



DECISION

Complaint No. : POS/ 31/2024/KC/F-183

Name and address of the complainant : Naeemuddin, Advocate High Court, R/o Flat No.A-401, 4th Floor, Waseem Heights, Phase-II, Plot No.BS-06, Block-13, Federal "B" Area, Karachi.

Name of the Agency Complained against : i) Town Municipal Corporation (TMC) Gulberg
ii) Karachi Metropolitan Corporation (KMC)

Name & Designation of Investigating Officer : Syed Ali Mumtaz Zaidi, (PAS), Advisor-F.

Vetted by : Shahid Ahmed Hashmi, Consultant Legal.

Subject : **ALLEGED IRREGULARITIES / ILLEGAL ACTIVITIES IN NAZEER HUSSAIN PARK AND SIR SYED AHMED KHAN PARK SITUATED IN BLOCK-12 AND 13 OF F.B AREA, KARACHI.**

THE COMPLAINT:

Mr. Naeemuddin Rajput, Advocate High Court in his complaint dated 21.05.2024 stated that earlier he has approached the Deputy Commissioner, District Central, Karachi through legal notice / complaint letter dated 13.05.2024 over the grievances related to Nazeer Hussain Park and Sir Syed Ahmad Park located in F. B Area, District Central (now District Nazimabad), however, his efforts proved to be futile, as no response was received. The complaint memo highlights following grievances:

- i) Nazeer Hussain Park, located at F.B Area, District Central (now notified as District Nazimabad) is not open for all. Only specific people are allowed to enter into park for recreation purpose. Vendors are allowed to install swings and cradles on commercial basis. There is no electricity in the park.
- ii) Sir Syed Ahmed Park, another green space, is in the hands of different mafias. The park is popular spot for newly wed couples' photo-shoots, even as senior citizens enjoy their walks. The photos shoots display obscenity and instill bad impression on young people. Dogs are roaming unchecked. Scraps of dumped vehicles are lying unattended in front of entrance gate.
- iii) The last grievance is about seeking intervention of the office of the Provincial Ombudsman for allowing the complainant to get a compensation of Rs.500,000/= as cost from the respondent agencies i.e. TMC Gulberg and KMC.

PROCEEDINGS:

2. The complaint admitted. Report called from the respondents. The Deputy Director Parks TMC Gulberg vide letter dated 26.04.2024 refuted the allegations as baseless and without substance. The report claimed that the Nazeer Hussain Park has an electric connection, but lights are used judiciously to minimize electricity costs. The report denied any commercial activities in the park. As regard to Sir Syed Ahmed Park, the report states that currently the park is in administrative control of KMC.

3. Hearings were conducted. In the hearing held on 25.11.2024, the Director Parks TMC Gulberg along with Legal Advisor and the Complainant were in attendance. The Director Parks informed that Nazeer Hussain Park has been designated as ***Family Park*** restricted to women and children. However, the general public can access ***Shadab Park*** located in nearby area. The Director Parks held out assurance that in Shadab Park manual recreation rides will also be developed with the resources of CLICK Program and for beautification of the parks and provision for lavatories he will create a master plan within 45 days. The proceedings were documented and signed by both the parties without any reservations or concerns.

FINDINGS:

4. Upon careful examination of the complaint memo and review of the agency's report along with minutes of the hearing, it has been evident that the complainant has three primary concerns relating to *i) the designation of the Nazeer Hussain Park as a Family Park, ii) Photo-Shoots of newly wedded couples in Sir Syed Ahmed Park and iii) compensation of Rs, 500,000/= as cost incurred by him in pursuance of the matter.* The remaining grievances seem to be inflated to emphasize the main issue.

5. All three concerns are not found to be maintainable on following grounds:

- i) Parks are constructed and developed by the Government or Civic body or NGOs for recreational activities and facilitations to the citizens and local residents. Designating any space or exclusive facilities to specific segments of Society, such as *i) Women, ii) Children, iii) Families and iv) Senior Citizens etc*, are well recognized practices.
- ii) By designating Nazeer Hussain Park as Family Park, no wrong was done by the Civic body. Providing a secure and pleasant environment, conducive to socialization and recreational / learning activities for families are appreciable.
- iii) Outsourcing the facilities / amenities to private sectors is longstanding practice to optimize the resource utilization, particularly when the resources of an agency are limited and managing such facilities / amenities becomes challenging due to multiple constraints.

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- iv) Photos-shoots of newlywed couples do not have an adverse impact on others including the youths or advanced age people. Public spaces are generally open to everyone, unless non-discriminatory restrictions are imposed. As long as individuals respect the cleanliness and beauty of the green space / park, they cannot be restricted from taking photos.
- v) The claim for Rs. 500,000/= compensation as cost has been deemed unfounded. Taking grievance to the office of the Ombudsman are free of charge and do not require legal representation.
- vi) By its very nature, none of the complainant's concerns constitute maladministration.

DECISION:

6. In view of the above, I, in exercise of powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh, Act, 1991, do hereby direct to:

- i) Director Parks Gulberg Town to create master plan within 45 days to beautify the subject parks and build lavatories there, following assurance held out by him.
- ii) Director parks KMC to resolve the issue of stray dogs in the area adjacent to the Sir Syed Park. Additionally remove the debris dumped near the park entrance gate.

This also disposed of another identical complaint No. POS/2692/2024/KC/F-182, filed by the same complainant.

Given under my hand and seal of office



Sd/-
(Muhammad Sohail Rajput)
Sitar-e-Imtiaz. PAS
Ombudsman, Sindh

Karachi dated 10th February, 2025