



approval of worthy Chief Minister vide notification dated 20.09.2024. *Accordingly*, D.G Libraries, Local Government, shall be in attendance on the next date of hearing alongwith the break up of libraries under the domain of the Local Government in the Province of Sindh as well as details of budget allocation and the amount released. *Besides*, Secretary Finance Department shall also submit details of the reserved budget from OZT share under the head of district libraries. The Additional Chief Secretary Local Government shall ensure implementation of the notification dated 20.09.2024 with a complete framework up to the district level, till the next date of hearing.

2. *With regard to Allama Daudpota Library*, Director Culture, Hyderabad, pursuant to the order of this court, has visited the building which is adjacent to Allama Daudpota Library. About handing over of such building, as per letter dated 13.09.2024 Police Department is ready to shift the Police Station, while on the other hand, per *the pictorial report dated 21.09.2024* of the Culture, Tourism, Antiquities and Archives Department, the subject building has not been fully vacated by the SHO of PS *Qasimabad*. *Per the record*, it divulges that DIGP, Hyderabad did not pay heed towards the Court's order and shifted the burden to SSP, Hyderabad and the SSP shifted his burden to SHO. *Resultantly*, the subject building could not be handed over to the Culture, Tourism, Antiquities and Archives Department. *Admittedly* such a situation reflects that the concerned DIGP failed to comply with the order, hence issue show cause notice as to why contempt proceedings shall not be initiated against him. *Besides*, the situation also reflects that the Deputy Commissioner, Hyderabad misconceived the facts in his report dated 02.08.2024 before this court and failed to comply with the order

properly, hence issue show cause notice as to why contempt proceedings shall not be initiated against him.

3. *With regard to shifting of 32 libraries from electricity to solar energy*, the report of Alternative Energy Department states that during the survey, **23 libraries** were found functional while the remaining **09 libraries** were found non-functional. *Per the report*, the Secretary, Alternative Energy Department, *on the basis of the survey*, has recommended the solarization of 23 libraries on an expeditious basis through Sindh Solar Energy Project executed under the World Bank Financing and suggested that there is no need to initiate special summary. *Accordingly*, this exercise shall be completed within **three months** with a compliance report, *however*; the Secretary Alternative Energy Department is directed to submit a progress report on the next date of hearing. *In case of failure*, Secretary Alternative Energy Department shall be in attendance.

*Besides*, it has been noted that the electricity load capacity for (1) Allama Daudpota Library, (2) Azeem Khan Library and (3) Sir Shahnawaz Ali Bhutto Library, as indicated in the report, is not commensurate with their operational requirements. There exists a scheme to add industrial building with the ADP. In this regard, Secretary, Alternative Energy Department is directed to enhance the power capacity for these three libraries as proposed, ensuring their energy needs are adequately met.

4. *With regard to the libraries*, the Focal Person of Culture, Tourism, Antiquities and Archives Department contends that out of 23 libraries, 7 libraries are not owned by Culture, Tourism, Antiquities and Archives Department as well as one library is also

there that belongs to another Department; he further contends that Culture, Tourism, Antiquities and Archives Department possesses 25 libraries and 3 libraries are yet to be established. *According to him*, Wafa Nathanshah Library, K.N. Shah will be established if SNE is approved as the building is available, they have provided all infrastructure including fixtures and have submitted a summary with the Finance Department for approval of SNE. *Admittedly*, this scheme was initiated in the year 2008 & possession was received by Culture, Tourism, Antiquities and Archives Department in the year 2008 and if SNE is approved same shall be functional *within two months* after approval of SNE. *Accordingly*, Secretary Finance Department shall ensure approval of SNE till the next date of hearing. *In case of failure*, he shall be in attendance.

*With regard to Jung Shahi Library*, that will be part of scheme 2025-2026 in the budget book and will be reflected in the ADP book. The Secretary Culture, Tourism & Antiquities Department and the Secretary Finance Department shall ensure compliance within time.

5. *Concerning the non-functionality of 09 libraries*, the Secretary Culture, Tourism & Antiquities Department and the Secretary Local Government are directed to submit reports outlining the reasons for the non-functionality of these libraries. *Meanwhile*, learned District & Sessions Judges are directed to submit details & status of Public Libraries in their respective districts, before next date of hearing.

6. *With regard to paragraph No.4 of the order*, counsel for HESCO submits a compliance report that HESCO has reduced load

shedding from 08 hours to 06 hours as ordered by this court. Let the CEO, HESCO be directed to ensure an uninterrupted supply of electricity as per the given schedule to the subject library.

7. *With regard to paragraph No.6 of the order*, the Secretary Culture, Tourism, Antiquities & Archives Department has formed a committee vide notification dated 18.09.2024 to examine the in-question building (Pitamber Hostel Kandiaro, Naushahro Feroze) about its heritage value. *Hence*, the Secretary is directed to submit a proposal/scheme till next date of hearing. *In case of failure*, he shall be in attendance.

8. It has come on record that there are two distinct types of schemes; one being the District ADP, under the Deputy Commissioner (Project Director) and the other being the Provincial ADP. A budget allocation ratio is set annually and the Deputy Commissioner, acting as the Project Director, bears the responsibility for allocating, approving, and maintaining public schemes. About the distribution ratio in the district, there is no mechanism with regard to the fixation of the amount with the priority of department-wise. It is the discretion of Deputy Commissioner how to utilize funds while exercising discretionary powers. *In light of this*, the Chief Secretary Sindh is directed to formulate a policy ensuring that clear criteria are established for the allocation of funds by Deputy Commissioners, prioritizing sectors such as education and health. This criterion must be transparent, with reduced discretionary powers to support relevant departments in addressing their grievances and enhancing public services. The Chief Secretary Sindh is further directed to submit this mechanism within one month by issuing necessary

instructions to the concerned departments. However, a progress report shall submit on next date of hearing.

9. *With regard to Paragraph No.7 of the order*, Deputy Commissioner present contends that by his personal efforts, libraries in *Naushahro Feroze* have been established and he has provided books to the libraries and intends to establish more libraries in *talukas*.

With regards to *Kandiaro* Library, the Deputy Commissioner, *Naushahro Feroze* undertakes that he will personally look after the matter and ensure that facilities are provided to the buildings to maintain libraries by the Local Government until the ongoing scheme is completed. This court appreciates the undertaking of Deputy Commissioner, *Naushahro Feroze*. Additional Chief Secretary, Local Government shall ensure that the in-question building at *Kandiaro* shall be completed within two months.

Chairman, Town Committee, *Kandiaro*, shall be in attendance on the next date of hearing as he has failed to provide basic facility of libraries in his jurisdiction.

10. *With regard to paragraph No.8 of the order*, the learned District & Sessions Judge *Shikarpur* is directed to submit Report on next date of hearing in compliance of paragraph Nos.13, 14 & 15 of order dated 10<sup>th</sup> June 2024 of this court.

11. *With regard to paragraph No.9 of the order*, the Deputy Commissioner, *Ghotki* submitted his report dated 23.09.2024. *However, despite repeated directions*, it divulges from the report that he did not comply with the directions of order dated 10<sup>th</sup> June 2024

and 13<sup>th</sup> August 2024 properly, hence, issue show cause notice as to why contempt proceedings shall not be initiated against him with direction to submit compliance report on next date of hearing.

12. *With regard to paragraph No.10*, Dr. Fattah Shaikh, D.S. Culture, Tourism, Antiquities and Archives Department contends that partially they have completed two phases of renovation/repair of Lansdowne Bridge however two of the schemes are yet to be approved and there is the issue of fund allocation. *At this juncture*, Mr. Sohail Latif advocate files statement emphasizing that Sukkur Barrage, Ayub Bridge and Lansdowne Bridge are under the Irrigation Department, Pakistan Railways and Culture, Tourism, Antiquities and Archives Department respectively, despite of that Sukkur Municipal Corporation has submitted revised PC-I of Rs.451.8 million with the heading “Illumination of Sukkur Barrage, Lansdowne Bridge and Ayub Bridge”. *Accordingly*, Chief Secretary Sindh shall form a committee to conduct enquiry and in case if there is a misappropriation of funds, delinquent officer(s) shall be referred to the Anti-Corruption Establishment for further investigation and action. Secretary, Culture, Tourism, Antiquities and Archives Department shall submit special summary with regard to the allocation and release of funds to comply with the order of this court and to complete the schemes as designed by the Culture, Tourism, Antiquities and Archives Department. The Finance Department shall ensure the allocation and release of funds after the completion of codal formalities.

13. The Secretary Schools Education & Literacy Department has submitted a report regarding inclusion of Lansdowne Bridge and

Sukkur Barrage in the curriculum. The department has formed a committee for compliance alongwith textbook board and it is categorically mentioned that such subject will be added from the next academic year 2025-2026 as at present books have been published. This court appreciates that undertaking with further direction that Secretary Schools Education & Literacy Department shall ensure compliance and submit a progress report on next date of hearing.

14. *With regard to paragraph No.11*, there is a fresh MoU to access the archives and they will provide every access to the Institute. *Accordingly*, this order will be communicated also to the Incharge, M.H. Panhwar Institute.

15. *With regard to paragraph No.12 of the order*, the report of learned District Judge, *Sanghar* states that the staff at the subject school has been posted and the school is functional. However, per the report, there is a shortage of furniture. *Accordingly*, the Secretary Schools Education & Literacy Department is strictly directed to provide furniture and other basic facility to the school without delay and submit compliance report on next date of hearing. The learned District & Sessions Judge, *Sanghar*, shall also ensure compliance.

16. *Relating to paragraph No.13 of the order*, Mr. Lakho, Additional Secretary (Judicial & Endowment), College Education Department contends that in compliance with this court's order they have received possession of the building situated in *Chundko* from the Labour Department, hence they are going to establish a degree college from this academic year therefore, they will submit SNE proposal with the Finance Department. *Accordingly*, Secretary College Education Department is directed to submit the SNE without delay

and Secretary Finance Department shall ensure approval of that SNE as soon as possible. Secretary College Education Department and Secretary Finance Department are directed to submit compliance reports on next date of hearing.

17. Further, after repeated hammering on the issue of four-years degree program in every college, it has come on record that there is availability of funds with the College Education Department to be utilized as affiliation fees charged by the respective universities. Needless to mention that degree colleges are meant to provide degree education (16-year education). Mr. Lakho contends that running Annual Development Program is lawful as Sindh Higher Education Commission has approved the same and students after qualifying the AD Program would be competent to be admitted in 3<sup>rd</sup> year of a 4-years program. *Under these circumstances*, Director General Colleges and Regional Directors Colleges all over Sindh shall be in attendance on next date of the hearing to submit complete details *separately* with regard to their efforts, the capacity of the colleges and proposed program of 4-years degree in their colleges as well as their affiliations with the universities. *In case of non-compliance*, their act shall be considered as pejorative.

18. *At this juncture*, it is pertinent to mention that Secretary College Education shall also provide funds to the colleges with regard to affiliation and submit a report on whether there is any room/head to provide such fees. It is expected that Secretary College Education will ensure to provide funds without any delay, in pursuance of order dated 25.01.2024 vide paragraphs No.10 and 16.

19. D.G. STEVTA shall be in attendance on the next date of hearing and submit report of 4-years program in technical colleges and submit detail of Mono Technical College Mirpur Mathelo. According to Mr. Abdul Wahab advocate, referred college has been occupied by the Deputy Commissioner, *Ghotki* by establishing a Secretariat. Accordingly, D.G. STEVTA shall submit a report with regard to the allegation that Mono Technical College is occupied by the Deputy Commissioner *Ghotki* and the Deputy Commissioner shall also submit a report about under what capacity they have established there a Deputy Commissioner Secretariat.

To come up on **06.11.2024 at 11.00 a.m.** Learned **Additional MIT II** shall ensure the compliance of the order. Besides, learned MIT-II shall also ensure compliance of judgment dated 25.01.2024 passed in CP No.D-84/2023 (*Pervez Ali vs. Province of Sindh and others*).

**J U D G E**

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