

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL.
MR. JUSTICE IJAZ UL AHSAN

Human Rights Case No.62837-S of 2018
*(In the matter regarding death of Amal Umer
due to irresponsible firing by Sindh Police and
for want of Emergency Medical Aid).*

In attendance: Mr. Suleman Talib-ud-Din, A. G. Sindh.
Mr. Yasin Kalwar, DSP.
Mr. Faisal Siddiqui, ASC.
Mr. Umer Adil and Mrs. Beenish Umer.
(Parents of deceased minor):
Dr. Omar Jung, Administrator.
Dr. Sacman Qureshi and Mr. Asif Dossani,
Directors
National Medical Centre, Karachi.

On Court's call: Ch. Aitzaz Ahsan, Sr. ASC.
Sardar M. Latif Khan Khosa, Sr. ASC.
Barrister Umaima Anwar, Advocate.

Date of hearing: 27.09.2018

ORDER

Vide our order dated 25.09.2018, we had constituted a Committee comprising Mr. Suleman Talib-ud-Din, Advocate General, Sindh, Mr. Faisal Siddique, learned ASC and Mrs. Umaima Anwar Khan, Advocate to propose a Committee and prepare its terms of reference in order to inquire and investigate the matter regarding death of a child named Amal Umer in an unfortunate incident in Karachi. They were also directed to consult Ch. Aitzaz Ahsan, learned Sr.ASC and Sardar Muhammad Latif Khan Khosa, learned Sr.ASC in the matter. The said Committee has discussed and deliberated upon the matter and proposed the

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names of the members of the Committee to be constituted for the aforesaid purpose alongwith its terms of reference.

2. We have examined the terms of reference and found the same to be appropriate. With the consensus of all concerned including the learned Advocate General, Sindh and the aforementioned learned Senior ASCs, who agreed to assist the Court in the matter, the following committee is constituted:-

1. Mr. Justice (Retd) Arif Hussain Khilji, Chairman.
2. Mr. A. D. Khawaja, ex-IGP, Sindh (*presently awaiting posting*).
3. Dr. Tasneem Aslam.
4. Dr. Saeed Qureshi.
5. Dr. M. Usman Chachar, Secretary Health, Government of Sindh, Karachi.
6. Mrs. Umaima Anwar Khan, Advocate, representative of Sindh Bar Council.

5. The terms of reference of the Committee are as follows:-

"Terms of the Committee

Inquiry/investigation into the death of Amal Under:

Inquiry/investigation of the Facts and Roles and Culpability of the Police Officials, National Medical Centre (private hospital) and Aman Foundation (Ambulance service provider) in this incident.

Accountability : Identify the culprits, the illegal and negligent action/inactions of such culprits and suggest the nature and process of accountability.

Suggestions for Reform to deal with such emergency Medical Aid to the injured persons:

a) *Guidelines/SOP's (and if required, legislative changes) for the Police officials as to how to handle such incidents. Also the nature and process of accountability for the violation of these guidelines/SOP's.*

b) *Guidelines/SOP's (and if required, legislative changes) for the Private Hospital in the treatment to the injured persons in emergency cases ad ensuring the availability of basic facilities and training to deal with such trauma cases. Also the nature and process of accountability for the violation of these guidelines/SOP's.*

c) *Guidelines/SOP's (and if required, legislative changes) for the Ambulance Service Providers in such emergency cases. Also the nature and process of accountability for the violation of these guidelines/SOP's.*

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Relief to the Family of Ansal Umer."

6. The Committee shall conduct its inquiry and investigation in accordance with the terms of reference and submit its report within two weeks of the commencement of its work. The Police Department, National Medical Centre and Aman Foundation shall fully cooperate and provide all requisite information, data and record to the Committee as may be required by it from time to time. The Committee shall also have the power to summon any person, who may be able to provide any information that may assist the Committee in completing its inquiry/investigation. The Committee shall also have the power to co-opt any other person whose expertise, knowledge and experience may be considered necessary by the Committee for finalization of its inquiry/investigation. The Committee shall hold as many meetings as may in the opinion of its Chairman be necessary to complete the assignment. The Committee shall hold its meetings in the premises of Sindh Judicial Academy or such other place(s) as the Chairman may consider appropriate. The Government of Sindh shall provide secretarial support services for the purpose of facilitating the Committee to complete its assignment. The learned Advocate General Sindh shall be the focal person in this regard and shall coordinate and facilitate working of the Committee.

7. The learned Advocate General, Sindh has also informed us that the Government of Sindh has already initiated the process of undertaking all necessary amendments in laws relating to provision of emergency medical services and extend applicability of such laws to public as well as private hospitals, clinics and health

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service facilities. He further states that the Sindh Healthcare Commission Act shall be made fully operational and the requisite Board shall be nominated/appointed in accordance with law without further delay. He has also stated that a serious exercise is being undertaken to introduce reforms, prepare SOPs with regard to use of deadly force against street criminals, improvement of training and the types of weapons and ammunition to be provided to police force charged with the duty to prevent, control and combat street crime.

8. It has been pointed out by the learned counsel appearing before us that there is an acute shortage of trauma centers in private as well as public hospitals and even where trauma centers are in existence, the same are either non operational, or ineffective for lack of equipment, medicines and facilities. Let the Committee also examine this aspect of the matter and submit its recommendations/report. The Health Department, Government of Sindh, shall also submit a report regarding number of trauma centers existing and operational in various public and private hospitals and what steps it intends to take to provide / set up trauma centers in all healthcare centers in Sindh.

9. Let this matter be relisted after three weeks.

Handwritten signature and date:
4. 10.2018

ISLAMABAD, THE
27th of September, 2018
Zubair