



24th February, 2023

TIP23/2402/1A

Mr. Syed Muhammad Ali Shah,
Director General,
Karachi Development Authority (KDA),
Karachi.

Subject: Transparency International Pakistan Recommendations for the Advisory Committee on Amenity Plots.

Dear Sir,

Transparency International Pakistan refers to your letter No. CE)DEV)ED/KDA/2022-23/256/Karachi dated 17th February 2023 on the subject "Meeting of Amenity Plots Advisory Committee".

Karachi Development Authority (KDA) has included Transparency International Pakistan as Member Advisory Committee for Amenity Plots. In this regard, the meeting was held on 21st February 2023. During the meeting, members were informed that KDA has received six requests for the allotment of the following plots:

1. Request for allotment of Amenity Plot No. ST-1, Sector- 6, KDA Scheme-41 Surjani, in favour of M/s. Shoukat Rajput Memorial Trust for construction of Hospital, as per the recommendations of the Amenity Plot Advisory Committee.
2. Request for allotment of Amenity Plot No. ST- 3/1, Block- 3, Scheme- 5 Clifton, in favour of M/s Marvi Medical Hospital for construction of Hospital, as per the recommendations of the Amenity Plot Advisory Committee.
3. Request for allotment of Amenity Plot No. ST- 8, ad ST – 10, Block - 1, Scheme- 36, Gulistan-e-Jauhar in favour of Provincial Disaster Management Authority (PDMA) for construction of office, as per the recommendations of the Amenity Plot Advisory Committee.
4. Request for allotment of Amenity Plot No. _____, Block - _____, Scheme _____ in favour of Auqaf Department , Government of Pakistan for construction of office, as per the recommendations of the Amenity Plot Advisory Committee.
5. Request for allotment of Amenity Plot No. _____, Block - _____, Scheme _____ in favour of Excise & Taxation Department , Government of Sindh for construction of office, as per the recommendations of the Amenity Plot Advisory Committee.
6. Request for allotment of Extra Land adjacent to Plot No. _____ ST- 22, Block- 6, Scheme 24, Gulshan- e- Iqbal, in favour of M/s Ibne Sina Hospital.

It is to be pointed out that Section 11 of KDA building byelaws issued by the Government of Sindh (GoS) dated July 22, 1971 clearly define Amenity Plots as follow:

Amenity Plots. 11 (1): *All amenity plots, including sites Schools, other educational institutions, hospitals, maternity homes, mosques, imam baras, in all the running Schemes of the Authority, including the Clifton Schemes, will be allotted to deserving registered and charitable institutions" (Annex-A).*

As per the Government of Sindh byelaws 1971, Amenity Plots can only be allotted for strictly charitable purpose (nonprofit purposes).



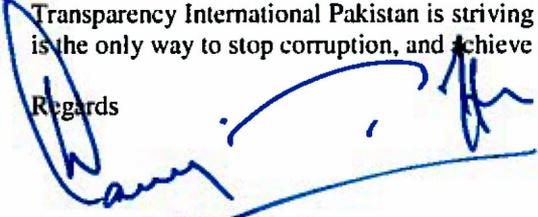
On 28th November 2021, the Supreme Court of Pakistan also observed that the land meant for amenity purposes cannot be allotted for commercial and residential purposes (Annex-B).

The KDA must first determine what *charitable purposes*, the institutions/organizations who have requested for allotment of amenity plots, serve. In the past KDA land was allotted for charitable purposes to institutions like Agha Khan University Hospital, Ziauddin Hospital and South City hospital, all of which are private hospitals charging exorbitant amount of money and do not serve any charitable purpose. Charitable hospitals mean institutions like SIUT and Indus Hospital which do not charge any money from the citizens.

The KDA must ensure compliance to Government of Sindh byelaws 1971 and the orders of the Supreme Court of Pakistan, and advertise the above 06 Amenity Plots publicly to receive requests for allotment and dispose these plots through public auction to attract higher rates to benefit the exchequer.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption

Regards


Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate;

1. The Secretary, KDA, Member/ Secretary Advisory Committee, Karachi.
2. Member (Technical), Karachi Development Authority/ Convener (APAC), Karachi.
3. The Director (P&UD), KDA, Member Advisory Committee, Karachi.
4. The Superintending Engineer, KDA, Member Advisory Committee, Karachi.
5. The Deputy Secretary, LGD, Member Advisory Committee, Karachi.
6. The Executive Engineer Concerned, KDA, Member Advisory Committee, Karachi.
7. The Director (Land Management), KDA, Member Advisory Committee, Karachi.
8. The Director (E&E), KDA, Member Advisory Committee, Karachi.
9. The Addl. Director (APC), KDA, Member Advisory Committee, Karachi.
11. The Chairman (ABAD), Member Advisory Committee, Karachi.

- (iv) The requests of Government or semi-Government departments for flat sites will be considered on their merits by the Governing Body of the Authority.

Only such requests will be considered where the Government or semi-Government departments concerned give an undertaking that the plots and the buildings will be owned by the departments and will not be transfer to any individual.

Commercial Plots.

10. (1) Save as is provided in Sub-rule (2), all commercial plots in all schemes of the Authority under execution, including the Clifton schemes, will be disposed of by unrestricted public auction after wide publicity in the newspapers. The acceptance of a bid at the auction will be subject to the approval of the Governing Body of the Authority.
- (2) The Allotment of commercial plots to Local Bodies or Government or Semi-Government departments will be made by the Governing Body of the Authority at the average price of the last 3 auctions in the same or similar locality, provided that the plot is required for public purposes. Every such request will be considered by the Governing Body of the Authority on its merits.

Amenity Plots.

11. (1) All amenity plots, including sites Schools, other educational institutions, hospitals, maternity homes, mosques, imam baras, in all the running Schemes of the Authority, including the Clifton Schemes, will be allotted to deserving registered and charitable institutions.
- (2) Applications for sites under this rule shall be made in the form prescribed in Appendix 'E' and shall be signed by the Head of the Institution.
- (3) Only those applications will be considered where an adhoc payment at Rs. 1.00 per sq.yd. of the are applied for is made with the application.
- (4) The applications will be scrutinised by the Amenity Plots sub-committee headed by a member of the Governing Body of the Authority, which will interview the applicants to satisfy itself in respect of the following:-
- (a) Financial position of the applicant institution.
- (b) Bonafides of the institution.

(c) Actual requirements of land.

(d) Necessity of an amenity plot for a particular area.

(e) Recommendations of the concerned heads of Departments, such as the Director of Education, Director, Social Welfare, etc.

(5) The recommendations of the Amenity plots Sub-committee will be put to the Allotment Advisory Committee referred to in rule 6 for further scrutiny and finally to the Governing Body of the Authority for final allotment.

(6) The other terms and conditions for the allotment of amenity plots under this rule shall be as laid down:--

(a) in Appendix 'FI', in the case of sites for School and other educational purposes;

(b) in Appendix 'FII' in the case of sites for Philanthropic or charitable institutions (other than sites referred to in (a) above and

(c) in Appendix 'FIII', in the case of sites for mosques and other religious places.

Price of Plots. 12. Different Categories of plots in the various running schemes of the Authority, other than plots disposed of through public auction, shall be disposed of at rates prescribed and approved in the P.C.I Forms pertaining to the respective Schemes.

Bar on Allotment of Housing Societies. 13. No allotment in any running Scheme of the Authority shall be made to any housing society.

By Order of the Governor of Sind,
M. JAMEELUR REHMAN KHAN
Secretary to Government,
Excise, Taxation and
Local Government Department.

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



A file view of the Supreme Court building in Islamabad. — AFP

\KARACHI: 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.

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