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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE MUNIB AKHTAR

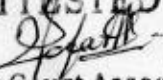
HUMAN RIGHTS CASE NO.8991-S/2017 AND HUMAN RIGHTS MISC. APPLICATIONS NO.105/2017, 135/2018, 163/2018, 177/2018 AND 178/2018 AND CIVIL MISC. APPLICATIONS NO.203-K/2018 AND 568-K/2018

- H.R.C.8991-S/2017: In the matter of death of 5 more Infants at Civil Hospital in Mithi due to Malnutrition
- H.R.M.A.105/2017: Report of Mr. Rizwan Memon, Chief Secretary, Sindh
- H.R.M.A.135/2018: Statement/Concise Statement submitted by Akram Ali Khawaja, Special Secretary, Health, Sindh
- H.R.M.A.163/2018: Statement on behalf of the Secretary Food Department, Govt. of Sindh
- H.R.M.A.177/2018: Written statement on behalf of the Secretary Food Department, Govt. of Sindh
- H.R.M.A.178/2018: Statement of Secretary Health, Sindh filed by Akram Ali Khawaja, Special Secretary, Health, Sindh
- C.M.A.203-K/2018: Application for intervener filed by Khadim Hussain Brohi
- C.M.A.568-K/2018: Application for intervener on behalf of Pakistan Institute of Labour Education and Research (PILER)

In attendance: Mr. Zamir Hussain Ghumro, A.G. Sindh
Dr. Fazullah Pechuho, Secy. Health, Sindh
Dr. Saeed Qureshi, Focal Person for Chief Secretary, Sindh
Mr. Sohail Qasim, Legal Advisor, Aga Khan University Hospital
Mr. M. Ibrahim Memon, Deputy Secy. Health
Mr. Paisal Siddiqui, ASC
(In C.M.A.No.568-K/2018)
Mr. Tariq Memon, Advocate/Member Human Rights Commission

Date of hearing: 20.5.2018

ATTTESTED


Senior Court Associate
Supreme Court of Pakistan
Karachi.

ORDER

As per the report submitted by the Agha Khan University Hospital, there are a number of vacancies of doctors and paramedical staff in District Tharparkar and no recruitment process has been initiated as yet. However, in rebuttal, the Secretary Health, Sindh states that some requisitions have been sent to the Sindh Public Service Commission for the purposes of recruitment. Be that as it may, the process of recruitment of all the doctors and paramedical staff must be completed within a period of two months from today and initially such recruitments should be specifically for District Tharparkar, i.e., to first fill up all the vacancies in the sanctioned posts there. This must be done on an urgent basis. Therefore, we direct the Sindh Public Service Commission to take extra steps to expedite these recruitments as on account of the huge shortfall in the medical staff, the health sector is being negatively affected to a great extent. In addition to the foregoing, according to the report aforesaid and other material as placed before us, a number of other deficiencies have been highlighted. Although the Secretary Health pleads that substantial remedial work has been done and significant progress has been made, we agree with the suggestion of Mr. Faisal Siddiqui, learned ASC that Mr. Sanaullah Abbasi be appointed as a Commission/representative on behalf of this Court to verify the deficiencies identified/remedial measures claimed to have been carried out, as reflected at pages 4 to 11 in the report, CMA No.167-K/2018. Let the Commission, after onsite inspections and visitation, prepare and submit a report in this regard, which is to be done within a period of two weeks. In addition Mr. Faisal Siddiqui, learned ASC should also come prepared to assist us in determining the appropriate relief that may be awarded to the affected persons/victims (especially in relation to the infant/child deaths that have occurred in the mishandling of the measles vaccination program) if, in the facts and circumstances, liability of the concerned persons is determined and also the vicarious liability and responsibility of the Provincial Government and its concerned Departments and agencies. Furthermore, learned ASC may also assist as to what departmental or criminal action, if any, can be initiated against the doctors or other medical staff who are personally found to be negligent and responsible for the deaths that have occurred. Finally, while acknowledging the assistance provided today by Mr. Sohail Qasim, Legal Advisor, Agha Khan University Hospital, we do not require his

ATTESTED


Senior Court Associate
Supreme Court of Pakistan
Karachi.



attendance on the next date of hearing. We may summon him or medical officers/representatives from the University Hospital subsequently if and when need be.

2. At this juncture Mr. Tariq Memon, Advocate appeared and complained that the Sindh Drug Testing Laboratory has been dysfunctional since October, 2017 on account of which proper testing of drugs in the Province has come to a halt. Thus, it is not possible to assess whether hospitals are being provided with genuine and valid medicinal supplies which are to be provided to patients free of cost. Besides that, it is this Laboratory which determines, upon a referral by the Drug Inspectors, whether drugs sold in the open market are spurious or sub-standard. Therefore a very important function relatable directly to the proper performance of hospitals and the health sector in general is not being performed. Let this Laboratory be made functional by all means within a period of two months from today, otherwise the Secretary Health (if he is posted to another place, then the incumbent in his position) will be personally held responsible for not performing his duty.



Sd/= Mian Saqib Nisar, HC.
Sd/= Sajjad Ali Shah, J
Sd/= Munib Akhter, J

CERTIFIED TO BE TRUE COPY

S. Saqib
26/6/18
Senior Court Associate
Supreme Court of Pakistan
Karachi.

Karachi, the
20th of June, 2018
Wadud Naseer

23/6/18

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