

SENATE OF PAKISTAN



REPORT NO. 8

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2021”

(Insertion of Article 38A)

PRESENTED BY

Senator Syed Ali Zafar

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2021"

I, Senator Syed Ali Zafar, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2021" (Insertion of Article 38A) moved by Senator Saadia Abbasi, in the Senate sitting held on 12th July, 2021 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Syed Ali Zafar	Chairman
2.	Senator Syed Shibli Faraz	Member
3.	Senator Azam Nazeer Tarar	Member
4.	Senator Mian Raza Rabbani	Member
5.	Senator Farooq Hamid Naek	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Kamran Murtaza	Member
8.	Senator Muhammad Azam Khan Swati	Member
9.	Senator Walid Iqbal	Member
10.	Senator Manzoor Ahmed Kakar	Member
11.	Senator Musadik Masood Malik	Member
12.	Senator Samina Mumtaz Zehri	Member
13.	Senator Mustafa Nawaz Khokhar	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 3rd November, 2021, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

1.	Senator Farooq Hamid Naek	Member
2.	Senator Muhammad Azam Khan Swati	Member
3.	Senator Mustafa Nawaz Khokhar	Member
4.	Senator Walid Iqbal	Member
5.	Senator Musadik Masood Malik	Member

6. Senator Samina Mumtaz Zehri

Member

7. Senator Saadia Abbasi

Member In-Charge

4. Senator Saadia Abbasi briefed the Committee about Constitution Amendment and deliberated that the historical and cultural sites of Pakistan have been degraded in a way causing irreparable destruction and damage to those places. The cultural history of Pakistan can be traced back to the colonial rule in India and advent of Islam. The vegetation and the deserts in Pakistan are extremely diverse and unique. She gave example of the Yosemite National Park in USA, which had been declared as National Heritage site including the area surrounding it. This was done in line with the Constitutional provisions, whereunder the State ought to protect and preserve the National Heritage Sites in USA. Such examples can also be found in the era of Muslim Caliphs who used to keep some areas of the land for inhabitants and other for the future generations. The mover informed that National Heritage Sites in Pakistan are victim of looting, vandalism, and encroachment. She explained that the aim of this amendment is to devise a national policy for the identification, preservation and conservation of the cultural and heritage sites of Pakistan for future generations.

5. The Chairman Committee appreciated the idea and objective behind the Bill and endorsed the proposed insertion in the principle of policy of the Constitution. He informed the Committee that during his tenure as Interim Federal Minister for Information, Broadcasting and National Heritage and Law & Justice, the provinces had requested the federation to take measures regarding preservation of heritage sites. Senator Muhammad Azam Khan Swati said that it needs to be seen whether after devolution of all historical and heritage sites to provinces under the 18th Amendment, any legislation on the subject can be done at the federal level. Senator Walid Iqbal appreciated the aim and objectives of the Bill and said that the word "State" used in the amendment is consistent with the Constitutional framework, as it denotes to all tiers i.e. the federal, provincial and local governments, if any. The Ministry of Law & Justice supported the Bill in principle.

6. After thorough deliberations, the Committee took clause by clause reading of the Bill and proposed the amendments given below.

(i) Clause 2 shall be substituted with the following:

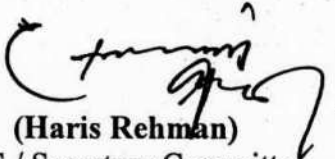
2. Insertion of Article 38A in the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after Article 38, the following new Article shall be inserted, namely:-

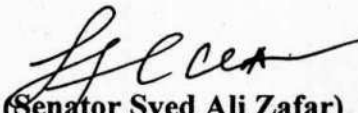
"38A. Identification, preservation, conservation, restoration, and access for all to national heritage sites of Pakistan.- The State shall.-

(a) identify and declare all national heritage sites;

- (b) take appropriate measures and adopt all-encompassing techniques, treatments, procedures and technology of any nature for preservation, conservation and restoration of all national heritage sites;
- (c) ensure protection of all national heritage sites against any human or natural dangers; and
- (d) provide access for all to national heritage sites.

7. Accordingly, the Committee unanimously recommended that "The Constitution (Amendment) Bill, 2021," (Insertion of Article 38A), as reported by the Committee, may be passed by the Senate of Pakistan. Copy of the Bill as reported by the Committee is annexed as "A" and copy of the Bill as introduced in the Senate is annexed as "B".


(Haris Rehman)
DS / Secretary Committee


(Senator Syed Ali Zafar)
Chairman, Standing Committee on Law and Justice

[AS REPORTED BY THE COMMITTEE]**A****BILL**

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Insertion of Article 38A in the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after Article 38, the following new Article shall be inserted, namely:-

"38A. Identification, preservation, conservation, restoration, and access for all to national heritage sites of Pakistan.- The State shall.-

- (e) identify and declare all national heritage sites;
- (f) take appropriate measures and adopt all-encompassing techniques, treatments, procedures and technology of any nature for preservation, conservation and restoration of all national heritage sites;
- (g) ensure protection of all national heritage sites against any human or natural dangers; and
- (h) provide access for all to national heritage sites.

STATEMENT OF OBJECTS AND REASONS

Pakistan is endowed with a large number of ancient sites and historic structures which comprise its National Heritage. These historic assets create links with the past and present, and make the country a treasure-house of heritage spanning over centuries. As the custodians it is incumbent upon the State of Pakistan to stabilize and conserve these for future generations. Such historical sites which comprise the National Heritage of Pakistan are of educational, cultural, and social values for all and contribute in human development. The Constitution, for the aforesaid purpose, must provide for the measures to be taken by the State regarding identification, protection/preservation, conservation, and restoration of such sites, and ensure access for all.

The Bill seeks to amend the Constitution for the above purposes.

**SENATOR SAADIA ABBASI
MEMBER-IN-CHARGE**

As
[TO BE INTRODUCED IN THE SENATE]

Annex-B

A

BILL

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(2) It shall come into force at once.

2. Insertion of Article 38A in the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after Article 38, the following new Article shall be inserted, namely:-

"38A. Identification, preservation, conservation, restoration, and access for all to National Heritage Sites of Pakistan.- The State shall.-

- (a) identify and declare National Heritage Sites;
- (b) take appropriate measures for preservation and conservation of National Heritage Sites, the survival of which is at potential or imminent risk;
- (c) preserve the National Heritage by means encompassing techniques, treatments, procedures and technologies of any nature, preventive and remedial, aiming at the preservation of the information and signs of culture contained therein;
- (d) ensure access for all to the National Heritage Sites; and
- (e) take all necessary measure against all human and natural dangers to which these are exposed."

STATEMENT OF OBJECTS AND REASONS

Pakistan is endowed with a large number of ancient sites and historic structures which comprise its National Heritage. These historic assets create links with the past and present, and make the country a treasure-house of heritage spanning over centuries. As the custodians it is incumbent upon the State of Pakistan to stabilize and conserve these for future generations. Such historical sites which comprise the National Heritage of Pakistan are of educational, cultural, and social values for all and contribute in human development. The Constitution, for the aforesaid purpose, must provide for the measures to be taken by the State regarding identification, protection/preservation, conservation, and restoration of such sites, and ensure access for all.

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**SENATOR SADIA ABBASI
MEMBER-IN-CHARGE**

Fighting for life

Should the past serve the present or should it be treated as a relic truthful to the age it belonged

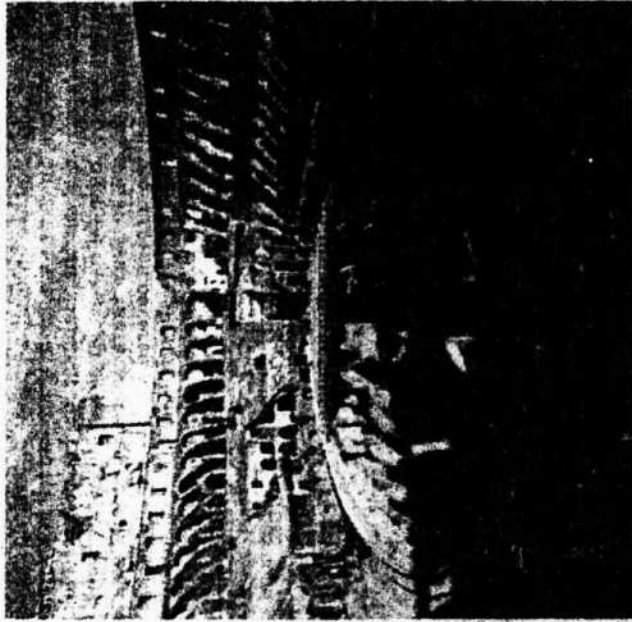
By Sarwat Ali

Once again, the famous Roman Colosseum is in the news. This time it is for the purposes of conservation and/or restoration. It will be put back into the shape that it originally appeared to the people sitting in the arena as they roared and yelled while watching the gladiators fighting till death. Probably sometime back the floor of the Colosseum, where the action took place, was ripped apart or dug up to show to the 20th Century tourists the labyrinths of tunnels and underground passages where the gladiators and the animals awaited their turn to die. They would appear suddenly as the iron gates opened for them to be thrown into the arena to the roar of the crowd. The wild animals, too, were unleashed through the gates to be set upon them for a gory spectacle in line with the bloody expectations of the elite and the general public alike.

There have been many theories around restoration and conservation. How should one deal with ancient buildings? Similarly, there are many theories about how to deal with the past—should it serve the present or should it be treated as a relic truthful to the age it belonged to?

Intangible heritage, too, is up for grabs as it is mostly oral in character and its transmission from one person, one memory and one generation to next leaves sufficient room for it to be altered. Some alterations are deliberate while other are not. It is in the fitness to narration that slight changes result from the person's traits, his mind, his memory and his embedded prejudices. Over a period of time, the slight changes become big and wide enough to be significantly different, at times to be the very opposite of from where it all started.

It is very difficult to tell if the tangled heritage is truly reflective of the way it was built or of the times that it is supposed to represent. On many sites of historical monuments, changes have been made, some recorded others unrecorded or lost to history. So, at many of these sites, the efforts to restore them to their original shape and size and purpose are only of limited value because the original



drawings and the plans are not available and the references may be anecdotal from a long journey.

In Lahore, for example, it is documented that the *baradari* in Hazuri Bagh was actually moved from Jahangir's Mausoleum and placed plonk in the middle of the area between the Lahore Fort and the Bad-

reconstruction of the fort. The main entrance was probably on the other side, the huge gate that lies in a state of disrepair on the road that leads to the market overflowing with tyres, rims and iron scrap.

It is also known that the Shalamar Bagh's main entrance was from the river and it was laid out at several levels, probably seven, and the king or the monarch sat at the highest level. However, when the British colonial rulers realigned the Grand Trunk Road, the entrance was shifted to the highest level. Now, visitors enter from where the king enjoyed and dallied in a recreation of the seventh heaven. As we then go down to the other levels, of which only three survive, the lowest is in a state of neglect and disrepair. Only two levels are in some reasonable state of maintenance. The reversal of the order has not bothered the powers that be because the river has moved further away from the entrance of the Shalamar Garden. There have been massive encroachments as well. Many adjacent houses use its walls as their boundary

Some of the wrongs have been the result of apathy, a lack of understanding, insensitivity and above all a lack of resources over the years. The as latest, the Orange Line Metro Train Project has totally blocked the view of the Shalamar Gardens and dwarfed it.

Over the centuries, many changes have been made deliberately; many have been forced by circumstances. Their

the

OPINION



BY ZUBEIDA MUSTAFA

Love of nature

HOW many of Pakistan's 225 million like to habitually connect with nature? Unsurprisingly, not many. Most of the urban population lives in man-made subhuman conditions while those in the villages lead a brutish life of want imposed on them by feudal leaders. Not being educated, people are unaware of their own rights, let alone the significance of the environment.

Against this backdrop, to publish the magazine *Wildlife & Environment* with the avowed objective of creating awareness about nature is indeed a "herculean task". That is how the editor/founder of this quarterly, Khurshid Ali, describes his undertaking.

The general indifference to the environment is something quite expected. And Khurshid Ali, to his credit, is not bitter about this oblivion. But his friends resent it. They call him an 'unsung hero' whose work is not acknowledged. Hence the failed 'promises of profits'. The fact is that true commitment is not valued in monetary terms.

Khurshid Ali explains his unconcern for fame and money by saying that a love of nature has been in his genes. His family came from Amroha which was a centre of fruit and vegetable cultivation in India. On migration to Pakistan, they settled in Malir which was once the fruit basket of Karachi. In his youth, he had plenty of opportunity to soak in the beauty and calm of the environment.

The magazine he launched in 1992 was his brainchild and he has done it virtually single-handedly on what amounts to a pittance. It is a labour of love. Before he starts work on an issue he sends out scores of emails requesting parties for advertisements. No one responds but he carries on with minimal support. His readership? Very "specialised and influential", he says, mainly the establishment such as the navy, the army (at one time), some university libraries, etc.

But any publication that draws its clout from such sources would inevitably face challenges of another kind. It cannot be critical of the hand that apparently feeds it. Small wonder that nowhere are the powers that be held accountable for the excesses, action and inaction that hurt the environment. The ills are identified clearly but it is left to the readers to guess who is at fault.

As an environment magazine, this is an elegant and eclectic publication. It is informative, profusely illustrated, as it should be, and beautifully laid out but technology has played tricks by joining up words randomly.

Khurshid Ali identifies a number of environmental ills that plague Pakistan, such as climate change and the melting of the glaciers, air pollution, the contamination of our rivers, water scarcity, deforestation, and so

on. But there is no criticism of the official agencies. And this stance can be carried to extremes. Thus he defends the Arab sheikh's killing of "a few" houbara bustards for sport although these birds are a protected species. He blames the critics of having "a hidden agenda" of concealing the fact that the "sheikhs of Abu Dhabi have spent billions of dollars on the uplift of the people of Cholistan. The Sheikh's Rehabilitation Centre isn't just an eyewash. It is something wholesome".

It may be so but many will ask why that would give the sheikhs the right to hunt down houbara bustards — at times in larger numbers than their permits entitle them to.

The problem with this approach to the environment and wildlife is that issues are pigeonholed and there is no attempt to connect them. It is not a holistic perspective; it is one that finds little connection between the state of the environment and the Covid-19 pandemic or between the hunting of a 'few' houbaras by Arab sheikhs and the extermination of the species.

Human development needs an integrated approach.

But now it is better known that human development calls for an integrated approach. The pandemic reminds me of Thomas Malthus and his *Essay on the Principle of Population* that he

wrote and revised six times between 1798 and 1826. I reread it digitally when a reader reminded me of it. I had read it earlier in the population context. But it now appears to be equally relevant to the environment.

Malthus believed that the population grows in geometric proportions when food production increases arithmetically. There comes a time when agriculture fails to sustain the population. Then a section of the population is reduced to poverty and is in distress. There comes a time when disaster and events such as wars, disease and food shortages reduce the population and restore the balance. The process keeps repeating itself.

Were Malthus alive today, he would certainly have included the environment among the factors that sustain the human race. It is plain that man's abuse of the environment has reached the point of no return. The earth has reacted saying 'enough is enough'. We will have to wait and see at which point and how this struggle between man and the environment will end and the balance is restored. ■

Historical sites on the Karoonjhar mountains are being affected by the illegal extraction of precious stones by the Sindh government. Can this be stopped before it's too late?

By Fayaz Nalch

A catastrophe in the making

The Karoonjhar mountain range is a beautiful tourist place in the Nagarparkar area in Sindh's Tharparkar district. A rocky area surrounded by sand dunes on three sides, it is spread over 30 square kilometers, at an average altitude of 1,000 feet.

After monsoon rains in the region, the mountain and sand dunes become lush green and attract thousands of tourists. Until a few years ago, however, when road infrastructure was not very good, it was very difficult for tourists to reach here. In the beginning, they mostly used camels as their mode of transport. More recently they've been using trucks and dumpers for transportation. Kekro, a mini-truck introduced almost fifty years ago, was the one used initially as it was especially made for the desert region.

The Karoonjhar Mountain has huge deposits of granite, china clay and precious stones of different colors and textures.

Locals say the mountain produces a kilogram of gold every day. Of course, that is not to be taken literally. They use plants and herbs produced on the mountain as medicines for many diseases. They collect these plants and herbs and sell them to the visitors and tourists.

Karoonjhar is not just a mountain, it represents a complete ecosystem. It holds traces of a thousand-year old civilisation, history and culture. Mashkoor Phulkari, a researcher, in his book titled *Sarasvati Tehzeeb in Achro Thar* (Sarasvati civilisation and the white Thar desert), says that there are 109 hills in the Karoonjhar mountain range that house over 100 religiously and culturally

sacred sites for various faiths. The area has been very prosperous in the past when Haakro or Sarasvati River used to flow from Yamuna and Sutlej and ended in the Thar desert," he writes.

Abdul Qadir Junejo mentions the river in his

many myths, folklore, and historical facts about Sarasvati/Haakro River in his book.

Shah Abdul Latif Bhittai and Shaikh Ayaz, the leading Sindh poets, have also written many poems about Karoonjhar and Nagarparkar.

harata - were exiled by their cousin Kaurava for 13 years, they spent some period of their exile in Karoonjhar Mountains.

In the mountains, there are some places, including Bheem Pond, Bheem Court, and Arjun Ban, where water flowing from springs makes the mountain range appear magical. Two of those springs, Sardharo and Anchleshwar are well known because many folk stories and myths of Hindu and Jain religions are associated with them.

Punraj Fort and Chandan Fort are named after Punraj Seendhal and Rana Chandan. Chandan Fort was destroyed by the English army in 1859 during the battle with Ranas of Parkar. Ropple Kolhi, a

Karoonjhar is not just a mountain, it represents a complete ecosystem. It holds traces of a thousand-year old civilisation, history and culture.

freedom fighter who had fought against the British also used Karoonjhar Mountains against them.

There is also a 16th Century Jain temple along with the Bondesdar Mosque, a small marble and limestone structure near the pond embankment built in 1436 AD.

The beauty of this mountain range is being affected by the illegal crushing and cutting of rocks that has been going on for several years.

For years, the government has been trying to extract granite, china clay and precious stones from Karoonjhar Mountain despite opposition from local residents, civil society and cultural rights activists.

It is feared that the mining will destroy some of the sites of historical, religious and cultural importance. It has been proposed that the place should be declared a world heritage site. Some residents of the area have approached Sindh High Court (SHC) for this purpose.

Since 2019, the Hyderabad bench of the court has twice ordered the

provincial government to stop mining in the area, and take measures to protect the heritage. An order by SHC's Justice

Sahabuddin Panhwar and Justice Amjad Ali Sahito clearly stated that "we would take no exception to the point that every single heritage needs to be preserved because it is a reflection of our past."

"Nagarparkar also has a number of religious historical places which have their own histories," says the order. It concludes that "Life is never complete without culture and heritage because it is one's identity."

The court has that excavation at the cost of heritage needs to be stopped. It has directed the government to invite UNESCO experts for the enlistment of Karoonjhar Mountains in World Heritage Sites.

The Sindh government has submitted an initial report in the court, saying that "the Department of Culture, Tourism and Antiquities has already prepared a comprehensive report for the protection and preservation of 24 potential sites in the area

of Karoonjhar Mountain.

The government not hired experts archeology and history study the unique features of the mountains and sites. The UNESCO not been contacted.

The government recently formed a committee, headed by Minister for Mines and Mining, Shabbir Ali Bijara, to formulate a granite mining policy. In a briefing, the minister said that the Karoonjhar mountains range hold billion tonnes of granite, china clay and precious stones of various colors and types.

He also said that underground mining be allowed under the policy and the lands including cultural, religious and historical shall be preserved.

Activists for culture preservation and local residents voiced concerns regarding the new policy on mining, including underground mining.

The writer Karachi-based journalist. He tweets @fayaz_n

heritage

English novel, *The Dead River*. Citing historians, he says that it was one of the major rivers of the Vedic periods, which dried up around 1900 BC. "The river had played a major role in the nurturing of Indus civilisation," says Junejo, who mentions

In the book *Purano Parkar* (Old Parkar), Mangha Ram Ojha writes that when the Pandavas, the five brothers namely, Yudhishtira (Or Dharma), Bhima, Arjuna, Nakula, and Sahadeva - who are the main characters in the epic Mahab-



Seven-member body to probe razing of historical building

By Rashid Javed

ABBOTTABAD: Commissioner Hazara division has formed a seven-member committee to probe the Cantonment Board Abbottabad (CBA)'s demolition of a historical building dating back to 1880s and used by Major James Abbott.

The building which had served as the office of Abbottabad's founder and Hazara division's first deputy commissioner Major James Abbott was demolished by the CBA on June 22, prompting the KP directorate of archaeology and museums to seek registration of an FIR against the cantonment's chief executive officer under section 44 and 54 of the KP Antiquities Act, 2016.

The commissioner on Sunday notified a seven-member committee to conduct probe into the matter concerning the demolition of old Major Abbott's Office.

Deputy commissioner, Abbottabad, will head the committee while district police officer, mili-

tary estate officer, CBA chief executive and regional manager archaeology will be among its members.

The committee's TORs read that it would ascertain the legal position of the building under the KP Antiquities Act, 2016, and whether or not this legislation was applicable to federal government entities working in the province and cantonment boards.

Besides, the committee would also dig out old records of the property to ascertain its date of construction and historic value. It would also ascertain the reasons for demolition and not seeking prior approval from the department concerned as required under the law, the notification said.

The committee would also ascertain the actions taken by directorate of archaeology and reasons for taking up the matter after lapse of three years. It would submit its report within three days.

Meanwhile, the CBA in a statement issued here claimed that the media reports giving the impres-

sion that the board had demolished a historical building were totally wrong.

It said there were two buildings, including Old Cantonment office building and Abbottabad Club.

The statement said that in the case of Old Cantonment office building the main structure was built around 1933, while new blocks were added to it in 1956 and 2012 as per board's records. It said the structure was damaged and declared dangerous after the 2005 and subsequent earthquakes by the structural engineer and during the rainy season in 2019 the old building almost got destroyed.

"In 2019, the construction of new building was completed and the office was shifted to the new location. Keeping in view the dilapidated condition of the old building it was demolished," it said.

The CBA also pointed out that the said building was established on land vested in the board and only federal laws were applicable within its jurisdiction.

Visiting Katas Raj Temples

Situated near Chakwal, the temples are located in a complex built around a mesmerising pond paying quiet homage to Hindu folklore

By Dr Khwaja Ali Shahid



Sat Ghara temples on top of the hillock.



Temples surrounding the Amrit (Holy Water).



Entrance nicely maintained with garden areas on both side.

Going by the puranas, a heart-broken Shiva was unable to find his peace as he continued to roam the earth following the death of his wife Sati, daughter of Daksha. It is said that it was his tears that ended up forming the pond where today the renowned Shri Katas Raj Temples stand. The temples derive their name from Katakaha, which in classic Sanskrit means: god's tears. The water of the pond is referred to as *amrit* or holy water. It is believed that the water washes away the sins of a believer.

Lying in the Kallar Kahar region near Chao Saidan Shah in Chakwal, the Katas Raj Temples are located in a compound built around the pond, or in close vicinity to it. The temples are joined together by

findings of the stone of Ashoka surrounded by 10 springs and ruins of a monastery on a mound. The findings were reported earlier by the famous Chinese pilgrim, Huen Tsang. According to information boards, Cunningham also traced the wall of a gateway tower of the old fortification which leads to the Sat Ghara temples. According to Cunningham, these temples, constructed in a style similar to the Kashmiri temples of Karkota and Varma dynasties, were the only ancient remains of interest that existed in Katas. The stupa remains are situated at a level lower than the Sat Ghara temple. One's need to climb the hillock to access it.

The Katas Raj Temples include a collection of seven ponds to gradually dry out, reports

suggested. When I visited the temples a few weeks back for the second time, I was delighted to witness the pond in almost its original state. Thankfully, with the Supreme Court's intervention the original pond has been restored. Second, it was the high profile visits from across the border. India's former deputy prime minister LK Advani visited the Katas Raj Temples in 2005 to inaugurate conservation work at Sat Ghara temple.

Surrounded by hills and loquat honey-bees and birds, not to forget the ducks that roam around the pond, the temples are being very well maintained. Several benches and dustbins are placed around the lawns. Information boards, both in

English and Urdu, describe the history of the architecture instructions for tourists have installed all around the compound. Names of the temples and places of interest have also been mentioned in Sanskrit. If you go to the nearby Khew Mines in Kallar Kahar, you can spend a couple of hours visiting the Katas Raj Temples to be inspired by its remarkable architecture. There is no entry fee and no ticket to visit the historical temples.

The writer is a healthcare leader, travel YouTuber host for the Team promoting Organic Living in Pakistan. He is @Ali_Si

A major problem about such initiatives has always been continuity

On the heritage trail

By
Arshad Yusufzai

Peshawar is believed by many to be the oldest living city. It has survived in some way or another for over 4,000 years. It is known for its rich cultural heritage and has served as a gateway to India for many centuries. Many invading armies brought new cultures with them. The Walled-City of Peshawar has many historical buildings. The Directorate of Archaeology and Museums has identified nearly 1,000 buildings of historical and cultural significance. Among these, two famed buildings are the houses of legendary Indian film actors Raj Kapoor and Dilip Kumar.

Both houses have been written about for many years. Legal proceedings continued for 10 years regarding the acquisition of the properties from their owners. Recently, the district administration took over both buildings and handed them over to the Archaeology Department under the KP Antiquities Act, 2020, which categorises any building that is more than 100 years old as an antique. Dilip Kumar's ancestral house is located behind the famous Qissa Khwani Bazaar. Standing on 1,088 square feet, the house was purchased for

peshawar

Ra 8.56 million. The Kapoor Haveli, spread over 1,632 square feet in the Dhaki Dalgaran area of the Walled City, was purchased for Rs 15 million.

Dr Abdul Samad, the Archaeology and Museums Department director, says that the process was started in 2011. He says a land mafia created hurdles in the acquisition of the buildings. "Things got worse when the owners said in 2016 that they wanted to demolish the houses to construct commercial plaza and damaged parts of both houses. The government had to invoke the Antiquities Act to save both properties."

In 2020, the provincial government used Section 4, of the Land Acquisition Act, 1894, to acquire the properties. "Based on the revenue paid over the last five years, the deputy commissioner of Peshawar derived the price of the two properties and paid Rs 24 million to owners of both properties," Dr Samad said.



Barkat Ali, the owner of Kapoor Haveli, has submitted an objection to the DC's office, saying he did not want to sell the property and that he had purchased it from the legal owner in the past. The previous owner, Haji Khushal Rasool, had purchased the house in 1968 in an open auction and later, sold it to us. The property is not suitable for a museum as it is situated in a densely populated area. If the government is interested in buying the Kapoor Haveli, they should pay us the actual price of the property which is more than Rs 1 billion," Barkat Ali told the media earlier last week.

The owners of Dilip Kumar's house have also raised concerns about the condition of the house with the DC. Gul Rahman Mo- mand, Abdul Jalil Faqir and Kashif Naseem argue that the house is not an antique and that its condition is too poor for preservation. They have demanded Rs 70 million per marla, along with the 15 percent compulsory acquisition charges.

Talking about the next phase, Dr Samad says that archaeology teams had already started estimating the cost and time needed to rehabilitate the houses. "The buildings are in very bad shape but we have rehabilitated buildings like Ali Mardan's villa and the Western Gate in Gor Kathri in the past that



were in worse condition. It is a slow process. We have set a tentative target of two years to return the houses to their original condition."

Conservation will be done in-house. However, Dr Samad intends to seek foreign expertise to set up museums. "Peshawar was once a centre of multicultural activities. The museums are intended to highlight the connection of Raj Kapoor, Dilip Kumar and many other actors with Peshawar and Pakistan. The role of Peshawar in establishing and lifting Bollywood to new heights will also be shown at the proposed museums. We aim to achieve all this with the help of foreign experts," Dr Samad says. The museums will also shed light on the early struggles of the actors.

There are plans to display famous movies and the awards that Yousaf Khan, aka Dilip Kumar, received.

Saira Bano, Kumar's wife since 1966, has said that she would wish to be at the opening ceremony of the museum. "My heart fills with joy every time I receive news about the ancestral home of Yousuf sahib. I have appreciated the tenacity with which the government is pursuing the mission of turning the house into a museum for the public to visit and feel the vintage charm of the house where Dilip Kumar grew up like any bright boy of the province. The house is of great sentimental value to my husband. During a visit to the property some years ago, he was so emotional when he saw the house where he spent his lovely childhood

in the comfort and security of a large, refined family." She also indicated that awards won by Dilip Kumar would be donated to the proposed museum.

Muhammad Ibrahim Zia has written three books on the culture, actors and singers of Peshawar and KP including *Peshawar ke Fankaar* (2013), which has detailed profiles of 72 actors. "I made a list of over 100 persons, who had gone on to perform on radio, TV and cinema in India and Pakistan, but the lack of record about some of them forced me to omit their names from my book," Zia says.

He says the district administration's decision about the two houses is an important step for cultural tourism. "Dilip's house is over 160 years old while

place for cultural tourism. An official familiar with the plans for a day-to-day Peshawar, said on condition of anonymity, a isn't authorised to its press. "Starting from Peshawar Museum, tourists would go to Kathri, Qissa Kh Bazaar and Qissa Kh Bazaar, where they taste the famous shawari falooda. Then visit Masjid M bat Khan, before wa to Namak Mandi v they will be offered renowned lamb tikka lunch. The govern wants to make the h of Dilip Kumar and Kapoor accessible i visitors."

A major problem such initiatives has a been lack of conti The Directorate of Ar ology and the Mus Department spent R million on the restor of the Cultural Hei Trail and Sethi Ho 2018. However, the itage trail has lot charm after the distri ministration lost in its maintenance.

"The Tehsil Bax Kalan heritage tra such a wonderful p However, it is al damaged beyond t The authorities a look at the work d Lahore by the pri government. Labor become the city of ga I wish the governme end encroachments, shaw and pushheart e and protect the V City, Ibrahim Zia se

Dr Samad says, Archaeology Depar is capable of restori building but lacks ca for large projects. V maintaining House... It is as bet today as it was th after restoration."

Fortunately for shawar, Chief Sec Kazim Nias has sho terest in the project dard the establishn a separate authority lar to the one in L. The authority will c of members drawn concerned depart including the distr ministration, the C Department, Arch Department and Re Affairs in order to ic acquire, restore an over places of impo to the concerned c ments.

The writer : shawar-based fr journalist, a worked for Voice of sca and the

A step back in time



Lord Shiva's consort of Kalaya Devi

By Teresa Lattin



A traditional balcony at one of the havelis of Kanan Raj. Artwork can be found on the walls of some temples.

grandeur

90 kilometres south east of Islamabad, near Chakwal, Punjab.

Dating back to a 950 CE, this site is treasure trove for history buffs with creative imagination and a urge to retrace the footsteps of those from centuries ago. None of the 90 kilometres of the route gives even a slightest inkling that they're leading to location so profound a neighbouring religious site.

The road to the temple is just another high speed road, with two-way traffic and pedestrians crowding on all turns and corners.

But once you enter the complex that holds these historic temples after paying a menial fee at the entrance, you

step into a different world, a separate era altogether. Twice a year, the Kales Haj complex is visited by thousands of Hindu pilgrims for a

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these structures are Kallar Kahaar hills and two predominant regions in the region.

found in Kashmir from the Karkota and Varma dynasties. See, 400-500	Relevance to Buddhism and Sikhs	1,500 years of history It is crucial to us
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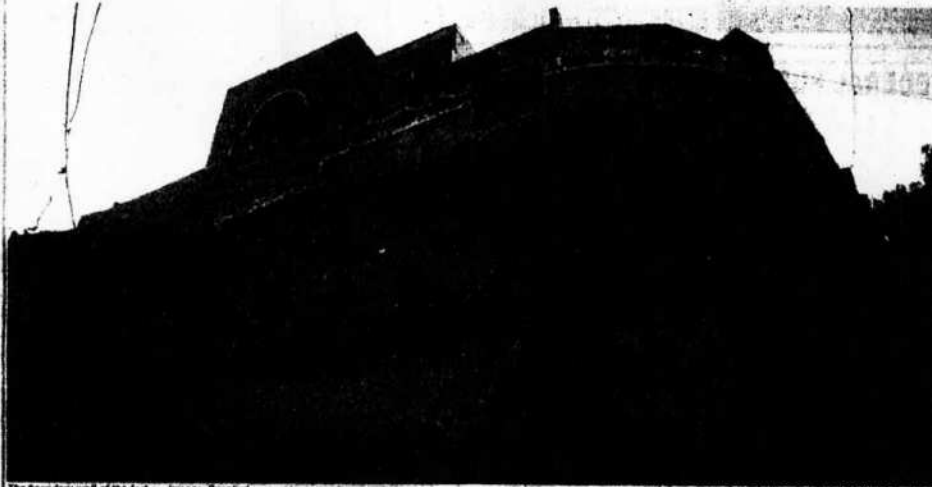
The writer is a professional researcher in Islamabad who is a woman for travel exploring new historical places and writing.

The writer is a professional researcher in Islamabad who has won an award for travelling and exploring new historical places and writing about them.

Pakka Qilla is a monument of historical value but a victim of severe neglect. The recent collapse of its gate underlines the need for authorities to take quick action

The remains of Pakka Qilla

By Amarta Uqaili



The boundary wall of the fort. — Images: Supplied

Pakka Qilla, also known as Pocco Qilla, is situated in Hyderabad. The fort has a great historical value but it has faced various challenges in its renovation work. Videos of the incident show unskilled workers renovating the walls with hammers and without proper equipment or preparation.

After investigations, Muhammad Waseem Sheikh, Sindh cultural and tourism department's security officer, lodged an FIR against two contractors namely Saddam Bhatta and Wajidullah Bhatta. They are said to be politically well connected. But if they are found guilty, it is expected that they will get a 3-year prison sentence (They hadn't been arrested at the time of filing this article).

SHO Amir Munim, who works in the fort police station, believes that the contractors were not properly skilled and used hammers in renovation work, which caused the incident.

According to Dr Kaleemullah Hashmi, an archaeologist and historian, the fort was inhabited by some refugees who had migrated from India in 1947. He further says that it was a never a religious settlement, but unfortunately the situation dragged on for a long period.

Pakka Qilla was built on a hilltop known locally as Gunji by Mian Ghulam



There are encroachment houses, too.

Shah Kalhor, the ruler of Friday. In short, Pakka Qilla has had a violent past. Besides, it has faced neglect despite it being enlisted as a tourist spot by the archaeological department.

On May 26, 1990, the fort faced trouble as there was a bloodbath and more than 200 people were killed, allegedly due to fake information given to the police regarding terrorists' hideout. This heightened tensions between the Sindhis and the Mohajirs, and till date is referred to as Black

Friday. In short, Pakka Qilla has had a violent past. Besides, it has faced neglect despite it being enlisted as a tourist spot by the archaeological department.

Many historians have written about this, but the carelessness of the Nawadur Department led to the construction of around 350 apartments within the limits of the fort. On a visit to the monument, you notice that before crossing the entrance you have to cross a huge area where waste is routinely dumped

parties and social workers took various steps to overcome these problems but the success was limited. The indifference of the authorities is shocking. They should have stopped the construction of around 350 apartments within the limits of the fort. On a visit to the monument, you notice that before crossing the entrance you have to cross a huge area where waste is routinely dumped

The fact is that squatters have been here for almost 7 years and are equally common. There are encroachment issues. A marketplace existed for many years. The historical value is being lost. The authorities must act soon.

The writer is a Master's student in Hyderabad.

heritage



Videos of the incident show unskilled workers renovating the walls with hammers and without proper equipment or preparation.

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MOOD STREET

Historic sites and their diverse visitors

By Usama Ali

What makes a space eligible to be declared 'public' is perhaps its easy accessibility. These spaces are non-elite in nature — that is, these are inclusive and cater for the needs and tastes of the laity.

Some of these places have certain symbolic significance which can attract the public. Similarly, historical sites have their own significance. Unfortunately, for most visitors, these (historic sites) are nothing more than recreational spots.

Recently, I, along with my cousins, had the chance to visit the Greater Iqbal Park which enshrines Minar-i-Pakistan. We also visited the Badshahi Masjid, Lahore Fort and the Samadhi of Ranjith Singh. It turned out to be a revelatory trip for many reasons.

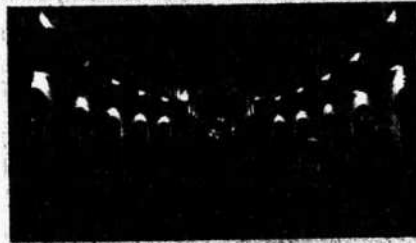
First, we were witness to the restoration work for which the

place with the desire to witness the glorious relics of the past.

TikTok enjoys the greatest popularity today, especially among the youth. No wonder the most common type of visitor you meet at the historic sites these days are the young TikTok-ers who seem to have no care for the surroundings beyond being a beautiful backdrop in their videos.

But the relation between the camera and public spaces isn't new. Before the advent of smartphones, film roll cameras were used for recordings, but because of their high cost and accessibility issues the use of historic places as background was quite limited.

Lastly, a large number of picnickers are also, quite like the TikTok-ers, oblivious to the grandeur and significance of historic places. They are there as if they were in a public park, where they have ample



— Photo by Rahat Dar

At every few metres there was a battery of people absorbed in creating TikTok content. (The nature and quality of their content is a different subject altogether.) Only a small chunk of people seemed to have come to the place with the desire to witness the glorious relics of the past.

Walled City of Lahore Authority (WCLA) deserves a pat on the back. The grand Picture Wall, which is considered the biggest mosaic mural in the world and was restored recently, offered a fresh perspective to the Fort. Every image on the wall seemed to tell a tale. Further, the fully restored exit gate adjoining the Picture Wall made the Fort appear even more appealing.

However, aside from the architectural renovations conducted at the Lahore Fort and the ongoing expansion work at the Samadhi, there was something queer that caught our attention: At every few metres there was a battery of people absorbed in creating TikTok content. (The nature and quality of their content is a different subject altogether.) Only a small chunk of people seemed to have come to the

green spaces to sit on and make short work of the food laid out before them. Their inability to distinguish between a park and a historical place reminds me of a poem by Majeed Anjad, titled *Maghara-i-Jehangir*, in which he laments the indifference shown by the visitors. Here's a segment translated from Urdu by Riyaz Latif.

Spreading a rug over the corpses of innumerable ages,
Some sit, engrossed in their own drifts,
As the image of charming tresses falls onto the eyes,
The smoke of histories descends into goblets!

The writer has a BS in English literature from the University of the Punjab

The emergence and downfall of Brahminabad

The ruins of Brahminabad are a reminder of a time gone by

By Akhtar Hafeez

In December last year, a team of archaeologists from Khairpur University started excavating the historical site of Brahminabad, also known as *Dalu Rai* or *Darra* or the Mound of *Dalu Rai* located east of Shahdadpur in Sanghar district. Before the arrival of Arabs, this was a big city spread over 14 square kilometers. Over time, its area has shrunk to one and a half kilometers as people from neighbouring communities have settled and occupied the land.

Brahminabad was first excavated in 1854 by Bellasis and Richardson, followed by a second excavation from 1895 to 1901 by Henry Cousens, well known for his work among the monuments and antiquities of western India. The third excavation was done from 1962 to 1965 by the Archaeology Department of Pakistan, but no report was disclosed.

In the recent excavation, pottery, beads and coins have been found. Before the partition, many artefacts from Brahminabad were moved to the British Museum and Mumbai by British authorities.

Before the arrival of Islam in Sindh, the Rai dynasty ruled over Sindh (483-632) during the classical period of the Indian subcontinent.

The dynasty, which originated in Sindh, were patrons of Buddhism. They ruled most of the northwestern regions of the Indian subcontinent. Brahminabad was dominated by Brahmins and Buddhists and was ruled by Raja Aghana's family on behalf of Rai Saharasa, son of Rai Sahasi, of the Rai dynasty.

According to a local account, following the cruel ruler *Dalu Rai*'s atrocities against his people, the city was destroyed by an earthquake. In Brahminabad, one can see crumbling bricks scattered between collapsed walls where there may have been some structure previously. There is a watchtower in the city in a relatively good condition.

During the rule of Raja Dahir, who was a Brahmin, there was a conflict between Hindu and Buddhist communities in Brahminabad. The Buddhists were a marginalised community. They were neglected in administrative matters of the *darbar* (court) and not



allowed to work in the court.

According to Abul Hasan Ali bin Muhammad Al-Jili's translation of *Mujamul Tawarikh*, "During the lifetime of Gustasp (Vishvaspa), King of Persia, Bahman (Iranian) general of the Sassanids led an army to Hindustan and built a city in which he gave the name Kandahar (Gandhara) and another city which was called Bahmanabad". Elsewhere, Al-Jili states that Kaland (contemporary Hindu King of Alexander) sent a Brahmin to his brother Samid, directing him to go to Manasara (referred to as Brahminabad in later centuries) and erect idol temples in place of fire temples.

This information is also found in *Sindhi Boli Babul Magala sin Mazmoon* by Mukhtiar Mallah. According to Chach Nama - *Story of the conquest of Sindh*, written in

Persian, one of the primary sources of the history of Sindh in the 7th and 8th Centuries, Brahminabad was built by Persian King Bahman Ardasp. While the word *abad* (Persian, Brahminabad evolved from *Bahmanwa*).

Researcher Hashkoro Pholaji says, "We are not sure about the year when Brahminabad came into being, but the ancient rivers *Hakra* and *Pura* might be the source of its civilisation. At the time of the Brahmin family, when Raja Chach was the king of Brahminabad, who ruled from 652-691 AD, Brahminabad was a business hub as the Indus River provided a trade route and access to the sea was easy."

People from various countries used to come to Brahminabad for trade and business. In the mid-7th Century, when Raja Chach became the ruler of Sindh, the Buddhists

retreated and declared war on Chach, whose army crushed them.

When Raja Chach took over the throne from Rai Sahasi and married Sindh Rani, he made her the queen of Aghana Kot. So Brahminabad was ruled by different rulers. When Raja Dahir took over Brahminabad in 699 AD, it was being attacked by the Arabs.

The Buddhists were not happy with Raja Dahir because Hindus were appointed to all the superior and administrative positions during his rule. Historian and archaeologist Dr. Mubammad Ali Maqbal believes that when Raja Chach became the king of Brahmanwa, he named it Brahminabad.

"Before the Arabs attacked Sindh in 711, Sindh had good trade relations with Arabs. Sindh was a rich, cultivated land, with Arco being the capital in the east (near

Robat) where Raja Dahir lived. The second capital was Brahminabad."

When the Indus River changed its course in 1757, Brahminabad gradually lost its commercial value. Today, where there are ruins of a mosque, there was an *ashoka* (tree temple) built by Raja Dahir. But Raja Chach built a temple for Hindus during his rule. After the conquest of Sindh by Arabs in 711, Brahminabad was named Mansara.

In his book *Sindh the Archaeological Museum of the World*, M.H. Panhwar writes, "Brahminabad was a large and fortified city built entirely with baked bricks. Its present appearance is one vast mass of ruins, forming irregular mounds, varying in dimensions according to the size of the original houses, of which these ruins are humble representations. Its circumference is within a few yards

of four miles, menaced by a perambulation."

Besides Brahminabad, at a distance of about a mile and a half, is the oldest ruined city of Dahir, the residence of its last king, *Dalu Rai*. Five miles away in another direction is the ruined city of Depur, the residence of his viceroy. Between these cities are the ruins of suburbs extending far into the open country. It seems as though Brahminabad was the commercial hub where merchants and traders lived. In Dahir, the king and his courtiers lived in luxury and in Depur, the minister transacted with officers of the state. A rampart surrounds Brahminabad with turrets and bastions."

Brahminabad-Mansara was destroyed in 1025 AD. The Hakra river had dried up, and Indus had changed course in the following century.

"We have found precious and semi-precious

stones such as sapphir, agate and in which do not belong to Sindh and must have been imported," says Dr. Iqbal Mohtasham Ve who led the latest excavation team. "The architecture and lifestyle of people of Brahminabad show that the art that time were still it was a well-structured city with buildings had rooms and corridors. The pottery found not belong to the M. period. Dharmachak (Dharma wheel) of dha was also found with engraved pieces. We are still working on a detailed report. The Culture and Heritage Department of Sindh are working on restoration of 1 minished, which will add to Sindh's rich image."

The writer is a writer, blogger and