



TRANSPARENCY INTERNATIONAL-PAKISTAN

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20th March, 2017

Chairman,
National Accountability Bureau,
Islamabad.

Sub: Allegation on Sind Local Department on violation of SPPRA Rules for awarding 127 acre Bagh-Ibne-Qasim Park for maintenance to Bahria Town without Open Bidding for ever, and illegal permission given to Bahria Town to use Park area for Car Parking/underpass, and use the park for Commercial to be built on the pattern of Disney Land.

Dear Sir,

Transparency International Pakistan refers to the news report in Daily Time dated 13th March 2017, that Bagh-Ibne-Qasim Clifton, located adjacent to 'Icon Tower' of Bahria Town, is being handed over to Bahria Town **Annex-A**.

The allegations in the news report are very serious and are quoted below;

1. Bagh-Ibne-Qasim Park (127-acre), Clifton, Karachi, located adjacent to 'Icon Tower' of Bahria Town, would be handed over to Bahria Town.
2. It is expected that this project would be handed over officially at a ceremony to be held sometimes in a week, officials of LGD informed.
3. A portion of this site is said to be built on the pattern of Disney Land Singapore, officials LGD revealed. However, it is not clear that upon completion of development work who will take custody of the park, LGD or Bahria Town.
4. Bagh-Ibne-Qasim was developed during former President Pervez Musharraf at a cost of one billion rupees, and a portion of parking area has also been given to Bahria Town for building an underpass.

Transparency International Pakistan has examined the allegations.

The allegation of awarding contract to Bahria Town for ever, without open tendering if correct, is against SPPRA Rules and Sindh Government and Bahria Town have committed crime of mis procurement and collusion.

The permission by Sindh Government to use a portion of Bagh-Ibne-Qasim for underpass of Bahria Icon is against the Supreme Court of Pakistan Order dated 18.8.2015 on the use of Bagh-Ibne-Qasim Park for commercial purpose, in the Civil Appeal No.1481 Of 2007, [On appeal against the Judgment dated 16.06.2007, passed by the High Court of Sindh, Karachi, in C.P.No.D-1549 of 2005]. This case is about allotted two kiosks Plot No.1 and Plot No.2 in Block IV, each measuring 100 Sq.Yards, in Bagh-Ibne-Qasim Scheme No.5, Kehkashan, Clifton, Karachi.



In the order, besides cancelling the allotment of two plots, the honorable court also ordered that;

The master plan shows that the land having cross lines apparently is meant for amenity/land for public use and not a space/land meant for allotment for use in commercial venture. Depiction of two squares in the revised master plan of 1975 is outside the lined area does not appear to be factually correct as has become known from the two reports; one submitted by the Deputy Nazir of High Court of Sindh and the other of Office Incharge of this Court in which the disputed plots are shown to be part and parcel of parking lot of CDGK and not out side it. The land immediately outside the parking lot is a beach, which become submersible by sea water on high tide.

7. All these factors show that the disputed plots allotted to the respondent were carved out from amenity plot/land for public use and such allotment being admittedly made for commercial use was directly in conflict with the Article 52-A of the KDA Order, 1957 which specifically provided for procedure for seeking of conversion of amenity plot for other use.

In our view, CDGK so also Government of Sindh should take immediate steps for restoring of amenity/land for public use for which they were exclusively provided in the original master plan of city of Karachi.

According to same Supreme Court Order, no commercial activity is allowed in Bagh-Ibne-Qasim like commercial activity Disney Park, Fast Food Chains, etc. Another Supreme Court Order also declared a high rise residential building of a politician illegal. Quoted below is the Ardesher Cowasjee old article dated 18.2.2001.

In 1972, Kehkashan Scheme 5 (Clifton) was illegally amended to include an observation tower with a revolving restaurant atop it to be built within the people's park. Our political vultures had an interest in the desecration of the 132 acres of open space demarcated for the use and pleasure of the public. In 1976, this tower plot (ST-15 Block 3) was allotted to Marvi Investments ostensibly for the construction of the tower. In April 1990, this amenity plot was illegally converted into a commercial plot and within a month the ownership was transferred to Asif-cronies Pearl Builders, Dr Zulfikar Mirza & Co. Within two months, the KBCA approved a plan for the construction of a 17-storey high-rise upon which was shown a revolving restaurant.

The citizens intervened with the authorities; political shenanigans followed; the citizens naturally lost. In 1993 the builders commenced construction and the citizens filed a constitutional petition in the Sindh High Court. In January 1994, the court granted status quo and the construction was stopped. In September 1995, judges of the High Court dismissed the citizens' petition. In 1996, an appeal was filed in the Supreme Court and the construction was once again stopped. In 1999, a five-member bench heard the appeal and then gave a detailed order - no high-rise to be constructed; what had so far been constructed was to be demolished, the builders to submit a revised plan for the tower. The citizens had won.



The builders, absconders and others filed a review application in the Supreme Court which was dismissed on merit. They then filed a revised plan which was rejected by the KBCA stating that it was contrary to the Supreme Court judgement. Another review application was filed in the Supreme Court seeking a review of the same court's review order. No provision in law exists for such a move. One judge of our apex court referred the matter to be heard by a five-member bench of his court. The application is still pending.


In August 1999, the builders filed a suit of sorts in the Sindh High Court which was dismissed. Yet another suit was filed (1756/99) and a single judge restrained the KBCA from demolishing the building. In 2000, the citizens applied to the Sindh High Court for a rejection of this suit. The case was heard/adjourned on August 15, 16 and 29, on September 18, on October 10, on November 6, 21, and 29, on December 4, 7, 14, 18 and 21. On the last date the hearings were completed and the judge reserved his order.

The half-constructed high-rise still stands despite the Supreme Court orders, and the politicians and absconders involved are anxiously waiting for 'the restoration of democracy'.

TI Pakistan requests the Chairman NAB to examine the complaint, and take notice of these allegations. And if the allegation of the news report are found correct and violation of SPPRA Rules and use of Park for commercial purpose against the Supreme Court Orders on 2010 and 2015 are also correct, all these illegal acts may be reverted back, and action may be taken against all those who are responsible for the mis-use of authority for private gain, under NATO 1999, Section 9.

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

Encl: Documents

Copy forwarded for necessary action as per rules to,

1. Secretary to the Prime Minister, Islamabad.
2. Chief Secretary, Sindh, Karachi.
3. MD, SPPRA, Karachi.
4. Registrar, Supreme Court of Pakistan, Islamabad, This is a contempt of court order of the Supreme Court of Pakistan dated 18.8.2015 use of Bagh-Ibne-Qasim Park for commercial purpose, in the Civil Appeal No.1481 Of 2007, [On appeal against the Judgment dated 16.06.2007, passed by the High Court of Sindh, Karachi, in C.P.No.D-1549 of 2005]



Sindh LGD to grab five major parks from KMC

Aslam Shah
13 March 2017

KARACHI: Local Government Department (LGD) Sindh has decided in principle to takeover control of five prime parks in Karachi

Bagh-Ibne-Qasim Park (127-acre), Beach Park (18-acre), Shaheed Benazir Bhutto Park (47-acre), Jahangir Park (22-acre) and Frere Hall Park (20-acre) are the recreational sites where KMC has utterly failed to maintain and to bring further development. In a major development LGD has started uplift of Jahangir Park in Saddar after removal of illegal encroachments on the directives of Sindh High Court.

Sindh Minister for LGD, Jam Khan Shoro while confirming the move has said that "the step has been taken due to inefficiency and poor management of these parks by Karachi Metropolitan Corporation (KMC)".

After completion of Jahangir Park project, LGD is of the view that to run the affairs of the park, the responsibility should be shared on Public Private Partnership (PPP) basis.

Bagh-Ibne-Qasim Clifton, located adjacent to 'Icon Tower' of Bahria Town, remained abandoned on pretext of looking after for 8 years would be handed over to Bahria Town on request of Malik Riaz, Chief Executive, Bahria Town.

It is expected that this project would be handed over officially at a ceremony to be held sometimes in a week, officials of LGD informed. However, it is not clear that upon completion of development work who will take custody of the park, LGD or Bahria Town.

A portion of this site is said to be built on the pattern of Disney Land Singapore, officials LGD revealed.

It is pertinent to mention that Bagh-Ibne-Qasim was developed during former President Pervez Musharraf at a cost of one billion rupees and a portion of parking area has also been given to Bahria Town for building an underpass.

The other parks LGD working on are Beach Park, Frere Hall Park and Shaheed Benazir Bhutto Park on PPP basis.

Earlier, Parks and Horticulture Department of KMC had 162 public parks and after taking control of parks by Karachi Development Authority and six District Municipal Corporations under a legal procedure, KMC has only 37 parks in city.