He criticised the overall development model of the federal government, commenting that "elite-centric" development policies were the worst form of violation of constitutionally guaranteed rights. "Such state policies result in inequitable distribution of state assets which forms the root cause of poverty, hunger, homelessness and most of the other vices that beset humanity," he said. Justice Minallah nevertheless allowed the CDA to carry on with the operation as it was taking place in accordance with the law. The judgement notwithstanding, the chief justice's scathing criticism is not out of place. It is one thing to be unable to provide shelter for the homeless due to lack of resources. However, it is absolutely criminal to collude with real estate magnates in bending the law. Several upmarket residential schemes built on encroached or reclaimed land are a case in point. No one appears to be razing these establishments to the ground. The state must correct its self-serving ways and start thinking about the poor of this country.

(By Editorial, Dawn, 06, 27/08/2021)

### Burden of history

"Morality is doing what is right regardless of what we are told. Religious dogma is doing what we are told, no matter what is right." — Elka Enola



ON social media, letters and articles in the vernacular press and statements by politicians and police officials, it has been said that the series of rapes and anti-women crimes that are being committed are the result of mentally deranged individuals, failure of society to follow Islamic values, of woman not staying at home; and wearing revealing clothes. The issue regarding clothes is also endorsed by our prime minister who also blames Western values and culture for the crimes that have been committed.

So, how does one explain the incident that occurred at Minar-i-Pakistan on Aug 14 when 400 persons attacked a "decently dressed woman", stripped her and threw her up in the air and in her own words, "played with her". Were all 400 men mentally demented and were all of them defending Islamic values?

That is not possible and so, an understanding of the situation is required.

The structure of the Islamic family is to a great deal determined by mediaeval Islamic scholars such as Imam Ghazali. He is considered a great scholar and in his book, *Adab al Nikah*, he describes the role of men and women in a marriage and the values that constitute the structure of a Muslim family. His views have been echoed and expanded upon by subsequent scholars. According to him, a Muslim woman has to be completely subservient to her husband both materially and sexually. The only education that she is permitted to have is religious, as all other types of education endanger society. Also, she cannot leave her home alone and without permission from her husband. She must not speak to a friend of her husband even if in need. Mediaeval scholars also caution men against the guile and mischief of women as they are ill-spirited and immoral. Ghazali apologists point out that his words should be seen in the context of his times. Also, he himself mentions that his views are based more on an interpretation of tradition rather than religion and that similar views have been held by other societies. All these are valid observations

*How does one explain the Minar-i-Pakistan incident?*

However, the message of the mediaeval Islamic scholars on how women should behave is conveyed to the people of this country through Friday sermons from almost every mosque in Pakistan and as a result these values are deeply ingrained. They have been added to by additional post-mediaeval literature by persons such as Ashraf Ali Thanwi, the author of *Bahishti Zewar*, which explains the necessity of a woman being completely subservient to her husband and his family. This book was, and still is, often presented to the bride on her wedding day. The Muslim working classes of South Asia, however, did not have the luxury of following the advice of mediaeval scholars or of Ashraf Ali Thanwi. With urbanisation and upward mobility mediaeval religious values have infiltrated, through the middle classes, working-class family structures and the concept of *izzat* has surfaced as an important issue.

In my opinion, the emergence of woman in public and professional life is the most important change that has taken place in Pakistani society. This is something that I have pointed out consistently in the last decade and a half with statistics. This change has been accompanied by the breakdown of the clan and extended family and the demise of institutions of local self-governance such as the *panchayat*. This has resulted in a major conflict between deeply ingrained mediaeval values and emerging behaviour patterns. This conflict has produced a collective schizophrenia whose natural result, in the absence of rationality, is narcissism. If we are to overcome this schizophrenia and narcissism we have to create a society where value systems do not conflict with behaviour patterns. But if we are to create such a society then we have to challenge or put into context the teachings of our mediaeval scholars and their students.

There are two ways to do it, one we promote the thinking behind the statement of Elka Enola, given at the beginning of this article, or alternatively we work towards discarding those aspects of tradition that conflict overtly with our emerging behaviour patterns. For that we would have to create an alternative to the Council of Islamic Ideology which could help remove the conflict between mediaeval thinking and societies present-day necessities.

This requires a commitment from the state which unfortunately does not exist. On the contrary, the recent changes in school curriculum promoted recently by the federal government do exactly the opposite. A large network for a more rational Pakistan that takes into consideration the burden of the past is essential, without which change will be slow and increasingly painful.

(By Arif Hasan Dawn, 07, 29/08/2021)

### Ban imposed on wall chalking

The city administration has imposed a ban on all sorts of wall chalking and graffiti on public places as well as private structures within the territorial remit of Karachi Division.

A notification issued by Commissioner Navid Ahmed Shaikh said that the ban on wall chalking had been imposed on the request of the municipal commissioner of the Karachi Metropolitan Corporation (KMC).

It said that the MC of KMC had invited attention towards wall chalking and graffiti on public places as well as private structures being carried out by various political, religious, business and community groups.

The commissioner directed action against the violators of the ban.

(By Newspaper's Staff Reporter, Dawn, 13, 05/09/2021)

### **Ravi riverfront project: Compensation to landowners has started, claims Ruda**

The government claims to have started implementing the special compensation package for the landowners/affectees of the Ravi Riverfront Urban Development Project under the Land Acquisition Act 1894.

The implementation of the package was started after the government approved it in the light of recommendations of a special committee, respective district administrations (Lahore & Sheikhupura) and the Ravi Urban Development Authority (Ruda), *Dawn* has learnt.

“From Saturday, we have started implementing the compensation package prepared specially for the landowners/affectees of the country’s first and biggest urban project. The landowners have started receiving cheques from the respective revenue officials/committees,” Ruda Chief Executive Officer Imran Amin told *Dawn* on Sunday.

“The compensation cheques are being given to those whose land falls within jurisdiction the Sapphire Bay (Phase-1), which comprises of around 2,000 acres. The compensation package for the land situated in other phases of the project is not yet prepared since the land acquisition process is yet to begin there,” Mr Amin explained.

It may be mentioned that the landowners had expressed grave concerns over the compensation package announced earlier and urged the government to make a reasonable package for acquiring their land. Keeping in view the demands, the government had constituted a committee to hear the landowners and give recommendations in a bid to offer good land price.

According to the package, the government has offered up to Rs3.5m per acre for the land situated in the river bed along with a developed plot measuring from five to seven marla on each acre. Similarly, the package for the land other than the riverbed ones ranges from Rs5m to Rs7/8m along with a 10 marla developed plot (per acre). Likewise, the compensation for the crops, outhouses, rooms, infrastructure etc is separate.

“The cost of a developed plot (per marla) has been estimated as Rs500,000. And if we calculate the total compensation package (per acre), it appears to be more than Rs5m (per acre) for the riverbed land and Rs9/10m (per acre) for the other land. So I think it is the best-ever package for the land the government is acquiring for this project,” Mr Amin claimed, requesting the landowners to keep away from those propagating against a project that would reduce the massively increasing urban pressure on the existing city of Lahore.

The project’s urban design consists of three phases— Phase-I is spread over around 45,000 acres, Phase-II on around 34,000 acres and Phase-III on around 24,000 acres. Twelve cities have been proposed in different phases that include Medical City, Residential City, Government and Finance City, Innovation City, Knowledge City, Mix Use, Sports City, Tourism and Entertainment, Eco City, Commercial, Urban Farms and Downtown. The project has been divided in various zones called Mix Use Residential, Mix Use Commercial, Mid Rise Residential, Technology City, Residential (Single family units), Mix-use, Central Commercial Park, Financial, Residential High-rise, Forests etc.

The Ravi project stretches over a length of approximately 46km. The river, under the plan, shall be channelised in three phases. One barrage is proposed to be provided at the end of each phase of total three phases to maintain water level in the channel. Additionally, islands shall be provided in each phase. The additional water, required to develop Ravi into a perennial fresh water body would be diverted from Marala Barrage into Upper Chenab Canal (UCC) and then into BRBD Canal. Since the essence of project is the revitalisation of the Ravi river, it is claimed to be supportive to the ecological system to thrive back naturally and uplift the adjoining areas socially and economically. The authorities claim that they project will also rehabilitate the Ravi river into perennial fresh body and additional benefits of treating whole city’s existing wastewater. The implementation of the project has reportedly many benefits in terms of social, environmental and economic enhancement.

(By Khaliq Hasnain Dawn, 02, 06/09/2021)

### **Fort gate collapse**

THE collapse last week of a good portion of the façade of the historical Pucca Qila in Hyderabad is highly unfortunate. Since the fort premises is also home to some 80,000 to 100,000 people, we can only be thankful that no casualties were reported. The structure had visibly been listing for some time, and the provincial culture department says that at the time of the incident labourers were making reinforcement efforts. The province’s minister for culture immediately announced an inquiry. On Saturday, a case was registered against the contractor for ‘destroying antiquity’, while a culture department supervisor was suspended. Meanwhile, a video started circulating online that showed labourers apparently involved in demolition — using sledgehammers, no less — rather than undertaking proper restoration work. Soon thereafter came the inquiry team’s report which, broadly, accused the district administration for not cooperating in the matter of conservation.

However, this deflection of blame appears somewhat glib — even defensive. We use the latter term because it is undeniable that across-the-board renovation and restoration work persistently faces the twin plagues of lack of funding and low quality of human resource. However, if, as per the culture department’s claim, the district administration was slow in cooperating, why was work initiated in the first place? Then, where were the oversight mechanisms during the time it would have taken the workers to take heavy equipment up to the ramparts, while they should have been at work at the base? Why were the men not noticed and stopped? There are far too many unanswered questions here, and it behoves the culture department to make a more thorough inquiry into the matter, especially because the structural perils were no secret. Introspection may well be required, given that too often the temptation to demolish and rebuild takes precedence over restoration that is painstaking and slow work. However, there is little hope of this so long as the government remains unconcerned about heritage — as well as the danger unsteady structures pose to people.

(By Editorial, Dawn, 06, 09/09/2021)

### **Sepa plans survey of industrial units in residential areas across Sindh**

The Sindh Environmental Protection Agency (Sepa) on Thursday issued directives to all its regional heads and district officers asking them to carry out a survey of industrial units located in and around residential areas across the province.

The survey would be conducted in Karachi’s districts East, West, South, Central, Malir, Korangi, Keamari, as well as Sukkur, Larkana, Hyderabad, Mirpurkhas and Shaheed Benazirabad.

The officials are required to make teams and submit a detailed report to the Sepa director general within 15 days.



“The directives have been given against the backdrop of last month’s fire incident in an industrial unit located in the residential area of Mehran Town,” a Sepa spokesperson said.

#### *Environment watchdog takes action after Mehran Town factory fire*

The survey had been planned in districts that were already known to have industrial units and districts such as Tharparkar, Umerkot and Kandhkot were not included in the exercise, he added.

“While health and safety at the workplace are the subject that doesn’t come directly under Sepa’s purview, the objective of the exercise is to prepare ground for collaboration with other departments and respective district administrations and take action against illegal industrial activities.”

The survey would comprise door-to-door site visits of residential areas where different illegal industrial/commercial operations were being carried without any protective measures in place, posing a threat to human life, property and environment.

The officials are required to collect data about the owner/proponent of the industrial unit, details about the industrial activity and the plot/property/workers involved. They are also required to look into environmental issues concerning the activity and see whether the owner has letters of approval from relevant departments, such as the district administration, department of industries, labour department and the Sindh Building Control Authority.

It might be recalled that the factory blaze allegedly caused by an electric short circuit in Mehran Town engulfed the industrial unit, BM Luggage, killing 16 workers.

A case was registered under Sections 322 (manslaughter) and 34 (common intention) of the Pakistan Penal Code.

According to the FIR, the deaths took place on the upper portion of the building that allegedly lacked any emergency exit. “The factory building has been constructed in a manner that none can exit in case of emergency while no emergency alarm system was installed in it,” added the FIR. (By Faiza Ilyas Dawn, 13, 10/09/2021)

### **Land record online**

THE prime minister is right in describing the initiative to digitise the country’s land record system as “transformative”, both for the economy and the people. Speaking at the launch of the digitised land record system and cadastral map of Islamabad showing the extent, value and ownership of land, particularly for taxation purposes, he reiterated the government plans to digitise the land revenue record in three major cities — Karachi, Lahore and Islamabad — by November this year and then in the rest of the country in six months for improved administration and governance of the real estate sector and construction industry.

If the government successfully meets the deadlines it has set for itself, it would bring a major shift in the economy and drastically reduce land conflicts that are responsible for almost half the litigation burden that our frail civil and criminal justice system must shoulder. As the prime minister pointed out, digitising land records will eradicate land grabbing, control illegal and haphazard construction activities and land development in both the urban and rural areas, guarantee transparency in land and property transactions, curb record tampering, and provide quick ownership information online. More importantly, the availability of verified records online should go a long way in increasing the access of people, particularly women, to land and property.

It is well recognised the world over that secure land and property rights are critical to increasing the access of people and businesses to land for effectively using this asset for quicker economic growth, poverty reduction and social inclusion. Doubtful and ambiguous land titles are a huge impediment in the evolution of the housing- and construction-financing industry in Pakistan since our risk-averse banks are reluctant to venture into this sector for fear of long litigation and losses. At the individual level, people are forced to pay a higher price for land or property with clean titles. Removing ambiguities overall would create more uniform levels of pricing. For the government, the accuracy of the land record contributes to effective planning, better tax collection and resource allocations, and improved disaster management. Digitising land and property records is, therefore, the need of the hour for investment in housing, better environmental management and improved revenues.

It is, however, pertinent to note that the provinces have been extremely slow to implement the land administration reforms initiated more than one and a half decades ago with technical and financial assistance from different global institutions. Stiff resistance from the provincial revenue bureaucracy that is deeply invested in the legacy land administration system owing to factors ranging from financial corruption to fear of technology has kept successive governments from making meaningful progress in this area. With the prime minister himself pursuing the project, the renewed push for secure land and property rights in the country stands a much better chance of success this time around.

(By Editorial, Dawn, 06, 10/09/2021)

### **Mother, 3 children killed as under-construction project’s wall collapses in Karachi**

A woman and her three children were killed on Thursday morning when a wall of an under-construction project collapsed in Orangi Town while a youth was electrocuted in another area as the city came under a fresh spell of heavy rainfall of the ongoing monsoon season, said police, rescue services and other officials.



The wall of the under-construction housing project belonged to Naya Nazimabad, a senior police officer told Dawn on condition of anonymity.

The wall fell on the house in Orangi Town that received 39mm rainfall on Thursday.

The housing project was being constructed on the hilly side of Orangi, MPR Colony, when the wall fell on the residential area.

As a result, a mother and her three young children — two sons and a daughter, aged between four and 10 years — came under the debris and died.

#### *Owner, project director booked over charges of manslaughter*

The incident occurred at around 8.30am.

Rescue teams removed the debris and recovered the bodies.

A Chhipa spokesperson identified the deceased as Syeda Khawa Rasool, 28, and her children namely Naseeb, 10; Bashir; four, and Mobina, seven.

The bodies were taken to the Abbasi Shaheed Hospital to fulfil medico-legal formalities.

West SSP Suhai Aziz said that the incident might be related to heavy rain in the area.

She added that accumulated rainwater had weakened the wall of the project, which collapsed and fell down on the house.

The police have registered a case against the owner of the project namely Samad Habib and project director Aijaz on the complaint of the victim woman's father-in-law, Mohammed Arif, over charges of manslaughter.

No one has been arrested so far.

#### **Youth electrocuted**

A 22-year-old man was electrocuted in Gulshan-i-Maymar on Thursday, said rescue services officials.

An Edhi Foundation spokesperson said that Mohammed Irfan died of electric shock inside his house near Bengali Mor.

#### **Rainy weather to continue**

The Met department forecast on Thursday partly cloudy and humid weather for the city with chances of rain-thunderstorms over the next two days (Friday and Saturday).

The maximum temperature is expected to range between 33 degrees Celsius and 36 degrees Celsius.

"A monsoon low now lies over eastern Sindh and adjoining Rajasthan (India). Under its influence, widespread rain-thunderstorms with a few moderate/heavy falls and occasional gusty winds are likely to occur in Karachi, Hyderabad, Mirpurkhas, Tharparkar, Badin, Thatta, Umerkot, Sanghar, Benazirabad, Sukkur, Larkana, Khairpur, Shikarpur, Dadu and Ghotki districts from today till Sept 11," says the Met department's advisory.

The weather system causing rain is likely to exit the region by Saturday night.

Meanwhile, the department recorded maximum rainfall in Surjani Town (64mm) on Thursday till 8pm followed by North Karachi (58.1mm), Gulshan-i-Maymar (42.3mm), Orangi town (39mm), Nazimabad (33.2mm), Saadi Town (28.1mm), Quaidabad (20.4mm), Keamari (15mm), PAF Base Masroor (17.5mm), University Road (12.3mm), Jinnah Terminal (6.6mm), Gulshan-i-Hadeed and PAF Base Faisal (4mm each) and Old Airport area (3.5mm).

DHA Phase II received the lowest rainfall (2.7mm) in the city.

(By Imtiaz Ali Dawn, 13, 10/09/2021)

### **Bhatia Bhawan razed to the ground**

Despite tall claims, the Sindh culture, tourism, antiquities and archives department failed to save Bhatia Bhawan, one of the oldest heritage sites in the metropolis.

By the time outcry on the demolition, allegedly by the owner, prompted the department into action last October, only the building's facade and peripheral structure had remained.

This week, however, the historic structure was razed to the ground. In its stead there was only rubble on Prarthana Samaj Road, in Thattai compound opposite Dow Dental College.

"I do not know anything. Have only been asked to demolish," said a worker on the site, shiftily averting his gaze.

As many as 1,739 buildings have been declared heritage sites in Karachi. Bhatia Bhawan was one of them.

Speaking to The Express Tribune, senior architect Yasmeen Lari censured the provincial department for failing to protect the building. "No one can demolish a heritage building until and unless the government allows them to do so."

#### **'Helpless officials'**

Last October, architects and concerned citizens had called the department's attention to the demolition work. The tearing down of the recognised heritage site continued for a couple of weeks, according to area residents, before the culture department sprang into action.

The building's rooftop and internal structural framework had been demolished by the time a team led by Sindh Archaeology Director Abdul Fatah Shaikh visited the site and ordered an immediate halt on the construction work.

Shaikh wrote to the area police and an FIR was also registered against the 'illegal' demolition work.

The archaeology director told The Express Tribune that at least six notices were served to the owner and the demolitions were halted for a few months. However, then a court dismissed the department's plea and allowed the owner to continue razing the site, said Shaikh. "We couldn't save it."

#### **Legal matters**

Shaking his head helplessly, Shaikh added that he had been trying to do something. "[But] There are flaws in the law," he said, referring to the Sindh Cultural Heritage (Preservation) Act 1994.

Architect Touseef Ahmed Memon, however, seconded Lari and said that a heritage building could not be razed to the ground without obtaining permission from the Sindh government. "I think the law does not even permit the owner to construct a new building on the plot [of a heritage site]," he said, referring to the same law.

Contradicting Memon, the Sindh archeology director said that while it was common practice for his department to restrict the complete demolition of heritage sites it was not codified in the law.

Around 10 cases have been filed in the past couple of years against such demolitions by his department, he added.

Other senior officials of the department who appeared powerless told The Express Tribune that this was the first time that a court had favoured the defendant in such a case. They regretted that the demolition of Bhatia Bhawan would pave the way for other owners of heritage sites to raze such buildings.

#### **A commercial plaza**

Bhatia Bhawan was constructed in 1931 on what is today Prarthana Samaj Road. Like other colonial-era buildings in the port city, it was being used for commercial purposes and was particularly famous for housing footwear shops.

Now, the three-storey structure is to be razed by a new commercial plaza, say local shopkeepers and residents.

Shaikh claimed that his department is still trying its best to have the construction work halted permanently. He did not specify how the department was or is planning on doing that, however, as the court's verdict on the earlier petition was never challenged.

Lari held the provincial government and the culture department responsible for the demolition of the structure. Not a single building declared as a heritage site in the city has been marked as such for the citizens to know that it is to be protected and preserved, she said. "The custodians [the culture department] are doing nothing. No one wants to save these buildings."  
(By Sameer Mandhro The Express Tribune, 04, 11/09/2021)

### **Witness asked to appear in court in Clifton land amalgamation case**

An accountability court on Saturday summoned a prosecution witness along with documentary evidence in a case pertaining to illegal amalgamation of commercial land for a multistorey building of Bahria Town Private Limited in Karachi.

Former Karachi mayor and Pak Sarzameen Party chairman Syed Mustafa Kamal; Zain Malik, son-in-law of real estate tycoon Malik Riaz; former Karachi district coordination officer Fazlur Rehman, former executive district officer Iftikhar Kaimkhani and others are facing trial in the case.

On Saturday, the matter came up before Accountability Court-III Judge Dr Sher Bano Karim.

Special public prosecutor Zahid Hussain Baladi produced a prosecution witness, Kashmir Dharejo, the then sub-registrar (properties) department of the Sindh Board of Revenue, for recording his evidence.

The former mayor and others appeared before the court on bail, but former DCO Rehman and his defence counsel were absent without any intimation to the court.

Therefore, the judge deferred recording evidence of the witness Dharejo, who was directed to appear before the court on the next date along with original relevant documentary evidence.

On the last date, the court had partially recorded his statement and had summoned him for recording his further evidence along with documentary proof.

The matter was adjourned till Oct 18.

In June 2019, the court had admitted the reference filed by the National Accountability Bureau (NAB) against the then city mayor Mustafa Kamal, then DCO Rehman, then EDO Kaimkhani, then district officer Mumtaz Haider, then additional DO Syed Nishat Ali and then Clifton sub-registrar-II Nazir Zardari.

The reference also named five builders — Zain Malik, Mohammad Dawood, Mohammad Yaqoob, Mohammad Irfan and Mohammad Rafiq — all associated with M/s DJ Builders and Developers.

According to the reference, the Karachi Metropolitan Corporation in 1982 built 198 stalls/shops on two amenity plots adjacent to Kothari Parade for dislocated hawkers while four commercial plots, each measuring 255.55 sq yd, were also created in the locality.

It alleged that DJ Builders purchased four commercial plots and 198 stalls of the hawkers. However, the two amenity plots were never transferred in the builder's name.

NAB further claimed that Mr Malik and others associated with DJ Builders in connivance with Mr Kamal, DCO Rehman and others, unlawfully got transferred 102 stalls in favour of Bahria Town through a conveyance deed without obtaining permission from the Karachi Development Authority.

The reference claimed the price of these stalls was shown in the registration deed as only Rs260 million whereas the market value was assessed at Rs2.155 billion and forced sale value was adjudged at Rs1.724bn.

(By Newspaper's Staff Reporter, Dawn, 14, 19/09/2019)

### **LHC asks Punjab govt to present riverfront project's master plan**

The Lahore High Court on Friday directed the Punjab government to present the master plan of the Ravi Riverfront Urban Development Project (RRUDP).

A law officer of the government claimed that the master plan had been prepared in June 2021. However, Justice Shahid Karim doubted the claim.

The judge observed that had there been a master plan of the project, the lawyers of the provincial government or the Ravi Urban Development Authority (Ruda) would have produced it along with their written statements.

The judge also expressed displeasure at the government for starting the land acquisition process much before the project's Environmental Impact Assessment (EIA) approval.

*Court offended at land acquisition before EIA*

On behalf of the petitioners against the project, Advocate Sheraz Zaka told the court that the Ruda itself admitted in its reply that the project's EIA was still pending approval before the Environmental Protection Agency (EPA).

Justice Karim said that apparently in the matter the process had been carried out in a haphazard manner and the respondents, including Ruda and the government, were not recognising the fact that there was an elephant in the room.

The judge directed the government to produce the master plan or else it would face the consequences on the next date of hearing on Sept 29.

Ruda's Reply: The Ruda filed its reply through its counsel Shazib Masud, saying the land acquisition is very much within the purview of the public purposes.

It says the authority has been created to evolve a policy and programmes for the purposes of housing, including but not limited to traffic, transportation, health, education, water supply, sewerage and solid waste disposal.

It rejects the petitioners' apprehensions that the authority's projects would cause environmental hazardous.

It states that although the issue of smog is dealt with by the Punjab Disaster Management Authority, the Ruda is going to rehabilitate water aquifer in the dying river Ravi and create a huge water reservoir having a capacity of 270 billion liters through lakes and barrages at the edge of a mega city like Lahore.

"This sole step would curtail the smog in the air," the Ruda claims, adding the project is also aimed at upgrading the environment by way of plantation of more than six million trees, besides the urban forest.

It claims the project would also help meet 50 percent of Lahore's demand of clean drinking water.

The Ruda claims that the reservations expressed by the petitioners against the project are "misconceived and based upon mere apprehensions".

It asks the court to dismiss the petitions to meet the ends of justice.

(By Newspaper's Staff Reporter, Dawn, 02, 25/09/2021)

### **HabibMetro, Trellis become housing partners**

HabibMetro Bank and Trellis Housing Finance Ltd signed an agreement to utilise "GharHo", a platform that provides a digital and simplified application process to Pakistanis seeking Shariah-compliant home financing solutions.

According to a press release the users of the platform can log in to [www.gharho.pk](http://www.gharho.pk) for initial information and screening, with HabibMetro Sirat providing home financing to customers who qualify for the screening process and financing criteria.

"We are excited to collaborate with Trellis Housing Finance Ltd to simplify the journey of home finance customers. We aim to build upon and accelerate the momentum in the Shariah-compliant housing finance ecosystem through this initiative," said HabibMetro Sirat Islamic Banking head Mohammad Khan at the signing ceremony

Trellis Housing Finance Ltd CEO Jamshed Meherhomji remarked our vision is simple "har Pakistani ka GharHo", and such partnerships between fintech organisations and banks allow for great progress to be made when it comes to financial inclusion and access to enhanced experiences for the customer and the financial institutions.

(By Newspaper's Staff Reporter, Dawn, 09, 29/09/2021)

### **Owners preserve identity of pre-partition building**

It can't be missed easily. It's quite prominent due to its cobalt blue colour. It seems as if someone has emptied an entire box of laundry neel over this building sandwiched between taller structures that may have come up after its own construction but look older due to lack of maintenance.

The Chatummal Shievramm Building was built in 1940. Though Chatummal Shievramm left it soon after the 1947 Partition, its current owners have made sure to not let it lose its original name and the date of construction. It right there clear in white in the top centre of the building for all to see. The restaurant it houses, Al-Kareem Restaurant, has its name painted on the sides as well as on a signboard and panaflex below.

It has been over 73 years since Partition and there have been many changes in the name of ethnicity on either side of the border. Sometimes there has been pressure by a certain group of people to change the name of an old road, park, building or business until the desired change happens. And sometimes there are people like the owners of the Al-Kareem Restaurant who ignore all such ideas because they want to preserve history and names.

"My grandfather Mohammed Khan got just the flat on the first floor of the building after Partition. He bought it from the original owner Chatummal Shievramm, who had got his claim accepted in India for [other] properties owned here." Faisal Kareem Bukhsh told Dawn.

"Then later, my father Kareem Bukhsh also bought the ground floor, which had a running Malabari restaurant. We let the restaurant continue though, and they only wrapped up business a little while back because the fellow running it couldn't manage after his father's passing. Now there is a new person running the Al-Kareem restaurant here," informed the owner.

When asked the reason behind not renaming the entire building after his own father, Faisal smiles and shakes his head. "We want to preserve history. Built on just 80 square yards, this may be a small building but it carries history," he reminded.

Asked even if the previous owner was Hindu and his family Muslim?

"Yes. We are all Sindhis, too. And in Sindh we respect a fellow Sindhi no matter what his or her religion. It's called peaceful coexistence," he said, adding that his family belonged to Sehwan.

"I remember my father telling me that the owner, Chatummal Shievramm, did visit here once along with his family sometime in the 1950s. They stayed with us as my grandfather's guests. I am told that they were very happy with the way we had maintained the building and preserved the name on it too," he said.

Asked if the building was originally blue as well, Faisal said that he remembered it as being yellow originally. "Growing up, I remember it with a yellow exterior. The blue is my family's doing," he smiled.

(By Shazia Hasan Dawn, 13, 29/09/2021)

### The Turk mosque: a fine blend of architectures

Standing in the middle of a bustling street in Pakistan's southern port city of Karachi, Turk Mosque offers a fine blend of Turkish and Mughal architecture to the onlookers.

A narrow street known as River Road extends from historic Lee Market in the city's southern district to a 158-year-old imposing edifice surrounded by small and big shops.

One can spot the four tall green-painted minarets of the square-shaped mosque, a distinctive Turkic structure, from a good distance. Built in 1863, the three-story mosque has seen several repairs and expansions over the decades.

Originally, according to Syed Ashraf Shah, the head of a committee that oversees the mosque affairs, it was a single-story structure painted entirely in green. However, as the number of devotees grew, he added, another two floors were built to accommodate them.

The main hall, where the imam leads the prayer, is located on the ground floor. A large white-mirror chandelier hangs in the middle of the hall, while small decorative lights cling to the pillars on either side add to the site's beauty.

The two side pillars are in an arch shape, which bisect the main prayer hall into one bigger and two small portions. Windows are wide and made of Cedarwood.

Mehrab or alcove - a niche in a mosque's wall that indicates Makkah's direction, is ornately decorated with small pieces of mirror. On Mehrab's edge, the names of the four Muslim Caliphs are engraved in green color.

A board with Quran verses in Arabic and their translation in Hindi, which was widely spoken in Karachi until the partition of India in 1947, is hung on the right side of the wall.

Yellow stones, which are now fading, have been used for the construction of the arch-shaped pillars, whereas the floor is finished with white marble.

"This is not the original floor," Mohammad Amjad Saeedi, who has been a Muezzin (prayer caller) for the last eight years, told Anadolu Agency. "The original floor, which was also made of yellow stones, was ruined due to the ravages of time, so it was reconstructed some 20 years ago," he added.

Saeedi took over after his father, who had performed the same job for 33 years until his death in 2014.

The walls and floor of the first floor are finished with white marble tiles, while the second floor, which was an addition to the mosque over four decades ago, has marbled walls and a mosaic floor.

It has four residential rooms, two each on the first and second floors, and it used to be a school. The mosque has four entrances, each of which leads to a busy street, such as the famous Dates Market or Khajoor Bazaar.

A plaque erected above one of the entrance gates reads that the mosque was built in 1280 Hijri (Islamic calendar year) i.e. 1863, but nothing is mentioned about its builder.

According to Shah, whose family has been taking care of the mosque's affairs since 1940, the most popular historical view is that it was built by the Turkish government following a visit by a Turkish delegation to the then Hindu-dominated area.

"All I know is that it was built in the middle of the 19th century, but I have no idea who built it," said Arif Hasan, a Karachi-based city planner, and historian.

"It was a Hindu-majority area at that time," he told Anadolu Agency. However, the majority of Hindus migrated to India after partition in 1947, he added.

The mosque also served as a school until the late 1970s, with both boys and girls enrolled.

Shah, who was born and raised in the neighborhood and received his primary education at the Masjid, recalled that the first-floor school had closed in 1978 for unknown reasons.

"I studied here until class 4 and after that, it was shut down. I cannot recall what was the reason, but it could have been the opening of many new schools in the locality or the lack of finances," he went on to say.

#### Turk connection

Abdul Malik Turk, who spoke Persian fluently, was the mosque's last Turkish-origin prayer leader, who died in the late 1970s, Shah recalled and added that he had settled here in the late 19th century.

The last member of the Turk family, a son of Malik, moved to the US six years ago, Shah said.

"Many people want this structure demolished and replaced with a modern (mosque) structure. But that is something we do not want because it reminds us of our connections to Turkey and its people," Shah, who is also a local leader of the center-left Pakistan People's Party, said.

"We have a long association with the Turkish people. They are brothers to us. When we offer prayers, we also pray for those who built this mosque," he maintained.

Officially, the mosque is under the control of the provincial government's religious affairs department, however, according to Shah, that does not contribute "even a single penny" to run the day-to-day affairs.

"It's the local residents and businessmen who bear the mosque expenses," he said.  
(By AA The Express Tribune, 04, 02/10/2021)

### **Iconic St Patrick's Cathedral opens doors after renovation**

After the over two-and-a-half years of construction work and renovation at the St Patrick's Cathedral, the main building was reopened for holding a special inaugural mass on Friday.

Everyone who came to attend the mass was happy to be back inside to listen to readings from the Holy Bible and the sweet voices of the church choir before lining up to be blessed by the new Archbishop of Karachi His Grace Benny Mario Travas.

The Archbishop also blessed the cathedral for re-dedication. While the church choir sang 'Hallelujah', an altar boy followed him with a silver bucket that was full of holy water and he dipped in it a stick with a brush or broom kind of a head to shake and sprinkle each of its walls with the water as a symbol of cleansing them. "God, have mercy on this house of prayer," he said.

Outside, the ushers were glad to be helping people, guiding and encouraging them to freely step inside the cathedral. Just a few months ago these very ushers were stopping everyone from going inside or hinder the renovation work.

"We had put up a tent behind the cathedral for services and mass. But that is over and done with now," Head Usher Julius Monteiro told Dawn. "Our glorious cathedral has come back to its original condition and much more," he smiled.

When asked about the 'more', another usher Derek D'Souza pointed to the new bright lights inside as well as outside the cathedral along with the speakers and big LCD screens.

Tony, Frances. Massey and Lionel, four volunteers guarding the main gate also looked bright, happy and proud in their dark winter uniforms. "Did you notice that there is more greenery, too, around here now?" Massey pointed to the new young trees and plants around the grounds.

The 178-year-old historic cathedral is a landmark of Karachi. It has beauty, grace and significance of a heritage monument. The renovation and repairs here were being carried out by the Sindh heritage department, which brought in engineers and architects to strengthen the cathedral roof as well as its foundation. There was a new drainage system put in place to keep the groundwater from accumulating underneath. Some old stone and marble in the walls was also replaced.

(By Shazia Hasan Dawn, 13, 16/10/2021)

### **Karachi DHA barred from land reclamation**

The Sindh High Court (SHC) has restrained the Defence Housing Authority (DHA) from reclaiming further land from the sea and granting such land to anyone as well as creating a third party interest till Nov 16.

The SHC also directed the DHA and other official defendants to ensure that the land earlier sanctioned to them as public spaces was not used for any commercial and gainful purposes till next hearing of the case.

The bench comprising Justice Zulfiqar Ahmad Khan appointed an official assignee to inspect the reclaimed land being used by the DHA and furnish a report with photographs and maps of the land with the assistance of Karachi Urban Lab or National Institute of Oceanography Pakistan.

It also directed the official assignee to provide details of commercial places of 22 private entities, also nominated as respondents in the suit, about their title, occupation and land use within 15 days.

*SHC orders land earlier allocated as public space won't be used for commercial purpose*

The court said that notices be repeated to defendants for next hearing since the bailiff report said notices served on them had been returned.

The court issued these directives on a suit filed by six plaintiffs, mostly residents of the DHA, who have approached the court under the Whistleblower Protection and Vigilance Commission Ordinance, 2019.

Nominating the defence secretary, the DHA, Cantonment Board Clifton, Karachi Cantonment Board, Cantonment Board Faisal, Civil Aviation Authority, Karachi Port Trust and several other government authorities and private entities as respondents, the plaintiffs contended that reclaimed land was being misused while the land meant for cantonment purposes was also being used for commercial and gainful purposes.

The lawyers for the plaintiffs argued that recently 22 private defendants in collusion with official defendants had illegally obtained the reclaimed land and the land meant for defence purposes without open auction and had constructed there wedding halls, super stores, housing societies, commercial-cum-residential buildings and other commercial facilities in violation of law and the Supreme Court's orders.

They asserted that the land meant for defence purposes could not be sold to civilians or used for profitable purposes.

They maintained that the PAF Museum and Defence Authority Creek Club were being used for marriage functions and a cinema and a wedding hall were running on Main Rashid Minhas Road near Askari-4 while marriage halls had also been established on Dalmia Road and near the airport.

The counsel further argued that the DHA had the right of possession of 9,611 acres but it had taken control of 3,600 acres in different parts of the area unlawfully.

They alleged that the DHA had also occupied 117 acres in phase-VIII, which had undergone extensive land reclamation illegally as it had reclaimed over 300 acres though it did not have right of possession of the land, ownership rights and permission from the federal government in violation of Article 172(2) of the Constitution.

The bench noted in its order that the counsel contended that no environmental impact analysis of the unwarranted land reclamation and urbanisation had been made and the contention was affirmed by an officer of the Sindh Environmental Protection Agency present in the court.

Also as per the counsel, on account of such a massive reclaiming exercise, serious danger to Karachi ports was in the offing as underground sand was tilting towards the port, reducing water depth and requiring continuous dredging, while no study on affects of suspended sediments had ever been undertaken by the official defendants, the court noted.

If the reclamation site was near a marine reserve or marine habitat, the natural flow of sand transport combined with excess sand from the reclamation always cast adverse impacts on marine life and any development along the coast, particularly reclaimed land, always led to inundation from sea level rise due to climate change, it stated.

The bench said the contentions raised by the counsel merited serious consideration as the danger posed by land reclamation without any scientific, oceanographic sediment and subsidence studies or other studies was utterly irreversible.

It observed that even in developed countries despite having well thought of reclamation measures, more than 50 per cent of coastal wetlands had been lost, adding that adverse impact of land reclamation on mudflats, mangroves and coral reef could never be ruled out even in the presence of best practices having been adopted.

"Effects of global warming are already evident in the country and when the world is moving towards "Net-Zero" regime, haphazard and un-necessary land reclamation when a large mass of un-used land still exists, one questioning such activities, will always raise eyebrows", the bench in its order said.

Till the next date of hearing, the defendants were restrained from reclaiming any further land from any shores existing in the territorial jurisdiction of the court, or granting any such land to anyone, or creating any third party interest on these lands or properties built thereon, or changing such lands' use, and the official defendants were to ensure that lands and premises earlier sanctioned to them as public spaces, or for the purpose of parking or facilitating the public at large including parks and amenities should not be used for any commercial or gainful purposes, as well as for holding of any functions, including marriage or social gathering functions, generating any sort of revenue for the defendants, it concluded.

(By Ishaq Tanoli Dawn, 01, 24/10/2021)

### Losing heritage

AS per a recent Sindh High Court judgement, Karachi's Mohatta Palace will be converted into a medical and dental college to honour the wishes of Ms Fatima Jinnah. This verdict has caused enormous anxiety in the ranks of civil society, architects and cultural experts. Most of them oppose the conversion of the palace into a college. They point out that the complex has been revived and converted into a museum and art gallery. A trust has been there for more than two decades to see to its upkeep and has done a good job.



As the court has ruled, there are complex legal and inheritance issues involved. Besides, the adaptive reuse of heritage buildings is a scientific matter. Mohatta Palace has already passed through several stages of conservation and management to be able to perform its present functions. It is a building of extraordinary architectural and historical importance.

The edifice was designed by architect Ahmed Hussain Agha for Rai Bahadur Seth Shiv Rattan Mohatta in the late 1920s. The premises accommodated the foreign affairs ministry offices after partition. The property was allotted to Fatima Jinnah in 1964. She led her presidential election campaign from this building against Ayub Khan, making the palace the centre of political activity for politicians in the opposition. Ms Jinnah passed away in 1967. In the 1970s, Shirin Bai, her sister, came to live in the building. Upon her death in 1980, the building complex was sealed. The building remained in a dilapidated state till 1995. After its acquisition by the Sindh government, it was renovated under the supervision of late architect Habib Fida Ali and turned into a museum. It is now managed by a trust comprising public-spirited citizens with the Sindh governor as its chair.

Mohatta Palace possesses some unique architectural characteristics. The complex exists on a 2.47-acre plot. Its actual built-up area is about 1,718 square metres) in two levels. The site has seen additions and demolitions. Originally, the palace was laid out with a chahar bagh (quadrilateral garden) between two outhouses. However, during the renovation exercise, some additions were knocked down.

*It's not a good idea to turn Mohatta into a college.*

According to the various documentation reports that were prepared during the pre-renovation phase, the external walls are of fine ashlar masonry done in Gizri stone. The red decorative features comprise Jodhpur stone. The entrance steps are of white marble while the floor shows off fine mosaic work. The barsati (covered rooftop spaces) and the corner pavilions have concrete domes.

In the pre-renovation phase, there was wild growth all around the structures. This botanical menace not only affected the wall and facings but also the steps and projections. Stucco plaster in varied patterns was applied abundantly in the interior spaces, much of which were discoloured due to long neglect. Coloured glass was also used in different patterns in the openings. Woodwork was done in fine quality teak. The result is a subtle Indo-Saracenic architectural style.

Mohatta Palace had been a forgotten space. In the early 1990s, the Heritage Foundation, a Karachi-based non-governmental body, decided on a campaign to revive it. A support group of notable citizens and professionals was formed under the patronage of Kamal Azfar, then Sindh governor, to revitalise and restore the premises. A group of architects and students led by the late Prof Kausar Bashir Ahmad from Dawood Engineering College (now university) prepared the basic documentation needed to start the restoration exercise. Later, the work was supervised in a commendable manner by Habib Fida Ali.

The site has now been converted into a museum with a full-time curator. Whereas the relevant government departments lent a helping hand, sizable contributions were made by multinational firms as part of their corporate social responsibility goal. The efforts of the organising committee helped mobilise funds and human resources. Mohatta's lush and well-manicured lawns have been used for several open-air cultural events. The turnaround of a once desolate palace has been a success story thanks to public-spirited citizens.

A medical and dental college would have many requirements. Given that Mohatta Palace was transformed from a residence to a cultural space, it may not be a practical idea to now convert it into a health education facility. It may be appropriate for the museum management to consider holding specific events on Ms Jinnah's anniversary. Two universities already exist in Punjab bearing Ms Jinnah's name. A new medical and dental college to commemorate her name may be set up somewhere else in Sindh. But if Mohatta Palace is converted into a college, it will be huge cultural loss to the city of Karachi.

(By Noman Ahmed Dawn, 07, 26/10/2021)

### **Apex court orders removal of houses from PECHS greenbelt**

The petition of the residents of the Pakistan Engineers Cooperative Housing Society (PECHS) Block-6 against a K-Electric grid station on an amenity plot backfired on them when the top court declared that their houses were also constructed on a greenbelt and should be demolished.

In a major development, the Supreme Court has ordered to completely clear the green belt of PECHS Block-6, and demolish all houses and other structures.

A bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmed heard a petition in the Supreme Court Karachi Registry against K-Electric regarding construction of grid station on green belt in PECHS.

Justice Ijaz-ul-Ahsan, in his remarks, inquired the petitioners' counsel, "Are your houses also constructed on the green belt?" Shua-un-Nabi, counsel for the petitioners, stated that his case was not as such. "Our case is that the society gave the amenity plot to K-Electric," the counsel argued.

Chief Justice Gulzar Ahmed remarked angrily, "Did you come to the court with clean hands? Even your own houses are constructed on the green belt."

The chief justice asked who appeared on behalf of the PECHS. The court remarked that K-Electric was running a private business and should relocate its grid station elsewhere. "Residents also did not come with clean hands so their houses should also be demolished."

The Supreme Court has ordered to restore the park to its original condition on the amenity plot in Block-6. The court also issued notices to K-Electric, residents and PECHS society and adjourned the hearing till next date.

The power utility said in a statement, "with reference to the recent news reports about K-Electric Mehmoodabad Grid Station Case, the Honourable Supreme Court has dismissed the appeal on the ground that the petitioners have come to the court with unclean hands as the petitioners are themselves residing on the greenbelt.

However, the K-E press release said, the appeal was converted into a Suo Moto Proceedings and notices were issued to all concerned stakeholders including K-Electric. "The company awaits the notice issued by the Honorable Supreme Court to summon it for the next hearing where it will present its legal stance. As a responsible corporate company, K-Electric respects the Honorable Court and is fully committed to follow its orders," it said.

#### **Askari Park**

The Supreme Court has issued notices to the KMC Municipal Commissioner on the application for commercial use of Askari Park at Old Sabzi Mandi. A bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmed heard the petition on the commercial use of Askari Park at Old Sabzi Mandi.

The petitioner said that illegal shops were being set up in Askari Park. Building a bazaar in the park violates the law and the agreement, while the park administration has illegally set up a wedding hall.

He said that at the time when the vegetable and fruit market was removed from the area, the park administration had agreed to plant 27,000 trees in the park. However, there are not even 100 trees in the park. The chief justice remarked that this agreement also looks fake. (By Newspaper's Staff Reporter, The Express Tribune, 04, 27/10/2021)

### **Supreme Court irked by delay in vacating Hindu Gymkhana in Karachi**

The Supreme Court on Wednesday expressed concern over an inordinate delay in getting vacated the heritage building of Hindu Gymkhana that currently houses the National Academy of Performing Arts (Napa) and not providing an alternative land to the academy.

The court directed the authorities concerned to submit a report till Oct 29 (tomorrow).

A three-judge bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed said that the apex court had been issuing directives to authorities for the past three years to get the building vacated and grant substitute land to Napa, but the officials were shifting responsibility to each others.

The provincial culture secretary appeared in court and submitted that he took charge a week ago and his predecessor had sent the matter about alternative land to commissioner Karachi. The bench directed officials to file a report about alternative land to Napa on Friday.

A petition was filed by Shree Ratneshwar Mahadev Welfare in 2014 submitting that the heritage site belonged to the Hindu community of Karachi before partition as the gymkhana building was established for the promotion of social and religious activities of Hindus, but the government took it over as an evacuee trust property after partition.

The petitioner argued that a directive may be issued to Napa to vacate the building and hand it over to the Hindu community.

Meanwhile, the bench directed the Karachi Metropolitan Corporation to remove encroachments around a nullah in PECHS after the KMC argued that society had built shops on a drain.



However, the lawyer for the society submitted that they had not made any construction on the nullah land.  
(By Newspaper's Staff Reporter, Dawn, 13, 28/10/2021)

### **Restore Hindu Gymkhana, orders SC**

The Supreme Court (SC) has ordered the restoration of the Hindu Gymkhana to its original condition and the removal of marquees and offices.

The Supreme Court remarked that NAPA should not be evicted from the Hindu gymnasium until an alternative location is found for the academy. Expressing his anger, Chief Justice of Pakistan Gulzar Ahmad said that historic structures are under threat and Sindh was the most affected region. The CJ remarked that if any new constructions were to be made inside the historic building, they would have to be demolished. "No historical building will survive like this," remarked Justice Ijazul Ahsan. "Who allowed NAPA to build new structures in a historic building?" he asked.

The chief justice also asked how NAPA could build on his own. Justice Ahsan outlined that the academy was only given space for its own activities. He questioned whether the Sindh government allowed NAPA to build an auditorium. NAPA's lawyer Faisal Siddiqui said that the theatre, which had become a point of contention, was constructed far from the building. "The theatre has nothing to do with the gymkhana." The woman public prosecutor, meanwhile, took the position that a Hindu temple had been demolished. Justice Ahsan remarked that every place of worship is respected in the country. Chief Justice Gulzar Ahmed asked why the marquee was made in the gymkhana.

"That marquee shouldn't be here. Before partition, the Muslim and Hindu gymnasiums were built separately," the CJ continued. He added that the Muslim Gymkhana was in its original state today, while the land of the Hindu Gymkhana was given to Aligarh University and others. He said that Aligarh University should also be abolished from that land. Meanwhile, Chief Justice Gulzar Ahmed censured the Karachi commissioner for his late arrival. "You were called, where were you?" he asked, adding that the only reason the official was shown leniency was because he has been recently appointed. The commissioner was grilled over construction around Quad-e-Azam Mohammad Ali Jinnah's shrine.

The court asked how buildings were being constructed by demolishing older structures. "Who is giving him permission to construct buildings?" Justice Ijaz-ul-Ahsan asked. Expressing his anger, Chief Justice Gulzar Ahmad said officials are bent on destroying historic architecture. "All the secretaries are sitting in their offices. Sindh is the worst hit." Meanwhile, Justice Ahsan remarked that old buildings have no value at all. "People are carrying bricks from graves in Makli," he said. Chief Justice Gulzar Ahmad suggested taking a look at place like Burns Road and Pakistan Chowk. "If there were such sites in another country, it would have become a source of tourism. There are beautiful buildings behind the Sindh Secretariat. You cannot even imagine constructing such buildings," he said. Meanwhile, the SC directed the Sindh government to provide a suitable place for National Academy of Performing Arts (NAPA) and not remove the academy from the Hindu Gymkhana till such a location is found.

The Sindh culture secretary said that authorities are ready to give space to NAPA in the North Karachi area. The court ordered the academy's lawyer to inspect the building in North Karachi. The Supreme Court ordered that all kinds of facilities should be provided to NAPA at the alternative place. It said steps should be taken to ensure world-class facilities to NAPA at the alternative locations. The court ordered the restoration of the Hindu Gymnasium to its original condition and the removal of aluminium windows in the building. The apex court also directed the Karachi commissioner to submit a progress report on the alternative site. The court remarked that instead of aluminium, traditional windows should be installed. The court adjourned the hearing till the next session.

### **Tejori Heights**

The Supreme Court has ordered Karachi commissioner to monitor the demolition of the demolition of Tejori Heights. A bench headed by Chief Justice of Pakistan, Justice Gulzar Ahmad and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmad at the Karachi Registry of the Supreme Court and a case of construction of Tejori Height on railway lands was heard. Mian Raza Rabbani representing the builders stated that his clients were ready to vacate the project, however, they need time to resolve issues.  
(By Newspaper's Staff Reporter, The Express Tribune, 04, 30/10/2021)

### **SHC orders action against illegal portions**

The Sindh High Court (SHC) has ordered action against four-storey portions in Makkah Terrace within a month and sought a report. A two-judge bench comprising Justice Zafar Ahmed Rajput and Justice Muhammad Faisal Kamal Alam heard the petition seeking action against Makkah Terrace situated along Preedy Street.

The petitioner's counsel argued that the building was constructed on a piece of land measuring 500 square yards and the compulsory open space, which is required as per building rules, has also been included in the covered area.

The court ordered to complete the process to demolish Makkah Terrace within a month. Justice Alam remarked that now the same decision would be taken in every case. Meanwhile, Justice Rajput remarked that any building that is illegal should be demolished.

The high court remarked that the names of all the officers, alive or dead, in-service or retired, who gave permission for the construction of such illegal buildings, should be furnished. The court directed the DG SBCA to ensure action against each delinquent officer within a week.

The court remarked that the responsible officer should not be given any post until the inquiry was pending against them. Expressing anger, Justice Rajput told the SBCA DG that the performance of his institution was zero. "We announce decisions but no action has been taken," the court remarked.

"How are these buildings being constructed? Were your officers asleep when such illegal buildings are being built?" remarked Justice Rajput. The court inquired about the action taken against the Makkah Terrace.

To which the SBCA DG said that action would be taken against the builder today. Expressing anger, Justice Rajput said, "You are standing here because your officers are not performing their duties well." The court ordered the DG SBCA to demolish all that is illegal and submit a report within a month. The court sought inquiry report against the officers responsible, within a week.

### **Illegal occupation of land**

An SHC bench has directed the University of Karachi lawyer to file a fresh contempt of court petition against illegal occupation of 10 acres of land belonging to the Institute of Business and Engineering Science.

A bench headed by Justice Zafar Ahmed Rajput while hearing the case got angry over the university's counsel for not carrying out construction on the said land even in 10 years. The university's counsel said that the land mafia has occupied the land. The court said, "Why haven't you carried out the construction?"

(By Newspaper's Staff Reporter, The Express Tribune, 04, 02/11/2021)

### **Mohatta Palace**

A controversy has erupted over the historic Mohatta Palace in Karachi where Mohtarma Fatima Jinnah resided till her death after independence. A court decision allowing the setting up of a medical and dental college for girls, hospital and hostels in the building has given rise to excitement in public quarters. Some relatives of the Madar-e-Millat had filed a petition in a court for establishing a medical college in the building citing what they called the will of the Mohtarma.

During the previous hearing of the case, both the plaintiffs and defendants had agreed to implement the Mohtarma's wish. However, the building has historical and emotional value. In 1994, the Sindh government bought the property with the consent of legal heirs of the late Mohtarma Fatima Jinnah and converted it into a museum. Now members of civil society are supporting the continuation of the museum in the building.

The museum preserves national and provincial history. There are on display objects from antiquity to modern times in the museum showing the continuity of Sindh's history and the development of culture through various phases of history. It has emotional value with regard to Pakistan's recent history since an important participant of the Pakistan Movement lived here for long and launched her campaign for the presidential election in 1965.

The building has acquired an added significance as a public cultural space in Karachi. The site also serves as a venue for conferences and cultural events attended by dignitaries and practitioners of art and culture, thereby preserving and promoting history, art and culture. It is also being claimed by civil society that since the building is a protected heritage site, new constructions cannot be carried out within its premises; it has no capacity to house a college and hostels.

The Sindh government has decided to challenge the court decision. The matter, being sub judice, constrains much comment. Nevertheless, in many countries houses of dignitaries, scientists, writers and poets are preserved in the original shape for the benefit of posterity.

(By Editorial, The Express Tribune, 14, 02/11/2021)

### **Saving Mohatta**

SHOULD a heritage building be transformed into a medical and dental college for women in memory of a strong advocate for girls' education? Ms Fatima Jinnah had herself studied dentistry at a time when schooling eluded most of her gender in the subcontinent. In that context, and under the present circumstances where a large number of women still cannot access education, many would give preference to a place of learning. But an equally important question would be: when a landmark building such as Karachi's Mohatta Palace has been painstakingly restored to house works of art and great beauty that reflect the country's history and heritage, is it fair to alter its status? Especially when there is space enough in the city to establish more educational institutes and when cultural spots are far and few between? The palace was built by a Hindu merchant in the 1920s. After independence it housed the foreign affairs ministry and then became Ms Jinnah's residence before passing on to her sister Shirin Bai who occupied it until her death in 1980.

For years, it lay in a dilapidated state before finally being acquired by the Sindh government in the 1990s and converted into a museum.

However, a dispute between the two sisters' relatives and trustees over the property had been pending since 1971. Last month, the Sindh High Court ordered the conversion of the premises into a dental college for women, in accordance with an agreement reached between the disputants. Waking up half a century later to the potential consequences of litigation, of which it must have been aware, the Sindh government is expected to challenge the order. Many legalities need to be sorted out and many questions require clear answers regarding the provincial government's acquisition of a property in dispute in the first place. Meanwhile, as Mohatta awaits its fate, it is useful to recall that showcasing heritage helps build a sense of collective ownership. A women's medical and dental college must be established but not inside the gates of Mohatta.

(By Editorial, Dawn, 06, 03/11/2021)

### **Mohatta Palace BoT seeks to be intervener in litigation**

After the Sindh High Court (SHC) decision to convert Mohatta Palace into a medical college for girls, the Board of Trustees (BoT) of the cultural heritage site requested the court to allow it to be an intervener to join the ongoing litigation.

"We honour the decision of the Hon'ble High Court but with due respect. The orders passed in the case will directly affect the interest of the Gallery. Government of Sindh through its Advocate General will be filing an appeal against the order and so shall the trustees," said the statement issued by Abdul Hamid Akhund who has been designated as a focal person by the Board of Trustees of the Mohatta Palace Museum.

The signed orders of the Court were issued last week following a legal battle between the heirs of Mohtarma Fatima Jinnah and Mohtarma Shirin Jinnah (both sisters of Quaid e Azam) on the immovable and movable properties and Mohatta Palace. With the consent of plaintiff and defendant, the court recently ordered to set up the medical college.

Akhund who happens to be one of the trustees in the statement referred to an agreement between Sindh government and relatives as well as legal heirs of Quaid's sisters and said, "Back in 1994, the Mohatta Palace Museum was purchased under the orders of the Hon'ble High Court of Sindh with the consent of all the parties in the case," he adding that the entire amount of Rs.61.8 million was deposited in SHC.

"It was a judicial sale and the Palace was handed over to the representatives of the federal and Sindh governments in the presence of the then Governor of Sindh," he said.

He was of the view that soon after the entire amount was paid by the Government, the major share of the same coming from the Federal Government, the Mohatta Palace Gallery Trust was formed on the directives of the then prime minister Shaheed Benazir Bhutto. "The terms of the Trust were to ensure that the property cannot be sold, commercialized or used for any other purpose other than functioning as a Gallery/Museum/ Cultural Complex," he said.

Talking about the law Sindh government officers consent over establishing medical college Akhund said, "Additional Advocate General gave inadvertent consent for which he had no authority and without consulting the government and examining the record." He added that in this case neither the Federal Government, nor the Mohatta Palace Museum were impleaded or notice issued.

The statement highlighting the importance of the building said, "Mohatta Palace Museum has contributed immensely to the promotion of Pakistan's Cultural Heritage and as an institution of international repute.  
(By Hafeez Tunio The Express Tribune, 04, 04/11/2021)

### **LHC declares pleas against riverfront project maintainable**

Justice Shahid Karim of the Lahore High Court has dismissed the objection of the Punjab government and declared the petitions against the Ravi Riverfront Urban Development Project (RRUDP) maintainable.

The other day, the judge had reserved his verdict on the point of maintainability as the government's lawyer argued that the petitions and stay orders previously issued became infructuous after the promulgation of the Ravi Urban Authority (Amendment) Ordinance 2021.

A written order of the court declaring the petitions maintainable is yet to be released.

Advocate General of Punjab (AGP) Ahmad Awais had argued that since the amended ordinance had been issued to cover legal infirmities, the stay orders granted by the court stood vacated and petitions were infructuous. He also argued that the courts could not interfere in the policy matters.

In this case, the judge had stayed the process of land acquisition for the project for not meeting the legal requirements and environmental laws.

The petitions against the project were filed by advocates Sheraz Zaka, Ahmad Rafay Alam and others on behalf of the farmers. The petitioners challenged the mode and manner of the land acquisition proceedings undertaken by the Ruda for the project.

They also questioned the legality of forceful acquisitions of land for commercial purposes under the Land Acquisition Act, 1894. Some of the petitioners questioned the legality of the Environment Impact Assessment of the project prepared by a non-registered consultant.

### **UET case hearing**

Meanwhile, in a separate case, the LHC on Wednesday restrained the University of Engineering and Technology (UET) from evicting its Assistant Professor Dr Tanvir Qasim from his official residence.

Qasim approached the court against a decision of the UET management to cancel his house allotment in the university colony.

Justice Abid Aziz Sheikh stayed the eviction and referred the matter to the UET house allotment committee for decision in accordance within a month.  
(By Newspaper's Staff Reporter, Dawn, 02, 04/11/2021)

### **High court stops transfer of Mohata Palace custody**

The Sindh High Court (SHC) on the appeal of Sindh government against the order of a single bench on the establishment of a medical college at Qasr-e-Fatima aka Mohata Palace, stopped the official assignee from taking over its custody. A bench headed by Justice Aqeel Ahmad Abbasi heard the appeal.

Justice Aqeel Abbasi remarked that the order of the single bench included the consent of the lawyer of the Sindh government. The Additional Advocate General stated that the public prosecutor had voluntarily agreed. The consenting Assistant Advocate General was appointed in September.

The court inquired why a museum was being run at Mohata Palace. "Was there any such order passed by the court?," the court remarked.

The counsel of Mohata Gallery Trust stated that the museum was running under the trust. The court restrained the official assignee from taking the custody of Mohata Palace. The court issued notices to the parties for November 18.

The court also ordered to maintain the status quo till the next hearing and issued notices on the application of Mohata Palace Gallery Trust to become a party. The single bench had ordered to take Qasr-e-Fatima into custody. The bench had also ordered renaming of Mohata Palace and establishment of a medical college.

Meanwhile the Sindh High Court (SHC) has issued notices to Sindh chief secretary (CS) and others on a petition against issuance of tenders worth Rs230 million in the Department of Culture and Tourism. A two-member bench, headed by Chief Justice Ahmed Ali Sheikh, heard the petition.

Munawar Alam Khan, counsel for petitioner Muhammad Ashraf, argued that 13 tenders worth Rs230 million were issued and all of them were awarded to the same company.

"These companies are owned by blacklisted contractor Waliullah Bhutto. He is running these companies anonymously. All tenders in the culture department are issued to this contractor," the counsel contended and demanded that a JIT or judicial commission should be formed to investigate the matter.

"The contractor who voluntarily returned the money to the National Accountability Bureau is working under a different name," the counsel maintained.

Meanwhile, the court stopped the issuance of tender funds besides restraining the companies that won tenders from carrying out work till the next hearing and sought a reply by November 18.

(By Newspaper's Staff Reporter, The Express Tribune, 09/11/2021)

### **SHC orders registration of cases against builder, delinquent officers**

The Sindh High Court (SHC) has ordered registration of a case against the builder and an inquiry against the delinquent officers in a petition against illegal constructions in Block-13/D1 of Gulshan-e-Iqbal.

A two-judge bench comprising Justice Zafar Ahmed Rajput and Justice Muhammad Faisal Kamal Alam heard the petition during which Sindh Building Control Authority (SBCA) DG appeared in the court.

The SBCA counsels admitted the authority's mistakes in the past. "No action has been taken against anyone in the past but now the system is changing," the SBCA counsel told the court, adding that the DG has decided that action would be taken against all.

"It has repeatedly been remarked that action against the builder and the officers concerned will be taken simultaneously," the court said. Justice Rajput remarked: "What evidence is required for action against builders and concerned officers? Are tall buildings not enough evidence?"

The petitioner's counsel argued that the builder erected a ground plus five building. The court observed that an FIR was registered against the builder in 2016. "What happened in the case?" the court inquired.

The SBCA officials were unaware of the action taken against the builder which irked the court further.

Justice Alam in his remarks said that sometimes only cosmetic action is taken. The SBCA counsel stated that a team had gone to demolish the fourth floor but the children of the residents intercepted the work. The court said in its remarks, "Did you come back scared of children? What action was taken against the officers during whose tenure illegal constructions were carried out?"

The SBCA's counsel said that action has been initiated against the officers. The court remarked that the fourth floor should be vacated and demolished with the help of local police.

The court ordered FIR against builder Muhammad Ahmed Wahidi and inquiry against the officers, seeking progress report on December 9. (By Newspaper's Staff Reporter, The Express Tribune, 01, 12/11/2021)

### Lending for homes

AFFORDABILITY is the key factor keeping the low-middle-income households from owning a house. In order to address this gap, the government last year launched a subsidised housing finance scheme under which banks have been directed by the State Bank to lend up to Rs10m to first-time homeowners. The banks have also been asked to increase their lending for the housing and construction sectors to at least 5pc of their total private sector advances by December 2021. A part of their monthly housing finance disbursements, however, must include 'small-ticket' loans for aspiring homeowners with monthly income as low as Rs25,000 for the construction or purchase of low-cost homes under the Mera Pakistan Mera Ghar initiative. In order to ensure the success of the scheme, the central bank assigns the banks every month rolling housing finance targets according to the size of their private sector credit portfolios. The failure to meet these targets attracts punitive action from the State Bank. Yet, lending for low-cost housing is painfully slow. The latest data shows that banks' combined disbursements for low-cost housing remain as low as Rs18bn.

There are valid reasons for the slow pace of approval and disbursement of bank loans. First, the appetite for housing finance is drying up with disposable incomes being squeezed as low-middle-income households grapple with the rising cost of living, land and construction. Second, the supply of low-cost housing units in the market is almost non-existent. But a more important factor relates to the banks' aversion to risky lending. It isn't without reason that the mortgage finance market in Pakistan is only 0.3pc of GDP. This compares with an average of 3.4pc for the rest of South Asia. In developed economies, this ratio is often as high as 95pc. Pakistani banks shy away from lending for housing primarily because of the absence of effective foreclosure laws that would allow lenders to repossess a property without any judicial interference in case a borrower defaults on his payment. Given the infection ratio of up to 18pc or more for individual banks, this hesitance is justified, particularly when pressure from the State Bank to meet their monthly targets for small-ticket loans could impair the quality of their housing credit portfolio. Therefore, the government should introduce effective foreclosure laws at the earliest if it wants the mortgage industry to expand and flourish to provide people access to finance for buying or building homes.

(By Editorial, Dawn, 06, 16/11/2021)

### Stay on DHA over land reclamation extended till Dec 1

The Sindh High Court on Tuesday said that its [earlier interim restraining order](#) for the Defence Housing Authority (DHA) from reclaiming further land from the shore and granting such land to anyone as well as creating a third-party interest would continue till Dec 1.

When a single-judge bench headed by Justice Zulfiqar Ahmad Khan took up the matter for hearing again, some lawyers filed *vakalatnama* (power of attorney) for the DHA and other defendants and sought time to file comments.

The bench noted that in compliance to its last order, certain actions had been done by the official assignee, but the report had not been filed.

None was present on behalf of the Karachi Urban Lab (KUL) or National Institute of Oceanography Pakistan (NIOP) and the bench issued them notices directly for the next hearing.

The counsel for plaintiffs submitted that the defendants were not complying with the Oct 13 order of the bench while the lawyers representing various defendants asserted that the order had been fully complied with and no violation was committed.

The bench said that such contentions and response be filed in writing before the next hearing so an appropriate order would be passed.

While adjourning the matter till Dec 1, the bench said that notices be repeated to un-served defendants and the interim order passed on the last hearing to continue till the next hearing.

On Oct 23, the bench had directed the DHA and other official defendants to ensure that the land earlier sanctioned to them as public spaces was not used for any commercial and gainful purposes and ordered the official assignee to inspect the reclaimed land being used by the DHA and furnish a report with photographs and maps of the land with the assistance of KUL or NIOP.

A suit was filed by six plaintiffs who approached the court under the Whistleblower Protection and Vigilance Commission Ordinance 2019 contending that reclaimed land was being misused while the land meant for cantonment purposes was also being used for commercial and gainful purposes.

The lawyers for the plaintiffs argued that recently 22 private defendants in collusion with official defendants had illegally obtained the reclaimed land and the land meant for defence purposes without open auction.

(By Ishaq Tanoli Dawn, 01, 17/11/2021)

## PA resolution for regularising illegal buildings passed amid protest

Amid a strong protest by the opposition and ruckus, the Sindh Assembly on Tuesday passed a resolution of the Pakistan People Party-led government with a majority vote seeking legislation to protect illegally constructed buildings across the province and “disciplinary” action against delinquent officials who allowed such constructions over the years.

The opposition members belonging to Pakistan Tehreek-i-Insaf, Grand Democratic Alliance, Muttahida Qaumi Movement-Pakistan and Muttahida Majlis-i-Amal rejected the treasury members’ resolution saying that they could not support it as it was against the orders of the Supreme Court and aimed to protect “thieves and robbers”.

They also gathered in front of the speaker’s rostrum, chanted anti-government slogans and tore up copies of the resolution, which was later adopted with a majority vote.

### Legislation sought to avert ‘humanitarian’ crisis

Nida Khoro of the PPP presented the resolution, also signed by many of her colleagues, and demanded strict action against those allowed such constructions saying that the protection should be given to such buildings to avoid any humanitarian disaster.

The resolution said: “That it is the responsibility of the government to ensure that citizens’ property and investment is secured and that they continue to have confidence with the official documents issued by the different government organisations.

*Opposition says move against SC orders; PPP seeks disciplinary action against delinquent officials*

“That over the last many years due to surge in population, widespread construction in different areas of the province has taken place and many households or buildings or structures have been constructed either in violation of use of land rules or the building control rules.

“That the citizens, from all strata of society, have invested their hard-earned savings in the purchase of units in such constructions and are in occupation of those premises based on documents issued and registered with the relevant authorities.

“That it is the responsibility of the government to create a balance in the overall development of the society. Whilst construction on land which blocks or impedes the flow of water or on an amenity plot is against the overall interest of the society and should be stopped forthwith, however, construction which does not block or impede the flow of water and where construction has already taken place based on certain approval granted by a government organisation should be protected.

“The protection should be provided in order to avoid any humanitarian disaster where the populace is deprived of their homes on certain terms and conditions, including but not limited to financial, which may be prescribed by the government.

“That the government, in the best interest of the populace should present a law before this august house in light of the instant resolution to secure, protect and regularise such homes all over the province and recommend disciplinary action against delinquent officials who allowed such constructions over the years,” the resolution concluded.

### Opposition condemns resolution

Speaking on the resolution, GDA’s Sheheryar Mahar said that the government wanted to give legal cover to illegally constructed building. He said all those members who had signed the resolution should be sent to jail.

PPP’s Ghazala Sial said that people bought flats in Nasla Tower for millions of rupees but now they were standing nowhere after the demolition order.

MQM-P’s Muhammad Hussain said that the adoption of this resolution was tantamount to the opposition of the Supreme Court’s order. He said that the provincial government wanted confrontation with the apex court. “We condemn this resolution,” he said.

Zulfiqar Ali Shah of the PPP said that the helpless victims of Nasla Tower were looking for provincial government’s support.

PTI’s Arsalan Taj said that action must be taken against those officials who allowed such constructions and their assets should be seized.

Information Minister Saeed Ghani said that the opposition members appeared confused on the matter. “They should make it clear if they want demolition of Nasla Tower,” he added.

The minister said that Nasla Tower was not the only illegally constructed building, but there were thousands of such buildings in the city. “So, you may decide to raze all such buildings,” he took a jibe.

PTI’s Khurram Sherzaman said that an attempt was being made to question the orders of the apex court in the house. Tearing up copies of the resolution, he said that the PTI would never protect “thieves and looters”.

Abdur Rasheed, the lone MPA of MMA, also opposed the resolution and suggested for setting up a task force to deal with the issue of illegally constructed buildings.

The house was adjourned to Friday at 10am.  
(By Tahir Siddiqui Dawn, 13, 17/11/2021)

## Regularisation of buildings demanded

After the order of the Supreme Court to demolish Nasla Tower, Sindh Assembly on Tuesday passed a resolution demanding Sindh government to make a law to protect and legalise the illegal constructions securing homes of the populace who have invested their all hard money into it. Amid the opposition, parties’ protest, the resolution was moved by PPP’s Nida Khuro, however, recommended disciplinary action against delinquent officials who allowed such constructions over all the years.

“For the last many years, due to the surge of population, widespread construction in different areas of the province has taken place and many households or buildings or structure have been constructed either in violation of use of land rules or the building control rules,” the resolution read,

adding that it is the responsibility of the government to ensure that citizens and their investments are secured and that they continue to have confidence with the official documents issued by different government organisations.

Khuhro and her other colleagues during their speech reiterated that the resolution was not only confined to Nasla Tower, but covers all other structures built against the rules during the last many years.

"Citizens, from all strata of society, have invested their hard savings in the purchase of units in such constructions and are in occupation of those premises based on documents issued and registered with the relevant authorities," Nida Khuhro said adding that the government in the best interest of the populace should present a law before the assembly in light of the instant resolution to secure, protect and regularise such homes all over the province.

"The construction on the land which blocks or impedes the flow of water or on an amenity plot is against the overall interest of society and should be stopped forthwith however, construction which does not block the flow of water and where construction has already taken place based on certain approvals granted by government organisations should be protected," it said adding that the protection should be provided in order to avoid any humanitarian disaster where the populace is deprived of their homes.

The house echoed with the slogan against Sindh government and opposition members tore the copies of the agenda and resolution when resolution was passed with majority votes of treasury members.

Leader of the opposition, Haleem Adil Shaikh and other opposition members belonging to Muttahida Qaumi Movement (MQM) and Grand Democratic Alliance (GDA) called it an act by ruling, PPP government to cover up its all wrongdoings by allowing illegal construction in the province.

"It is private members day where private bills and resolutions on the agenda are supposed to be taken up. This resolution being taken out of order is meant legalise all land grabbing and corruption done during their 14 year tenure.

"We will not allow PPP to use the assembly for serving their personal interest and nefarious designs," he said.

Earlier, Sheharyar Mahar of GDA and Mohammad Hussain of MQM while speaking on the resolution said that strict action not only be taken against the officials involved in illegal construction, but mover of the resolution should also face the same fate on paving way for such things. He warned the ruling party members not to use assembly for own vested interest.

Mohammad Hussain speaking on the content of the resolution said, "Government ministers are taking to protect the illegal constructions in the best interest of people, but this resolution does not even mention the name of Nasla Tower," he remarked. Referring to the Supreme Court decision to demolish Nasla Tower, he said, "it will be the contempt of court if the resolution is adopted.

"Sindh government wants to fight with apex court. We don't want to be part of it," he said suggesting action against those officials in Sindh Control Board etc for allowing to build such structures.

Saeed Ghani, minister for information quoted many illegal constructions initiated in General Parvez Musharaf's tenure and MQM mayors and said, "Mustafa Kamal the then mayor of Karachi allotted thousands of illegal plots in Mehmoodabad and other areas of the city where people after constructing buildings sold out to third parties. How can we demolish these building making them homeless," he said adding that after resolution, law will be passed to provide permanent shelter to people.

Ghazala Siyal and Zulfiqar Shah of PPP, Arslan Taj of PTI also spoke. The session was adjourned till Friday.  
(By Hafeez Tunio The Express Tribune, 04, 17/11/2021)

### **Neighbours challenge order to set up medical college at Mohatta Palace**

The Sindh High Court on Wednesday issued notices on another intra-court appeal against an earlier order of the SHC for setting up a medical college on the premise of Qasr-e-Fatima, commonly known as Mohatta Palace.

The appellants submitted that they were neighbouring residents of Fatima Jinnah's heritage property located in Clifton and expressed their grievance against a part of the single-judge bench order regarding establishment of a college.

A two-judge bench headed by Justice Aqeel Ahmed Abbasi issued notices to the respondents for Nov 18 (today) when the appeals of the provincial government and Mohatta Palace Gallery Trust, which is currently maintaining the heritage property, are already fixed for hearing.

Lawyer for the appellants Arshad Tayebaly contended that the subject premises was a heritage property and situated in purely a residential area, which cannot be used for any other purposes apart from residential purpose.

When the bench confronted the counsel about the maintainability of the appeal as the appellants were not party in the suit while the proposal about medical college was still under process of finalisation, the counsel placed reliance on two reported judgements of the apex court and requested to fix the same for hearing along with another appeal in the present matter already fixed for hearing.

Meanwhile, another division bench of SHC on Wednesday directed the director general of the Karachi Development Authority to hold an inquiry and fix responsibility against officials involved in committing illegalities and fraud about a genuine piece of land.

The bench headed by Justice Irfan Saadat Khan observed that this was not the only case but there were numerous cases in which blatant illegalities were committed on part of KDA officials.

The bench said that a Gulistan-i-Jauhar plot measuring 400 square yards belonged to the petitioner and it had been renumbered / rearranged by the officials of KDA and allotted to other persons while it was also erased from the approved layout plan.

It also directed the KDA chief to submit an inquiry report within a month and imposed a cost of Rs100,000 on the KDA to be payable to the petitioner within 15 days.

The bench in its order further said that plot number B-209/1 and B-210 were the same and the former was illegally created by the officials of KDA by misusing their official powers and authority for "extraneous motive".

The very action of KDA officials of renumbering the whole lane was found to be illegal and if another plot, allotted under the minister quota to some persons also impleaded as respondents in the petition, was encroached upon there was no justification available for KDA to rearrange, re-fix and reallocate the plot of the petitioner and allotted it to private respondents.

(By Ishaq Tanoli Dawn, 14, 18/11/2021)

### **Survey of urban slums exposes dark underbelly of two cities**

Idara-i-Taleem-o-Aagahi (ITA) and its flagship programme ASER Pakistan launched its first pilot report on Learning quality in Katchi Abadis of Pakistan on Wednesday.

ITA supported by the Foreign Commonwealth and Development Office (FCDO) undertook this first project for a learning and accountability survey in urban slums comprising four districts of Pakistan — three districts of Karachi, West, Korangi, Malir and one district of Lahore — in May 2021.

The survey includes a total of 114 katchi abadis, reaching out to 2,275 households, 2,285 mothers and 6,411 children (aged three-16).

While sharing some of their key findings, CEO of ITA Baela Raza Jamil said that they had collected data, which could now help the authorities concerned to take action or see how to remedy the issues that had come out as a result of the initial survey.

#### *Extremely challenging living conditions found in katchi abadis amid bleak educational outlook*

Through her presentation, she showed the extremely challenging living conditions in katchi abadis where there was water shortage and problems with the drainage system. “Deprivation of entitlements to water, sanitation and hygiene extend to lack of adequate educational facilities in katchi abadis. At least 20 per cent of the surveyed katchi abadis in each district have no government schools.

Contrary to perceptions that residents are transient in katchi abadis, over 56 per cent population inhabitants have lived in the same settlements for more than a decade or equal to a 10-year education cycle, she said.

Coming to enrolment of children in whatever schools there are in the surveyed katchi abadis, Ms Jamil said that more children were enrolled in private schools (59pc) including madrassahs and non-formal education while 41pc were enrolled in government schools.

“The enrolment increases significantly from the age of five, reaching its peak at the age of 10. About 30pc or one in three children of 16 years old is out of school. Government school enrolment is higher in Lahore at 59pc while private school enrolment is highest in Korangi, also at 59pc,” she said.

“The enrolment in madrassahs is eight per cent. It’s significantly higher in katchi abadis than trends observed in the regular ASER national surveys (1.5-2.5pc). While Korangi, Lahore and Malir’s madrassah enrolment is 2.6pc, 2.1pc and 2.5pc, respectively, Karachi-West has 24pc of katchi abadis students or one in four children enrolled in madrassahs,” she pointed out.

Looking at the learning outcomes of katchi abadi children, she said that the recent ASER 2021 Covid-19 study in 16 rural districts revealed statistically significant learning losses. Further findings brought out contributing factors in the current situation such as household earning or wealth, parents’ education, technology available for usage, etc.

#### **Panel discussion**

A panel discussion that followed the presentation had experts air their views regarding the pilot report.

Bureaucrat Waseem Ajmal said that that the report tells you how demographic changes effect the system of education.

“It also provokes you to come up with solutions for children facing specific demographic challenges,” he said.

Agreeing with the findings of the report, special secretary of the Punjab school education department Dr Suhail Shahzad said that many existing urban schools were functioning on rural frameworks.

Resident Representative of UNDP Pakistan Knut Ostby said that Covid-19 had impacted children due to school closures and that the report was a timely effort in this situation. “It would have an impact on learning,” he said.

Kim Bradford Smith, Education Team Lead, FCDO Pakistan said that the report was a worthy data with real value. “It will pave the way for quality education as it is a wealth of evidence for FCDO. It clearly shows there is significant inequality in learning in areas and living conditions,” she said.

Member Education, P&D Department, Government of Punjab, Khalid Sultan, said that the problems highlighted in the report were really the tip of the iceberg. “It is valuable data for helping children in Pakistan,” he said.

Muhammad Toheed of the Karachi Urban Lab also said that katchi abadis were a neglected part of society. “They show a disconnect between authorities and the communities. There is also a problem there with documentation and enrolment processes,” he said.

He also added that the Gujjar and Orangi Nullah demolition and displacement was also increasing the dropout rate in schools here.

Omar Masud and Mohammad Saleem Jalbani also spoke.

(By Shazia Hasan Dawn, 13, 18/11/2021)

### **FIA finds airport land’s demarcation maps forged several times**

The demarcation map of the Jinnah International Airport’s land was made several times in connivance with revenue and Civil Aviation Authority (CAA) officials with mala fide intentions of encroachment, a Federal Investigation Agency’s (FIA) investigation revealed on Monday.

The FIA also made a startling disclosure that the record of the summary containing the approval note of the then chief minister in 1992 was not available regarding the transaction of four acres of the land while a bogus summary was moved for regularising another five acres.

Besides, the land transactions were carried out by the officials concerned despite a complete ban on further transaction of the state land imposed by the Supreme Court in 2012, according to officials' accounts and papers reviewed by Dawn.

Two FIRs have been registered by the FIA's corporate crime circle about illegal allotment and occupation of CAA's nine acres, and four suspects including three CAA officials and one private person have been arrested.

Over 30 suspects have been nominated in both cases including officials of the Board of Revenue, CAA, deputy commissioners, assistant commissioners and private persons namely Haleem Siddiqi, Arslan Khalid, Khalid Yusufi, Mushtaq Ahmed and others.

#### **'Fabricated' maps**

The land acquisition process of the Karachi airport in Malir (formerly East) district was initiated in 1976, but it was allocated to the CAA in 1983, containing 78 acres of private persons and 209 acres of state land.

The land demarcation maps prepared in 1983, 1995, 2000, 2008, 2012, 2019 and 2019 revealed that the revenue officials with mala fide intentions shifted the boundaries of CAA's land to pave the way for illegally creating new survey numbers and then relocating those numbers to usurp four acres.

Zareen Gul Durrani, the then estate officer at the Jinnah International Airport, Jahanzeb Khan and Mohammed Ali, the then senior surveyors at the airport, have signed the said fabricated demarcation maps and also issued a no-objection certificate without concurrence from the law officer and approval from the competent authority.

The FIA believes that 23 accused persons — including CAA, revenue officials, the then deputy commissioner Malir and others — seemed to have committed criminal misconduct to misappropriate government property.

About the alleged illegal occupation of five other acres lands of the airport, the FIA probe said that retired captain Haleem Siddiqui claimed that he had purchased the said land from Ayesha Mohammed Khan in 1993 for his company Epic Air Pvt. Ltd and the same was regularised by the land utilisation department.

FIA records reveal that Ms Ayesha purchased 62 acres of land in deh Narathar in district West Karachi, while the LU was given 84 acres in lieu of 62 acres.

However, the FIA said the record file of the LU showed that the 'outward number' did not appear in the summary for the Sindh's chief minister submitted by late Ghulam Abbas Soomro, the then secretary LU, to this effect.

"The officers of the LU department confirmed in their statements that without any outward number, the summary seems to be fake/bogus/suspicious," according to the FIA investigation.

The FIA believed that 11 accused, including officials and Haleem Siddiqui, in collusion, connivance and abetment with each other committed acts of criminal misconduct to misappropriate government property for wrongful gain.  
(By Imtiaz Ali Dawn, 13, 23/11/2021)

### **Defence secretary summoned in cantonment land conversion case**

Observing that the conversion of cantonment land into private land in the metropolis was apparently in violation of laws as well as various provisions of the Constitution, the Supreme Court on Wednesday summoned the defence secretary and attorney general of Pakistan for Nov 26 (tomorrow).

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed also put the chief executive officers (CEOs) of all the cantonment boards in Karachi as well as the Sindh advocate general on notice.

While dictating the order during Wednesday's proceedings at the apex court's Karachi registry, the CJP asked the attorney general to explain as to how park/amenity land in the cantonment areas of the city was being used for commercial activities.

The land allotted to the Pakistan Army, Navy and Air Force and meant for defence purposes has progressively been used or allotted /leased / transferred by the cantonment authorities to the personnel of armed forces for their own personal use, housing societies, commercial buildings and other purposes, he added.

*Justice Ijaz UI Ahsan wonders how housing societies are being established on land allotted for defence purposes*

The CJP further said that the cantonment land had been allotted / leased out by the federal and provincial governments for cantonment purposes and the very nature of the land cannot be changed by giving personal statue.

He stated that the conversion of cantonment land into private land seems to be in direct contravention of Cantonment Act 1924, Cantonment Land Rules 1937 and various constitutional provisions and this issue needed to be heard and decided by this court.

The bench also comprising Justice Ijaz UI Ahsan and Justice Qazi Mohammad Amin Ahmed was informed that there were encroachments on public spaces in the jurisdiction of cantonment boards and commercial buildings and housing societies on the land meant for cantonment purposes in different areas of the city.

The bench expressed resentment over the director, cantonment and military land, Karachi region, Adil Rafi Siddiqui over such activities within the jurisdiction of cantonment boards and also sought a report from him about a wall being built on the premises of park in Defence Housing Authority Phase-I.

Justice Ashan said that how the land meant for defence installations could be used for residential and other profitable purposes, adding that the status of such land cannot be changed.

He also asked the cantonment official under which law housing societies were being established and land of defence installations was being converted for other purposes.



**Plea against commercial use of Askari Park**

The bench also issued notices to the Karachi administrator, commander engineer, Corps-V, and others on an application against using the Askari Park near old Sabzi Mandi for commercial purposes.

The bench had issued notices to respondents on the last hearing, but it was informed that nobody appeared from military authorities on Wednesday.

Earlier, an applicant had submitted that the land of park belonged to the KMC and an agreement for adoption of such land was made between the then city district government Karachi and the military authorities in 2005 for development and maintenance of the park.

However, the applicant argued that wedding halls and other commercial activities were being carried out on the premises of the park.

**Anger at provincial authorities**

The Supreme Court on Wednesday came down hard on the provincial authorities over sudden transfers of officials posted on key positions and warned to pass an order if situation not changed.

The bench observed that it had been issuing various directives to the Karachi commissioner and other officials, but they were swiftly transferred while the director general of the Karachi Development Authority (KDA) was also removed hardly a few months after his appointment and he got a stay order from the high court.

The CJP asked the advocate general that the bench was restraining itself from interfering in the affairs of provincial authorities but if such practice continued the judges would have to pass an appropriate order in this regard.

The CJP said this when KDA chief submitted that his wife, also severing in garde-20 in Sindh, was forced to "sit at home".

The bench directed the DG to take measures for restoration of all parks/playgrounds within the jurisdiction of the KDA after removing encroachments.

It further said that encroachments around Jam Sadiq Bridge in Korangi and on an amenity plot meant for park in Korangi-5 must also be removed.

The DG submitted that he was aware of such illegal encroachments on public spaces and would remove the same and restore the land for the purpose it meant.

**Parks of KMC**

The bench said that Karachi Administrator Murtaza Wahab also assured it that he would take action to clear parks, playgrounds and public spaces and maintain them properly.

It was also pointed out during proceedings that a supra body may be formed to monitor all the parks of the city and Mr Wahab assured the bench that he would place this issue before the cabinet for legislation.

Amber Alibhoi of Shehri-Citizens for a Better Environment informed the bench that there were 24 places in the city meant for parks which were being used as dumping sites.

The CJP asked the administrator to take immediate steps for restoration of such land while all other parks must be properly developed and maintained and sought a compliance report in two weeks.

The administrator was asked about the restoration of four natural lakes of the city including Jheel Park and deplored that constructions had been made on such lands including a private school.

The advocate general submitted that such lakes had been dried up as the water level had gone down. However, the administrator submitted that he would consult technical experts and try to restore such lakes.

Mr Wahab was of the view that the city council during the tenure of former Karachi mayors Naimatullah Khan and Mustafa Kamal had passed resolutions for commercialisation of many roads of the city and thereafter, rapid commercialization had been started across the city.

However, a lawyer also pointed out that the provincial government had also commercialized several thoroughfares in 2010 and 2016.

**Gutter Baghicha**

The bench ruled that a portion of around 200 acre at the Gutter Baghicha Park was illegally allotted to the KMC Officers Housing Society in 1993 and the same was liable to be cancelled.

It further said that the park was existed even before partition and meant for amenity purposes and unfortunately the KMC, which was required to build a park there, allotted the land to its officers for a housing society, which was illegal.

It was informed that the allotment was made but no construction had so far been made.

(By Ishaq Tanoli Dawn, 14, 25/11/2021)

**SC wants allotment of 32 plots on parkland in Karachi cancelled**

The Supreme Court on Thursday sought a report from the National Accountability Bureau (NAB) chairman in a matter pertaining to illegal allotment of a park's land, in the Al-Habib Cooperative Housing Society, KDA Scheme 33, to some private persons and directed him to look into the conduct of the investigating officer (IO) in the case.

A three-judge bench headed by Chief Justice Gulzar Ahmed also directed the NAB chief to take disciplinary action against the IO and also compensate the affected people after recovering their money from the accused persons.

It also observed that the IO, Ausaf Talpur, appeared unaware of the matter and could not answer numerous questions asked by the bench which were about basic information.

Justice Ijaz UI Ahsan and Justice Qazi Mohammad Amin Ahmed are the other members of the bench.

The NAB prosecutor submitted that a reference had already been filed in an accountability court in Karachi against five accused persons. Three of them had obtained their pre-arrest bail, he added.

It noted that the IO claimed to have been handling around 100 other cases but he appeared to be not in much confidence. It directed the NAB chief to appoint proper IOs for such investigations or inquiries.

#### *Expeditious demolition of Nasla Tower also ordered*

The bench observed that the case in question was 11 years old and the courts had also passed orders, but nothing had been achieved so far. It directed the registrar and administrator of the cooperative societies department to ensure that the allotment of all 32 plots carved out from the park's land be canceled as soon as possible.

The CJP expressed his surprise over the fact that the IO was even unaware of the status of their bail and also made no efforts to arrest the accused. Apparently he was allowing them to approach the court for bail. Besides, the NAB authorities also made no efforts to file an application in the court for the cancellation of the bail, he observed.

A complaint was filed in the apex court in 2011 seeking action against over encroachment of the public park. The court was informed that the secretary, Athar Alam, along with other office-bearers of the society, allegedly encroached upon the park, converted its status to residential and sold them to the public while he and the co-accused also allegedly built warehouses on the amenity plot.

#### **Revenue record**

Hearing another case, the bench expressed its resentment over failure of senior member of Board of Revenue (BoR), Sindh, to comply with its orders to retrieve government lands, and directed him again to remove all encroachments and file a compliance report within one month.

The bench rejected a report filed by the BoR member Shamsuddin Soomro as unsatisfactory, and observed that it had issued several orders from time to time for the removal of encroachments from the land meant for parks, playgrounds and other amenity purpose but his conduct appeared defiant.

The bench observed that there was nothing in the report except for constitution of a committee.

The bench deplored that more than 50pc of state lands had been encroached upon in Sindh but the BoR was doing nothing despite issuance of several court orders in this regard.

The CJP said that deputy commissioners were also doing nothing in this regard, and remarked that instead of implementing court orders, officials were extorting money and allowing new constructions on the state lands.

Justice Ashan asked Mr Soomro whether he was facing resistance or someone was preventing him from implementing the court orders.

Advocate general Salman Talibuddin requested the bench to grant some time to the senior BoR member for compliance.

The bench granted Mr Soomro one month's time.

#### **Healthcare facilities in Tharparkar**

Taking up the matter of healthcare situation in Tharparkar, the bench came down hard on the provincial government for not making any efforts to implement its earlier orders regarding provision of health and other basic facilities to the people of this district.

The health secretary health assured the bench that he would take all relevant measures by establishing hospitals, dispensaries and other health facilities in different parts of Tharparkar and ensure provision of staff and modern equipment, including operating theatres.

The bench said that all posts of doctors and paramedics be filled immediately. It said transfer of severing medical officers and staff in Tharparkar to other districts should not be allowed until three years. It directed the health secretary to file compliance report within one month.

The bench was hearing a matter pertaining to the death of five infants at the Mithi Civil Hospital in 2017.

#### **KE grid station**

Hearing a petition regarding a K-Electric grid station built on a greenbelt in PECHS Block 6, the bench said that it would not allow the KE to run it, but could grant some time to move it to some other place.

The CJP noted that the land in question was meant for amenity purpose.

#### **Hindu Gymkhana**

The CJP, taking up the case of Hindu Gymkhana, expressed his disappointment over Karachi commissioner's failure in filing a compliance report on its order to provide an alternative accommodation to the National Academy of Performing Arts (Napa).

He directed the advocate general to look into the matter and come up with suggestions/proposals from Sindh government in this regard.

A petition was filed by Shree Ratneshwar Mahadev Welfare in 2014 submitting in court that the gymkhana belonged to the Hindu community since before partition but government had taken it over as an evacuee property after the partition.

#### **Nasla Tower demolition**

Meanwhile, the bench in its written order directed the Karachi commissioner to expeditiously demolish the 15-storey Nasla Tower and submit compliance report in the next session.

The order was passed during a hearing of the case on Wednesday.

The bench found the commissioner's report on the progress of demolition work altogether unsatisfactory.

Rejecting the report, the bench directed the commissioner to immediately start the demolition work and “achieve the total demolition thereof and clearance of malba as soon as possible”.

The order noted that on Oct 25, the commissioner was directed to complete demolition of the building within one week from Oct 27, but he had not complied with the orders and, rather, taken a stance to defy them.

“The court shall take action against the commissioner, Karachi for defiance of the court's orders. The commissioner, Karachi shall ensure that compliance of the court's orders is made,” it concluded.  
(By Ishaq Tanoli Dawn, 13, 26/11/2021)

### Living in fear

THE registration of a blasphemy case against four members of a family from a village on the outskirts of Lahore has once again brought into focus the extensive misuse of the law to settle personal scores and grab victims' property or attack their beliefs.

The latest case registered on the complaint of a local prayer leader, who was approached by a family member more than a week ago to make a public announcement about the funeral of a Christian neighbour, also underscores the police's tendency to register a case without investigation into allegations in order to keep the situation under control.

Although the exact figures are not available, at least 1,855 people were booked under the blasphemy law between 1987 and 2020. This includes formal charges as well as allegations. The actual number of victims, however, is believed to be much higher. Muslims (47.9pc) represent the largest faith identity accused of or charged with blasphemy followed by Ahmadis (33.3pc), Christians (14.5pc), Hindus (1.8pc) and others (2.4pc).

That the enactment of the blasphemy law in its present form by the Zia regime and its unchecked misuse makes non-Muslims live in an atmosphere of unending fear is an understatement. The arbitrary application of the law has squeezed the space for enlightened debate on issues related to religion, and deepened extremism and bigotry in society.

We have seen people falsely convicted, lynched, shot and knifed to death, and mob attacks on entire communities merely on the suspicion of blasphemy, with most culprits getting away scot-free. The murder of Punjab governor Salmaan Taseer by a member of his security detail in 2011 for supporting changes in the law to stop its misuse is justly referred to as a watershed in the country's history. The abuse of the law against the innocent, as pointed out by the Supreme Court, is impossible to stop in the absence of “adequate safeguards against [its] misapplication or misuse ... by motivated persons”. It's time for politicians to stand up to defend the vulnerable from the law's misuse.  
(By Editorial, Dawn, 06, 27/11/2021)

### Amenity plots can't be allotted for commercial, residential purposes: SC

While expressing surprise over city's housing societies working under federal organisations for misusing public spaces, the Supreme Court has observed that the land meant for amenity purposes cannot be allotted for commercial and residential purposes.

It directed the ministry of housing and works to file a comprehensive report in this regard.

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed ordered that no marriage function and parking of vehicles would be allowed on two plots apparently meant for amenity purposes in the Karachi Cooperative Housing Society (KCHS).

The bench also restrained all parties not to create a third-party interest in a multi-storey building reportedly built on parkland in Bahadur Yar Jang Cooperative Housing Society till further order.

The CJP also came down hard on the president of the Pakistan Employees Cooperative Housing Society (PECHS) during hearing of a matter about allotment of green belt to K-Electric for setting up a grid station and warned that he could be sent to prison for leasing out public spaces to private persons.

The court observed that the PECHS administration had also leased out the land of Kidney Hill Park for residential and commercial purposes.

*Housing ministry has no power to change original land use status*

In its written order issued on Saturday about the hearing held on Friday, the apex court directed housing and works secretary Imran Zaib to come up with a comprehensive report about allotment of land meant for park, playgrounds and other amenity purposes to private persons for commercial and residential purposes in such societies.

During the proceedings, the secretary conceded that the ministry had no power or authority to change the original land use in the layout plan of housing societies operating under its domain.

The bench was informed that two plots measuring 11,780 and 11,660 square yards in KCHS on main Tipu Sultan Road were actually meant for amenity purposes, but one of the plots was illegally bifurcated into small plots and some of them allotted to one Junaid Makda, who was reportedly running wedding halls and parking lot on it.

The bench observed that such allotment appeared to have been made by the ministry of housing and works. However, Mr Zaib, present in court, submitted that the ministry did not make any such lease/allotment.

The bench in its order said that apparently both plots were specifically meant for amenity purposes, but incidentally the office-bearers of the society not only mismanaged the amenity plots but also tried to create interests of individual persons through a factious Al-Riaz Cooperative Society.

It further noted that the original layout plan appeared to be tampered with by the officer-bearers of the society, which was illegal as a layout plan once prepared and amenities were provided, such amenities cannot be removed or altered/converted into private buildings for commercial use.

The bench observed that the matter required further clarification as the housing and works secretary stated that he would place on record complete details of such plots and also took stand that the ministry had no authority to change original land use in the layout plan.

The lawyer for the society submitted that both the plots were meant of amenity purposes and all purported allotments and leases may be cancelled. The bench allowed the secretary to file a report in a month and also granted similar time to Mr Makda to file documents. However, it ordered the officer-bearers of the society to ensure that no marriage functions and parking spaces would take place on such plots.

The bench was further informed that a plot measuring 3,931 square yards and meant for a family park in Bahadur Yar Jang Cooperative Housing Society had been bifurcated into three plots and only a small portion of the plot was left for the park. The other two plots had been allotted and a huge building known as Al-Bari Towers built on one such plot, it added.

Senior lawyer Rasheed A. Razvi appeared on the behalf of builder of Al-Bari Towers and requested for time to file a concise statement upon which the bench allowed him one-month time.  
(By Ishaq Tanoli Dawn, 13, 28/11/2021)

### Land misuse

THE contrast could not be more stark, and elite capture no better illustrated. On the one hand are the middle-class owners of apartments in Nasla Tower watching their hard-earned investment reduced to rubble with the court-ordered demolition of the Karachi high-rise. On the other are privileged segments of society whose dubious real estate ventures have continued unimpeded over the years, riding roughshod over land use regulations and earning eye-watering fortunes for those involved. But has this brazen inequity become unsustainable in the face of an increasingly aware public, or will the writ of the law continue to apply only to 'ordinary' citizens?

On Friday, the Supreme Court expressed serious displeasure over commercial activities and construction of housing societies on land specifically allotted for defence and strategic purposes. The three-member bench headed by Chief Justice Gulzar Ahmed has been hearing a matter pertaining to the alleged conversion of cantonment land, and raised questions rarely asked of the security establishment. "Were wedding halls, cinemas and housing societies built for defence purposes?" was one of the queries posed to the defence secretary. On Wednesday, it touched upon the commercialisation of parks/ amenity plots in cantonment areas.

There have been a few occasions in the past when governments have made tentative efforts to address this thorny issue. In 2014, a parliamentary committee was for the first time set up to examine the defence ministry's use of land for commercial projects. Some reports by the auditor general also pointed out similar misuse by various branches of the security establishment. And yet, nothing changed on the ground — even in the face of specific orders issued by Justice Gulzar himself in 2019, before he became the country's top judge.

The full might of the law has, however, been witnessed on non-cantonment land. To highlight but some aspects of it, tens of thousands of Karachi's residents lost their homes along the Gujjar and Orangi nullahs and on railway land, while the vibrant Empress Market was reduced to an empty shell in sweeping anti-encroachment drives ordered by the apex court.

Indeed, it is important the Supreme Court is demanding answers in a matter usually skimmed over or mothballed, even though it is intrinsically linked with social justice and the impartial application of the law. But is this enough? The defence secretary informed the court on Friday that the services chiefs had decided not to allow further commercial activities on cantonment land.

As the bench observed, its previous orders in this respect have been repeatedly flouted by senior military personnel "who act like kings". It is time the apex court demonstrated practically that justice, even in Pakistan, is blind. For its part, the security establishment should engage in some introspection and consider how its standing in the court of public opinion would rise were it to follow land-use laws just as civilians are expected to.  
(By Editorial, Dawn, 06, 29/11/2021)

### Housing crisis locks out daily wagers

Karachi, a raging metropolis of more than 20-million people is also home to thousands of temporary residents, who come to the city looking for work from all parts of the country.

However, for a city as dynamic and rampantly sprawling, Karachi can surprisingly be a hellscape for people looking for low-cost housing. This has been the bane of daily wage workers and labourers, who are forced to live in match-box sized apartments, where ventilation is rare and ten to twelve individuals cram for space in a bid to afford rent.

According to 28-year old Ataulah Khan who hails from Bajaur Agency, and works a cobbler in the megacity, finding decent housing can be an uphill battle for single people. "Landlords here tend to be biased against single men. They rather rent their space to someone with a family; but even if they do rent, they charge us double the price," he told.

These circumstances leave most workers like Ataulah Khan with little option but to look for one-room apartments in the grimmest of slums, which too are offered on shared basis.

"It's mostly people like me- labourers from other cities- who live together. We call our residence 'Beithak or Dera,' and we share everything from kitchen to bedroom to toilet and water," he added.

Speaking in the same vein, Chaudhry Hakeem who works as a cook in a small hotel, said that rent for a room has gone up from Rs 8,000 to Rs 15,000 in the last few years. "Whereas, the rent of a small house is also between 10 to 15 thousand rupees, which workers like us cannot afford," he told.

Adding to which, Basharat Ali, another waged worker from Azad Kashmir, said that there are various other expenses, which makes it very for him to save enough to send home. "We have to spend money on food, laundry, phones and other necessities. If I earn a thousand rupees a day, it costs about 300 rupees for breakfast and two meals a day. Similarly, Rs.250 is spent on laundry every week and if other expenses are taken into account then Rs150 to Rs200 are spent daily. If 5 people live in a room and the rent of this room is 10,000, then a roommate has to pay 2,000 rupees in rent. After deducting all the expenses, we barely have enough send home Rs12,000 to 15,000," he lamented.

Haji Jamal, owner of a modest tea house on Nishtar Road, offers some of his workers accommodation in his own hotel. "Most of these labourers work 12-16 hours a day. So they only need a place to sleep at the end of the day. They are more inclined towards saving and sending money home, rather than spending on themselves. So they are usually looking for the cheapest accommodation option," said Jamal.

On the other hand, Nawab Ali, a local estate agent, said the non-resident workers are given collective accommodation after police verification and verification by locals. These people are not allowed accommodation in residential flats. "That is why these people mostly rent houses or rooms in the houses of their business owners or in nearby slums on hiked-up rent, which surges general rent in the area," he informed The Express Tribune. (By Aamir Khan The Express Tribune, 04, 30/11/2021)

### **DHA not providing land allotment, reclamation data, SHC told**

The Sindh High Court on Wednesday directed the Defence Housing Authority to provide record and documents of all the land allotted including the land reclaimed from the sea after the official assignee complained that the DHA was not willing to provide the requisite data.

A single-judge SHC bench headed by Justice Zulfiqar Ahmad Khan also issued notices to the DHA, Cantonment Board Clifton, Cantonment Board Faisal, Cantonment Board Malir, Karachi Cantonment Board and others for Dec 15 on an application seeking contempt proceedings against them for not complying with the court's earlier order restraining them not to use the land sanctioned as public spaces for any commercial and gainful purposes and also not to create a third-party interest.

It also directed the DHA to share the record of the land allotted for other projects and further ordered the Civil Aviation Authority and Port Qasim Authority to provide the record of commercial properties and reclaimed land, respectively.

The bench also asked the Sindh government to appoint focal persons to supply relevant information to the official assignee about ownership and possession of the reclaimed land.

When the bench took up for hearing a suit, filed by six plaintiffs who approached the court under the Whistleblower Protection and Vigilance Commission Ordinance, Official Assignee Dr Chaudary Wasim Iqbal filed his interim report in compliance with an earlier order about inspection of the reclaimed land and to provide details of commercial places of 22 private entities.

*The bench gives two weeks to the authority to furnish requisite documents*

The report said that the official assignee had issued notices to the DHA and other defendants to provide the required record and documents and also to appoint focal persons for carrying out compliance within stipulated period.

However, the report said that it appeared from the stance taken by the DHA's law officer that perhaps DHA had been deliberately avoiding to produce the documents while the plaintiffs had provided a copy of the master plan of 1973 regarding the initial allotment of the land to DHA.

The official assignee asked the DHA law officer that without having record of the initial allotment, the identification of dimension of reclaimed land was not possible.

He stated that architect Marvi Mazhar came to volunteer her service about the reclaimed land and to sketch the dimensions and she was requested to provide aerial mapping of the reclaimed land, it added.

The report stated that besides inspecting six properties in DHA, other officials from the office of the official assignee also inspected some sites — Falcon Mall, PAF Museum, The Venue, The Signature and Imperial Wedding Halls — under the control of military estate office and Pakistan Air Force on Nov 29.

The squadron leader, PAF Base Faisal, submitted a reply of the official assignee's letter and was of the view that no commercial activity was being carried out under the command management of the PAF base while all commercial activities on the site of under-construction Falcon Mall had been ceased in the light of the Supreme Court order and the signboards depicting the mall were also removed, it added.

The report also stated that the Karachi Urban Lab (KUL) informed that it had no resources to undertake this task while the National Institute of Oceanography Pakistan (NIOP) replied that nobody ever contacted it to conduct scientific research with regard to the process of reclaimed land from shore in Karachi.

The official assignee requested the bench to direct the DHA to provide documents of the land initially allotted in its favour and details of all other land subsequently came in their occupation by way of reclaimed land either arrived out by itself or by any other federal and provincial department.

He also sought directive for DHA to share the title deed of reclaimed land in its occupation besides the land sold out to other companies. The bench allowed the requests of the official assignee and adjourned the matter till Dec 15.

On Oct 23, the bench had directed the DHA and other official defendants to ensure that the land earlier sanctioned to them as public spaces was not used for any commercial and gainful purposes till the next hearing of the case and ordered an official assignee to inspect the reclaimed land being used by the DHA and furnish a report with photographs and maps of the land with the assistance of KUL or NIOP.

It had also restrained DHA from reclaiming further land and granting such land to anyone as well as creating third party interest. (By Ishaq Tanoli Dawn, 13, 02/12/2021)

### **Sindh govt to suspend drive to raze properties**

Chief Minister's Law Adviser Barrister Murtaza Wahab on Wednesday said that the provincial government had decided to stop the ongoing anti-encroachment operation across the province.

"The anti-encroachment operation from Karachi to Kashmore will temporarily be suspended. The Sindh government has prepared an ordinance to stop the anti-encroachment operation," he told a press conference.

Barrister Wahab, who is also the spokesperson for the provincial government as well as the administrator of Karachi Metropolitan Corporation, said that a commission would be set up under the ordinance to determine which non-commercial structures must not be demolished.

He said that the PPP drafted the ordinance and sent it to the governor. "The governor will approve the draft of the ordinance," he said, claiming that the ordinance was made purely in the interest of the citizens.

He said that a retired judge would be the head of the proposed commission that would decide whether to regularise the construction or not. "We will also get the ordinance passed by the assembly," he said.

He said that the law was the same in Sindh as it was in Punjab but only a paragraph was added that the anti-encroachment drive should be stopped immediately.

#### **'Consequences of land commercialisation'**

As for the commercialisation of land, he said that it started in the tenure of former Karachi mayor Naimatullah Khan.

"When the citizens approached the courts against it [commercialisation], it was decided [by the court] that it is the prerogative of the [then] city government," he added.

He said that several areas were commercialised and the consequences of that decision were being felt today.

"This problem has spread all over Pakistan. Societies have been formed on agricultural land in Islamabad. It is asked that a building [Nasla Tower] is being demolished [in Karachi] but why it is not happening in Banigala in Islamabad," he added.

He said that the Pakistan Peoples Party passed a resolution in the Sindh Assembly on the issue of the anti-encroachment drive and urged the need for legislation so as to reduce miseries of the citizens.

He said that those who held press conferences on the issue of Nasla Tower had 'escaped' from the Sindh Assembly.

The Karachi administrator said that action should be taken against the encroachments on drains.

#### **'SBCA gave permission for Nasla Tower'**

In a reply to a question, he said that the provincial government did not allot land for Nasla Tower as the Sindhi Muslim Society was not under its administrative control. "This property was commercialised in 2007 at that time Mustafa Kamal was the city nazim," he said.

Barrister Wahab said that after commercialisation, the Sindh Building Control Authority gave permission for the construction of Nasla Tower. "The land actually belonged to KMC and in 2000 the court ruled that the land was given to Sindhi Muslim Society in exchange for money," he said.

He also asked Muttahida Qaumi Movement-Pakistan convener Dr Khalid Maqbool Siddiqui to stop the politics of 'segregation'.

He also condemned the killing of office secretary of the Sindh Bar Council Irfan Mahar and said that the killers would be arrested at the earliest. (By Tahir Siddiqui Dawn, 13, 02/12/2021)

### **SHC stays takeover of Mohatta Palace by official assignee**

The Sindh High Court on Thursday directed the official assignee not to take over the possession of Qasr-e-Fatima, commonly known as Mohatta Palace, till the final decision on an around 50-year-old suit about the heritage property.

While disposing of a set of intra-court appeals filed against orders of a single-judge bench, the division bench of SHC headed by Justice Aqeel Ahmed Abbasi also said that since the matter was very old, the final judgement/decreed on the suit pending before the single-judge bench may be passed at an early date and preferably within four weeks after hearing concluding arguments from the lawyers of parties.

It further stated that the single bench in an order had directed the provincial government and defendants to change the name of the subject property from Mohatta Palace to Qasr-e-Fatima in all documents and the same would remain suspended till a final decision on the suit in question.

"However, the learned single judge may be at liberty to pass appropriate order to this effect, either by consent of parties or otherwise, at the time of deciding of the final fate of the subject suit," the two-judge bench in its order added.

*Directive issued to change name of the heritage building to Qasr-e-Fatima in all documents*

It further said that all lawyers for parties must appear before the single bench on the next date, which according to the lawyers has been fixed on Dec 8.

"The suit may be taken up for arguments on Dec 15 when the counsel for parties may be at liberty to make their submissions on all factual and legal aspects involved in the matter and the single bench may pass appropriate orders and shall finally decide the suit through judgment or decree in accordance with law," it concluded.

Last month, the division bench through an interim order had restrained the official assignee from taking over the possession of property after the provincial government and the Mohatta Palace Gallery Trust, which is currently maintaining a museum there, filed intra-court appeals against earlier orders of the single-judge bench. Later, neighbouring residents of Mohtarma Fatima Jinnah's heritage property located in Clifton also approached the bench against the single bench's order.

On Oct 13, the single bench had directed the official assignee to take over possession of the building for setting up a medical college and the same to be run under an independent body with the consent of the parties.

In another order the bench had also stated that only Qasr-e-Fatima be used as the name of the heritage property in all documents.

However, the provincial government in its appeal contended that an assistant advocate general had given consent to the impugned order of Oct 13 without any authority as he did not have any instruction to record his consent and the same was not binding on the appellants.

The order was passed on a suit filed by a relative of Fatima Jinnah about the administration of her moveable and immovable properties including Qasr-e-Fatima in 1971 against the Shireen Jinnah Charitable Trust and others. (By Newspaper's Staff Reporter, Dawn, 13, 03/12/2021)

### SBCA comes under SHC's microscope

The Sindh High Court, expressing its sheer frustration over the lack of action against illegal constructions in Gulberg Town, directed the Sindh Building Control Authority's Deputy Director Gulberg Town to demolish illegal structures and submit a report over the action taken.

A two-judge bench, headed by Justice Zafar Ahmed Rajput, heard the petition against illegal constructions in the area of Gulberg Town. The SBCA counsel said that an operation against encroachments was underway in the city on the orders of the Supreme Court. He assured the court that his client was doing its best to take action. "We are also trying to implement the orders of the Sindh High Court," the SBCA counsel argued.

The court, however, seemed least convinced. It was furious that no action had been taken against illegal construction even though a considerable amount of time had passed.

Justice Rajput remarked that even after the passing of four years, no written reply has been submitted by SBCA.

The court summoned the Gulberg Town deputy director and ordered the demolition of illegal structures before the submission of a report.

#### More illegal construction

In another substantial development with regards to builders constructing illegal portions, the Sindh High Court (SHC) sought a one-year report from the officials of the Sindh Building Control Authority (SBCA) over illegal construction in the area of North Nazimabad. In particular, the court was a case hearing a petition against illegal constructions in Block-C of the North Nazimabad area.

"How successful was the criminal prosecution against the builders?" the court asked of the relevant counsel. "In how many cases were the builders convicted?" it questioned SBCA officials. The officers of the building authority were ordered to submit a report over the illegal construction in the area.

A two-member bench, headed by Justice Zafar Ahmed Rajput, heard the petition.

The petitioner's counsel stated that there is a plot of 200 square yards in Block-C, North Nazimabad, whereupon the respective builder has erected a ground plus three-storied building. The court sought a one-year report from SBCA officials.

The court asked how many cases had been registered against builders and plot owners in the city. "How successful was the criminal prosecution against the builders?" the bench asked. It continued with its line of question how many builders, involved in this form of illegal construction, were actually convicted?"

The court directed the SBCA to submit the comprehensive report by January 18.

#### Recovery of missing persons

Meanwhile, a two-member bench, headed by Justice Naimatullah Phulpoto, heard petitions seeking the recovery of missing persons.

The investigation officer said that Nadeem was taken into custody by DSR Manzoor Panhwar. However, the DG Rangers, in his reply, stated that there was no DSR named Manzoor Panhwar. Meanwhile, Rangers prosecutor Habib Ahmed argued that imposters used the names of various institutions to collect money from the victim's family and many such people had also been brought to book.

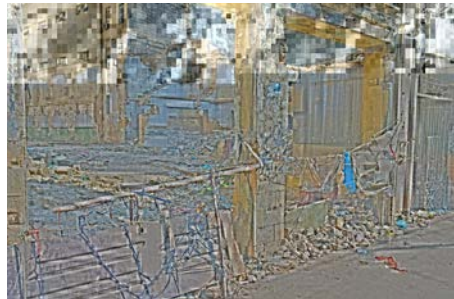
The court was furious with the agencies concerned over the lack of progress on the recovery of missing persons. "What is the use of JIT and task force meetings?" Justice Phulpoto asked sternly. "Why are so many forums created when there is no result? Do everything to bring back the missing persons. The families of the missing are quite worried," he asserted.

The court ordered the intensification of efforts to recover missing persons and sought progress reports from the Sindh IGP, DG Rangers and other agencies within a month.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 05/12/2021)

### Another heritage building bites dust

Constructed in 1932, as the picture shows, the Dharamshala situated in Napier Quarters has been razed to the ground despite the Supreme Court orders issued against demolition of the heritage building. —Fahim Siddiqi / White Star



KARACHI: The facade of the building or whatever remains of it now might help the imagination somewhat recreate, though with difficulty, what the Kakumal Asoomal Hindu Dharamshala must have looked like all those years ago.

Built in 1932, the Dharamshala was a rest house for Hindu pilgrims who would travel from afar to the Baghani Temple here. According to the Hindu community, the Dharamshala land of about 716 square yards in size situated at Napier Quarters in Saddar Town caught the eye of the builder mafia, who planned to build a shopping centre in its place.

On the plea of the Pakistan Hindu Council (PHC) to safeguard the Dharamshala, the Supreme Court of Pakistan on June 11 had ordered the Heritage Department as well as the Evacuee Trust

Property Board (ETPB) not to demolish any part of this building.

The order had also proposed a task force for promoting tolerance and establishing a police unit to protect the places of worship of minorities. It also directed the commissioner of Karachi to take over the building so that no person trespassed upon the premises.

Constructed in 1932, as the picture shows, the Dharamshala situated in Napier Quarters has been razed to the ground despite the Supreme Court orders issued against demolition of the heritage building. —Fahim Siddiqi / White Star

But despite the SC order the demolition could not be stopped. Today it is just a pile of rubble behind a hollow facade. Its grilled steel gate entrance is blocked by rubble. Neither can it be pushed or pulled open. Soon it will be completely razed to the ground and forgotten as another structure will come up in its place to add to Karachi's new skyline.

It has been alleged by the Pakistan Hindu Council that the ETPB forged a no-objection certificate from the Sindh heritage department for the demolition of the Dharamshala.

Speaking to Dawn, Dr Ramesh Kumar Vankwani, the patron-in-chief of the PHC, aired his sadness over the matter.

"I have requested the Supreme Court to at least transfer control of the premises to the management of the nearby Baghani Temple now. I have also asked for an inquiry by the Federal Investigation Agency into the alleged forgery by the ETPB and the resultant demolition of the heritage property," he said.

(By Shazia Hasan Dawn, 13, 08/12/2021)

### Call to end demolition of working-class homes

The organisers and allies of the People's Climate March to be held on Sunday said on Wednesday that the purpose of their event was to organise a people-led response to the environmental crisis with victims of climate injustice at the forefront.

Speaking at a press conference at the Karachi Press Club, they cited the affectees of demolitions along Gujjar and Orangi Nullah, Malir Expressway and Karachi Circular Railway and those who have been forcibly displaced by the violent practices of Bahria Town, Defence Housing Authority and other developers among the victims of climate injustice in Karachi.

It was explained during the press conference that there is currently a collective urgency in the world as it is suffering from a catastrophic environmental crisis caused by the profit motivated, extractive practices of a few.

The futility of COP26 has also made it evident that under the current capitalist system, the common people will not be able to save the environment. So in light of the repeated failure of world governments and international regulatory bodies to alleviate this crisis, it is obvious that there is a need for people-centred response in the form of a grassroots struggle, they added.

On the occasion, the organisers and allies of the march also shared a set of demands such as an end to the demolition of working-class homes and villages and the right to shelter of the displaced.

Another demand was for a bill to be passed in reference to the affectees of the Gujjar and Orangi Nullahs, the KCR and Haji Lemo Goth with the same urgency as displayed to protect 'buildings'. It was also demanded that the affectees be given alternative housing of 120 square yards in their districts.

They also demanded a transparent compensation process, and resolution of issues of identity cards along with the constitution of a rehabilitation committee.

(By Newspaper's Staff Reporter, Dawn, 14, 09/12/2021)

### Karachi agenda

THESE past few weeks have been eventful ones for Karachi's denizens. Several fires broke out in commercial establishments, production facilities, residential locations and hutments. Families of owners and staff were traumatised due to the loss of assets and the sudden blow to their finances in an already difficult economic situation. Evictions along nullahs, rail and road corridors, and remote locations are continuing. With promises of resettlement unfulfilled, most of the affected have been left without hope. Videos of desperate individuals attempting suicide have gone viral. There is no counselling available and the gloom is spreading fast.



On the political and administrative front, things aren't any better. Sindh has promulgated amendments to the local government statute in a bid to outfox its opponents and retain as much power and privilege as possible. Builders and developers have been protesting against the judiciary's unprecedented orders for the demolition of public-sale projects. The builders were joined by some political parties on the grounds that

thousands of people would lose their homes if the demolitions continued. A law is being discussed to extend cover to such structures that may be judicially tagged as illegal. Confusion surrounds this state of affairs.

Karachi has many groups affected by poor governance and debatable judicial actions. Residents of katchi abadis and those living in hutments and other vulnerable spots are especially apprehensive. The manner in which random buildings and locations are targeted for eviction is creating uncertainty. There are laws that lay down the procedure for examining every squatter settlement before options of regularisation or eviction are finalised. But there has been no update on the status of such settlements. Similarly, those already uprooted are running from pillar to post to convince the officials to give them alternative settlement options. But the administration has not responded as it should.

Addressing the need for shelter cannot be delayed — and there are choices. Land is available in different locations in Karachi and its peripheries. The political leadership must take quick action as every minute counts for the homeless. In addition, informal modes of livelihoods have to be protected for hundreds of thousands of workers. It is the only option for sustaining poor households. The timing of the so-called anti-encroachment drive is problematic as is the fact that court orders are applied to the weak and not the powerful. Selective justice is not what this city deserves.

*Addressing the need for shelter cannot be delayed.*

Builders, developers and real estate enterprises were up in arms when a prominent building on Sharea Faisal was being demolished. They questioned the status of the building permits approved and later set aside by the courts. It is a common observation that a non-controversial land title, hindrance-free building permits, transparent real estate sales, dependable construction and compatible mortgage and financial arrangements are crucial to a healthy property market. But for many years, such clean land titles were in short supply.

Builders and developers would do well to jointly demand a credible mechanism for ensuring land for housing and real estate development through a regional urban framework protected by the law. While Karachi has benefited from several planning outputs, none was given legal cover. This was



done deliberately to create uncertainty which could go in favour of vested interests. It is also vital to remember that land is a precious social asset which must be accessible to all urban dwellers. The right to shelter is a basic human consideration which cannot be ignored. Land-supply arrangements for housing must benefit the actual poor. If the urban poor have legitimate access to land for housing, katchi abadis will not emerge.

The provincial government cannot ignore Karachi's political status. It has diversity and plurality. Its relationship with the province is also unique. Karachi accounts for one-third of Sindh's population. No other city in Pakistan has such a relationship with its province. Thus it requires a different equation where governance is concerned. It has many unique federal entities responsible for national services such as the management and operation of ports. The city, which is now a greater urban region, requires an effective platform where administrative and operational stakeholders can come together to deliberate. The provincial government, which styles itself as harbinger of democracy, is required to establish such a platform. Various city plans prepared for Karachi have advocated the need for a broad-based steering committee with a mandate to review all urban affairs and chalk out solutions. Consensus can be reached on core issues if such an effort is made in the larger interest of Karachi's residents who deserve a better deal. (By Noman Ahmed Dawn, 07, 09/12/2021)

### **Action ordered against 'dummy' goths in KDA Scheme 36**

The Sindh High Court on Friday ruled that the land of Scheme 36 belonged to the Karachi Development Authority (KDA) and the provincial government could not make any claim about it and directed the authorities to ensure that no encroachment would be taken place on such land in the shape of dummy goths or fake adverse claims.

A two-judge bench comprising Justice Irfan Saadat Khan and Justice Muhammad Faisal Kamal Alam deplored that the officials of provincial government were in league with those who brought false ownership claims in courts with the assistance of such officials.

It further directed the provincial and local authorities to coordinate with each other to retrieve the land of amenity plots located in Scheme-36, block 10, Gulistan-e-Jauhar as per the lay-out and master plan and asked the KDA that the same must not be misused by any person.

The bench in its judgement further said it had already been decided in earlier judgements that the entire Scheme 36 comprising 2,000 acres belonged to the KDA, which had allotted it to public at large and therefore, no adverse claim about the land in question by the Sindh government or any person other than the genuine/bona fide allottees of KDA can be accepted.

The bench passed these directives while disposing of two petitions — first one filed in 2014 against provincial authorities for attempting to convert Block 10 of Scheme 36 into Chishti Nagar Goth and encroachments on amenity plots and the second one was filed by a man in 2016 who claimed to be the headman of Chishti Nagar located in Scheme 36 seeking re-survey of the goth/village in question. It allowed the first petition and dismissed the second for being a classic example of abuse of process of the court and imposed a cost of Rs100,000 on petitioner Rind.

The bench observed that the petitioner filed the plea by adopting deceptive tactics and concealment of facts and his acts were fraudulent and collusive with officials of provincial government as they took five years to file comments and brought the facts on record.

"An honest and fair approach on the part of the officials of provincial government, who were made respondents in these petitions, should have been taken to place on record the earlier orders of SHC and apex court in respect of scheme 36, but the officials kept quiet and attempted to drag the litigation so also the genuine grievances of the first petition," it added.

The bench directed its office to make a caution against those who attempted to abuse the process of court by filing multiple litigations on identical issues which were already determined through judicial pronouncement and asked the registrar to take concrete steps in this regard.

It also ordered the registrar of SHC to file a report about the proposed mechanism for curtailing frivolous litigations within four weeks.

The bench said, in its earlier judgements the higher and superior judiciary had already laid down a mechanism for such disputes and had directed the chief secretary to constitute a team to undertake a comprehensive survey and if found the two goths/villages located within the territorial limits of Scheme-36, then the same would be an encroachment and liable to be removed.

(By Newspaper's Staff Reporter, Dawn, 14, 11/12/2021)

### **Homeless shiver as winter dawns over megacity**

Where the advent of winters in the port city paints a picture of bonfire nights and cosy wedding parties, for certain segments it also means bracing for winds that cut like shards of glass, on the unsheltered streets of the raging metropolis.

Parts of Karachi, like Kharadar, Lee Market, Eid Gah, Saddar, Tin Hatti, Liaqatabad, Nazimabad, SITE and Orangi Town are home to thousands of homeless people, who have little option but to shiver under open skies come December.

Saleem Chacha, a 62-year old man, is one such individual who works as a carpenter during the day and camps close to Bakra Padi area in Liaquatabad after dark. "I make Rs300 to Rs400 a day, out of which a majority goes to food expenses. After that, I have no money left to pay for accommodation, so I sleep on the footpath," said the elderly man. "A kind man gave me an old bed and a blanket and that's been my greatest asset during the winters," he added.

Similarly, speaking of her plight, Zubaida, a homeless woman from FC Area, said that her children removed her from their house sometime ago, and she's since been living under the canopy of a mosque. "My teeth clatter during the night but I try to close my eyes and somehow fall asleep, so I at least stop shivering. I have no one to look out for me, but sometimes a kind person leaves out a mattress or a quilt, and those are my lucky days," she told.

In the absence of government shelters, people like Saleem Chacha, who cannot afford housing, are forced to live on the streets come hail or thunder. "We request the Prime Minister and the Chief Minister of Sindh to consider establishing permanent shelters for us homeless people and labourers," expressed another man, who spends his nights under open skies.

Speaking in the regard, social leader Hassan Rahim also said that there are innumerable people in Karachi who do not have accommodation and it is very difficult for them to stay overnight in winter. "Welfare organisations try to donate warm clothes and blankets, but there are too many people on the streets and our resources are limited. So the government needs to step up and build permanent shelters for the homeless in Karachi," he urged.

When probed about the matter, Pakistan Tehreek E Insaf Sindh Assembly member Jamal Siddiqui said that the federal government is expanding the scope of temporary shelters in Karachi under the Ehsas programme. This year also on the direction of Prime Minister Imran Khan, Governor Sindh Imran Ismail, we will join hands with welfare organisations to distribute warm clothes and bedding and blankets to the homeless," he informed.

Similarly, Sindh Minister for Social Welfare Sajid Johkio also said that the Sindh government has set up temporary shelters in three districts of Karachi. "Government of Sindh has been trying to set up shelter homes for the homeless in Karachi on a permanent basis, to provide accommodation to the working class and other homeless people," he told The Express Tribune.  
(By Aamir Khan The Express Tribune, 05, 14/12/2021)

### **Court official restrained from seeking DHA land record**

A division bench of the Sindh High Court has allowed the Defence Housing Authority (DHA) to not share the record of land with a court official until a single bench decides its application about the maintainability of a lawsuit challenging the misuse of cantonment land and land reclaimed from the sea.

The suit filed by Farhan Wazir and five other plaintiffs, mostly residents of the DHA, had approached a single bench of the SHC under the Whistleblower Protection and Vigilance Commission Ordinance, 2019 stating that reclaimed land was being misused while the land meant for cantonment purposes was also being used for commercial and gainful purposes.

They cited the defence secretary, the DHA, Cantonment Board Clifton, Karachi Cantonment Board, Cantonment Board Faisal, Civil Aviation Authority, Karachi Port Trust, Port Qasim Authority (PQA) and several other government authorities and private entities as defendants.

On Dec 1, the single bench had directed the DHA, CAA, PQA and others to provide record and documents of all the land allotted to them including the reclaimed land and its occupation after an official assignee in its report complained that the DHA was not willing to provide the requisite data.

#### *DHA challenges maintainability of a suit against misuse of cantonment, reclaimed land*

The DHA filed an intra-court appeal against the Dec 1 order stating that it had filed an application before the single bench about the maintainability of the suit, but instead of deciding it the court had ordered the appellant to provide its land record to the official assignee.

While disposing of the intra-court appeal, the two-judge bench comprising Justice Aqeel Ahmed Abbasi and Justice Rashida Asad asked the single-judge bench to hear the application on the suit's maintainability first and in the meanwhile implementation on the impugned order remained suspended and no adverse inference be drawn unless the application in question along with other listed applications are finally decided.

In the written order released on Wednesday, the division bench also directed both sides to appear before the single bench to file objections to all the pending applications as well as to the report of the official assignee.

DHA counsel Abid Zuberi filed an appeal before the division bench and argued that the directives were passed by the single bench on the recommendations of the official assignee's report to which the appellant was intending to file objections.

He submitted that the report of the official assignee was based on the assistance of Marvi Mazhar who was never directed by the court to be associated with the exercise.

The lawyer further submitted that the DHA had also filed an application under Order 7, Rule 11 of the Civil Procedure Code to challenge the maintainability of the suit, but without deciding this issue directives had been issued to the appellant and others to file documents pursuant to the recommendations made by the official assignee in the report.

He stated that the single bench had also issued notices to DHA and others on another application seeking contempt proceedings against them for allegedly violating an earlier order of the bench barring the appellant and others from reclaiming further land from the shore, granting such land to anyone as well as creating third party interest and to ensure that land earlier sanctioned to them as public spaces should not be used for any commercial and gainful purposes.

Plaintiffs' counsel Khawaja Shamsul Islam said that notices had not been issued to the defendants on the application filed by the appellant. He submitted that the single bench had not passed any adverse final order, but only asked the appellant to submit relevant documents.

After hearing both sides, the division bench said that apparently no final order was passed by the single bench and the appellant was at liberty to file objections on the report of the official assignee as well as assistance provided by Ms Mazhar in preparation of the report.

It asked the single bench to hear the DHA application and in the meanwhile the impugned order issued on the report of the official assignee shall not be implemented and no adverse inference be drawn unless the application in question along with other listed applications are finally decided.

Meanwhile, the DHA and others filed statements before the single-judge bench headed by Justice Zulfiqar Ahmad Khan on Wednesday and denied to have violated the court's earlier order.

The station commander of the Corps V filed an application to become an intervener in the suit and Justice Khan directed his lawyer to satisfy the court about the maintainability of his application.

The advocate general sought time to file comments and the bench directed the lawyer for DHA to continue his arguments on an application questioning the maintainability of the suit and adjourned the hearing till Jan 10.

On Dec 1, Official Assignee Dr Chaudary Wasim Iqbal had filed his interim report stating that apparently DHA had been deliberately avoiding producing land allotment documents. He stated that architect Marvi Mazhar volunteered her service about the reclaimed land and to sketch the dimensions and she was requested to provide aerial mapping of the reclaimed land.

(By Ishaq Tanoli Dawn, 13, 16/12/2021)

### 5-floor building on 80 square yards — SHC seeks details

The Sindh High Court (SHC) has sought details of the action taken against the officers responsible for illegal construction on a 80-square-yard plot in Liaquatabad.

A two-judge bench comprising Justice Aftab Ahmed Gorar and Justice Zafar Ahmed Rajput heard the petition.

The petitioner's counsel argued that five floors have been constructed on a 80-square-yard plot in Qasimabad while work is underway to construct the sixth floor. "The SBCA is not taking action despite court orders. The court questioned the SBCA counsel as to why the court orders were not being implemented.

Justice Rajput inquired about the action taken against the officers who were deputed at the time of construction. The court directed to demolish the illegal structures. "Take action against the responsible officers and submit report," the court remarked.

The court sought details of the action against the officers responsible for the illegal constructions till February 9.

Meanwhile, the SHC bench issued a show cause notice to the Sindh Building Control Authority (SBCA) South Deputy Director on a petition regarding illegal constructions in the Old City Area.

"Where is the SBCA South Deputy Director? The south deputy director had been summoned at the last hearing," the court remarked.

The south deputy director did not appear in the court. The court issued show cause notice on his absence. The court sought an explanation from the south deputy director over his absence.

#### Recruitment

MQM Pakistan (MQM-P) and others have challenged the notification of the provincial cabinet in the Sindh High Court regarding recruitment on more than 21,310 vacant posts in Sindh.

The application process for recruitment through the Sukkur IBA has also been challenged. The petition was filed by Deputy Convener, Kanwar Naveed Jamil and others through senior lawyer Tariq Mansoor. MNA Kishwar Zehra, MPAs Syed Hashim Raza, Ghulam Gilani, Javed Hanif Khan and Wasimuddin Qureshi are among the petitioners.

The petition states that irregularities are being committed in the recruitment process, being done in more than 38 departments. The purpose of the irregularities is to deprive the youth of Karachi of their jobs. Notifications were issued on January 3, 2020 and February 6, 2020 and proceedings were carried out silently for recruitment on grade 5 to 15 posts.

Sukkur IBA Testing Services has been awarded a contract for testing against the rules. Under the new procedure, jobs will be given through IBA Sukkur instead of IBA Karachi.

Later, Kunwar Naveed Jameel while talking to media said that a petition has been filed in the SHC regarding the jobs of Sindh government. The youth of Karachi have been ignored. He said that Sindh government should use IBA Karachi and ensure transparency in the recruitment process. (By Newspaper's Staff Reporter, The Express Tribune, 04, 24/12/2021)

### Top court orders action against SBCA boss

The Supreme Court has ordered the demolition of Nasla Tower in 15 days and the confiscation of 780 square yards of land which should be placed in the custody by a Sindh High Court official. The apex court also ordered suspension of its sale.

The apex court also directed the anti-corruption DG to file a case against the SBCA DG and other officers and submit an inquiry report within a week.

The court ordered departmental and criminal action against the officers involved in approving the building plan of Nasla Tower.

The chief justice directed the police to register a separate case against the officers involved and submit a report of criminal proceedings at the next hearing.

A hearing was held in the Supreme Court Karachi Registry before a bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Qazi Muhammad Amin Ahmed.

The Karachi commissioner appeared in the court. The commissioner said that five floors of the building including its entire structure was demolished.

The CJP questioned the fact that 400 people were involved, yet they were unable to demolish a single building.

"We have stopped people in a decent way. The Association for Builders and Developers (ABAD) also protested, however, we dealt with them peacefully," the Karachi commissioner told the court.

"Did you write this report yourself?" Justice Ahmed asked.

Making a disclosure, the commissioner said that a reporter of a private TV channel had interfered in the work. At this Justice Ahmed remarked, "Did you register a case against him? Do you want to say that a reporter is bigger than your government?"

The commissioner said that the Sindh Building Control Authority officials also interfered in the work. "Did you file a case against all of them?" asked Justice Ahmed. "This is the reason why non-state actors are working in this country," the judge observed.

The court summoned DG SBCA to the rostrum. The CJP asked the DG SBCA if he had intervened. The DG SBCA said that no intervention was made by his department. The court was furious with the DG SBCA for stopping the demolition proceedings.

The court restrained the DG SBCA from giving further clarification. The court remarked that the report was sufficient evidence that the SBCA was intervening. The commissioner wrote in the report that SBCA was also demanding bribe from the contractor.

The CJP remarked that all who intervened committed contempt of court. Justice Ahmed said that there should be contempt of court proceedings against all. "You are a government official; how dare you interfere in the work?" the court remarked.

Chief Justice Gulzar Ahmed remarked that the building was not demolished even with 400 workers.

The commissioner said that the building was being demolished in phases.  
(By Newspaper's Staff Reporter, The Express Tribune, 04, 28/12/2021)