



DECISION

Complaint No. :

POS/937/2024/KC/J-24/R

**Name and address
of the complainant :**

Pir Burhanuddin,
R/o. C-144, Block-10, F.B. Area, Karachi.

**Name of the Agency
complained against :**

Auqaf Department,
Government of Sindh.

**Name & Designation of
Investigating Officer :**

Mr. Masood Ishrat,
Registrar

Subject :-

ALLEGED INACTION BY THE AUTHORITIES AGAINST OFFICIALS OF AL-BURHAN UNIVERSITY FOR HOLDING CLASSES UNLAWFULLY INSIDE JAMIA MASJID MADINA CAUSING PROBLEMS TO THE OLD AGED NAMAZIES, ETC.

THE COMPLAINT:

Pir Burhanuddin, R/o. Block 10, F. B. Area, Karachi, filed a complaint dated 19.01.2024 at Provincial Ombudsman's Regional Office, Karachi Central, stating that he and other old-aged namazies of Jamia Masjid Madina have been facing problems due to parking of vehicles in the parking area of the masjid by the participants and students of classes being held unlawfully inside the masjid on Saturday and Sunday by Al-Burhan University. He alleged that due to non-availability of parking near masjid for regular namazies, complaints were made to authorities of Auqaf Department but no action has yet been taken, therefore, he solicited intervention in the matter.

PROCEEDINGS:

2. The complaint was admitted by condoning delay u/s. 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) and taken up with the Agency for comments.
3. Initially the complaint was investigated at Provincial Ombudsman's Regional Office, Karachi Central and subsequently transferred to Headquarters for further proceedings.
4. The Administrator, Auqaf, Karachi Division, vide letter dated 03.07.2024 addressed to the Chief Administrator Auqaf Sindh, Hyderabad, intimated that holding of Islamic classes by Al-Burhan Institute, free of cost, on Saturday and Sunday in Jamia Masjid Madina, has been suspended, being organized without permission of the authority. He also enclosed copy of the statement dated 02.07.2024 of Mr. Muhammad Asim, member of the committee notified by the Auqaf Department, stating that the Islamic classes being arranged for professionals and students free of cost (*Fi-Sabillillah*) in the masjid for two days by Al-Burhan Institute and majority of the namazies appreciated the same and efforts were being made to facilitate the old-aged namazies of the masjid. The report further revealed that officials of Al-Burhan Institute submitted an application to the Secretary to Government of Sindh, Auqaf Department, for allowing permission for the purpose but orders are still awaited.

5. Hafiz Muhammad Arsalan and others have also joined the proceedings as intervenor and vide application dated 12.02.2025 intimated that Institute of Al-Burhan has been providing Islamic education to the youth especially the professionals, on weekend for last five years, without any charges, which is being appreciated at large by residents of the area. They added that the classes have been suspended for last few months and requested to allow to resume the same for betterment of the participants.

6. The complainant in his rejoinder contested contents of the report dated 03.07.2024 of the Administrator and alleged that statements of the Imam Masjid and member of the committee are not based on facts and claimed that Al-Burhan University declared the masjid as its campus, etc.

7. Series of hearings were held by the Investigating officers, last of which held on 16.04.2025 was attended by following:-

- i. Pir Burhanuddin, the complainant
- ii. Mr. Ayaz Ahmed Soomro, Administrator Auqaf, Karachi;
- iii. Mr. S. M. Saeed, Manager, Auqaf, Karachi;
- iv. Mr. Muhammad Asim, Member of the committee of the Masjid; and
- v. Hafiz Muhammad Arsalan, Intervenor / representative of Al-Burhan.

8. The complainant reiterated his earlier stance and emphasized that Officials of Al-Burhan failed to adhere to their earlier commitment for providing assistance in parking of his vehicle and other old-aged namazies, resultantly they have been continuously facing problems and are unable to come to masjid conveniently. He added that tenure of the committee, constituted by the Auqaf Department, has already expired, therefore, consent of its member was not valid.

9. The intervenor Hafiz Muhammad Arsalan, filed Affidavit dated 16.04.2025 on judicial paper of Rs.200/- undertaking that "Al-Burhan" is only imparting religious education to the adults and promoting religious values and is not registered / affiliated with any public or private university, institution or coaching centre. It is also not issuing any diploma or certificate.

10. The representatives of Auqaf Department, deposed that matters for notifying the committee of the Madina Masjid and issuance of NOC for holding classes by Al-Burhan in Madina Masjid, have been referred the Chief Administrator Auqaf, Sindh, Hyderabad for necessary approval. He is advised to take up the matter with the authorities concerned for necessary approval within a week time.

11. After detailed deliberation, the intervener consented the following proposals and agreed to submit such undertaking:

- i. The students and participants will not park their cars / motorcycles in the parking area of the Masjid Madina;
- ii. Stickers / passes for motorcycles / cars / vehicles would be issued to students / participants of the classes;
- iii. Volunteers would be deployed on Saturday and Sunday during class timings for providing assistance and facilitating the complainant and other senior citizens / namazies, for parking of their vehicles

12. The Intervener subsequently submitted Affidavit dated 21.04.2025 (received in this Secretariat on 22.04.2025) on judicial paper of Rs.100/- on the above lines. However, response from the Agency is awaited.

FINDINGS:

13. I have examined the case and documents on record. The complainant approached this Institution alleging that he and other namazies of Madina Masjid have been facing difficulties due to parking of vehicles / motorcycles in the parking area of the masjid by students of classes being conducted within the premises of masjid by Al-Burhan University. The Agency reported that their enquiry revealed that M/s. Al-Burhan have been conducting classes for two days i.e. Saturday and Sunday, for imparting religious education to students and professionals with consent of the committee of the Masjid, which had been suspended after receipt of complaint. Besides, their request for grant of NOC for the purpose is pending finalization for approval by the Chief Administrator Auqaf.

14. During the hearing held on 16.04.2025 the intervener consented for the arrangements as elaborated at para 11 above and requested for allowing permission to conduct the classes, suspended by the Auqaf Department. He also submitted an affidavit dated 21.04.2025 for the purpose. The Administrator, Auqaf, Karachi vide his letters dated 17.04.2025 forwarded the case to the Chief Administrator Auqaf, Sindh, Hyderabad, seeking approval for issuance of NOC to Al-Burhan and notifying the committee of the masjid.

DECISION:

15. In view of the above proceedings and powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), I hereby direct the Chief Administrator Auqaf, Sindh, Hyderabad, to:

- i. Issue NOC to M/s. Al-Burhan for conducting classes to impart religious education, on Saturday & Sunday, within the premises of Jamia Masjid Madina, F. B. Area, Karachi, as per usual terms and conditions;
- ii. Notify the committee of the Jamia Masjid Madina, F.B. Area, Karachi;

16. Compliance should be reported to me within 15 days hereof.

17. The intervenor Hafiz Muhammad Arsalan, is also directed to ensure compliance of his commitment made during hearing held on 16.04.2025 and elaborated at para 11 above in letter and spirit.

18. The complaint stands disposed of accordingly.

Given under my hand and seal of this office.

Sd /-

(MUHAMMAD SOAHIL RAJPUT)
Sitara-e-Imtiaz, PAS
OMBUDSMAN SINDH

Karachi, dated 9/5 May, 2025

