

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

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

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A-11237 of 2017.
2. For orders on office objection.
3. For katcha peshi.
4. For orders on M.A-11238 of 2017.

11.09.2017.

Petitioner Sajjad Ahmed Chandio Advocate present in person.

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1. Urgent application is granted.
2. Deferred for the time being.
- 3&4. Through instant petition, petitioner contends that he has witnessed in entire province of Sindh that roads, streets, towns, overhead bridges, educational institutes, hospitals, public parks and Universities are named or renamed after peoples / individuals related to ruling privileged, feudal, political class of the Province without any role of such individuals in matter of development, betterments and services for particular area, town, city or country; that in civilized parts / countries of the world the matter of naming or renaming any small street or public road or government institute is of a high concern and interest but unfortunately it is evident from the conduct of provincial Government and its functionaries that the cities, towns, streets and all institutes (educational and health) or related to public in general, have been treated as part of some undeclared kingdoms of few local feudal and political lords of each town, city and area, therefore, naming, renaming such institutes, towns, cities, roads, streets has also become part of their kingdom rule. He further contends that in the country, where families coming from ruling class and titled as kingdom as well emperor, there had been a practice to put name of their family members on public parks, buildings and roads, but in modern world there is criterion that title of the places, having been built from public exchequers, are to be dedicated to the persons who have contributed for the society in various shapes or they are declared Heroes or they have made

significant contribution to their field or endeavour, including the arts, entertainment and public service, but in province of Sindh the ruling class has started the practice naming public places on their parents and kids though they have made no contribution towards the development of any field. It is also contended that Municipal Corporations have tendency that by adopting resolutions they can name any place which too without any criterion.

He further contends that living persons are not entitled for such title on the public places; however, many colleges, streets, institutes and public places are named for the kids who though are still in politics but without any contribution on their part; the Executives have no concern with the persons, dedicated their roles for the welfare of society in various fields and contributed for the welfare of the citizens as well for medical science and education, therefore, those *entitled* for such honour remained ignored. He further contends that this issue pertains to violation of basic fundamental rights of the residents / citizens of said area who must have an opportunity of proudly handing down shining names to next generation by explaining that services for *nations* earns such an honour and should not hesitate to a query of children that structure (s) of public exchequer are named because he was / is father and / or son of a leader of ruling party. He added that *Gambat institute* has been named as Pir Abdul Qadir Shah Jilani while *City gates* named as '*Babs*' which too without justification and reasoning. It is well known that our country is Islamic Republic country whereas concept of kingdom is not established in our country and the executives the citizens are from political parties hence how and under what manner they are misbehaving with the generation, therefore, this Court is required to interfere in this illegal practice being played by the rulers.

It surfaced that there is no mechanism or criterion for naming a *particular* government institution; road; street etc because of which *normally* an *already* existing institution, road; street etc is suddenly announced to be have been *named* after some particular personality without any justification that same has been in result of some *extra-ordinary* contribution on his part

towards nation or *national* cause which, *act*, being not in line with any reason or objectives of *naming a thing after a person*.

None can deny that it is the prerogative of the *government* to name an *institution, road, street etc* but such *prerogative* does require to stand test of *reasonableness*. Naming a *government* institution, road, street etc was / is always with *two* objectives i.e :

- i) to acknowledge and appreciate the services of such a person towards *nation* or *national cause*; and
- ii) to inspire / motivate others for performing such *services*;

The *first* object is to *honour* such a person and latter is to inspire others. None of the objective (s) shall be achieved if such authority is exercised without any mechanism / criterion. This *honour* should not be made available against *money; donation of plots* or political benefits etc because this shall prejudice the *second* object of such *honour* i.e to inspire / motivate others couple with letting the *new* blood (generation) to know their *heroes*.

Our heroes are always worth appreciating and *new generation* must know their *heroes* of past *and* present hence a *balance* must always be maintained in giving name (s) of government institution (s) / properties by :

- a) considering services of persons of *past* and *present* towards nation;
- b) the balance must be shown by considering the weight of personality and things to be named;

Such *objectives* prima facie appear to be ignored here in *Sindh* province where such *exercise* is done either to *please* a political or *influential* personality or for political *benefits* hence basic objectives of *naming* a government structure / institution etc are entirely ignored which *even* is not done in a *KINGDOM* while we claim to be living in a **civilized and democratic system**. A civilized and democratic system is always believed to take every move for *reasons* and in best *interest* of general public. Such principle *even* applies in such like matter, as has been appreciated in Punjab, as is in Punjab Local Councils' (Road and Street) Rules, 1981, which reads as under:

**“The Punjab Local Councils’ (Road and Street) Rules, 1981**

9. Naming of roads and streets.---(1) No road or street shall be named after a person unless he is,---
- (a) the founder of the nation and person who was in the forefront of the freedom movement and took part in the creation of Pakistan;
  - (b) a national personality (no longer alive) with unblemished record of service to the nation;
  - (c) a hero who laid his life in the defence of the country;
  - (d) a living or deceased head of a foreign stat friendly towards Pakistan;
  - (e) a foreign national in respect of whom permission has been granted by the Federal Government;
  - (f) a famous Muslims character of history; and
  - (g) a person who has rendered distinguished service to the urban local council.
- (2) No road or street shall be named after a person,---
- (a) if he is sitting member of the urban local council; or
  - (b) if he holds any office under any local council, the Federal Government, Provincial Government or any public Authority or is a public representative.
- (3) Every proposal for the assignment of a name to a new road or street or for change in the name of an existing road or street shall be published for inviting objections and suggestions in such manner as an urban local council may determine and the final proposal shall be made after taking such objections and suggestions, if any, into consideration.
- (4) The urban local council shall forward its final proposal to Government for approval and no proposal shall be implemented without the express approval of Government.”

In given circumstances, facts and demand of every act of *executives* to meet test of *reasonableness*, we find that contentions raised by the petitioner carry weight. Accordingly, issue notice to respondents as well DAG and AAG. Petitioner shall join all Municipal Corporations as well Director Local Government as respondents. Meanwhile, the criterion as referred in Punjab Local Councils’ Rules (Supra) shall be followed and no street, road, college or institute shall be named on the persons who have not contributed for the

welfare of society in any field. At this juncture, judicial propriety demands that notice to Chief Secretary Sindh also be issued with direction to submit criterion and if any work is undertaking on this issue he shall submit his proposal.

To come up on 22.09.2017 at 10:00 a.m.

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