

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P.No.D-2248 of 2013

C.P.No.D-214 of 2017

C.P.No.D-652 of 2017

C.P.No.D-857 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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25-09-2017.

Mr. Roshan Ali Azeem Mallah, Advocate for petitioners.

Mr. Allah Bachayo Soomro, Additional A.G Sindh alongwith Zahid Khemtio Deputy Secretary Representing Secretary Health Department. Naseer Muhammad Shaikh consultant Jinnah Medical University Karachi sindh. Riaz Hussain Soomro, Secretary Zakat & Ushr Council a/w Muhammad Kashif Siddiqui DAZSK. Mr. Khalid latif Member Zakat Council. Mufti Muhammad Najeeb Khan Member Zakat Council. Syed Jial Shah Member Zakat Council. Khair Muhammad Shaikh Member Sindh Zakat Council.

M/s Kamaluddin, Advocate for respondents/Sindh University & PUMHS Nawabshah.

Mr. Muhammad Arshad S. Pathan, Advocate for respondents / Mehran University Jamshoro and Sindh Agriculture University Tando Jam.

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Pursuance to direction dated 07.09.2017, all members of Zakat Council as well Secretary are present.

2. Learned A.A.G contends that in compliance to contempt notice, the Chairman of Zakat Council, Honourable retired Justice Mr.Zahid Qurban Alvi, is present since morning by traveling from Karachi to Hyderbabad, but due to severe pain in knees he is unable to move therefore, he is unable to appear physically before this Court so sitting in Car. In last *breath* it was prayed to condone personal appearance. For that reason, his attendance is hereby dispensed with.

3. Reply is filed containing therein that orders of this Court would be followed in its *letter and spirit* and only the universities and degree colleges of public sector would be awarded Zakat funds in *whole* Sindh which *too* without

any discrimination. Such stand, being well in *line* and *spirit*, is welcomed as well appreciated with hope that commitment shall be honoured and *deserving* shall receive *maximum* benefits.

4. With regard to mechanism of disbursement of Zakat fund in education sector, it is contended that they have formed a committee consisting upon 6 members i.e (i) Secretary Zakat & Ushr Department Government of Sindh Karachi, (ii) Representative of the Sindh Zakat Council, (iii) Representative of the Citizens Foundation Karachi, (iv) Vice Chancellor of NED University, (v) Vice Chancellor of Shaheed Muhterma Benazir Bhutto Medical University Larkana & (vi) Vice Chancellor of Sindh University Jamshoro. The formation of the *committee* involving all is also welcomed with a hope *rather* a belief that it shall not only ensure *transparency* but deserving shall receive their *due* without any harm or prejudice to their *dignity*, *at this juncture learned AAG contends that Mr Nisar Ahmed Sidiqi , Director IBA Sukkur, Ms Naheed Durrani M.D SEF and Director IBA Karachi would also be taken in that committee.* Accordingly committee shall provide transparent mechanism and guideline to all institutions in that regard.

6. The councils shall ensure that Zakat amount shall be provided to universities and degree colleges of public sectors, directly for proper utilization thereof on *deserved* and *entitled* students only, without any *involvement* of District Zakat Council. It is stated by members of Zakat Council that this court has rightly pointed out defects in earlier mechanism as well ways to make it *transparent* hence they would make necessary rectification and shall proceed as per order of this Court.

8. The *guidelines* were always with an intention to get maximum benefits which can only be achieved by removing *defects* as well making necessary *improvements*. The *open* statement being well in line with such *principle* hence is welcomed and appreciated. Since commitments *prima facie* appear

to ensure transparency as well compliance of *lawful* order of this Court hence *earlier* order with to extent of referring this matter to NAB as well contempt notice are hereby recalled/modified.

9. While parting, it is made clear here that since it had been a matter of *probono publica* hence in case of any deviation to commitments / undertakings as well directions of this court would bring legal consequences which *action* would not be dependant to move by petitioners *alone* but any information / complaint by anybody would be sufficient to take the law its *own* course.

Petitions are disposed of accordingly.

JUDGE

JUDGE

Fahad Memon