



16<sup>th</sup> August, 2013

Mr. Saifullah Chattha,  
Chairman NESPAK,  
Acting Secretary  
Ministry of Water and Power  
Government of Pakistan  
Room No. 202-203, 2nd Floor, A Block Pak Secretariat,  
Islamabad

Sub: Verification by NESPAK that 70% to 80% development works in the  
Contracts worth Rs 20 billion awarded by DHA on EOBI Plots and Villas.

Dear Sir,

Transparency International Pakistan refers to the following news, on 19<sup>th</sup> July 2013 the proceedings in the Supreme Court of Pakistan in the Constitution Petition No.35 of 2013.

*"Advocate Sufi tried to convince the bench that the land was worth purchasing, the deal would benefit the EOBI and its investment was secure. He said that the developmental work on the land had been 70% to 80% done and was due to complete within 3 months. He further added that Rs 9 billion and Rs 11 billion had also been respectively provided to the DHA and Habib Rafique Group and Bahria Town for the developmental work."*

According to a complaint received, it is alleged that NESPAK report is incorrect.

Following are allegations made by the complainant on NESPAK.

1. NESPAK has given its report without asking DHA about the Rs 20 billion Contract Agreements, Bills of Quantities with rates, measurements sheets/measurement books for the work done, certificate of DHA Consultants supervising the Works and monthly running bills.
2. NESPAK has not checked the measurements, specifications, testing reports of the works carried out by various contractors, of DHA for land developments works, and constructions of 162 defence villas of 03 bedrooms and 29 defence villas of 05 bedrooms. .

As Secretary Ministry of Water & Power, you are also a member of PPRA Board, and know very well that according to Public Procurement Rules 2004, all contracts shall be awarded based on Open tendering, and after award of the contract, a copy of the contract along with Evaluation Form shall be sent to NAB under Section 33 B of NAO 1999, and Evaluation report shall be posted on PPRA website, and Contract Evaluation Form A and Form B shall be posted on PPRA website.

In this regard, on across the board implementation of Public Procurement Rules 2004 in all DHAs also, kindly refers to General Headquarters, AG's branch (W&R Dte),



Rawalpindi's letter dated 15th February 2011 addressed to HQ 4 Corps- Housing Societies Cell, HQ 5 Corps- DHA Cell, Administrator DHA Islamabad, Administrator DHA Karachi and Administrator DHA Lahore through which it has forwarded Ministry of Defence's letter No 2/2/D-18/2009 dated January 31st 2011 for compliance, stating that "the PPRA Rules must be observed in their perspective in letter & spirit while making procurements. Violation of those rules will be viewed seriously and Head of Department/Organisation will be held responsible for the same".

TI Pakistan under Rule No 47 requests the Chairman NESPAK, who has verified the works of DHA, to please provide copies of the contracts Agreements with contractors awarded at Rs 20 Billion, and copy of the NESPAK assessment report on the development works carried out, conforming the costs/rates of contractors, submitted in the Supreme Court of Pakistan.

This is to state that article 19-A makes the right to access of information pertaining to a public authority a fundamental rights, Justice Syed Mansoor Ali Shah in his landmark judgment *Ataullah Malik v. Federation of Pakistan* laid down the following:

*"Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable". PLD 2010 Lahore 605*

In case the NESPAK report is not based on the legal documents i.e. Contract Agreements awarded under PPRA Rules on competitive basis and proper checking of work done a material testing certificates, and measurements, action is requested to be taken against those who have committed serious violations and prepared a report for the Supreme Court of Pakistan not based on legal documents.

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

With Regards,

  
Syed Adh Gilani  
Adviser

Copies forwarded for the information and action of:

1. Secretary to the Prime Minister, for information of the Prime Minister, Islamabad.
2. Minister of Water and Power, Islamabad.
3. Minister of Interior, Islamabad.
4. DG NAB (A & P), NAB, Islamabad.
5. Registrar, Supreme Court of Pakistan, Islamabad, with reference to CP 35 of 2013
6. Managing Director, PPRA, Islamabad.