



**TRANSPARENCY
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16th April 2010

Chairperson,
Karachi Port Trust,
Karachi.

Subject: Trustees of KPT are Public Servants.

Dear Madam,

TI Pakistan advice to KPT Trustees dated 19th June 2009, and the reply of KPT dated 7th April 2010, along with the legal opinion of Mr. M Shaiq Usmani, Ex-Judge and Sr. Advocate was sent to Justice (R) Dr. Ghous Muhammad, Former Judge Sindh High Court. He is the same Judge who tried KPT Chairman, Trustee and General Manager on alleged corruption charges under the Ehtisab Act, and had dismissed the case, also penalizing GoP.

Justice (R) Dr. Ghous Muhammad legal opinion is quoted below:

"Suffice it to say that the contents of your letter dated 19th June, 2009 addressed to the Chairman KPT Karachi are free from any legal lacuna and/or ambiguity"

"I am also of the view that the Trustees of KPT are legally bound to abide by all the relevant Government Rules/Regulations including Public Procurement Rule 2004 while approving any contract or accepting the proposals involving expenditure of KPT funds."

"Could not persuade myself to agree fully with the opinion of M/s Usmani & Iqbal Advocates but it would be advantageous to reproduce the following from the said opinion, "But this is not to say that if the Trustee deliberately influences the Board to cause it to enter into a contract in violation of Procurement Rules knowing that it will cause loss to KPT he will have no liability in law. Nothing could be farther from the truth since such an erring member will have tortuous liability and could even be indicted under the Criminal Law".

Yours sincerely,


Syed Adil Gilani
Chairman
Transparency International - Pakistan

Encl: Legal Opinion of Justice (R) Dr. Ghous Muhammad

Copy forwarded for the information of; All Board members, through Mr. Muhammad Rajpar.



KPT Act and KPT Trustee

dr ghous <ghousjustice@yahoo.com>

Thu, Apr 15, 2010 at 8:20 PM

To: Adil Gilani <gilaniadil@gmail.com>

Justice (R) Dr. Ghous Muhammad

M.A. (Int.Rel) .M.A. (Pol.Sc.) .LL.B, LL.M. , Ph.D.

Advocate Supreme Court of Pakistan

(Former Judge Sindh High Court)

KARACHI-PAKISTAN

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Dated. 15.04.2010

To,

Syed Adil Gilani
Chairman
Transparency International
Pakistan

Subject: Trustees of KPT are public servants

Dear Gilani Sb.

I have examined the contents of your e-mail on the above subject in the light of the KPT Act 1886. I have also perused the opinion given by M/s Usmani & Iqbal Advocates on the above subject. Suffice it to say that the contents of your letter dated 19th June, 2009 addressed to the Chairman KPT Karachi are free from any legal lacuna and/or ambiguity. I am also of the view that the Trustees of KPT are legally bound to abide by all the relevant Government Rules/Regulations including Public Procurement Rule 2004 while approving any contract or accepting the proposals involving expenditure of KPT funds. I could not persuade myself to agree fully with the opinion of M/s Usmani & Iqbal Advocates but it would be advantageous to reproduce the following from the said opinion

"But this is not to say that if the Trustee deliberately influences the Board to cause it to enter into a contract in violation of Procurement Rules knowing that it will cause loss to KPT he will have no liability in law. Nothing could be

