



**TRANSPARENCY  
INTERNATIONAL-PAKISTAN**

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14<sup>th</sup> June, 2017

TL17/1406/1A

Mr. Mustafa Jamal Syed,  
Secretary Irrigation,  
Chairman Task Force,  
Water Commission,  
Karachi.

Mr. Shafiq Paracha,  
Managing Director,  
Karachi Water & Sewerage Board,  
Karachi.

Sub: Implementations of Supreme Court of Pakistan Orders on Const. P. NO. 38/2016.

Dear Sir,

Transparency International Pakistan refers to the following portion of the Supreme Court Order Const. P. NO. 38/2016, announced on 16<sup>th</sup> March, 2017.

*13. There may be put a complete ban on the construction of multistory and high rise (vertical) buildings till the water shortage is overcome and new resources of drinking water are put in place.*

*14. Granting no objection by KW&SB to provide water to multistory or high-rise (vertical) buildings except to a residential unit having ground plus two stories may be put on hold till the new sources of water are added to the existing system.*

*15. The Sindh Building Control Authority collects betterment charges while approving building plans, although the same charges relate to water supply and sewerage, therefore, the same charges/funds may be ordered to be transferred to KW&SB, and WASA.*

On 25<sup>th</sup> May, 2017, acting on the orders passed by the Supreme Court, Sindh Building Control Authority (SBCA) Director General Agha Maqsood Abbas on 25<sup>th</sup> May, 2017 imposed a complete ban on the construction of multistoried and high-rise buildings beyond ground plus two floors forthwith in Karachi.

However, Jang Newspaper reported on 4<sup>th</sup> June 2017, that Chairman ABAD gave a strike threat against the ban on the construction of multistoried and high-rise buildings beyond ground plus two floors, imposed under the Supreme Court Order Const. P. NO. 38/2016, announced on 16<sup>th</sup> March, 2017.

Jang newspaper also reported that MD KWSB has said on this ban that the Supreme Court Order issued the Orders on the basis of reports of previous MD of KWSB, and that he is not in favour of this. **Annex-A.**



However, MD KWSB issued a press release on 5<sup>th</sup> June 2017, in which it was denied he is against the ban on high rise buildings or that he is against the Supreme Court Orders.

**Annex-B.**

TI Pakistan in its letter dated 6<sup>th</sup> February, 2017, to Justice Muhmmand Iqbal Kahoro, while submitting various illegalities, also informed following the Commission allegation on illegality of the Sindh High Density Development Board and the illegal conversion of hundreds of plots recorded by the Sindh Building Control Authority (SBCA); **Annex-C.**

1. *The Sindh High Density Development Board Act, 2010, was passed by the provincial assembly of Sindh on 31<sup>st</sup> May, 2010 and assented to by the Governor of Sindh on 20<sup>th</sup> June, 2010 (Annexure A). This is most probably the first time that Governor of Sindh has assented an Act through which a Board is formed which is headed by the Governor of Sindh as Chairman.*
2. *Governor is a representative of the Federal government and therefore cannot be part of any decision in government executives.*
3. *Governor under the constitution has been given the amenity for his acts done as a governor and therefore he is not supposed to be a member of any community formed by the provincial government whose decision are subject to criminal prosecutions under NAB Ordinance 1999.*
4. *Realizing the above mentioned defects in the enactment of the Sindh High Density Development Board Act, 2010, the Sindh assembly passed another Act in 2013. In this Act Governor Sindh name was removed from the Board members as well as a Chairman of the Board and Chief Minister Sindh was made Chairman of the Board in his place Minister, Local Government and Housing Town Planning Department was made Vice Chairman and the Act was called the Sindh High Density Development Board (Amendment) Bill, 2013 (Annexure B). Therefore all the decisions taken by the Sindh High Density Development Board till the Amendment Act 2013 are rendered illegal, and null and void. The Board was formed only to identify and earmark the high-density zones in the urban centres of the cities of the Province, in consultation with the respective utility agencies, keeping in view the general principles of Master Plan.*
5. *It can be seen that Board has no authority to change any land use of any plot, may it be park, amenity, road, drainage, hospitals, schools, residential into commercial.*

*Besides the illegal conversion of hundreds of plots recorded by the Sindh Building Control Authority (SBCA) under the ex- Chief Controller SBCA Mr. Manzoor Qadir. The value of conversion of residential plots to commercial plots with the Floor Area Ratio (FAR) of 1:12 was sanctioned on very low rates. According to various Supreme Court and High Court orders the evaluation of conversion of land use should be considered only by determining the expenses which will be incurred by the civic agencies to provide widened road, water supply, and sewerage will run into Millions of Rupees in cases of properties located in Karachi. It is reported that no more than Rs. 100,000 changed has been per/square feet has a conversion fees for converting residential plots into commercial plots with 1:12 Floor Area Ratio (FAR).*

TI Pakistan request the Chairman Task Force and Managing Director KWSB not to succumb to undue pressure from any mafia, and implement the Supreme Court of Pakistan Orders about the mushroom growth of high rise building, ( under the disguise of illegal approvals of



high density areas), and do not allow high-rise buildings beyond ground plus two floors until the Supreme Court of Pakistan adjudicate the CP 38/2016 and also decide on the legality of *Sindh High Density Development Board*.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

Sohail Muzaffar  
Chairman

Copies forwarded for the action under rules in order to have good governance in Pakistan;

1. Secretary to Prime Minister, PM House, Islamabad,
2. Governor Sindh , Governor House, Karachi,
3. Chief Justice, Sindh High Court, Karachi
4. DG, NAB, Karachi.
5. DG, SBICA, Karachi.
6. Registrar Supreme Court of Pakistan, with reference to take notice of ABAD, and mis-statement in the newspaper about Supreme Court Orders wrongly attributed to the MD KWSB, and to take up this request in the next hearing of the CP 38/2016.

## ہائی رائز بلڈنگز پر پابندی، آبادی بڑھنے کی دھمکی دیدی

کراچی (رپورٹ / آغا خالد) بلڈرز کی بڑی تنظیم آباد کی جانب سے ہڑتال کی دھمکی دیتے ہوئے اس کے چیئرمین حسن شیمانی نے حکومت سے مطالبہ کیا ہے کہ وہ فوری طور پر شہر میں ہائی رائز بلڈنگز پر پابندی کے سپریم کورٹ کے جزوی فیصلے کے خلاف اپیل دائر کریں اور ہائی رائز بلڈنگز کی اجازت حاصل کریں ورنہ آباد کے ممبران رمضان کے بعد ہڑتال جیسے انتہائی اقدام کا اعلان کر سکتے ہیں کیونکہ اس حکومتی اقدام سے بلڈرز میں شدید بے چینی پائی جاتی ہے انہوں نے جنگ سے بات چیت کرتے ہوئے کہا کہ سندھ بلڈنگ کنٹرول اتھارٹی کی جانب سے ہائی رائز بلڈنگز کی تعمیر پر پابندی کا نوٹیفکیشن جاری ہونے کے بعد تمام تعمیراتی سرگرمیاں قفل کا شکار ہو گئی ہیں جبکہ دائر بورڈ کے ایم ڈی ہاشم رضانی نے جنگ کے سوال پر کہا کہ سپریم کورٹ نے ان سے پہلے کے دائر بورڈ کے سربراہوں کی رپورٹ پر فیصلہ دیا ہے جس کے وہ حق میں نہیں۔





# TRANSPARENCY INTERNATIONAL-PAKISTAN

6<sup>th</sup> February, 2017

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Honorabale Justice Muhammad Iqbal Kalhoro,  
Heading the Inquiry Commission to investigate drinking water in Sindh,  
Sindh High Court,  
Karachi

Sub: Submission of complaints on Water Tanker Mafia, and potable water shortage due to unplanned conversion of Parks/Amenity/Residential plots into Commercial Plots in Sindh

Honorabale Justice Muhammad Iqbal Kalhoro,

The potable water shortage in Sindh is due to many factors, some of which have been reported by Transparency International Pakistan to KW&SB, Sindh Government and NAB.

We enclose following letters of Transparency International Pakistan TIP, with a one para self-explanatory brief, on each issue ;

1. TIP letter No TL 16/2809/1A dated 28.12.2016, to MD KWSB, forwarding a Complaint on Tender for Award of Water Supply for Rs 4.2 Billion/year from Six Water Hydrants, being against the Transparent Criteria for Selection of Companies owning Water Tankers, and also handing over the Operation of Water Hydrant to the same Water Tankers owner who is awarded the Supply Contract, which is non-compliance of Supreme Court Order dated 8.9.2016 in H.R.C. 28963-S of 2014 & various CMAs.  
**Annex-A.**

It is reported that KWSB has opened the Tenders without addressing the issues of non-compliance of Supreme Court Order pointed out and tanker mafia may play havoc with Karachi if the Six Water Hydrants are outsourced to pre-selected parties.

2. KWSB water supply is reported to be 695 MGD since 2008, but actually only 449 MGD is accounted for, and the whereabouts of 240 MGD are not known.

The Report also states that about 185- 222 MGD is supplied through 10,000 tankers. The Inquiry Commissions may also look into these serious discrepancies in quantum of Supply of Water stated to be 695 MGD.

It may be noted that DHA Karachi is supplied 9 MDG for about 500,000 population. supply i.e 18 gallon per capita per day. And for 18 Million population of Karachi, at 18 gallon per capita per day it works out to be 314 MGD.

This shows that if 695 MGD is being supplied by KWSB since 2008, there is enough water to feed 18 m population at average of 38 gallon per capita per day.



Following para are taken from report Water Supply in Karachi, Situation / Issues, Priority Issues, and Solutions, published in February 2008, by late Perween Rahman for Orangi Pilot Project-Research and Training Institute. **Annex-B**

*Source of supply There are two sources of water supply in Karachi, i) River Indus supplies 1200 cusecs daily equal to 645 MGD; and ii) Hub dam supplies about 50 MGD. The Hub dam supply is rain fed so it fluctuates between about 30- 75 MGD. The total water supply to Karachi is 695 MGD. However, 30 MGD are supplied to the Steel Mills and Port Qasim before the water reaches the Dhabeji pumping station leaving the city with 665 MGD.*

*The Karachi Water and Sewerage Board (KWSB) has a quota of 417.65 MGD, of the available water for supply to the towns, the Cantonment and DHA areas. However the actual supply reaching the towns is only about 293 mgd. Seven towns---Orangi, Gadap, Baldia, Jamshed, Site, North Karachi and Gulshan---get 30-57 per cent of their quota, others get about 60-100 per cent. Cantonment gets 100 per cent, while DHA gets 133 per cent.*

*Private Tankers Association Private Tankers Association has reported that their members own 5000 tankers. Of these 60 per cent are of 5000 gallons capacity, 30 per cent of 3000-2000 gallons and 10 per cent of 1000 gallons. Each tanker makes 10-12 trips daily i.e. a total of 50,000- 60,000 trips are made. About 185- 222 MGD is supplied, of which 70 per cent is supplied to the industries."*

3. On 19.8.2015, TIP received a complaint against illegal conversion of residential plots into commercial under the Sindh High Density Development Board Act, 2010, on the Misuse of the Sindh High Density Development Board Act, 2010 and Converting Residential Plots to Commercial Plots with 1:12 Ratio Causing a Loss of More than Rs 250 Billion. **Annex-C.**

On a plot of 1000 syds, planned for a house for on average of 10 person, builders have and are constructing 40 story Commercial Building/Residential Towers. How can KWSB supply water on this plot, which was only 250 GPD, at 25 G per Capita per day GPCPD, to 1,200 apartments, with average 5 persons, @25GPCPD, which comes to 150,000 GPD. This means the requirement of water supply due to the conversion of land use under Sindh High Density Development Board Act, 2010 has increased by 600 times. Similar is the extra load on sewerage capacity, which has also increased 600 times.

The Sindh High Density Development Board Act, 2010, was passed by the Provincial Assembly of Sindh on 31<sup>st</sup> May, 2010 and assented to by the Governor of Sindh on 20<sup>th</sup> June, 2010 (Annexure A). This is most probably the first time that Governor of Sindh has assented an Act through which a Board is formed which is headed by the Governor of Sindh as Chairman. Governor is a representative of the Federal government and therefore cannot be part of any decision in government executives. Governor under the constitution



has been given the immunity for his acts done as a governor and therefore he is not supposed to be a member of any committee formed by the provincial government whose decision are subject to criminal prosecutions under NAB Ordinance 1999.

Therefore all actions taken to convert residential plots into commercial under this act are prima facie void and the Commission may look into this issue also, as water shortage can not be eliminated due to such acts.

4. On plots reserved for Parks, Builders are allowed to construct commercial plazas. COM III, Block 6 Clifton ( 2 Acres illegally allotted ), COM I ( 1 acres illegally allotted ), Nahr Khayyam, Clifton on which NAB is processing complaint since last 2 years. NAB may be directed to submit its report to the Commission.

A 2 Acre Land in Deh Okawari, Karachi ( Rashid Minhas Road adjacent to Ssfari Park Gulshan-e-Iqbal) was reported to be illegally allotted in 1991 to Naseer Abdullah Lotha a UAE Businessman for of 2 acre land for Residential cum Commercial use, by CM, on an Amenity Plot allotted, in 1981 for horticultural complex and a botanical garden, adjacent to Safari Park, KDA Scheme No 36, KDA Scheme No.36, Karachi, out of Na class No.187, Deh Okewari, Taluka Karachi East. Chief Minister's approved the allotment in exercise of provision Section 10(1) of the Colonization of Government Lands Act, 1912, Section 3 (2) of Statement of Condition, of 2 acres to Mr. Naseer Abdulah, for residential cum commercial purpose, and 23 acres to Six other builders/persons, vide Secretary LU, Sindh dated 4.5.1991 **in relaxation of ban and Condition No 14 of Statement of Condition.** 6 Towers are under Construction on this plot, on which a complaint was sent to DG NAB Karachi on 12.7.2016 & 10.9.2016, and to the Chairman NAB on 27.1.2017. **Annex D.**

5. On KWSB Facebook following details are available which seems to be misleading, and needs to be inquire into by the Commission..

August 17, 2014

WATER SUPPLY SCENARIO:

Ø The present supply to Karachi from Indus and Hub source is approx 650MGD (2925 ml/day).

Ø The per capita water demand @ 54 GPCD for population 20 Million is estimated as 1080 MDG.

Ø The current short fall is anticipated as 430 MGD.

Ø First Phase of K-IV Project may take up to 5 years to complete i.e. by the year 2015.



Ø By the year 2015, projected population of Karachi will be 23 Million and @ 54 gallons per capita per day, the demand of water shall be 1242 MGD.

Ø By the year 2015 there will be a short fall of 600 MGD (2700 ml/day) water.

Ø 100 MGD (450 ml/day) additional water is required after every 5 years to bridge the gap of demand and supply.

The above issues are very serious problems fro Karachi as well as in Sindh, and I request the Commission to look into them, as almost all other institutions have failed to address the irregularities committed, which has caused water shortage in Karachi.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

Your Obeditently,

Syed Adil Gilani  
Adviser

**Encl: Annex-A, B, C and D.**