

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 960 of 2017

Present: Mr. Justice Salahuddin Panhwar,
Mr. Justice Abdul Mobeen Lakho

Petitioner: Sheikh Khalid Hussain through Mr. Nisar A. Bhanbharo advocate

Respondents: Mr. Sohail Ahmed Khoso, Advocate for Respondent No.7

M/s. Shafi Muhammad Chandio and Ali Raza Balouch AAG

Syed Mohsin Hussain Shah, Assistant Advocate General Sindh (Focal Person to Chief Secretary Sindh)

Date of hearing : 13.03.2023

Date of short order : 13.03.2023

J U D G M E N T

Abdul Mobeen Lakho, J.:-Through this petition, the petitioner has sought for following reliefs:-

- a. *That this Hon'ble Court may be pleased to issue writ in favour of petitioner declaring **Gambat Institute of Medical Sciences (Amendment) Act 2015**, Sindh Act No. XXXVII of 2015 passed by Provincial Assembly of Sindh on 11.08.2015 and assented to by the Governor Sindh on 25.08.2015 amending the Sindh Act No.V of 2006 and changing whereby the name of Gambat Institute of Medical Sciences (GIMS) to Pir Abdul Qadir Shah Jeelani Institute of Medical Sciences Gambat, as illegal, ultra vires, against the constitution of country, without any lawful authority, beyond the mandate and legislative powers of Provincial Assembly of Sindh conferred by the Constitution of Islamic Republic of Pakistan, 1973.*
- b. *To set-aside the amendments made in Sindh Act No. V of 2006 by Gambat Institute of Medical Sciences (Amendment) Act, 2015 and may further be pleased to restrain the Respondents from taking any action that may harm the history of Gambat”.*

2. **Concise facts** of the case as set out in the present petition are that the **Gambat city** has its own *history* as it exists much prior to the establishment of **Khairpur**, and being a **commercial** hub of the District Khaipur, residents have devotedly contributed in its development by

establishing certain education centers; besides different centers for social motivation; that the Government of Sindh established Taluka **Hospital at Gambat**; however same was upgraded through **self-help** basis by its' residents by donating/ establishing various units i.e. **Dialysis, Hepatitis Control, Trauma** as well as **Intensive Care Unit** through public private partnership; that by efflux of time, it developed as a leading health facility, therefore, Provincial Government realized the importance of health facility decided to strengthen it up to a level of an **institution of Medical Sciences**. In this regard a **bill** was moved in the provincial assembly of Sindh, which was **unanimously adopted** on **19.11.2006** and assented to by Governor Sindh whereby it was published as an act of legislature named as "**The Gambat Institute of Medical Sciences Act, 2006, the Sindh Act No V of 2006**"; However, the such institute developed as an organization of quality health facility to serve the humanity without any discrimination, therefore, awarded it status of **degree awarding institute** and such amendment was made in the **Gambat Institute of Medical Sciences Act, 2006 by Act No XLVI of 2013**; Whereas, some political statistics intended to **politicize** such **vivid institute** by gaining **political** and **monetary** benefits moved a private bill in **Provincial Assembly for amendment in Sindh Act No V of 2006**, whereby seeking change of name of the **Gambat Institute of Medical Sciences as Pir Syed Abdul Qadir Shah Jeelani Institute of Medical Sciences Gambat**, such bill was passed by Sindh Assembly on **11.08.2015** and assented by Governor Sindh on **25.08.2015** vide **Sindh Act No. XXXVII of 2015 (The Act)** and such amendment was made, which was **rejected** by the people of **Gambat** and treated it as an *attempt* to **politicize** the institution and deface the history of **Gambat**; that said **Pir Syed Abdul Qadir Shah Jeelani**, Pir of Ranipur, was a **political figure** as there is no contribution on his behalf in any field of development; hence such act seems to be in **violation of fundamental rights** as said act merely and absolutely political, which amounts to damage the historical values of the people of that particular area, who initially contributed in its growth by donating medical facilities, hence this petition.

3. **At the outset**, learned Counsel for the Petitioner contended that **The Act** with regard to amendment made in Sindh Act V of 2006, thereby **declared** as Sindh Act No XXXVII of 2016 whereby words "**Gambat Institute of Medical Sciences**" has been substituted as **Pir Syed Abdul**

Qadir Shah Jeelani Institute of Medical Sciences is illegal, unlawful, ultra vires *beyond* the **mandate** and *legislative* power of Provincial Assembly of Sindh as Pir Syed Abdul Qadir Shah Jeelani was a political figure having *no contribution* whatsoever in establishing any institution(s)/ center(s) for betterment of peoples of Province; besides this is an *attempt* to **deface** the history of the **Gambat**; that there are preferred categories of individuals to be honored by having a honorarily named if a person who demonstrates excellence, courage or exceptional **dedication** to serve and bring *special credit* to the particular, Town, City, Street, Road, Institute and area of the province or country, hence Provincial Assembly cannot pass any bill which amounts to damage the historical values of the people as being law making body expected to make laws consistent with the provisions of Constitution; however it is a colorful exercise to **gain political mileage**, which will damage the image earned by the institute at national and international level. Since there is no role or *dedication* of service on the part of **Pir Syed Abdul Qadir** for betterment of the people of the Province or the Country, *hence* above act of amendment *prima facie* prove that the same was *allowed* to be **named** in the name of one **political** figure as to *please* other for political benefits and gains; consequently, such recognition is given to those whose life describe a *motivational* story for **generations**.

4. **Learned Counsel** representing the Respondent No.7 mainly contended that the amendment made in Sindh Act No. V of 2006 is legal and *permissible* under the law as **Provincial Assembly** has *prerogative* to make such amendment or renaming the institute as “**Pir Syed Abdul Qadir Shah**”, being a familiar personality earned great *reputation* in the eyes of a common people, he had been elected five times as a Member of National Assembly; besides the case of the petitioners does not falling within the category as defined under **Section 85 and 86 of Sindh Local Government Act, 2013**. In the end, he prayed that such amendment is neither in violation of constitution nor fundamental rights of citizens have ever been *infringed*, hence instant petition, being devoid of any merit, *liable to be dismissed with cost*.

5. Heard arguments. Record perused.

6. **On** issuance of **notice**, comments have been **filed** on behalf of **Respondents** No.1 & 2. Perusal of the **comments** filed on behalf of the Respondent No.1, *reflects* that such a private Bill was **assented** to by the

then Governor Sindh on 25.08.2015 as required Sub-Rule VII of Rule 45 of the Sindh Government Rules of Business 1986, whereby the **Chief Minister** may be pleased to advise to the Governor to accord his **assent** to the bill in accordance with **Article 116** of the **Constitution** of Islamic Republic of Pakistan, 1973. In line with the *comments* of Respondent **No.1**, Respondent **No.2**, in his *reply*, submits that a private Bill **No.06/2015** was received through Pir Syed Fazal Ali Shah Jeelani, **MPA** of **PS-33**, which was furnished to Law department for its *vetting* and **legal opinion** as per rules and procedures obtained; besides after fulfillment of coddle formalities bill was laid in the House, which was **passed unanimously**, **whilst** any act of the provincial assembly is also subject to law, rules, procedure and constitution not otherwise.

7. Needless to say, that to **declare** the *statute* as *ultra vires*, the basic *criteria* are that if any act *contravenes* any constitutional provisions, the same shall be **declared** as **ultra vires**. It is germane to note, that the term “*ultra vires*” means **beyond** powers or **lack** of **power**; besides any act, which makes it **contrary** to law. Moreover, if any legislation *over-stretches* itself beyond the powers conferred upon it by the constitution, or *contravenes* any **constitutional** provision, then such laws are *considered* an **unconstitutional** or *ultra vires* to the constitution as the same itself is supreme law of the country and all other statutes derives power from the constitution and are deemed subordinate to it. Besides, Apex Court in a case **Fazal ul Quader Chaudhry**, reported as *PLD 1963 SC 486*, has vividly laid down that the Constitution is the supreme law of the state and any law repugnant to its provisions shall be deemed null and void. Furthermore, the Constitution of the State is higher in **authority** than any law, direction, or order passed by anybody or any officer assuming to *act* under it, since such body or officer must exercise a delegated authority and one that must necessarily be *subservient* to the *instrument* by which the delegation is made. In any case of a conflict, the fundamental law must govern, and the act in conflict with it must be treated as of no legal validity. In the **Wattan Party** case reported as *PLD 2006 SC 697*, the Supreme Court has held, that whenever a document in the shape of a law given by the Parliament or other competent authority is in conflict with the Constitution or is *inconsistent*, in such eventuality the same is liable to be declared unconstitutional to that extent and is liable to be struck down.

8. Before proceeding further, it needs to be *distinguished*, that whether *renaming* of the **Gambat** Institute of Medical Sciences as **Pir Syed Abdul Qadir Shah Jeelani** of Ranipur Institute of Medical Sciences, comes within the **criteria** as defined under Section **85** and **86** of “**Sindh Local Government Act, 2013**” or otherwise. It shall be *advantageous* to reproduce **Section 85** and **86** of Sindh Local Government Act, **2013**, which speaks as follows:-

- “**85. Naming or renaming** to be made under this **Chapter**.-
No City, Municipality, Town, Village, or any part of 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**;
 - b) 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.”

[Emphasis added]

9. It goes without saying, that during the hearing of the petition and in pursuance to **order** dated **07.02.2023**, a statement has been *filed* on behalf of **Respondent No.3**, wherein it has been mentioned that the **Chief Secretary** Sindh has convened a meeting, whereby a sub-committee is **constituted** under the Chairmanship of the **Secretary** Law, who shall review the list of buildings/**institutes** and *scrutinize* if they are as *per criteria* of *naming/renaming* under Section **85** and **86** of Sindh Local Government Act, **2013** and after due deliberation, the committee has finalized **27 institutes** including **Pir Syed Abdul Qadir Shah Jeelani** Institute of Medical Sciences, which are established under an **enactment** having been **passed** by the Provincial Assembly of Sindh. It shall be *advantageous* to affix photographs of the **minutes of meetings** convened under the Chairmanship of the Secretary Law Sindh as under:-

**REPORT OF THE SUB-COMMITTEE ON
NAMING/RENAMING OF THE INSTITUTES, BUILDINGS AND
LIBRARIES RELATED TO UNIVERSITIES/BOARDS, COLLEGES, SCHOOLS
AND CULTURE DEPARTMENTS**

Pursuant to Sindh High Court, Sukkur Bench's order dated 07.02.2023 linked with earlier order of 23.02.2020 passed in CP No.D-960 of 2017, Chief Secretary Sindh convened a meeting on 14th of February, 2023 to discuss and review the progress of the subject matter.

02. After extensive discussion and review of the progress shown by the stakeholder Departments and the Officers, Chief Secretary pronounced to constitute a further sub-committee of the subject Sub-committee, consisting of Secretary, Law Department, Additional Secretary, Universities & Boards, Additional Secretary, Colleges, Additional Secretary, School Education and Director General Libraries, Culture, Tourism, Antiquities and Archives Department, for scrutinizing status of the public institutions/buildings with respect to their naming/renaming related to the buildings of aforementioned Departments in the light of Court Orders and Law/Rules policy order or notifications of the Government under which naming OR renaming has been assigned to the said institutions and buildings (formal Notification for Constitution of this further Sub-committee however, not issued).

03. In pursuance of above directions, the Sub-committee met on 16.02.2023 for revision of the matters as per given guidelines.

04. The Sub-Committee took into consideration the Court order dated 23.02.2023 and substantive order and laws related to the subject case providing guidelines for implementation of the naming/renaming of public institutions and buildings and to ensure the compliance under Section 85 and 86 of the Sindh Local Government Act, 2013 with respect to roads, streets, buildings, parks, gates of cities, bridges, national projects etc. which contain the criterion as to who could qualify for giving names, and that can be done by the officials under some notification/order with an objective to make local, national or international populace know about the heroic deeds and philanthropic acts of our heroes and loved ones and to induce and motivate people sneakily through these personalities to follow their noble ways and do such works. This is a universal phenomenon and the practice prevailing throughout the world.

05. During the deliberations in the meeting, the Sub-Committee was of the view that such naming/renaming of roads and streets etc. under SLGA, related to Local Government Department and its respective offices/attached departments would be dealing with them separately. However, the Sub-Committee reviewed the naming/renaming of educational institutions including Gambar Medical Institute, which is subject matter of the petition, details thereof are as under: -

Universities/Institutes in Sindh	27
Colleges in Sindh	81
Schools in Sindh	3562 (out of 40360)
Libraries of Culture Department	36

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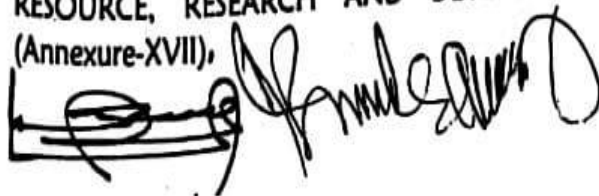
06. The aforementioned data is provided by the relevant Departments through their representatives.
07. The Sub-Committee took up the task to develop a process that could help it to work on the matter before it. The Sub-Committee put into careful perusal the Hon'ble Court order(s), enactments, policy, notification(s), office order(s) and principles/criteria held by the Court and guided in legislation about naming/renaming the public sector institutions.
09. The Sub-Committee also sought views from relevant other quarters on the matter before it. For now, it suffices to say that the views we heard arrayed us across a wide range. Out of such a diversity of views, many of them were felt deeply and powerfully and many appeared to be irrelevant. The Sub-Committee understood its mandate to bring out a report through available records/information provided to the Sub-committee.
10. In all our work, the Sub-Committee tried to present the facts and ground realities in this Report that might be helpful in the matter under adjudication before the Hon'ble Court of law,
11. Education is a tool for betterment of our civil institutions, the protection of our civil liberties, and the path to an informed and questioning citizenry. In other words, the education is the key that unlocks the golden doors to freedom, therefore, naming/renaming such institutes should be honoured with the naming/renaming of the persons who demonstrated excellence, courage or exceptional dedication to service in a way that brings special credit to the particular building or structure and area or the province or the country. Such honour may be honoured in the name of those personalities who volunteered and gave extraordinary help or care to individuals, families, or groups, or supported community services or human trending causes of the persons who fostered equality and reduced discrimination in their lives.

NAMING/RENAMING OF UNIVERSITIES/INSTITUTES:

12. The record provided to the Sub-Committee, shows that there are functioning 2 public Universities/Institutes in the province. Every such university/institute has been established under an enactment having been passed by the Provincial Assembly of Sindh and thereafter published as an Act of Legislature of Sindh. The following are details of such Universities/Institutes with their names and the Acts of the Legislature: -

- i. Shah Abdul Latif University, Khairpur was established under "THE SHAH ABDUL LATIF UNIVERSITY ACT, 1986" (Annexure-I).
- ii. Institute of Business Administration, Karachi was established under "INSTITUTE OF BUSINESS ADMINISTRATION ACT, 1994" (Annexure-II).
- iii. Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology (SZABIST) Karachi was established under "THE SHAHEED ZULFIQAR ALI BHUTTO INSTITUTE OF SCIENCE AND TECHNOLOGY (SZABIST), KARACHI ACT, 1995" (Annexure-III).

- iv. Bilawal Institute of Historical Research was established under "THE BILAWAL INSTITUTE OF HISTORICAL RESEARCH ACT, 1995" (Annexure-IV).
- v. Dow University of Health Sciences made under "THE DOW UNIVERSITY ACT, 2004" (Annexure-V).
- vi. Shaheed Mohtarma Benazir Bhutto Medical University, Larkana established under "THE SHAHEED MOHTARMA BENAZIR BHUTTO MEDICAL UNIVERSITY ACT, 2008" (Annexure-VI).
- vii. Shaheed Benazir Bhutto University, Shaheed Benazirabad was established under "THE SHAHEED BENAZIR BHUTTO UNIVERSITY, SHAHEED BENAZIRABAD ACT, 2009" (Annexure-VII).
- viii. Benazir Bhutto Shaheed University Lyari, Karachi was made under "THE BENAZIR BHUTTO SHAHEED UNIVERSITY, LYARI KARACHI ACT, 2009" (Annexure-VIII).
- ix. Peoples University of Medical and Health Sciences for Women, Shaheed Benazirabad (Nawabshah) established under the "PEOPLES UNIVERSITY OF MEDICAL AND HEALTH SCIENCES FOR WOMEN, SHAHEED BENAZIRABAD (NAWABSHAH) ACT, 2009" (Annexure-IX).
- x. Sindh Technical Educational and Vocational Training Authority was constituted under "THE SINDH TECHNICAL EDUCATIONAL AND VOCATIONAL TRAINING AUTHORITY ACT 2009" (Annexure-X).
- xi. Sindh Madarsatul Islam University, Karachi was established under "THE SINDH MADARSATUL ISLAM UNIVERSITY ACT, 2011" (Annexure-XI).
- xii. University of Sufism and Modern Science, Bhitshah was established under "THE UNIVERSITY OF SUFISM AND MODERN SCIENCE, BHITSHAH ACT, 2011" (Annexure-XII).
- xiii. Shaheed Zulfiqar Ali Bhutto University of Law, Karachi was established under "THE SHAHEED ZULFIQAR ALI BHUTTO UNIVERSITY OF LAW, KARACHI ACT, 2012" Annexure-XIII).
- xiv. Shaheed Benazir Bhutto University for Veterinary and Animal Sciences Sakrand was established under "THE SHAHEED BENAZIR BHUTTO UNIVERSITY FOR VETERINARY AND ANIMAL SCIENCES SAKRAND ACT, 2012" (Annexure-XIV).
- xv. Jinnah Sindh Medical University, Karachi was established under "THE JINNAH SINDH MEDICAL UNIVERSITY ACT, 2013" (Annexure-XV).
- Dawood University of Engineering & Technology, Karachi was established under "THE DAWOOD UNIVERSITY OF ENGINEERING & TECHNOLOGY ACT, 2013" (Annexure-XVI).
- xvii. Benazir Bhutto Shaheed Human Resource, Research and Development Board was established under "THE BENAZIR BHUTTO SHAHEED HUMAN RESOURCE, RESEARCH AND DEVELOPMENT BOARD ACT, 2013" (Annexure-XVII).



- xviii. Benazir Bhutto Shaheed University of Technology and Skill Development Khairpur Mirs was established under "THE BENAZIR BHUTTO SHAHEED UNIVERSITY OF TECHNOLOGY AND SKILL DEVELOPMENT ACT, 2016" (Annexure-XVIII).
- xix. Sukkur IBA University, Sukkur was established under "THE SUKKUR IBA UNIVERSITY ACT, 2017" (Annexure-XIX).
- xx. Begum Nusrat Bhutto Women University, Sukkur was established under "THE BEGUM NUSRAT BHUTTO WOMEN UNIVERSITY, SUKKUR ACT, 2018" (Annexure-XX).
- xxi. Shaikh Ayaz University, Shikarpur was established under "THE SHAIKH AYAZ UNIVERSITY, SHIKARPUR ACT, 2018" (Annexure-XXI).
- xxii. Government College University, Hyderabad was established under "THE GOVERNMENT COLLEGE UNIVERSITY, HYDERABAD ACT, 2017" (Annexure-XXII).
- xxiii. Aror University of Art, Architecture, Design and Heritage, Sukkur was established under "THE AROR UNIVERSITY OF ART, ARCHITECTURE, DESIGN AND HERITAGE, SUKKUR ACT, 2019" (Annexure-XXIII).
- xxiv. The Abdul Majid Bhurgri Institute of Language Engineering was established under "THE ABDUL MAJID BHURGRI INSTITUTE OF LANGUAGE ENGINEERING ACT, 2019" (Annexure-XXIV).
- xxv. Shaheed Allah Bux Soomro University of Arts, Design & Heritages, Jamshoro was established under "THE SHAHEED ALLAH BUX SOOMRO UNIVERSITY OF ARTS, DESIGN & HERITAGES ACT, 2020" (Annexure-XXV).
- xxvi. The Sindh Institute of Music and Performing Art was established under "THE SINDH INSTITUTE OF MUSIC AND PERFORMING ART ACT, 2021" (Annexure-XXVI).
- xxvii. Pir Abdul Qadir Shah Jilani Institute of Medical Sciences, Gambat was renamed in 2015 by way of making amendments through the Gambat Institute of Medical Sciences (Amendment) Act, 2015, in the original Act i.e. "THE GAMBAT INSTITUTE OF MEDICAL SCIENCES, GAMBAT ACT, 2005" (Annexure-XXVII & XXVIII).

13. While perusing the aforementioned laws and the names of Universities and Institutes, the Sub-Committee observed that every University and Institute has statutory backup and whenever any changes (amendments) brought in the nomenclature for public institutions, it was also made with the collective wisdom of the legislature, a constitutional law making body, which is fully competent to enact the laws for the maintenance of public trust. Such laws are also guiding force to protect and ensure right of every citizen without discrimination. The law makers in their wisdom have reasonably envisaged the requirements and attempted at durable framework for naming/ renaming in such law(s). When a law is enacted and it holds the field, there comes into being an accompanying promise which stipulates that every citizen and institution(s) must respect, oblige and idolize the fundamentals of the law. In other words, everyone has to give effect to the will of legislature and the law.

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10. In compliance of **directions** contained under orders dated **25.01.2023 & 07.02.2023**, the Deputy Commissioners all over Sindh have filed their *respective reports* annexed with the *photographs* with regard to **removing** the private **names** arrived upon **entrance gates** of cities, villages and towns etc.; besides **removing/renaming** the names of those educational institutes, which are found to have **not qualified** within four corners of **Section 86** of the Sindh Local Government Act, 2013; and are against the guidelines/criterion as settled in the case of **Sajjad Ahmed Chandio vs. The State** reported as **2020 CLC 632** and being relevant, paragraph-12 of the same is reproduced as under:-

*“Further, Secretaries Education, Schools, Colleges, Boards are hereby **directed to ensure** that list of all **institutions**, 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 key 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 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.***

11. It is pertinent to mention here, that at a place of such naming or renaming, there must be a little brief of *achievements* of that personality, so as to make the same known to generations; besides if any person is **interested** to have continuity of his name of his predecessor on any place **retained** for betterment of people, he shall **satisfy fourth category** i.e. **to bear all the costs of such building including land costs.** Additionally, the policy, rules, trends and criteria followed *internationally* by government, renewed institutions and organization also provides guidelines to name/rename any institute especially and public place,

buildings, generally and few of them discussed hereunder i.e. the school advisory committee of San Francisco's¹ Board renamed 44 schools out of the 121, with the object to eliminate the public perception which may create sense of discrimination or cause prejudice to anyone. The reason mainly was that in case of naming any institute with the name of any person, the institute, place etc. remained fixed with that person's entire chaotic personality story. Secondly, the guidelines, policy and criteria formulated by the Binghamton University of New York², in year 2021, and settled the principles that any name suggested for the institute it must aid in status of the institution in terms of honesty, having significant role played in education, research, public services, else one has provided adequate and significant funds, gift i.e. land or buildings or in any manner he remained associated with the institute for at least three years. Another significant idea floated that it may not confuse the people about the place or purpose of the designated building, area, or school; but rather improves a visitor's capacity to recognize, find, and avail facility from it. It was cautioned that naming/renaming exercise must be done prudently, judiciously for acquiescence with prevailing law, more importantly the law related to banned gifts and against ethical principles, especially in case of direct or indirect business or other continuing relationship between the donor and the State University of New York, its officers, or employees. Similarly, the proposed name of the **Gambat Medical Institute may create sense of discrimination with minorities and political impression, that too when there is no major contribution from the proposed name. Furthermore, subject funding has not been permitted for its substantiality but beyond that which includes** reflects both dignity and significance as well as an honor to a donor.

12. When confronted learned Counsel for the Respondent No.7 regarding fourth category of **Section 86** of Sindh Local Government Act, 2013, he *categorically* submitted that admittedly **Pir Syed Abdul Qadir Shah Jeelani** or his predecessor or his family has not *contributed* a single acre of a land or any **reward/amount towards** establishment of the **Gambat Medical Institute** or for any other educational purpose in Taluka Gambat or any part of Province of Sindh; however, he contended

¹ late January, the School Names Advisory Committee of San Francisco's Board of Education

² Guidelines And Procedures For Naming Of Buildings, Grounds And Schools, Binghamton University: The State University Of New York

that Pir Syed Abdul Qadir Shah Jeelani is a prominent personality of Sindh, *elected five times* member of the National Assembly. Such status or position does not *qualify* the categories as set out under Section 86 dictum laid down by this court in the case of **Sajjad Ahmed Chandio** (*supra*) unless there is some contribution or aid in establishment of an institution meant for the betterment of people.

13. Needless to mention here, that before proceeding with **honorific** or gift-related naming, the institutions must carefully consider all circumstances surrounding the naming, including the overall benefit to the institution and whether displaying the name is and will continue to be a positive reflection on the institution or otherwise.

14. Moreover, during pendency of the petition, the learned Counsel also *extended* his no objection if same is **re-named** in the name of **Saint Abdul Qadir Jilani** of Baghdad and so also in this regard by son of **Pir of Ranipur** to which Law Officer present contends that a summary has been floated to Worthy Chief Minister for changing the name of Pir Syed Abdul Qadir Shah Jeelani, Institute of Medical Sciences as Shaikh Abdul Qadir Shah Jilani of Baghdad Institute of Medical Sciences, Gambat. Being relevant, the same is reproduced as under:-

“SUMMARY FOR CHIEF MINISTER SINDH

SUBJECT: REQUEST FOR NAME OF INSTITUTE OF MEDICAL GAMBAT AS SHATKH ABDUL QADIR SHAH OF BAGHDAD OF MEDICAL SCIENCES

It may be recalled that with the approval of Provincial Cabinet the name of Gambat Institute of Medical Sciences, was renamed as Pir Abdul Qadir Shah Jilani Institute of Medical Sciences Gambat through amendment Act 20158 NVII of 2015, passed by the Provincial Assembly, Sindh (Annexure-I).

However, It is submitted that the Honourable High Court of Sindh Bench at Sukkur in CP.NO,D-960/2017 has passed the order dated 0202.2023, which is reproduced as under (Annexure-II):-

"At this juncture, Law Officer contends that preamble shows that Gambat Institute is renamed and now it is In the name of Pir of Ranipur; however, he. is unable to assist this court with regard to any contribution of Pir of Ranipur, whereas, Counsel representing son of Pir of Ranipur Abdul Qadir Shah Jeelani contends that his client or his family of Pir of Ranipur has not contributed a single acre of land or any amount towards establishment of Gambat Medical Institute or for any other educational purpose in Taluka Gambat or any part of Sindh and further contends that he has no objection if same Is re-named In the name of Saint Abdul Qadir Jilani of Baghdadi since son of Pir of Ranipur has extended his no objection therefore committee shall proceed within the mandate of TOP(s),"

3. It is further submitted that the Honourable High Court of Sindh Bench at Sukkur has directed to rename the Institute in the name of Saint Abdul Qadir Jilani of Baghdad (famously known as Shaikh Abdul Qadir Jilani of Baghdad or which is required to be placed before the legislature i.e. Provincial Assembly of Sindhi as it was earlier named after the enactment of Act in 2015, passed by the Provincial Assembly Sindh.

4. Considering in view of the facts narrated above, It is proposed that the matter regarding re-naming of the Institute i.e. Pir Abdul Qadir Jilani Institute of

Medical Sciences as Shaikh Abdul Qadir Jilani of Baghdad Institute of Medical Sciences Gambat may kindly placed before provincial Cabinet for onwards submission before Provincial Assembly of Sindh.

5. The Honourable Chief Minister Sindh may kindly like to approve para-04 above.

(ZULFIQAR ALI SHAH)
SECRETARY TO GOVT. OF SINDH”

15. Learned Counsel for the petitioner, in his arguments, referred the case of **Sajjad Ahmed Chandio** (*supra*) and insisted that the parameters/guidelines framed/outlined in that judgment must be followed and in the present case, there is no contribution or otherwise on behalf of Pir Syed Abdul Qadir Shah Jeelani or his predecessor or his family regarding establishment or otherwise for **Gambat Institute** of Medical Sciences to be named as Pir Syed Abdul Qadir Shah Jeelani, Institute of Medical Sciences, Gambat; besides contended that such institute does not fall within the criterion formed for **educational** institutions as per **Education Policy**, 2014; however, Respondents deliberately and knowingly referred the Gambat Institute of Medical Sciences in education policy in order to protect such illegal act on their part.

16. Nevertheless, it is more important, therefore, to ensure that the process of *renaming involves* some form of public **participation**, which will **act** as a safeguard to the arbitrary and politically motivated exercise of this power. Although it is difficult to abstract the law on renaming from the politics of renaming, the government shouldn't be **allowed** to *impulsively* alter names which are part of **history** and public **consciousness** on a simple whim. Since it has come on record that the Respondent failed to satisfy the Court with regard to **fourth** category of **Section 86** of Sindh Local Government Act, 2013, as neither Respondent or his predecessor or his family has ever *donated* a **piece** of **land** for establishment of a building or provided any reward regarding its up gradation, extension or otherwise, therefore, we reached at *irresistible* conclusion, that the impugned amendment Act viz. Sindh Act No XXXVII of 2016 declared as **ultra-vires** as the case of **Respondent No.7** does not fall within the criteria of Section **85** and **86** of Sindh Local Government Act, 2013 and the **amended Act** (*impugned herein*) passed by the Provincial Assembly has no legal validity, which is *inconsistent* with the Constitution as well as criterion discussed above, *consequently* such Act has no legal legs to stand upon it, resultantly the same is **declared**

unconstitutional and ultra-vires. Hence, instant petition is allowed in the terms indicated above accordingly.

17. **Above are the reasons of our short order dated 13.03.2023,** whereby this petition was **allowed** and the Gambat Institute of Medical Sciences (amendment) Act, 2015 (Sindh Act No.XXXVII of 2015) were declared ultra-vires.

J U D G E

J U D G E

Faisal Muntaz/PS