

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

II-Appeal No. 32 of 2017

Date: Order with signature(s) of the Judge(s)

29th April 2024

Mr. Sohail Latif Memon advocate for petitioner/learned Amicus curiae

Mr. Suresh Kumar, AAG

Mr. Shoaib Khatian advocate alongwith Intervener Zahid Hussain, Roshan Ali, RD, Zeehana Ahmed Shaikh, Assistant Director, Akhtar Ahmed Mangi, Executive Engineer, PDMI Cell, Culture, Tourism, Antiquities & Archives Department, Government of Sindh

Ashraf Ali Mirani, Law Officer, Culture, Tourism, Antiquities Archives Department

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SALAHUDDIN PANHWAR, J- Mr. Sohail Latif Memon submitted a statement detailing the status of libraries, asserting that the Culture, Tourism, Antiquities & Archives Department has yet to assume control of the libraries in Sukkur as mandated by this Court. Conversely, department officials assert that they have assumed control of these libraries, initiated the (NIT) and are committed to operationalizing them along with others, including the K.N. Shah Library.

2. An official present has assured to assess the library inaugurated by Dr. Adeeb Rizvi, named after Muhammad Essa Hulio, and, if viable, to execute a Memorandum of Understanding (MoU) with the relevant party to ensure its functionality, thereby providing students access to academic books and computers.

3. With regard to extension of Allama Daudpota Library, officers of the Culture, Tourism, Antiquities & Archives Department contend that extension work is going on and will be completed till June 2025.

4. Mr. Sohail Latif Memon, on behalf of concerned citizens, has raised a significant issue regarding the utilization of a large building adjacent to the Allama Daudpota Library. The said building, currently under the

occupation of the Industries Department, is in a state of disrepair. Therefore, a MoU shall be executed with the relevant party in order to assess the feasibility of repurposing this building for the establishment of a new library:

Ownership and Occupancy:

- The building in question falls within the jurisdiction of Hyderabad.
- The Industries Department currently occupies the premises.
- It is essential to ascertain the legal status of the building, including ownership and any existing lease agreements, if any.

Condition Assessment:

- A thorough inspection of the building's structural integrity, safety, and suitability for library purposes is necessary.
- The dilapidated condition must be documented, and any potential hazards identified.

Coordination with Concerned Departments:

- Deputy Commissioner, Hyderabad, should promptly visit the site.
- Engage in dialogue with representatives from the Industries Department to explore the possibility of relinquishing the building.
- Seek consent from relevant authorities for the proposed library project.

Handing over possession to Culture, Tourism, Antiquities & Archives Department:

- Upon obtaining necessary approvals, the building should be formally handed over to the Culture, Tourism, Antiquities & Archives Department.
- Legal documentation, including transfer deeds and agreements, must be prepared.

As the said building is located adjacent to the Allama Daudpota Library, the establishment of a new library in the identified building aligns with cultural and educational objectives. However, due diligence,

legal compliance, and coordination with relevant stakeholders are imperative.

5. Concerning the unauthorized occupation of the building by the police force, Deputy Inspector General of Police (DIGP) Hyderabad is directed to facilitate the transfer of possession to the Culture, Tourism, Antiquities & Archives Department.

Unlawful Occupation:

- The building, designated for educational and cultural purposes, is currently under unauthorized police occupancy.
- Such occupation contravenes the intended use as per municipal and cultural mandates.

Order of Relinquishment:

- The DIGP for Hyderabad is instructed to ensure the peaceful surrender of the building.
- The process should be conducted with due regard for the rule of law and public order.

Transfer of Possession:

- Upon vacating the premises, the DIGP shall oversee the formal handover to the Culture, Tourism, Antiquities & Archives Department.
- A detailed inventory of the property's condition should be documented during the transfer.

Empowerment of the Department:

- Post-transfer, the Culture, Tourism, Antiquities & Archives Department is authorized to:
 - (a) Initiate restorative projects to refurbish the building.
 - (b) Implement educational programs to enhance the building's utility as a library.
 - (c) Engage in community outreach to align the library's services with the needs of the students.

Urgency of Action:

- The swift execution of this directive is critical to alleviate the academic impediments faced by students.
- The proximity to Allama Daudpota Library underscores the strategic importance of this initiative.

The immediate action is imperative to redress the educational disruption experienced by the students. The DIGP's cooperation Hyderabad is essential to the prompt and peaceful resolution of this matter. However, all the concerned officers are directed to comply with the directives as ordered above, in case any officer/official is found indulged in delaying the compliance of the order, stern action shall be taken against the concerned officer/official.

6. Besides, Culture, Tourism, Antiquities & Archives Department has moved a summary to the Finance Department for approval of SNEs pursuant to orders passed by this court in different petitions, however Finance Department is reluctant to approve the same in upcoming budget. Accordingly, Secretary Finance Department shall approve those SNEs after completing the necessary formalities. In case of failure, he shall be in attendance. The Finance Department shall ensure release of amount under the head of M&R, enabling the Culture, Tourism, Antiquities & Archives Department to establish libraries in existing buildings in different parts of Sindh; such reports shall be filed.

7. Moreover, Secretaries of Culture & Antiquities Department and Energy Department were directed to shift libraries from electric to solar energy and the Chief Secretary Sindh was directed to coordinate with both Departments. Such report is not yet filed. Accordingly, Chief Secretary Sindh shall ensure compliance of the Court's order. Order dated 18.12.2023 shall be communicated to the Chief Secretary Sindh, Additional Chief Secretary, Secretary Local Government Sindh and Secretary Energy Department for compliance.

8. With regard to separate Directorate in Local Government for libraries likewise Culture Department, it appears that Local Government

Department is reluctant to establish such mechanism despite judgment of this Court. Accordingly, issue show cause notice to Secretary and Additional Chief Secretary, Local Government Department as to why contempt proceedings shall not be initiated against them. Secretary, Local Government shall also be in attendance on next date in this regard.

9. Pertaining to the mutation of all libraries falling under the purview of the Culture, Tourism, Antiquities & Archives Department and the Local Government, it is incumbent upon the Deputy Commissioners throughout Sindh to ensure the execution of mutations subsequent to soliciting the pertinent details from the concerned department and to ascertain the reflection of such mutations in the record of rights. Should there be a dereliction of duty, such inaction shall be deemed derogatory and may warrant penal repercussions.

10. The establishment of libraries plays a pivotal role in fostering cultural enrichment and educational advancement. To ensure adequate funding for this purpose, the following directives are issued:

Proposal Formulation and Presentation:

- The Secretary of the Culture, Tourism, Antiquities & Archives Department is hereby directed to formulate a comprehensive proposal.
- The proposal shall outline the budgetary requirements necessary for the establishment, maintenance, and enhancement of libraries across the province.

Key components of the proposal should include:

- (a) Infrastructure costs: Construction, renovation, and maintenance of library buildings.
- (b) Acquisition of resources: Books, digital materials, and multimedia resources.
- (c) Personnel expenses: Salaries, training, and recruitment of qualified librarians.
- (d) Technological investments: Digital catalog systems, online databases, and connectivity.

- (e) Community engagement programs: Workshops, seminars, and outreach initiatives.

Government of Sindh Approval:

- The proposal shall be presented to the Government of Sindh for review and approval.
- The Secretary must ensure that the proposal is comprehensive, well-researched, and aligned with cultural and educational objectives.
- Legal considerations, including compliance with financial regulations, should be addressed.

Budgetary Enhancement and Earmarking:

- Concurrently, the Secretary Finance Department is obligated to:
 - (a) Amplify the existing budget allocation earmarked for library development.
 - (b) Ring-fence the enhanced budget specifically for library-related expenditures.
 - (c) Collaborate with the Culture, Tourism, Antiquities & Archives Department to ensure seamless implementation.

Timeliness and Accountability:

- Given the urgency of addressing the needs of students and the broader community, both Secretaries are urged to expedite their respective tasks.
- Regular progress updates and accountability measures shall be instituted to monitor the effective utilization of allocated funds.

11. The matter, being partially heard, is fixed for further proceedings on 27.05.2024 at 11:00 a.m.

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