

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P. No.D-260 of 2023

Date	Order with signature of Judge
1.	For orders on CMA No.1192/2023
2.	For orders on office objections
3.	For orders on CMA No.1193/2023
4.	For orders on CMA No.1194/2023
5.	For hearing of main case.

15.02.2023

Petitioner is present in person

1. Granted.
2. To be complied with within a week.
3. Granted subject to all just exceptions.
- 4&5. This petition pertains to construction of library for public in Moro city. It is contended that Respondent No.2 is DG of Public Libraries of Sindh under Culture, Tourism and Antiquity Department, Government of Sindh. In the year, 2018, a Public Library in the name of Professor Dr. Muhammad Liaque Zardari Memorial and Digital Library Moro was established at Shaheed Benazir Bhutto Children Park near Dadu Chowk; besides plot of new bus stand was reserved for the library under culture department; funds were allocated, however construction is not carried out at the site despite of tender notices, hence students and general public of Moro city have been deprived from access of public library.

This Court has already passed an order dated 02.08.2019 in identical matters bearing CP NO.D-1817/2016, 2894/2017 & 1890/2019 at Circuit Court Hyderabad, regarding completion of projects for establishment of libraries in Government colleges. It shall be advantageous to reproduce para-10 of order dated 02.08.2019 as under:-

“10. With regard to libraries in schools and colleges it has come on record that no budget has been allocated during current financial year for purchase of books however Secretary Schools contends that one philanthropist Agha Noor Muhammad is establishing libraries in schools on his own and his work is commendable. This court appreciates conduct of Mr. Agha Noor Muhammad however since such liability exclusively rests with the government and cannot be avoided with reference of remarkable efforts of an individual however he may strengthen the work of government sector. It is matter on record that no mechanism is provided with the colleges and schools side regarding criterion to purchase books and to maintain the libraries and even post of separate librarian is not sanctioned. How one can hope to know developing changes / research works on side of his interest but with help of books, including e-books, which are meant to operate as tool. Accordingly Secretary Colleges shall ensure that libraries

are 5 established in every college having sufficient number of seating arrangement, however libraries shall be in two portions, one shall be digital and another by providing books. Sufficient space be provided for such purpose and post of librarian counsel / or shall be created and filled by IBA Sukkur or Karachi. Passing out students shall be provided cards for at least three years, to visit the same library. Such portion of libraries be equipped with WIFI networks with solar facility immediately least gradually. Books of competitive examinations shall be purchased with the consultation of CSS officers. Besides a portal or separate website shall be launched by joining all Universities and Degree Colleges, such website shall place every information regarding Admissions, Scholarships, Jobs and guidance. Further Secretary Schools shall submit compliance report regarding establishment of IT Labs as undertaken, reflecting in order dated 23.08.2017.

It is pertinent to mention that this Court has taken this issue of libraries in various cases under the domain of Local Government and Culture Department. Being relevant, Paras-21 to 27 of order dated 13.12.2022, passed in IInd Appeal No.32 of 2017 are reproduced as under:-

- “21. At the outset, Director Libraries present contends that they have submitted a summary that with the Local Government regarding adoption of 55 libraries under the domain of Local Government. Addl. Secretary, Local Government contends that they are ready to hand over the same however they are required to sign MoU with the Culture Department and further approval of Cabinet Division. Secretary Local Government and Director Libraries shall complete this exercise within one month. Since Director Libraries has received order dated 04.10.2022 yesterday, therefore, they will submit complete list of libraries and present status whether they are functional or not and the report shall include photographs of those libraries as well.
22. Director libraries further contends that under the domain of culture Department there are total 39 libraries, out of which, 34 libraries are functional as SNEs have been approved and they have placed SNEs rest of five libraries with the Finance Department. Accordingly, Finance Department shall approve the same within one month by adopting codal and legal formalities. Further he contends that they have demanded SNE with regard to digital equipment for the libraries and technical posts. Accordingly, the same also be approved within one month.
23. Besides, Finance Department shall place on record total funds allocation to the Culture Department specifying funds allocated to the libraries for the last five years including release of those funds and utilization as well.
24. At this juncture, Mr. Zahid Hussain Hulio contends that one Mr. Agha Shakeel Pathan has established a library in village *Muhammad Essa Hulio, Taluka Bakrani*, District Larkana and Culture Department shall take over the same with MoU. Accordingly, Secretary Culture Department shall depute any responsible officer, who shall visit and submit feasibility report. It is expected that they will adopt the same and shall provide the facilities in that library by the Culture department.
25. With regard to libraries in Local Government Department admittedly libraries are working in different districts under the control District Councils and Town Committees however, there is no mechanism like in Culture Department which bifurcates library section separately and with separate funds allocation, therefore, Secretary Local Government with the consultation of Chief Secretary Sindh shall ensure mechanism is provided thereby a separate wing shall be established creating post of D.G. Libraries in Local Government alongwith its secretariat and Province of Sindh shall allocate budget from the total budget specified by the Local Government separately for the libraries

and to control the libraries directly through directors and librarians. Accordingly, such rules shall be framed which provides recruitment as well and procedure of purchasing library material, equipment, books establishing digital libraries in the respective divisions and upto Town levels and till then budges shall be separated for existing libraries to ensure that those abundant libraries are re-established apart from the libraries adopted by the Culture Department.

26. Out of 55 libraries it has come on record that in taluka Pithoro there is also library and it is proposed that Culture Department will adopt the same. Accordingly, Secretary Culture and Divisional Director Mirpurkhas shall ensure that with the help of locals the library is established and regulated. Learned District & Sessions Judges shall depute the Magistrates for visits as well as Deputy Commissioner Umarnot shall direct Assistant Commissioner, who shall provide all facilities and Secretary Local Government shall also provide every assistance in that regard until the same is completely transferred to the Culture Department.
27. At this juncture, Additional Secretary Local Government contends that there are various libraries under the different departments and he will submit complete details with the coordination of Mr. Zahid Abbas Akhund Director Culture Department and Mr. Muhammad Arshad Patoli, Director Libraries, about all libraries maintained by Aukaf Department, Sports & Youth Affairs Department, Cooperative Societies and Revenue Department. Accordingly, Chief Secretary Sindh shall issue a notification by constituting a committee comprising on five members, under the chair of Mr. Mr. Fazal Hussain A Avesi, Additional Secretary Local Government and Muhammad Arshad Patoli Director Libraries Sindh will act as Secretary of that committee and Chief Secretary Sindh shall include representative of all concerned departments and Committee would be competent to opt any member well acquainted with libraries and submit report as well as their recommendations”.

This Court has already directed to Deputy Commissioners of all over Sindh shall ensure personal visit of buildings reserved for libraries in their respective districts. Being relevant, same is reproduced as under:-

“It is needful to add that directives for visiting is never meant to have something on papers but to know the lacking as well recommendation (s) for making such places more effective and viable. Accordingly, all Deputy Commissioners shall ensure visit of all library buildings in their respective district and shall ensure that same are working smoothly; in case working thereof is being hampered for any reason they, being administrative authorities, would be competent to take necessary legal action; they shall ensure that those libraries are workable and access is given to all students”.

Accordingly, committee formed with regard to libraries shall submit details of libraries as well as Deputy Commissioners of all over Sindh shall personally visit of the libraries and take steps in view of above referred paragraph and submit report. Secretary, Local Government shall submit details with regard to directions that there shall be separate Directorate by the Local Government having separate funds by the Finance Department to regulate the libraries.

Secretary Local Government and Secretary Culture Department shall be in attendance on the next date alongwith details of MoUs between both departments with regard to 55 libraries. Secretary (Finance) shall submit complete breakup of funds allocated to the Local Government and Culture Department for the libraries as well as shall submit reports of SNE(s) passed in last two years regarding libraries.

Adjourned to **01.03.2023**; to be taken up at **09:30 a.m.** Secretary Colleges shall depute any Focal person, having complete awareness of matter in hand, who shall appear in person and submit report regarding compliance of above referred order. Assistant Commissioner Moro shall personally visit new bus stand at Moro and ensure that plot reserved for library purpose is not encroached by any person. If there is encroachment, same shall be removed forthwith without any delay. This order shall be communicated to all concerned departments through Chief Secretary Sindh, for strict compliance; besides copy be provided to learned Additional Advocate General Sindh for information and compliance. Learned Additional Registrar of this Court shall ensure compliance.

JUDGE

Faisal Mumtaz/PS

JUDGE