

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

Present:

Mr. Justice Salahuddin Panhwar
Mr. Justice Adnan Iqbal Chaudhry

C.P. No.D-2847 of 2017.

1. For orders on office objection.
2. For hearing of M.A-11238 of 2017.
3. For hearing of main case.

24.07.2019.

Petitioner Sajjad Ahmed Chandio, Advocate(present in person).

Mr. Aslam Pervez Khan, Assistant Attorney General for Pakistan.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

Mr. Imran Qureshi, Advocate for respondent No.6.

Mr. Fayyaz Ahmed Laghari, Advocate for Respondent No.14.

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SALAHUDDIN PANHWAR, J: Through instant petition, the following relief (s) have been prayed for:-

- “A) Declare that naming, renaming any street, road, government institute, town, or city after the name of any individual having no positive social, role, courage or exceptional dedication to service in ways that bring special credit to an area, city town is illegal, unlawful against the basic rights of citizens of particular areas, towns, cities and public at large.
- B) Direct all the official Respondents (concerned) to remove the signboards (names of individuals) showing streets, roads, towns and cities.

2. At the outset, Petitioner argued that he has witnessed that in Hyderabad division and in entire province Sindh, the roads, streets, towns, overhead bridges, educational institutes, hospitals, public parks, and Universities are named or renamed after people / individuals related to ruling privileged, feudals, political class of the province without noticing role of such individuals in matter of developments, betterments and services for particular area, town, city, country or education; that in civilized countries of the World the matter of naming or renaming of any small street or public road or

government institute is of a high concern and interests but unfortunately it is evident from the conduct of the provincial Government and functionaries that the cities, towns, streets and all institutes (educational and health), relating to public in general have been treated as part of some undeclared kingdoms of local feudals and political lords of each town, city and area, therefore, naming, renaming such institutes, towns, cities, roads, streets is also part of their kingdom rule; that in different parts of the World following are the preferred categories of individuals to be honoured by having a street named, renamed or honorarily named after them:

- a. a person who demonstrates excellence, courage or exceptional dedication to service in way that bring special credit to the particular, town, city, street, road, institute and area or the province or country.
- b. a person who volunteers and give extraordinary help or care to individuals, families, or groups, or supports community services or humanitarian causes;
- c. a person who fosters equality and reduces discrimination.
- d. a person who risks his or her life to save or protect others;
- e. a person who has achieved a noteworthy accomplishment or has otherwise acted in an outstanding professional manner or met an uncommonly high standard that brings great benefit or honour to the particular, town, city or area or province or country.
- f. any early pioneer or group or settlers who have contributed to the development of said area, town, city
- g. individuals who reflect the cultural and ethnic diversity of the city, town, province and country.
- h. individuals who have made significant contributions to their field of endeavour, including the arts, entertainment, business, profession, athletics, public service etc.

3. He further contends that before and even after foundation of our country, some criterion out of above mentioned was followed by the concerned Government functionaries and in largest city of the country i.e. Karachi, the roads/streets were named after the real heroes who voluntarily served the city and area of the country, such as i) I.I Chundrigar road, ii) M. A. Jinnah road, (Bunder road), iii) Napier road, iv) Zaibunnisa street and v) Rashid Minhas road etc; that in fact a road, street name is not just the name of a road or street. It is part of residents/citizens identity and one`s gets attached to it. So

when it is needlessly and abruptly changed it can be wrenching. A road, street, public park, town or city or government institute`s name is not the property of the government. It belongs to all citizens, residents of said area; that it is apparent from the conduct and reluctant, non-professional attitude of the concerned Government functionaries that there is lack of logic in matter of naming or renaming roads, streets, public parks, educational and health institutes in Sindh; that how the government functionaries can do silly things that cause offence without realizing how much that can upset people and history at the cost of public exchequers.

4. Petitioner files a statement showing the list / details (including photographs) of some of the roads, streets, flyovers, public parks, government institutes, government hospitals, government colleges, towns and buildings etc which are in the names of closed family members of politicians, which are as under:-

- “1. Bibi Aseefa Dental College Larkana,
2. Pir Syed Abdul Qadir Jeelani (Gambat Institute of Medical Science).
3. More than 51 public structures, like schools, parks, and roads named after Altaf Hussain and his family only in Karachi,
4. Garden Nazir Hussain, Mirpurkhas.
5. Abdul Salam Thaheem Mono Technical College Shahdadpur, District Sanghar,
6. Bakhtawar Park Sadar Town Karachi,
7. Bilawal Medical College Hospital, Kotri,
8. Amar Jagdish Kumar Mulani monument (Mithi).
9. Bilawal Medical College, Jamshoro.
10. Sardar Ghulam Muhammad Khan Mahar Medical College, Sukkur,
11. Bab-e-Sardar Ali Nawaz Khan Ghoto, Hussain Beli Road.
12. Bab-e-Sardar Muhammad Khan Ghoto (Khan Road)
13. Bab-e-Sardar Ali Nawaz Khan Mahar @ Raja Khan
14. Bab-e-Mir Khalid Ahmed Khan Lund
15. Bab-e-Mir Nazeer Ahmed Khan Lund

16. Government Jam Mumtaz Hussain Dahar Digri College, Taluka Obaro, District Ghotki
17. Bab-e-Haji Rahim Bux Wassan
18. Bab-e-Bajarabad, Taluka Administration Tangwani.
19. Bab-e-Shaheed Nawab Saifullah Khan Magsi
20. Bab-e-Haji Nabi Dad Khan Babbar, Gahri Yasin Tehseel
21. Asifa Bhutto Zardari Park
22. Bab-e-Khan Bahadur Mir Bakhsha Khan Domki
23. Bilawal Bhutto Zardari Park, Shah Abdul Latif University Khairpur
24. Bab-e--eTangwani.
25. Malik Sikandar Khan Sports Complex Taluka Kotri District Jamshoro.

To understand this issue with more clarity it would be conducive to refer the photographs here:-



PIR ABDUL QADIR SHAH JILANI INSTITUTE OF MEDICAL SCIENCES GAMBAT









Annexure B



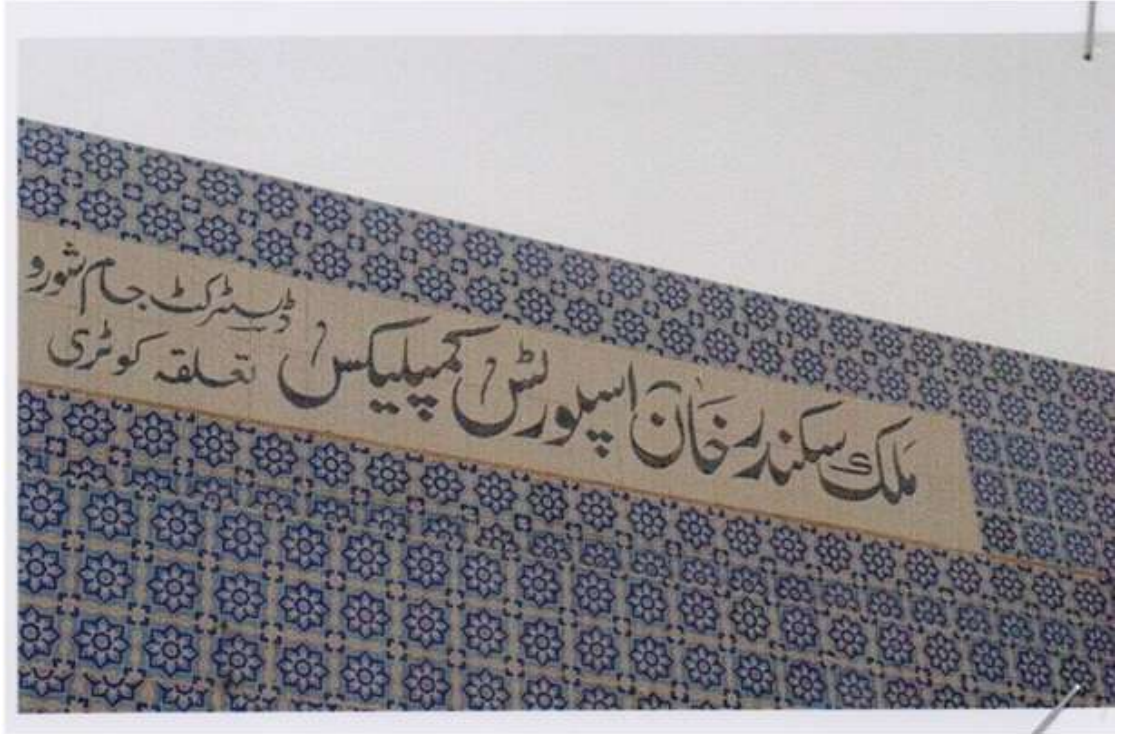
Annexure -A











He raised questions as to what **Amar Jagdesh Mallani; Ghulam Muhammad Mehar** and **Pir Abdul Qadir Jillani** and others have / had on their *parts* because of which monuments, names on roads, towns and public buildings at the cost of public exchequer were named after them. Lastly, while praying that there must be a *mechanism* for **naming** or **renaming** public properties / projects even by government as legally the *government* is not a **KING** but bound by limitations of law.

5. It is surprising fact that in all over Sindh all major cities of Districts and Talukas are divided through **Bab-e-(s)** (Gates) by erecting huge construction of fancy gates at the beginning of that town / city. Such like **Bab-e-(s)** , we shall insist, are meant a '**welcome by town/city etc**' therefore if there is a *personality*, qualifying entitlement of **naming** / **renaming**, then only he deserves such **honour** and not the **feudals** or a political office bearer of **ruling party**. Thus, naming / renaming, *prima facie*, in such like manner appears to be nothing but to show *favoritism* and identification of their **own men** in such like area (s), although every town / city etc shall always be of **all** without any discrimination. Such is a *favour* and not a *recognition* of an *achievement of life* therefore, *cause* for **renaming** arises because of changes in status of **ruling party** though **heroes** of a **nation** remain **heroes** for the

nation forever. The **Heroes** of a nation carry *history* as well are representatives of the **nation** therefore, such **honour**, all over the world, is priceless and such **recognition** is given to those whose **life** describe a motivational story for *generation*.

6. Here, it is worth appreciating that during hearing Mr. Aslam Parwaiz, Advocate (*with permission of Court*) has referred a 'notification' which shows how political influence works in lower Sindh (including Karachi) in such like issue so as to please other for political benefits or either of two, we shall emphasize, is not worth appreciating rather shows a *miserable* situation. The documents, being necessary to show *misery*, are referred hereunder:-

FROM : FAX NO. : 25 Jul. 2019 11:46PM P1

No. SO(C-II)/SGA&CD/1-34/2018
 GOVERNMENT OF SINDH
 SERVICES, GENERAL ADMINISTRATION &
 COORDINATION DEPARTMENT
 Karachi, the dated 11th May, 2018

6069-
 DATED 21/5/18

To,

1. The Chairman, Planning & Development Board, Govt. of Sindh, Karachi.
2. The Senior Member, Board of Revenue Sindh, Karachi.
3. The Principal Secretary to Governor, Sindh, Karachi.
4. The Principal Secretary to Chief Minister, Sindh, Karachi
5. The Chairman, Enquiries, Anti-Corruption Establishment, Sindh, Karachi
6. The Chairman, Chief Minister's Inspection, Enquiries & Implementation Team, Sindh
7. The Chairman, Sindh Public Services Commission, Karachi.
8. The Secretary to Government of Sindh (all) _____ Department,
9. The Inspector General of Police Sindh, Karachi.
10. The Divisional Commissioner (all) in Sindh, Hyderabad
11. The Deputy Commissioner (all) in Sindh, District _____

Perusal

Subject: **SINDH CABINET MEETING HELD ON 30TH DECEMBER, 2017 – RENAMING OF 62 BUILDINGS NAMED AFTER ALTAF HUSSAIN OR HIS FAMILY MEMBERS.**

A.C.(G)
 21/05
 Commissioner

Sindh Cabinet in its meeting held on 30th December, 2017 has decided to rename all public structures named after Mr. Altaf Hussain and his relatives in entire province. The decision is reproduced hereunder:-

"The Cabinet decided to approve to rename all public structures in the province named after Mr. Altaf Hussain and his relatives in entire province. The Chief Secretary Sindh will direct all administrative departments to prepare list of such buildings and to undertake steps for renaming them.

2. The Apex Committee in its 22nd meeting held on 8th March, 2018 has also decided that the decision of the Sindh Cabinet for renaming of buildings / structures named after Altaf Hussain or his family members may be implemented in letter & spirit.
3. I am directed to request you to kindly to prepare lists of all buildings / public structures named after Mr. Altaf Hussain and his relatives in entire province and to undertake steps for renaming them, in conformity to the decisions taken in the meeting of Sindh Cabinet on 30th December 2017, in letter & spirit, and furnish a report in the subject matter, for the perusal of Chief Secretary Sindh.
4. This may please be assigned **TOP PRIORITY**.

A copy is forwarded for information to :-

- The Deputy Secretary (Staff) to Chief Secretary Sindh, Karachi.
- The Section Officer (LE-I), Home Department, Government of Sindh, Karachi.
- PS to Chief Secretary Sindh, Karachi.
- PS to Secretary (I&C), SGA&CD, Govt. of Sindh, Karachi.
- Master File.

(MUHAMMAD JAFFER)
 SECTION OFFICER (C-II)

Mr. Raza

Above is a *prima facie* proof that naming of *public properties / projects* were allowed to be named in name of one *political figure* and his *family / relatives* in such a manner and fashion that no *proof* or record even was *handy* though object of **naming / renaming** , as already discussed, has its *own* significance.

Be that as it may, the further documents shows as:-

(6)

FAX NO. : 25 Jul. 2019 11:48PM P5

RESTRICTED

Headquarters 43 Wing Qasim
Rangers Bilawal Hostel Hyderabad
Telephone : 9210318
No.0037/GS/ 3459 /2019
12 June 2019

To: The Deputy Commissioner
District Hyderabad

Information: Sector Headquarters Qasim Rangers
The Commissioner, Hyderabad


Subject: **Decisions Taken in the Cabinet Meeting Held on 30 Dec 2017 and
Mins of Apex Cte Meeting Held on 8 Mar 2018**

1. It is intimated that as per Cabinet decision taken on 30 Dec 2017 and Apex Committee meeting held on 8 March 2018, all government buildings / structures / parks named after Altaf Hussain MQM (London) or his family members ~~will~~ be changed, however, it has been noticed no action taken in this regard at Hyderabad City. Following buildings / institutions still holds Altaf Hussain parents names:-

- a. Khurshid Begum College, Cloth Market.
- b. Khurshid Memorial Hospital, Phulleli Para.
- c. KKF Nazir Hospital near Railway Station.

2. Apropos, it is requested that names of above mentioned buildings / institutions may be changed and rename after National heroes.

3. Your cooperation in this regard will be highly appreciated, please.


 Lieutenant Colonel
 Wing Commander
 (Hassan Muhammad Khan)

RESTRICTED

DC Hyderabad
For u. Dept action
12/6/19.
A ddt Camp-1
17/6
AC/44
12.6.19
OS. 107

There came as many as **62** public properties / projects which were found to have been named after one political person and his **relatives** who (*relatives*) had done nothing and even were never came up as **political figure** nor there is anything on their credit except that of being related to a **political person**. Without going into any further details of

legality or *compliance* of said action, it can, *however, safely* be concluded that naming public properties / projects after ***political figure*** can never be a *good* idea therefore, it must have been and must always be after that person *only* who qualifies as a ***real hero***.

7. When confronted, learned DAG and learned AAG with one voice contend that since special provisions are available in The Sindh Local Government Act, 2013 which *directly* deals with the issue, hence they have no objection if the instant petition is decided / disposed of in view of the guidelines provided in the Act itself. The learned counsels for the parties, having gone through the relevant provisions, also agreed.

8. The relevant provisions of Sindh Local Government Act, 2013 reads as:-

“NAMING OR RENAMING OF CITY, MUNICIPALITY, TOWN, VILLAGE, PUBLIC PLACE OR PUBLIC WAY, ETC.

85. Naming or renaming to be made under this Chapter.- No City, Municipality, Town, Village, or any part or locality thereof, or public place or public way, in this Chapter referred to as place, may be named or renamed except in accordance with the provisions of this Chapter.

86. Guidelines for naming or renaming.- Naming or renaming under section 85 may be made after –

(a) ***the founder of the nation*** or any ***person who took a prominent part in the creation of Pakistan;***

(b) ***a national or local personality*** with an **unblemished record of service to the nation;**

(c) ***a person famous for his work in the field of art, culture, science and education or notable public service;***

(d) the **principal donor of any building or institution built** or set up for **charitable purposes;**

(e) non-Pakistani with the permission of Government.”

These guidelines (*criteria*s) speak for themselves that such an ***honour*** is not cheap but required ***life*** to qualify in any of the categories except the fourth one which, too, requires one to donate much of his earned wealth. The above *guidelines*, however, leave no room for naming public property/building; road, hospitals and educational buildings in or after the name of a ***political figure***.

9. Be that as it may, if a political figure, has enjoyed **unblemished record** may qualify (*demanding judicial discretion*) to earn such **honour** but how his family members could **qualify** for such **honour** is hard to understand, particularly when such **naming / renaming** could only be done by officials under some **notification / order** with an objective to make the local or national / international people about our **real heroes** in their personalities. Here, one, *in authority*, must insist upon **unblemished record** and **service for nation** even while considering a *political figure* for such purpose. It is, however, needless to add that the manner, in which the **naming / renaming** has separately been dealt with under a **chapter** itself couple with *specific* guidelines, itself shows as to who can qualify for **naming / remaining's** honour for *local* or *national* projects / buildings etc.

10. However, what we witness and *rightly* pointed out by learned counsel for the petitioners, *prima facie*, show that it is always easy to have a public property / building or *project* in or after one's name thereby attempting to make the people believe that such **honour** is not an **honour** requiring **life** but can well be achieved only being one side of a political power. Such impression shall, *undeniably*, frustrate the very purpose of guidelines which are meant to encourage people to **serve the nation**; work in *defined* fields or serving people by **wealth** hence misuse of such like authority would not only violate the provisions but shall also result in *disappointment* among those, who *really* gave their **lives** for such causes. The *binding* law itself allows us to say such practice is not only in negation to above provisions but also negates the purpose and object of **naming / renaming public properties / building or projects**. An *illegality* or even continuity thereof for a considerable period, *legally*, never converts **illegality** into **legality**. We do not want to make any comments for such *glaring* violation of *law* itself but since this Court is always competent to order for enforcement / compliance of *law* from one in *authority* as well to refrain violation of commandment of law. Reference in this regard may well be made to the case of Secretary Punjab Public Service

wherein it is held as under:-

- “7. We also notice that the High Court lost sight of the fact that it is settled law that Courts cannot interfere in lawful exercise of discretion by the concerned department and substitute lawful decisions of the departments, by their own. The jurisdiction of the High Court under Article 199 of the Constitution is limited to the extent of ensuring that state functionaries do what they are required by law to do and refrain from doing what they are prohibited by law to do. Unless an act or omission of a state functionary falls within the above parameters it is not liable to be interfered with. Such interference would constitute overstepping its jurisdiction by the High Court and entering the domain of the executive which is contrary to the concept of trichotomy of powers as per the scheme of the Constitution. ..

None present denies the *binding* effects of referred provision of the Sindh Local Government Act, 2013 nor, *even*, attempted to justify such ***naming / renaming*** in violation of law. These have been the *legal* and *logical* positions because of which all respective parties, including government representatives, *frankly* agreed to disposal of petition with reference to referred provisions of law, even they contend that there is no need to file comments.

11. Without going into consequence of such *glaring* violations in matter of naming / renaming such like public properties, we find it appropriate to dispose of this petition in view of above discussion and consent, *frankly*, extended by DAG, AAG and counsel for respondents No.6 and 14. Accordingly, in view of what has been discussed above, instant petition is allowed with directions that Secretary Local Government shall issue directions to all Municipal Corporations, Municipal Committees, District Councils, Town Committees in entire Province of Sindh to ensure compliance of the above provisions, in its letter and *spirit* regarding Buildings, Roads, Bridges, Gates of Cities, Towns and Districts etc, which are situated in their respective jurisdictions. Needless to clarify that compliance shall mean removal of all such *names* which do not, *squarely*, fall within *specified categories*. Renaming thereof shall be made strictly following the *guidelines*.

12. Further, Secretaries Education, Schools, Colleges, Boards are hereby directed to ensure that list of all institutes, buildings as well offices is prepared which are named or renamed in or after a *personality*. After examining whether such ***naming / renaming*** falls within the defined *guidelines* or otherwise. The Secretaries (Supra) shall ensure removal of all those ***naming / renaming*** which are found to have not qualified within four corners of *defined* guidelines. Such exercise shall, however, be completed within two months by submitting such *list* to this Court. All Education Departments including Boards / Universities shall ensure that the buildings are named *only* after those who did a great contribution in *third* category. Educational institutions are *keys* towards development of countries and those giving their *lives* in such ***great service of nation*** normally die in shadows; their services; devotions and labour in their respective fields and success of *institution* earn them no *name* at all. In short, they even do not receive any recognition from their *own* field / institution. Further, ***naming / renaming*** of such like institutions, *preferably*, in or after such like persons shall not *only* encourage devotion and services but shall also make the world knows that we are also rich with such ***authoritative personalities***. Accordingly, Chief Secretary shall ensure keeping in *view* such aspect while ***renaming*** institutions, found to be named in or after disqualifying person. Needless to add that at place of such ***naming*** or ***renaming*** there must also be a ***little*** brief of achievements of that personality so as to make the same known to *generation*. Needless to add that such process, *however*, should not prejudice *degrees / certificates* etc of such institutions with *existing* names.

13. Needless to add that if any person is interested to have continuity of his name or his predecessor on any building, park, gate etc, he shall have to satisfy fourth category i.e. to bear all the costs of such building etc including land costs. Thus Chief Secretary Sindh shall ensure compliance of this order by directing all the Deputy Commissioners to supervise and remove the names not falling within above categories with consultation of respective departments.

14. Copy of this order shall be provided to learned DAG, learned AAG as well faxed to all concerned for compliance and report through Additional Registrar of this Court. It is made clear that non-compliance of this order will expose to contempt of Court proceedings.

The petition stands disposed of in above terms.

JUDGE

JUDGE

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