

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P.No.D-1181 of 2014

ORDER WITH SIGNATURE OF JUDGE

For katcha peshi

25.3.2014.

Mr. Faisal Siddiqui, advocate for petitioner.  
M/s. Asim Iqbal, Moin Azhar Siddiqi & Nadeem Shaikh,  
advocates in C.P.No.D-1126/2014.  
Rana Faizul Hasan present in person in C.P.No.D-1269/2014  
Mr. Ahmed Pirzada, advocate for Board of Revenue.  
Mr. Abdul Fateh Malik, Advocate General, Sindh & Mr. Adnan Karim, AAG  
a/w Iqbal Durrani, Secretary Health, Dr. Saeed Ahmed Qureshy, Naseer  
Jamali, Secretary Food, Muhammad Saleh Baksh, Dy. Secretary  
Rehabilitation & Farman Ali Tanweri, Administrator Zakat & Ushar  
Department, Govt. of Sindh.  
Mr. M. Zahid Khan, DAG a/w Munir Baig, Assistant Director,  
Food Security & Research Department, Govt. of Pakistan & Mirza Tanveer  
Ahmed, Assistant Legal, FIA.

In his comments, Secretary Health has given information and details regarding the health facilities in the area of Tharparkar particularly with regard to posting /deployment of doctors and paramedics. However, since it is not always possible for the Health Secretary to remain present in the area, in order to verify as to the personnel posted/ deployed by him are in fact working in the area and at places of their postings regularly or not, we would, therefore, with the consent of all present, constitute a committee, headed by learned Additional District & Sessions Judge, Tharparkar, with a senior most doctor posted there from SIUT, and Dr. Sono Khanghrani as member, who shall, on instructions from the petitioner, approach the learned <sup>Additional</sup> District & Sessions Judge, Tharparkar by tomorrow to carryout inspection and inform the Court as to whether the personnel, as posted by Health Secretary, are discharging their duties accordingly or not. The above committee, in addition to the above verification, also submit their report regarding the adequacy, efficiency and effectiveness of various health facilities in Tharparkar, with their suggestions and

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recommendations to improve the same. The above two reports shall be submitted by the next date of hearing. The Secretary Health shall, by the next date of hearing, provide a list of the doctors, who despite being posted in Tharparkar for rescue and relief operation, have defied the orders and shall also inform the Court of the progress, made in the disciplinary proceedings against such doctors.

Mr. Faisal Siddiqui, advocate submits that Sanaullah Abbasi, DIG, Hyderabad was assigned the responsibility of fact finding into the Tharparkar Tragedy, however, neither is there any mention of such assignment nor the report from Mr. Sanaullah Abbasi is submitted before this Court. The learned Advocate General Sindh undertakes to furnish a copy of the report before this Court by the next date of hearing with advance copy to the counsel for the petitioner.

Certain details, as were required to be furnished by the Health Secretary, are yet to be placed before us, more particularly, in respect of the health personnel posted / deployed in various units, as mentioned in our previous order. We would direct the Secretary to do the needful within two days from today.

We have tried our utmost to retrieve relevant information from Secretary Food and also from Secretary Board of Revenue Sindh, however, both the officers are either ignorant or are avoiding to place the relevant facts before us.

It is of basic importance that Government of Sindh submit before us the entire mechanism of the food supply system in the Province and more particularly in its far flung areas and as to what is the role, and as to what are the responsibilities of the food department in that regard. How far and in what manner, to what extent, does the Relief Department get involved in supplying food, what is the basic criteria for the relief department to do so, what are the essential pre-

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Our Ministry

requisites for doing so, how does the system operates during abnormal times like drought famine and other emergencies, what functions remain with the Food Department after the involvement of the Relief Department in food supply and to what extent. Though these questions in some forms or the other have been raised by us through our previous order also, however, none of the queries has, so far, been satisfied either in writing or orally.

As rightly pointed out by Mr. Faisal Siddiqui, Government of Sindh through comments, filed by Relief Commissioner, Government of Sindh has named three persons, which are contained in their comments at serial No. 1, 2 and 3 namely: Fazal ur Rehman, Ghulam Mustafa and Makhdoom Aqeel uz Zaman, who were posted as Relief Commissioner, Commissioner Mirpurkhas and Deputy Commissioner Mirpurkhas at the relevant time. We would therefore, direct all three to be present in Court on the next date, well-prepared to meet all the relevant queries that may be raised. It may be noted that the said officers avoid appearance on any pretext.

Another very disturbing aspect that has come before us through comments filed by the Relief Commissioner is that although about three months have passed since the calamity began, still, 22,758 families are without food and relief supplies from the Government. We would, in the circumstances, direct Chief Secretary, Government of Sindh to urgently take up the matter, make immediate arrangements for supplies to such families. The Relief Commissioner may request Army Aviation and other departments, who may provide Air transport for supplying food and other articles in the area on emergency basis, and a comprehensive and detailed report in that regard be furnished to the Court before the next date of hearing. A copy of this order be transmitted to the Chief Secretary, Government of Sindh by the Registrar of this Court through fax also.

The facts finding report from DIG Sanaullah Abbasi shall also be placed before us by the next date of hearing with advance copy to the learned counsel for the petitioner.

Copy of this order be furnished to Mr. Fateh Malik, Advocate-General, Sindh and Mr. Aslam Butt, D.A.G., so that they may ensure compliance.

To come up on 08.4.2014.

  
CHIEF JUSTICE

JUDGE

8/4/14

For Katerka Peshi