

Supreme Court Sets Rules for Referring Needy Persons to Pakistan Bait-ul-Mal

Supreme Court held courts may refer deserving persons to Pakistan Bait-ul-Mal, but the form, amount and duration of aid ordinarily remain for PBM.

Judgment analysis | Published 8 September 2026 | Shahbaz Shah, Advocate High Court

Case: Pakistan Bait ul Mal through Managing Director, Islamabad v. Raj Ram and others

Reference: C.M.A. No. 1477 of 2023 in Civil Petition No. 5250 of 2023

Court: Supreme Court of Pakistan | Appellate Jurisdiction

Bench: Chief Justice Yahya Afridi, Justice Naeem Akhtar Afghan and Justice Miangul Hassan Aurangzeb

Decision: Civil petition dismissed on 24 August 2026 | Approved for reporting

What the Supreme Court decided

The Supreme Court of Pakistan has clarified how courts should involve Pakistan Bait-ul-Mal when a case reveals that a person needs welfare assistance.

In Pakistan Bait ul Mal through Managing Director, Islamabad v. Raj Ram and others, Civil Petition No. 5250 of 2023, the Court held that there is nothing inherently objectionable in a court bringing an apparently deserving case to Bait-ul-Mal. The institution exists to support persons facing hardship within the purposes defined by the Pakistan Bait-ul-Mal Act, 1991.

The Court drew an important boundary for future cases. A court may refer the person to Bait-ul-Mal for consideration, but the particular form, amount and duration of assistance must ordinarily be determined by Bait-ul-Mal under its statute, applicable policies, eligibility criteria, administrative process, available budget and resources.

The three-member bench comprised Chief Justice Yahya Afridi, Justice Naeem Akhtar Afghan and Justice Miangul Hassan Aurangzeb. Chief Justice Yahya Afridi authored the order dated 24 August 2026. The judgment is approved for reporting.

The ruling in one sentence

A court may connect an apparently deserving person with Pakistan Bait-ul-Mal, but it should ordinarily refer the case for lawful assessment instead of itself fixing the type, amount, annual increase or duration of welfare assistance.

How the maintenance dispute arose

Shrimati Reeta, a Hindu woman, married Ravi Kumar in 2012. Their two daughters, Jasika and Sanika, were born during the marriage. Ravi Kumar died by suicide on 20 May 2017.

The judgment records that the widow had no independent income with which to maintain herself and the children. She brought maintenance proceedings before the Family Court at Jacobabad against the children's paternal grandfather. The grandfather was himself aged, infirm, without an income or residence of his own, and living in a dharamshala.

The Family Court nevertheless ordered him to pay Rs. 3,000 per month to each child with an annual increase of 10 percent. That decree was maintained in appeal, after which the grandfather invoked the Sindh High Court's constitutional jurisdiction.

What the Sindh High Court had ordered

The Sindh High Court rejected the objection that a Family Court lacked jurisdiction over the family affairs of non-Muslims. It treated such matters as falling within section 5 of the West Pakistan Family Courts Act, 1964.

On the separate question of personal liability, however, the High Court examined sections 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956 and the principles of Hindu law referred to before it. It concluded that the grandfather bore no personal obligation to maintain the grandchildren in the circumstances of the case.

That conclusion left two children in need without a family member before the Court who had the means and legal duty to support them. Relying on the State's welfare responsibilities under the Constitution, the High Court directed Pakistan Bait-ul-Mal to register both girls as regular beneficiaries and pay each of them Rs. 10,000 per month, with a 10 percent annual increase, until marriage.

The underlying High Court order was passed on 1 December 2022 in Constitutional Petition No. S-56 of 2020 and is reported as *Raj Ram and another v. Shrimati Reeta and others*, PLD 2023 Sindh 214.

Pakistan Bait-ul-Mal's objection was about the method, not the children's need

Pakistan Bait-ul-Mal challenged the High Court's direction before the Supreme Court. Its case was not that the two girls were undeserving. The judgment expressly records that Bait-ul-Mal did not dispute their hardship or need for assistance.

Its objection was institutional and statutory. Bait-ul-Mal argued that it is governed by the Pakistan Bait-ul-Mal Act, 1991, policies framed within that framework, prescribed eligibility standards, financial limits and the availability of funds. A judicial direction that selects beneficiaries and fixes a monthly amount, annual increase and period of payment bypasses the assessment and decision-making structure entrusted to the institution.

This distinction shaped the narrow controversy before the Supreme Court: whether the High Court was justified in turning to Bait-ul-Mal for support of the two minor children and, if so, what course courts should adopt in future cases.

The statutory structure examined by the Court

The Supreme Court described Bait-ul-Mal as an autonomous body established under the 1991 Act and, in statutory terms, essentially a public welfare fund.

Section 3 establishes the fund and identifies its sources, including grants from the Federal and Provincial Governments, local authorities and national organisations. Section 4 identifies the welfare purposes for which the money may be used. These include financial assistance for destitute and needy widows, orphans, invalid, infirm and other needy persons, as well as rehabilitation, education, residential accommodation, medical treatment, vocational support and self-employment assistance.

Under section 5A, administration is entrusted to the Bait-ul-Mal Board. Its responsibilities include policy formulation, planning, approval of the annual programme and budget, and supervision of approved plans. Section 24 permits the Board, with Federal Government approval, to make regulations for carrying out the Act.

Section 19 supplies the financial context. The Board must submit annual estimates of receipts and expenditure to the Federal Government for approval. Assistance therefore operates within an approved budget and remains affected by the resources available at the relevant time.

Different programmes have different conditions

The report placed before the Court described three programmes relevant to children.

- Individual Financial Assistance covered medical treatment, education, rehabilitation and general financial assistance. The judgment recorded that eligible persons could receive one-time assistance of up to Rs. 100,000 under the programme described in the report.
- Schools for Rehabilitation of Child Labour sought to rehabilitate working children through formal and non-formal education and included a subsistence allowance for parents under the applicable policy.
- Pakistan Sweet Homes provided welfare support for orphan children, with the policy described in the judgment allowing enrolment of orphan children up to five years of age.

These details were not treated as promises available automatically to every applicant. The Court used them to demonstrate that each programme has its own purpose, eligibility rules, verification process, designated approving authority and, where applicable, financial ceiling.

The judgment also records that an applicant may approach a District, Divisional or Provincial Office, or the Head Office in Islamabad. The relevant office processes the application under the applicable policy and assesses the applicant's circumstances before assistance is sanctioned.

Why a court may refer a deserving person to Bait-ul-Mal

The Supreme Court held that a judicial referral is consistent with the purpose for which Bait-ul-Mal exists. The Act recognizes State responsibility toward persons unable to support themselves because of sickness, unemployment or circumstances beyond their control. Bait-ul-Mal is an institutional means through which that responsibility is discharged.

Some disputes illustrate a deeper problem that the answer to the immediate legal question does not solve. Here, releasing the destitute grandfather from a maintenance obligation did not provide food, education or support to the children. The Court held that a judge may look beyond the immediate legal issue and seek assistance from another State institution

established precisely to address that underlying need.

This does not convert the court into the welfare authority. It permits the court to place a deserving case within the reach of the institution that has the statutory mandate and machinery to assess it.

Constitutional protection of children and minorities

The Court placed the dispute within the Principles of Policy contained in the Constitution.

Article 35 concerns protection of the family, the mother and the child. Article 36 concerns safeguarding the legitimate rights and interests of minorities. Article 38 concerns the social and economic well-being of the people, including provision of basic necessities to persons unable to earn a livelihood.

The judgment gave separate attention to the children's religious minority status. It observed that minorities in Pakistan occupy a particularly vulnerable position and that poverty, loss of family support and other hardships may bear upon them with greater force. Minority status was therefore not treated as an incidental label. It formed part of the wider context in which the State institution had to understand the girls' need.

The Court appreciated the Sindh High Court's concern for the children. It also appreciated Bait-ul-Mal's willingness, expressed through counsel, to take the necessary steps to extend assistance to them.

Referral is different from a judicially fixed welfare award

The decisive clarification appears in paragraphs 25 and 26 of the judgment.

The Court held that there is no objection to a court identifying a person who appears deserving and bringing that case to Bait-ul-Mal's attention. But assistance is administered through limited public welfare resources. Policy requirements, eligibility, verification, designated approval, financial ceilings, budget and the claims of other applicants all matter.

For that reason, the form, quantum and duration of assistance must ordinarily remain for Bait-ul-Mal to determine. If a court fixes the amount, annual increase or period of assistance, it pre-empts the assessment entrusted by law and policy to the institution.

The word ordinarily matters. The judgment lays down the normal course for future referrals. It does not state that a court can never issue an enforceable direction against Bait-ul-Mal where unlawful refusal, discrimination, mala fides, failure to perform a statutory duty or another established ground of judicial review is proved. No such question required determination in this case.

The framework for future cases

When circumstances before a court appear to warrant help from Bait-ul-Mal, the Supreme Court identified the following course:

- 1** The court should refer the case of the person concerned to Pakistan Bait-ul-Mal for consideration.
- 2** Bait-ul-Mal may facilitate the making of the necessary application.

- 3 It should assess the applicant's circumstances under the policy and eligibility criteria applicable to the assistance sought.
- 4 It should determine the appropriate form and extent of assistance in the particular case.

The result balances two public responsibilities. Courts remain able to respond when litigation exposes serious human need. Bait-ul-Mal retains the statutory function of administering finite welfare resources through consistent rules and lawful assessment.

Why the two girls kept the benefit of the High Court order

The Supreme Court did not interfere with the High Court's direction insofar as the present case was concerned. The decisive practical circumstance was Bait-ul-Mal's own willingness before the Court to assist the girls.

The petition was therefore dismissed. The fixed support ordered for Jasika and Sanika remained undisturbed in their case, while the Court's observations created the governing approach for future referrals.

This is a narrow form of precedent. It preserves an existing humanitarian arrangement on the facts before the Court, but warns against treating that arrangement as a standard judicial tariff for every later case.

What the judgment does not decide

The decision does not establish that every person referred by a court must be registered as a beneficiary or receive a particular amount. Eligibility and the available form of support remain subject to lawful assessment.

It does not hold that courts are barred from involving Bait-ul-Mal. The Court expressly confirmed that judicial referral can be appropriate where a person's circumstances fall within the institution's welfare purpose.

It does not make Bait-ul-Mal's administrative discretion absolute or immune from judicial review. The judgment addresses the ordinary allocation of functions; it does not authorize action contrary to statute, policy, equality or fair process.

It does not independently decide the full scope of a Hindu grandfather's maintenance obligation as a fresh question before the Supreme Court. That conclusion belonged to the High Court's order. The Supreme Court framed the controversy before it around Bait-ul-Mal's statutory role and the form of the welfare direction.

It also does not convert the figures and programme descriptions recorded from Bait-ul-Mal's report into permanent statutory entitlements. Policies, limits and available programmes should be checked in their current form before advice or litigation.

Practical guidance for courts, counsel and applicants

For a court considering referral, the order should identify the apparent hardship and the reason Bait-ul-Mal's statutory purpose may be engaged. The safer direction is referral for consideration and facilitation rather than selection of the programme or fixation of payment.

For an applicant or counsel, the record should establish identity, income, dependants, the nature of hardship, existing support, medical or educational need where relevant, and the particular programme under which assistance is sought. Current forms, documentary requirements and territorial office procedures should be verified directly with Bait-ul-Mal.

For Bait-ul-Mal, the judgment supports institutional decision-making but also places the referred person within its responsibility to facilitate and assess. The decision should identify the applicable policy, material considered, eligibility finding, approving authority, available form of assistance and reasons for refusal or limitation.

For judicial review, counsel should distinguish disagreement over the amount from a legal defect in the process. Relevant questions may include failure to consider the application, use of an irrelevant criterion, unequal treatment, departure from policy without reasons, mala fides or denial of fair procedure.

Final outcome

The Supreme Court allowed Civil Miscellaneous Application No. 1477 of 2023, permitting the applicant to file and argue the petition and directing the office to number it.

In Civil Petition No. 5250 of 2023, the Court declined to interfere with the Sindh High Court's order for the present two minors, particularly because Bait-ul-Mal had expressed willingness to assist them. The petition was dismissed.

For future cases, courts should refer deserving persons to Bait-ul-Mal for consideration, while leaving the nature and extent of assistance to be determined under the applicable statutory and policy framework.

Judgment source and verification note

This analysis is based on the supplied 13-page court copy in Pakistan Bait ul Mal through Managing Director, Islamabad v. Raj Ram and others, Civil Miscellaneous Application No. 1477 of 2023 in Civil Petition No. 5250 of 2023, dated 24 August 2026 and approved for reporting.

The caption in the supplied order names the first respondent as Raj Ram, while paragraphs 4 to 6 refer to the grandfather as Ram Raj. The case title on this page follows the formal caption and preserves the internal variation in this verification note.

The downloadable file is the supplied court copy and is not represented as a certified copy. Current Bait-ul-Mal policies, eligibility criteria, financial limits, official forms, the reported citation and any later judicial treatment should be verified before reliance in litigation.

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