

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

CP.No.D-2251 of 2017

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Date: Order with signature(s) of the Judge(s)  
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Present: Mr. Justice Salahuddin Panhwar  
Mr. Justice Khadim Hussain Soomro

**Direction**

1. For orders on MIT-II Reports dated 20.10.2027 & 30.09.20247.
2. For hearing of CMA No. 30370 of 2027. (Contempt).

**19<sup>th</sup> October 2024**

Mr. Muhammad Ashraf Sammo, advocate for petitioner.  
Mr. Rajendar Kumar, AAG.  
Mr. Mohsin Hussain Shah, AAG and focal person to Chief Secretary Sindh.  
Mr. Muhammad Yaqoob Mangrio, Additional Secretary Works and Services Department, Government of Sindh.  
Mr. Muhammad Ali Khosa, Secretary Works & Services Department.  
Ms. Shaista Jabeen, Addl. Director Dev. Wing Health Department.  
Dr. Badaruddin Special Secretary Health Department.  
Mr. Javed Sabghatullah Mehar Secretary P & D  
Mr. Ather Behzad, A.S.P & D.

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**Salahuddin Panhwar, J:-** Pursuant to order dated 28.09.2024, the Committee, Secretary, P&D, Special Secretary, Health Department, Government of Sindh as well as Secretary Works & Service Departments, Government of Sindh have filed compliance reports, same are taken on record. Along with the report submitted by the Committee Charts showing details of public schemes launched from Provincial Budget have also been annexed which read as under:

**“Chart-A”**

***Summary Regarding SNE (2009-2010 to 2023-2024) Received From Administrative Departments***

S.No	Department	Completed Schemes	SNE's Not Required	Schemes Required SNE's - Approved	Schemes Required SNE's - Pending/Not Approved	Total
1	2	3	4	5	6	7
1	Agriculture, Supply & Prices	84	83	1	0	1

2	Auqaf, Zakat, Ushr & Religious Affairs	65	65	0	0	0
3	Board of Revenue	3	1	2	0	2
4	Cooperative	3	0	0	3	3
5	Culture, Tourism, Antiquities & Archives	103	68	22	13	35
6	Education (School)	503	434	69	0	69
7	Education (College)	126	101	25	0	25
8	Education (Empowerment of Persons with Disabilities)	5	5	0	0	0
9	Education (STEVTA)	2	0	1	1	2
10	Education (U&B)	22	22	0	0	0
11	Energy	24	22	2	0	2
12	Environment CC & Coastal Development	7	7	0	0	0
13	Food	6	6	0	0	0
14	Forest & Wildlife	30	30	0	0	0
15	Governor's Secretariat	5	5	0	0	0
16	Health	177	73	97	7	104
17	Human Rights	3	3	0	0	0
18	Human Settlement, Spatial Development & Social Housing	10	10	0	0	0
19	Industries & Commerce	30	30	0	0	0
20	Information	5	5	0	0	0
21	Information, Science & Technology	8	2	0	0	0
22	Irrigation	687	625	62	0	62
23	Livestock & Fisheries	85	41	10	34	44
24	Mines & Mineral Development	3	3	0	0	0
25	Minorities Affairs	50	50	0	0	0
26	Planning & Development	16	11	5	0	5
27	Population Welfare	12	8	3	0	5
28	Public Health Engineering	783	234	549	0	549
29	Rural Development	153	153	0	0	0
30	Rehabilitation (PDMA)	5	3	2	0	2
31	Services, General Administration & Coordination	26	26	0	0	0
32	Social Welfare	5	2	3	0	3
33	Sports & Youth Affairs	135	43	0	92	92
34	Women Development	17	12	4	1	5
35	Works & Services	2410	2410	0	0	0
	<b>Total</b>	<b>5608</b>	<b>4593</b>	<b>363</b>	<b>152</b>	<b>1015</b>

**"Chart-B"*****Summary Regarding SNE (2009-2010 to 2023-2024) Received From Administrative Departments where SNE is Required***

S.No	Department	Completed Schemes	SNE's Not Required	Schemes Required SNE's - Approved	Schemes Required SNE's - Pending/Not Approved	Total
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Agriculture, Supply & Prices	84	83	1	0	1
2	Board of Revenue	3	1	2	0	2
3	Cooperative	3	0	0	3	3
4	Culture, Tourism, Antiquities & Archives	103	68	22	13	35
5	Education (School)	503	434	69	0	69
6	Education (College)	126	101	25	0	25
7	Education (STEVTA)	2	0	1	1	2
8	Energy	24	22	2	0	2
9	Health	177	73	97	7	104
10	Information, Science & Technology	8	2	6	0	6
11	Irrigation	687	625	62	0	62
12	Livestock & Fisheries	85	41	10	34	44
13	Planning & Development	16	11	5	0	5
14	Population Welfare	12	8	3	1	4
15	Public Health Engineering	783	234	549	0	549
16	Rehabilitation (PDMA)	5	3	2	0	2
17	Social Welfare	5	2	3	0	3
18	Sports & Youth Affairs	135	43	0	92	92
19	Women Development	17	12	4	1	5
	<b>Total</b>	<b>2778</b>	<b>1763</b>	<b>863</b>	<b>152</b>	<b>1015</b>

**"Chart-C"*****Summary Regarding SNE (2009-2010 to 2023-2024) Received From Administrative Departments where SNE is not required***

S.No	Department	Completed Schemes	SNE's Not Required	SNE's Approved	SNE's Pending/Not Approved	Total
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Auqaf, Zakat, Ushr & Religious Affairs	65	65	0	0	65
2	Education (Empowerment of Persons with Disabilities)	5	5	0	0	0

3	Education (U&B)	22	22	0	0	0
4	Environment CC & Coastal Development	7	7	0	0	0
5	Food	6	6	0	0	0
6	Forest & Wildlife	30	30	0	0	0
7	Governor's Secretariat	5	5	0	0	0
8	Human Rights	3	3	0	0	0
9	Human Settlement, Spatial Development & Social Housing	10	10	0	0	0
10	Industries & Commerce	30	30	0	0	0
11	Information	5	5	0	0	0
12	Mines & Mineral Development	3	3	0	0	0
13	Minorities Affairs	50	50	0	0	0
14	Rural Development	153	153	0	0	0
15	Services, General Administration & Coordination	26	26	0	0	0
16	Works & Services	2410	2410	0	0	0
	<b>Total</b>	<b>2830</b>	<b>2830</b>	<b>0</b>	<b>0</b>	<b>0</b>

2. A perusal of the report at Table-A, it reflects that w.e.f 2009-2010 to 2023-2024, out of total schemes, 5608 schemes have been completed. According to the Chart, 4593 schemes do not require approval of SNEs, however, in 863 schemes SNEs have been approved and in 152 schemes SNEs are required to be approved, whereas, Chart at Table-B shows that out of total schemes, 2778 schemes have been completed, 1763 schemes do not require approval of SNEs, whereas in 863 schemes SNEs have been approved and there remain 152 schemes in which SNEs are to be approved and Chart at Table-C reflects that total schemes completed are 2830 and in all such schemes SNEs are not required to be approved.

3. At this juncture, the Chairperson of the Committee requests that at the first instance Committee may be tasked to work out the SNEs on Provincial level and in second phase they will carry out the schemes initiated from District-wise budget. Order accordingly. However, it appears that according to Chart at

Table-A in total 152 schemes SNEs have not yet been approved, therefore, it is ordered that SNEs of those 152 schemes shall be approved within a month.

4. We have also noted that the chart in Table-A shows that out of 5608 schemes, 4593 schemes do not require approval of SNEs. In Table-B, it appears that 2778 schemes have been completed, out of which 1763 do not require SNEs, and the chart in Table-C depicts that a total of 2830 schemes have been completed, all of which do not require approval of SNEs. It is alarming that such a large number of schemes have been completed which, according to the chart submitted by the Committee, do not require approval of SNEs, meaning thereby that the main focus of the Government is only to initiate projects which are not institution-based. Therefore, the Committee shall examine this aspect and submit a detailed report with descriptions of these schemes and the causes thereof, as well as determine whether these schemes were created or launched to siphon funds from the public exchequer.

5. The Committee's report reflects that some of the Departments have not provided the required data. Accordingly, the concerned Secretaries are directed to provide data to the Committee before the next date of hearing. The Committee in its report has also highlighted the causes and technical hurdles of the delays in SNEs approval as well as the recommendations in this behalf. However, the concerned Secretaries of the Departments shall submit their detailed reports to this effect before the next date of hearing.

6. Pursuant to para-3 of order dated 28.09.2024, the Secretary P&D Department submitted report, inter alia, underlining the reasons and circumstances that led to the delay in the approval of SNE for the projects/schemes, some of them, being relevant, are as under:

“a. SNEs after approval of Budget for the Financial Year is not entertained by the Finance Department during the FY.

b. Lack of capacity of the Executing Department for timely submission of PC-IVs.

c. Non-submission of timely PC-IV and partially completed PC-IVs by Administrative Departments.

d. Delay in compliance of observations raised by P&D Department on submitted PC-IVs.

d. Umbrella schemes where some units are completed and some units are under construction therefore, the completed units suffer and awaited SNE till completion of umbrella scheme.”

7. In the aforesaid report, time was also sought to collect the information of public schemes of remaining departments. Accordingly, the compressive report, as directed vide aforesaid order, shall be submitted before the next date of hearing.

8. Accordingly, the Secretaries of the concerned Departments shown in the aforementioned Charts, whose SNEs have not been approved, shall submit the detailed reasons of the delay caused in approval of the SNEs, which shall be submitted before the next date of hearing.

9. In pursuance of order dated 28th September 2024, the Special Secretary, Health Department has filed statement Annexure “A” thereof reflects that during the last 15 years 184 schemes were initiated, out of which 177 have been completed; SNEs relating to 77 scheme were sanctioned, whereas for 73 scheme approval of SNEs was not required; 20 scheme were operationalized by SICHN, SICVD, SIOVS, SIUT, KMC & through existing SNE by the concerned hospitals; 07 schemes require SNE/PC-IV and 07 schemes have been dropped. Accordingly, SNEs/PC-IV which have not yet been approved shall immediately

be approved and the Committee shall fix the responsibility of delay in approval of SNEs in time.

10. Pursuant to referred order, Secretary of the Works and Services Department was directed to submit comprehensive details of all public projects, including High and Higher Secondary Schools, Livestock buildings, and other schemes that have been completed but for which the SNE has not yet been approved. The Secretary was also directed to provide an explanation for the delays in SNE approval for these projects. In compliance thereof, report filed by the Secretary Works and Services Department, inter alia, reflects that 2390 schemes of road sector and 08 schemes of building sector during last 15 years have been completed wherein no SNE was required; however, list of those schemes is not attached with the compliance report. Accordingly, Secretary Works & Services Department is directed to place on record the list of schemes on the next date of hearing.

Being a part heard, to come up on 30<sup>th</sup> November 2024.

**JUDGE**

**J U D G E**

SAJID