



3. Additional Chief Secretary Local Government submits report of libraries in all districts of Province of Sindh, which is taken on record.

4. At this juncture, it would be conducive to refer order dated 01.03.2023 passed in CP.No.D-260/2023, which is that:-

“It is pertinent to mention that Sindh Local Government Act 2013 (**The Act**) was *promulgated*, strictly in view of **Article 140-A**, of Constitution of 1973, which provides for establishment and devolution of powers to local councils. With regard to relevant mandatory provision and maintenance of **Public Libraries**, under the Sindh Local Government Act 2013, promulgated to *rationalize and reorganize* the local government system in the province of Sindh, Mr. Ali Raza Baloch, Assistant Advocate General, Sindh has referred to **Section-72**, the Act (*Amended 2021*) and the attached Schedules thereto, which speaks about the **Functions (Compulsory & Optional)** of the Councils, for ready reference, the same are reproduced as under;

**Section 72. Functions of Council:** “A Council shall, subject to rules and directions given by the Government and within the limits of the **funds at its disposal, undertake all or any of the functions, given in Schedule II, in case of a Corporation, a District Municipal Corporation, Municipal Committee and Town Committee, in Schedule III, in the case of a District Council, and in Schedule IV, in the case of a Union Council and such other functions as are entrusted to them by Government**”:  
*Provided that no Corporation shall undertake such Functions as are assigned to and performed by anybody, agency or authority established by or under any law for the time being in force:*

*Provided further that Government may at any time require the Metropolitan Corporation to perform any Function of a District Municipal Corporation subject to such conditions as Government may specify.*

Furthermore, **Schedule-II** of ‘*Functions to be Performed by Corporations, Municipal Committees & Town Committees*’ and **Part-II** thereof, relevant provision for **libraries**, which is provided at Serial No.61 of the said Schedule of “**Compulsory Functions**” under the heading of Culture, and so also **Schedule III** ‘*Functions of District Councils*’ **Part-I**, at Serial No.13, also makes it **mandatory for provision of Libraries/Reading Rooms for Local Councils**, the same are also reproduced, hereinbelow;

SCHEDULE – II

[see section 72]

“FUNCTIONS TO BE PERFORMED BY CORPORATIONS, MUNICIPAL COMMITTEES AND TOWN COMMITTEES”

Part -II

**“COMPULSARY FUNCTIONS”**

*1[FUNCTIONS TO BE PERFORMED BY TOWN MUNICIPAL CORPORATION, MUNICIPAL COMMITTEES AND TOWN COMMITTEES]*  
**61-Libraries** .-A Corporation, **Municipal Committee or Town Committee** may, and if so required by Government, shall establish and maintain such **Public Libraries, reading rooms and digital libraries** as may be necessary for the **use of the public**.

SCHEDULE -III

[see section 72]

'FUNCTIONS OF DISTRICT COUNCILS'

Part-I

"COMPULSARY FUNCTIONS"

13. Provision and Maintenance of Public Libraries and Reading Rooms.

From the bare perusal of the above provisions of the Act 2013 (Amended 2021) and attached Schedules thereto, it can safely be arrived at, that under such scheme of law, **provision** of Public **Libraries** has been made **mandatory**, whether the same *falls* within the *jurisdiction* of an **Urban Area** (*Municipal Corporation*) or a **Rural Area** (*District Council*), as the case may be. However, it is a matter of record, that in Local Government Department, there is no separate wing of **Libraries** has ever been **established**, which is in complete **violation** and *disregard* to the **mandatory** and unequivocal provisions, as reproduced hereinabove. Accordingly, Secretary Local Government Department is directed, that he shall **establish** independent authority of **Libraries**, by appointing any officer as Director/Director General, Libraries and shall submit summary to Finance Department with regard to **allocation** of budget, in the **same manner** as that of **Culture** Department. Accordingly Chief Secretary, Sindh shall de-notify the committee as terms of reference pertains to Local Government only.

With regard to proposal of Culture Department to **adopt 55 Libraries** of local government, on the plea that local government is unable to maintain libraries. It is pertinent to mention here, that the local government department is a complete code and has complete hierarchy provided under the law and as per law they are bound to maintain the **libraries** under the act, therefore, *shifting* of the burden to the Culture department would result in sheer violation of above referred mandatory provisions provided under the Local Government Laws.

At this juncture, Additional Secretary, Local Government, Department, contends that they have provided **15 million** to Qambar Shahdat Kot Library with condition that amount will be deducted from the **OZT** share of District Qambar at Shahdat Kot. Needless to mention that from **OZT** share *sufficient* figure of amount shall be deducted from **OZT** share of all Districts/Taluka councils and shall be reserved for Libraries only and the same is to be utilized by special/independent wing of Local Government Department. **Secretary** Local Government shall **ensure** that all **Libraries** in first phase in District level shall be made **functional** for **public** use, having solar and **digital** facilities, good atmosphere including Air Conditioner and clean drinking water by circulating **pamphlets** in the schools, colleges of said city, and affixing banners or through print and social media regarding awareness and information of public at large regarding functionality of the library. This exercise shall be completed **within 15 days**. Besides Local Council(s) shall *maintain* **separate** library **accounts** in every corporation, municipal committee, district council and town committee in view of Section-111 of Sindh Local Government Act 2013 and the same shall be updated and maintained at their **websites** by placing all accounts related activities thereon, from own source as provided in schedule III of said Act of 2013.

Secretary, Culture, DG Archive and Roshan Ali Kanasro, Resident Director PDMI shall be in attendance on the next date of hearing.

It has also come on record that, Executive Engineer PDM&I Cell Culture, Tourism, Antiquities & Archives Department, Sindh, has submitted report, which speaks that this **Library/Culture Hall** was to be established around **10 years** back, however, on account of missing Allied Facilities **187.00 Million** were approved and such scheme will be completed by **June-2024**,

with all *components* and such **SNE** is yet not placed before finance department.

While perusing under construction “**Culture Building Sukkur**” Map, it appears that for library a small hall is *specified*, such neglecting approach is not worth *appreciating* for such an important aspect. Accordingly, Director PDMI and Secretary Culture shall ensure that major portion of the Culture Center shall be specified and reserved for **library** to provide opportunity to the readers with state of art facility of **digital** and **sound** libraries and for museum a smaller place can be specified and reserved except at heritage locations, thus culture centers shall be set up with huge libraries, enabling the students/readers to benefit therefrom.

With regard to ‘**Mir Masoom Shah Library Sukkur**’, Administrator, Sukkur Municipal Corporation/Deputy Commissioner, Sukkur, shall provide all basic facilities including Solar, Air-Conditioner, clean drinking water, furniture, etc. OZT share shall not be used for any other purpose till the time, the building is restored, with all the basic facilities and requirements for having smooth access of students.

That, ‘**Muhammad Laiq Zardari Library**’, at Moro, Additional Secretary Local Government shall ensure, that, the same is restored and shall **probe** the issue whether amount released by the District Council in **2019** was **utilized** for this purpose? in case of failure action against delinquent official shall be taken.

Director General, Antiquities shall ensure handing over of ‘**Azeem Khan Durrani**’ building to Director General Culture and he shall ensure that such building shall only be kept for the **library** for the **girls** which shall include facilities of **Computer**, Solar System, **CCTV** camera and shall submit such statement on next date, in respect of exact time to be taken to make this Library completely functional, with SNE.

Moreover, Deputy Commissioner / Administrator **SMC**, is also directed that he shall hand over **double story** building to Culture Department’s Libraries wing, situated adjacent to Comprehensive Boys High School, Shikarpur Road, Sukkur, which is lying vacant and abandoned and they (Culture Department) shall establish library for only girl students having all facilities of state of art facility, as stated above.

Another aspect in the matter needs deliberation, that if any library is being established and if such plot is donated by any person, such mutation shall be effected in the Record of Rights in the name of libraries of Culture Department/Local Government Department, as the case may be. Deputy Commissioners of all over Sindh, shall ensure mutation of all public libraries under the domain of Culture/Local Government Department. This exercise shall be completed **within 15 days**, with compliance report through Additional Registrar of this Court. **Office is directed to place a signed copy of this order in the captioned petition.**

Besides Director General Culture, Tourism, Antiquities and Achieves Department present along with Additional Secretary Culture, though Secretary Culture shall be in attendance.

With regard to **Culture Centre Moro**, Mukhtikar (Revenue) Moro has submitted report on behalf of Assistant Commissioner Moro, though specific directions were issued to Assistant Commissioner Moro, for visiting new bus stand at Moro and to submit his report, but today he is not in attendance, hence issue bailable warrants in the sum of Rs. 50,000/- to be served through S.S.P Naushehro feroze.”

Accordingly, Additional Chief Secretary Local Government shall submit a report with regard to compliance of above referred order as well as order dated 20.09.2023 passed by this Court.

5. By that order Director General Antiquities was also directed to hand over **Azeem Khan Durrani** building to Director General Culture. Being relevant that portion is reproduced herewith:-

“Director General, Antiquities shall ensure handing over of ‘**Azeem Khan Durrani**’ building to Director General Culture and he shall ensure that such building shall only be kept for the **library** for the **girls** which shall include facilities of **Computer**, Solar System, **CCTV** camera and shall submit such statement on next date, in respect of exact time to be taken to make this Library completely functional, with SNE.”

Accordingly, Secretary Culture shall submit a report with regard to establishment of a Girls’ library in **Azeem Khan Durrani** heritage building with all necessary facilities as well as SNE shall be approved by the Finance Department after completing the codal formalities.

6. Since, libraries are essential in every area enabling the students for their research studies and preparation for competitive exams. In order to check the varsity of the reports it would be conducive to direct learned District & Sessions Judges all over Sindh who shall depute respective judges of that area to visit the libraries and ensure smooth functioning and submit report if there is any malfeasance/misfeasance by the authorities and also ensure that libraries are not occupied by any other department for any purpose.

Being part heard, to come up on 16.10.2023 at 11:00 a.m.

SD/-

**J U D G E**